



Llywodraeth Cymru
Welsh Government

ATISN 15316

5 August 2021

Dear

ATISN 15316 – Fines for Smoking in Hospital Grounds

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 08 July 2021. You have requested information regarding the smoking offences in hospital grounds. I have interpreted your request as follows:

- 1. How many people have been fined/prosecuted for smoking on hospital grounds in Wales, broken down by Health Boards, since 1 March 2021?*
- 2. Who within the Hospital setting is responsible for enforcing and upholding this law?*

Our Response

1. The Welsh Government does not hold this information. Local authorities are authorised to act as an enforcement authority in relation to hospital grounds within their area. You may wish to contact the Freedom of Information Officer in each local authority to request this information.
2. Regulation 12 of the Smoke-free Premises and Vehicles (Wales) Regulations 2020 (“the 2020 Regulations”) provides a duty to prevent smoking in hospital grounds. The duty requires a person who controls or is concerned in the management of premises which are smoke-free by virtue of section 11 of the Public Health (Wales) Act 2017 (“the Act”) to take reasonable steps to cause a person who is smoking there to stop smoking.

Section 18 of the Act provides that local authorities are authorised to act as an enforcement authority in relation to premises, places and vehicles (including hospital grounds) within their area. An enforcement authority must enforce section 11 of the 2017 Act and the 2020 Regulations as respects the premises, places and vehicles in relation to which, by virtue of section 18, it is authorised to act.

Next Steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ
or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

*Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF*

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,