

NO SMOKING POLICY

EXECUTIVE MEMBER: Councillor Williams
LEAD OFFICER: Hilary Mitchell
REPORT AUTHOR: Hilary Mitchell

Summary and Recommendation: This report seeks agreement to a draft policy to implement the new legislation which bans smoking in work places. It is recommended that the Overview and Scrutiny Committee approves the draft Policy as set out in the appendix to the report.

1. INTRODUCTION

- 1.1 The introduction of the Health Act 2006 on 1 July 2007 will require the Council as employer to change its arrangements for employees smoking at work. This report proposes a draft policy (detailed below) to be agreed and proposed for adoption by the Council on 2 July.
- 1.2 The Council will have a legal duty to protect employees and visitors from the effects of smoking in accordance with the new law.

2. ARGUMENT

The Council as an employer will have a duty to protect employees and visitors, including contractors, consultants and representatives of partner organisations from the adverse effects of smoking. The enactment of the Health Act will require the Council to have arrangements in place to minimise the risks arising from smoking, including introduction of a corporate policy. This report sets out a draft policy which is based on a recommended format.

3. OPTIONS TO BE CONSIDERED

The following options have been considered:

- (a) Do Nothing

This is not acceptable as the Council would fail to meet the requirements of the new Act.

- (b) Finalise and seek approval to the smoking policy

4. CONCLUSIONS

It is recommended that the Executive considers the proposed Policy, detailed below at Appendix A at its meeting on 12 June 2007. The Overview and Scrutiny Committee's views are sought before the draft policy is considered by the Executive. This will help to ensure that the Council meets its legal requirements.

5. FINANCIAL OR OTHER IMPLICATIONS OF RECOMMENDED SOLUTION:

There are minor resource implications for the costs of signage for premises and vehicles. It is envisaged at present that these can be met from existing budgets.

- Provide A5 No Smoking signs at main entrances to each tenant/subtenant entrance into the building.
- Provide No Smoking logos at all entrances to buildings
- Provide No Smoking signs in Council vehicles.
- Remove the ash tray/bin at the front of the building.
- Staff to be allowed to use the rear seat/ash tray, or go to the cycle/smoking shelters.

In addition it will be necessary to advise employees of the changes to existing arrangements for smoking, and it is proposed to take a report to Joint Consultative and Safety Panel on 21 June to allow the Trades Unions' side to consider this. Publicity to employees has already begun, and this will continue during the period of the law changing, from now onwards.

6. PROJECT AND RISK MANAGEMENT

This proposal seeks to minimise risks to the Council of not meeting new statutory requirements.

7. IMPACT ON CORPORATE PLAN

The corporate objectives to seek to improve the health of employees and the community more widely are supported by this measure.

List of Appendices

Appendix A – Draft Smoking Policy

List of Background Documents:

List of Consultees: Corporate Team; Portfolio-holder, HR Manager

Impact on Crime and Disorder	
Impact on Sustainability	
Impact on Rural Proofing	
Health and Safety Implications	√
Project and Risk Management	
Impact on Equality and Diversity Issues	
Children and Young Persons Implications	
Human Rights Act Implications	

Please say if this report will require the making of a Key Decision NO

Appendix A Draft Smoking Policy

SMOKEFREE POLICY

PURPOSE

This policy has been developed to protect all employees, service users, customers and visitors from exposure to secondhand smoke and to assist compliance with the Health Act 2006.

Exposure to secondhand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

POLICY

It is the policy of Copeland Borough Council that all our workplaces are smoke free, and all employees have a right to work in a smoke free environment. The policy shall come into effect on Sunday, 1 July 2007. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles and vehicles driven by employees to convey colleagues for work-related purposes. This policy applies to all employees, consultants, contractors, customers, Members and visitors.

IMPLEMENTATION

Overall responsibility for policy implementation and review rests with the Chief Executive. However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall ensure that all existing employees, consultants and contractors are informed about the policy and their role in the implementation and monitoring of the policy. They will also ensure that all new employees are given a copy of the policy on recruitment/induction.

Smoking will only be permitted in specially designated places. For example at the Copeland Centre the smoking area is in the grounds to south of the building, equipped with benches or the cycle/smoking shelter; at Moresby Parks in the smoking shelter in the car park. In all other places, including outside around entrances, it is banned.

Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the premises, and in all Council vehicles.

NON-COMPLIANCE

Managers are responsible for informing the employees, contractors and representatives of partner organisations that they come into contact with about the Council's smoking policy. Managers are also responsible for taking appropriate action if the policy is breached.

Local disciplinary procedures will be followed if a member of staff does not comply with this policy. Those who do not comply with the smokefree law may also be liable to a fixed penalty fine and possible criminal prosecution.

HELP TO STOP SMOKING

The NHS offers a range of free services to help smokers give up. Visit gosmokefree.co.uk or call the NHS Smoking Helpline on 0800 169 0 169 for details. Alternatively you can text 'GIVE UP' and your full postcode to 88088 to find your local NHS Stop Smoking Service.

Signed Date

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On behalf of the Council.....