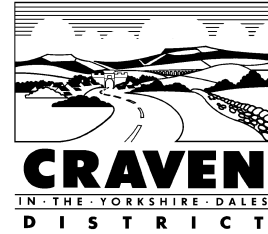


Policy Committee – 17th January 2017



SMOKING AT WORK POLICY

Report of the Corporate Head (Business Support)

Lead Member – Councillor Dawson

1. **Purpose of Report** –The purpose of this report is to seek approval to implement revised and updated Smoking at Work Policy.
2. **Recommendations** – Members are recommended to approve the implementation of the revised and updated Smoking at Work Policy with effect from 1st February 2017.
3. **The Current Position**
 - 3.1 The Council's current Smoking at Work Policy outlines the Council's arrangements for Smoking at Work. The Policy took effect from 1st November 1993 and was reviewed in June 2006.
 - 3.2 The current policy includes the following arrangements:-
 - Tobacco smoking by Councillors, members of the public, official visitors and employees is prohibited in all parts of the Council's workplaces, other Council buildings visited by the public and Council-owned vehicles, except cars supplied under the Council's car lease scheme.
 - Employees contravening the policy will be subject to the Council's adopted disciplinary procedure. Elected members of this Council contravening the policy will be reminded in writing by the Chief Executive
 - All newly appointed employees and newly elected representatives will be provided with a copy of this policy before taking up appointment / office.
 - At interviews for employment the interviewee will be informed of the policy.
 - Each building and vehicle to which the policy applies will be denoted by an adequate number of notices to the effect that smoking is prohibited in the building / vehicle.
 - During office hours of 08.00 to 18.00 smoking in the various entrances to buildings is not permitted in order to provide protection to office user.
 - An area at each of Granville Street and Skipton Town Hall has been identified as permitted smoking area. At Granville Street it is the paved, walled area at

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the side of the electric sub-station near the car park exit. At the Town Hall it is the area at the bottom of the steps from the upper car park at the rear of the building. It is proposed that these areas be used between 8.00 am and 6.00 pm Monday to Friday.

- 3.3 The current Policy does not clarify how time is taken for smoking breaks or how time should be recorded. However, managers are responsible for ensuring time taken for smoking breaks is recorded on flex sheets and monitored to ensure service delivery is not affected.
- 3.4 The Policy has been reviewed in response to concerns raised by Senior Managers. Managers have highlighted that that it is difficult to monitor and enforce the management of time taken for smoke breaks, due to the lack of clarity within the current policy on this matter.

4 Policy Review

- 4.1 As part of the review of the Smoking Policy, the following information has been collated/considered to highlight arrangements that other Authorities have in place.

COUNCIL	CURRENT ARRANGEMENTS IN PLACE
Craven District Council	<ul style="list-style-type: none"> • Smoking in Council's Workplaces, other buildings used by the public and in its Vehicle Fleet is prohibited. • Designated smoking areas identified at Belle Vue Square and Skipton Town Hall.
Selby District Council	<ul style="list-style-type: none"> • Selby DC has designated its premises and vehicles as being smoke-free. • Staff needing to smoke may do so outside of Council premises and vehicles but must record their break from work on flexi-time sheets.
Ryedale District Council	<ul style="list-style-type: none"> • Smoking is not permitted inside any part of Ryedale District Council premises at any time, including any temporary office accommodation at the present time or in the future, and single occupancy offices. • The designated smoking area for staff at Ryedale House is to the rear of the premises at the bicycle shelter. • Staff wishing to smoke during working hours must record their break using the flexi time console.
Harrogate	<ul style="list-style-type: none"> • No smoking in any enclosed premises, or the entrances to enclosed premises. • Ash trays/bins are not to be provided in entrances.

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	<ul style="list-style-type: none"> • Smoking is allowed outside but must not be in an area where smoke can enter the building or affect other people. • The person with responsibility for premises will designate a smoking area. Smoking shelters are provided at the discretion of the Chief Officer. • Employees who wish to smoke during working time must use their breaks or where there is no entitlement to a formal break, take a maximum of one ten minute break in the morning and in the afternoon.
North Yorkshire County Council	<ul style="list-style-type: none"> • Employees are asked not to smoke while in NYCC grounds. Staff will not smoke during claimed working time. • Smoking is prohibited in all NYCC owned/rented/controlled buildings. • Staff will not and Managers will not allow staff to take smoking breaks or clock out using the flexi-scheme during the working day in order to take smoke breaks. • Staff who do smoke are prohibited from smoking in or near NYCC doorways, entrances and exits to NYCC owned and controlled buildings.

4.2 Members will note that arrangements in place within 3 out of 5 of the North Yorkshire Councils, are similar to those currently in place within CDC, ie designated smoking areas available and staff allowed to smoke in their own time.

4.3 Selby, Ryedale and Harrogate's policies clarify that staff needing to smoke may do so outside of Council premises and vehicles but must record their break from work on flexi-time sheets.

5 **Consultation.**

5.1 A period of consultation commenced with staff on the 9th December 2016 and all comments, views, etc.were collated and they have been considered by CLT.

5.2 The majority of the comments were in support of the revised policy whilst others were seeking clarification on a few points, mainly how it would be recorded on the flexi-time sheets. This has been addressed and has now been incorporated into the revised policy.

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6 **Implications**

6.1 **Financial Implications:** - No direct financial implications at this stage.

6.2 **Legal Implications:-** None at present.

7 **Contribution to Corporate priorities** - The Council's Smoking Policy contributes towards the following Corporate priorities:-

- Promote the Well Being of Craven's Community
- Have a more cost effective and efficient Council

8 **Risk Management** – None arising directly from this report.

9 **Equality Impact Assessment** - The Council's Equality Impact Assessment procedure is not required for this update

10 **Consultations with Others** – N/A.

11 **Access to Information : Background Documents** – None.

12 **Author of the report** – Jacquie Hodgson – Senior HR Officer

13 **Appendices-**

Appendix 1 New Draft Smoking-Free Workplace Policy



CRAVEN DISTRICT COUNCIL

SMOKE-FREE WORKPLACE POLICY

DRAFT August 2016

SMOKE-FREE WORKPLACE POLICY

1.0 Introduction

Craven District Council is committed to an effective approach to safeguarding the health and well-being of all employees, elected Members and others involved with the delivery of Council services. To this end we:

- Recognise our duty to provide safe and healthy working conditions and service delivery environments;
- Recognise the significant evidence detailing the harmful effect on health of smoking including passive smoking ref: the Case for a 'Smoke-free Council';
- Wish to pursue a positive smoke-free approach that promotes good health, by prohibiting smoking by all employees whilst on duty, in all our workplaces, and vehicles.

This policy applies to the use of all all substances that can be smoked, including cigarettes, herbal cigarettes, cigars, pipes and e-cigarettes.

2.0 Aims

The aims of this policy are to:

- Protect the health of employees, service users, elected Members, and others visiting and using Craven District Council premises and services.
- Inform employees and managers of their responsibilities in respect of the policy.
- Support smokers and help them cope with increased restrictions or to stop smoking.
- Support customers and visitors in complying with the Policy.
- To comply with the law now and in the future.
- To present a professional, modern and positive image of Craven District Council.
- Promote to our various partners and others a model of best practice, setting an example to service users and other employers and workforces.
- Promote the culture of a 'Smoke-free Workplace.'

3.0 Scope

This policy applies to all employees and elected members on Council business, visitors, service users, and contractors who enter the Council's owned or rented premises or vehicles.

4.0 The Law and Regulations

The Health Act 2006, provides five sets of smoke free regulations which became effective from 1st July, 2007 to which Craven District Council as an employer, service provider and building and premises owner/user must comply:

- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Signs) Regulations
- The Smoke-free (Exemptions and Vehicles) Regulations
- The Smoke-free (Penalties and Discounted Amounts) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations

4.1 The Smoke-free (signs) regulations 2012 places a legal duty on persons who occupy or manage smoke-free premises and vehicles to display no-smoking signs that meet requirements set out in the regulations. Under the Health Act 2006, it is against the law to fail to display the required no-smoking signs on both Council premises and vehicles. Therefore, as part of their duties, officers responsible for buildings and managers responsible for sections, areas, units or vehicles will be expected to make sure that no-smoking signs are displayed.

4.2 Where breaches take place, the Health Act 2006 provides the following which applies to employees, managers, Elected Members, clients, contractors and any other person on Council premises in the smoke-free areas:

- The offence of smoking in a smoke-free place will be a summary conviction and fine up to £200 or a fixed penalty notice of £50
- Where an employer fails to display a non-smoking sign, they may receive a summary conviction and a fine of up to £1,000 or a fixed notice penalty of £200
- The offence of failing to prevent smoking in a smoke-free place will be a summary conviction and fine up to £2,500

5.0 Craven District Council Regulations

5.1 In addition to 4.0 – 4.2, the following will apply and breach of the regulations will be treated as a conduct issue:

5.2 Smoking is prohibited in all Craven District Council owned and controlled buildings.

5.3 Smoking is prohibited in Craven District Council owned and hired vehicles including pool vehicles.

5.4 Where staff are paid a casual or essential car allowance and transport staff, other personnel or other passengers, smoking in the vehicle will be prohibited.

5.5 Where staff have hired cars the above will apply and they are generally discouraged from smoking.

- 5.6 Staff may only take a smoking break as part of their working time arrangements. However, any time taken away from the office should be recorded as flexi-leave, so that time spent on smoking breaks is not recorded as working time.
- 5.7 Smoking breaks are to be recorded in the Note section of the flex sheet and deducted from the total hours for the week.
- 5.8 Staff who smoke are prohibited from smoking, outside and adjacent to exit doors and under windows
- 5.9 Cigarettes are to be extinguished and disposed of in the bins provided ensuring that they are fully extinguished.
- 5.10 Where a building is shared, Craven District Council will request that the policy is adopted by other organisations and that the policy is applied to communal areas.
- 5.11 The policy applies to all Craven District Council Members and Employees whilst on duty.
- 5.12 The policy applies to all Craven District Council's Elected Members and employees whilst on our sites, whether employed directly by the Council or seconded to other organisations.
- 5.13 The policy also applies to staff on our sites employed through an agency, by a contractor or by other organisations and also to visitors.
- 5.14 It is the Line Manger's responsibility to ensure that the policy and its aims are adhered to at all times.
- 5.15 Abuse of this policy may result in disciplinary proceedings eg falsification of flexi sheet, constant failure to comply with the policy.

6.0 Third Party Premises

- 6.1 Employees required to visit other premises as part of their duties, both commercial and domestic – including a service user's home, should advise the occupant of the Council's Smoke-free Workplace Policy when arranging the visit. While the Council has a duty of care to protect its employees, it cannot control the smoking policy or practice on these premises. Where this is not possible, employees should ask the occupant to refrain from smoking inside the premises during the visit and should ensure the occupant is aware of the Council's Smoke-free Workplace Policy.
- 6.2 Where service users or other occupants do not respect this request and a solution cannot be agreed at that point, the employee might, for this reason only, suspend the visit. However, prior to taking this action they should seek the advice and assistance of their line manager.

- 6.3 The Council will support staff and Members that wish to work in a smoke-free environment.
- 6.4 Where the service is provided regularly, an arrangement with the service user should be agreed where at all possible for future and planned visits.
- 6.5 If an employee identifies that they have a pre-existing health problem, which is made worse by exposure to smoke, they should discuss this with their manager to make alternative arrangements where possible.

7.0 Implementation and Enforcement of the Policy

- 7.1 Line Managers will be responsible for the promotion and maintenance of this 'Smoke-free Workplace' Policy. Guidance regarding their responsibilities in relation to the policy and the enforcement of it will be provided.
- 7.2 The Council recognises that smoking is an addiction and aims to provide a supportive environment for those wishing to overcome it.
- 7.3 Visitors not adhering to the Policy will be asked to comply or leave the premises/grounds as they will be committing an offence.
- 7.4 All job applicants will be made aware of the Policy in the recruitment process, and a requirement to comply with it will be part of the conditions of service for new jobs.
- 7.5 The policy will form part of new employees' induction packs.

8.0 Help and Advice

- 8.1 Further help and advice is available at:-
- <https://www.nhs.uk/smokefree/help-and-advice/support>
 - www.bhf.org.uk/smoking
 - <http://ash.org.uk/stopping-smoking/quitting-smoking/helplines>