



Report to Cabinet

Subject Smoking Policy for the Public in all Council Owned and Controlled Buildings from April 2007

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1. Purpose of the Report

To seek approval from Members for the adoption of a smoking policy for the public in Council owned and controlled buildings including leisure centres and sheltered accommodation complexes.

2. Background

The current policy with regard to smoking has been in place since the early 1990s. In essence, this policy prohibits smoking in office accommodation. However, there are still some areas of Council property where smoking by employees and the public is permitted, these include leisure centre bars and sheltered accommodation complexes.

Members may be aware that there is forthcoming legislation which will prohibit smoking in enclosed public places, the exact date for this has not yet been set, but it is anticipated for the summer of 2007. The Council has a commitment with its partners in the LSP through the Community Plan to reduce the number of smokers in the Borough. There is also a responsibility through Health and Safety legislation for the Council to reduce the risk from passive smoking to its employees.

3. Proposal

A new smoking policy for staff has been agreed at the Personnel & Resources Committee on the 30th October 2006. The policy is attached at Appendix A, along with guidelines for implementation at Appendix B. There has been extensive consultation on the proposals, with UNISON, STEP2 (Employee

Involvement Group) and CHAS (Corporate Health and Safety Committee) and the policy has their support. The key elements of the proposed policy are:

- No smoking in any Council occupied buildings (whether rented or owned) – this includes communal areas in sheltered accommodation complexes, Community Centres and Leisure Centre bars.
- Smoking by employees will not be permitted in working time.
- No smoking will be permitted in Council vehicles or where employees are travelling together in private vehicles.

For Arnot Hill Park, it is proposed that employees will not be permitted to smoke within 20m of the footprint of the two buildings, Arnot Hill House and the Civic Centre. It is accepted that this can not be enforced for the public who use the park or who are visitors to the buildings, but it will prevent employees gathering in places around the building where the smoke can enter through doors and windows causing an unpleasant environment for those in the offices.

It is recognised that for some employees, it will be difficult to adhere to this policy. Consequently, the effective date is proposed to be 1st April 2007, which will give people adequate notice of new arrangements. There will also be the provision of smoking cessation support through New Leaf for those employees who wish to take the opportunity to stop smoking.

Having taken the decision not to allow staff to smoke in Council buildings it is appropriate to consider extending this to the public from the 1st April 2007, this is in advance of the date legislation will prohibit smoking in public places.

4. Sheltered Accommodation Complexes

Tenants within all the council's sheltered accommodation complexes were consulted on the cessation of smoking in the communal areas prior to the decision by the Personnel & Resources Committee on the 30th October 2006. Several of the complexes had already voluntarily elected to a no smoking policy in the communal areas. For those which had not elected to do so, each court was informed of the proposed policy and were encouraged to consult all residents within each individual complex to seek a voluntary no smoking policy in communal areas prior to any formal decision or implementation date. If the recommendation contained in this report is agreed, a further schedule of meetings will be undertaken with the relevant complexes to inform residents of the implementation date and to signpost them to support agencies should they wish to quit smoking. Each individual complex will also be consulted on the prohibition of smoking within the external areas of the schemes.

Residents will be informed that this policy does not affect their right to smoke within their own homes. All residents will, however, be informed of the council's

policy to request that they refrain from smoking in their homes for at least one hour prior to any pre-arranged visit by any visiting officers.

5. Resource Implications

It is anticipated that prohibiting the public from smoking in the leisure centre bars from 1st April 2007 could, based on industry figures where this policy has been adopted in advance of the legal requirement and the effect in Scotland and Ireland, result in the following reduction in income.

	2007/08	2008/09	2009/10
Richard Herrod Bars	31,900	23,100	23,600
Arnold Bar	600	600	700
Millennium Suite Hire	3,200	3,400	3,600
Redhill Bar	<u>3,000</u>	<u>3,200</u>	<u>3,300</u>
	<u>£38,700</u>	<u>£30,300</u>	<u>£31,200</u>

These figures are based on a 20% reduction in income from 1st April 2007 to 31st August 2007 when it is anticipated that legislation on smoking in public places will come into effect, and 11% for the remainder of 2007/08.

Figures for 2008/09 and 2009/10 are based on an 11% reduction after applying inflation.

The loss of income will need to be included into next year's budgets if Members agree to prohibit smoking in the bars.

6. Recommendations

To prohibit the public from smoking in all Council owned and controlled buildings from the 1st April 2007.

To agree a reduction in Leisure Services base income budget of £38,700 in 2007/08.

SECTION S1

SMOKING AT WORK

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SMOKING AT WORK

References:

- A. Health and Safety at Work Act 1974 (HASAWA74)
- B. The Management of Health and Safety at Work Regulations 1999 (Management Regs 99)
- C. The Workplace (Health Safety and Welfare) Regulations 1992 (Workplace Regs 92)

1. GENERAL INTRODUCTION

1.1 Legislation

1.1.1 Section 2 of Reference A (HASAWA74) outlines the general duties of Employers to their Employees, the effect of which is to make criminally enforceable, the common law duty to take reasonable care for the safety of those employees.

1.1.2 Sub-Sections of Section 2 have particular relevance to managers when related to smoking at work i.e. Provision of a safe working environment (S2 (2e)) – elimination of contaminated air.

1.1.3 Regulation 3 of Reference B (Management Regs 99) outlines the duty of managers to carry out a suitable and sufficient risk assessment to ensure that (AFARP) non-smokers are protected from the discomfort caused by tobacco smoke.

1.1.4 In a similar fashion the Workplace Regs 92 (Reference C) require the employer to make suitable arrangements to protect the aforementioned workers in their employ.

1.2 Purpose

1.1 To introduce a revised Smoking Policy for Gedling Borough Council. This takes all possible steps to protect employees from second hand smoke exposure and from the effects of smoking.

2. Background

2.1 The Smoking Policy reflects a commitment to raising employee awareness of the dangers of smoking and second hand smoke exposure. We know that 70% of smokers want to quit and we recognise the difficulties associated with this. Nicotine is a highly addictive substance and the Council recognises that staff will need support to stop smoking. Therefore the Council will provide a comprehensive package of support for smokers to support them to quit. As an

employer the best way that we can encourage staff to stop smoking is to introduce restrictions on smoking during working hours. The Council recognises that employees who smoke may initially have difficulty with the new Policy. A lead-in time will be adopted to give smokers time to adjust and plan ahead to how they will comply with the Policy and its restrictions as they come into effect.

2.2 Second hand smoke is a known health hazard. In 2004 the Government's Scientific Committee on Tobacco and Health (SCOTH) reported that the increase risk to non-smokers of lung cancer from exposure to second hand smoke was 24% and the increased risk of heart disease 25%.

2.3 'Choosing Health', the Public Health White Paper published in 2004, outlines that Local Authorities must be smoke free by the end of 2007.

2.4 Gedling Borough Council recognises and fully accepts those responsibilities placed upon it by health and safety legislation to provide a working environment where employees' safety and health is of great importance.

2.5 The purpose of the Smoking Policy is to protect and improve the health, safety and well being of all elected members and employees at work and people who visit Council Premises. To underpin the policy the Authority will develop additional guidance, which addresses the effects of smoking in more detail and also the issues likely to arise in implementation. The guidance also contains information on where to get support for people who wish to quit.

2.6 The Council recognises that both smoking and environmental tobacco smoke have harmful consequences and should be prohibited except in areas that have been designated exempt. For those, suitable control measures should be applied.

2.7 This proposed policy fully replaces the existing policy agreed in 1990.

2.8 Policy Statement - Paragraphs 3.1 – 3.5 below set out the normal Policy position. Specific variations to the General Policy are described in paragraphs 4 to 6

3. General Policy

3.1 Smoking will be prohibited in the following areas:

All Council owned and controlled buildings and their grounds.

All vehicles owned, leased or hired by the Council.

Employees' own vehicles when other employees are present

3.2 This applies to Council Employees and Elected Members whether employed directly by the authority or seconded to other organisations. The Policy also applies to staff employed through an agency, by a contractor or by other organisations and visitors.

3.3 Council employees will be unable to smoke during working hours.

3.4 No facilities e.g. smoking shelters or designated smoking spaces will be provided for smokers either inside or outside Council premises; however, specific arrangements will be put into place to address the issue of service users living in council residential facilities. Employees living in Council provided housing may smoke in their own homes outside working hours.

3.5 Where the Council rents a building, this policy will apply to employees working there and to all the areas listed in paragraph 5.1. Where such a building is shared, the Council will request that the policy is adopted by other organisations and that the policy is applied to communal areas.

4. Policy for Warden Aided Homes

4.1 The Council aims for the prohibition of smoking in all its premises. But it is acknowledged that some service users who are living in warden-aided homes may choose to continue to smoke in their own home. Consultation will be undertaken in each complex to implement no smoking within all communal areas with the aim of introducing this by April 2007.

4.2 No smoking is allowed elsewhere in the building.

4.3 Smoking might be permitted, depending on the outcome of site-specific consultation, in the outside areas of a complex, e.g. garden area. However the provisions of paragraph 3.1 apply to employees who may not smoke in the grounds.

5. Policy For Leisure Centre Bars

5.1 There is anticipated legislation, which will prohibit smoking in enclosed public places from the summer of 2007. At the present time, smoking is permitted in the bar areas of Arnold Leisure Centre and Richard Herrod Bar and Millennium Suite. The ban when implemented will impact on these locations, however, to be consistent with the approach to smoking elsewhere across the Council, these areas will become smoke-free from 1st April 2007.

5.2 This will ensure that the Council meets its obligations to employees to work in a safe environment as soon as practically possible.

5.3 Although members of the public may be permitted to smoke outside the building, depending on the arrangements put in place at each site, the provisions of paragraph 3.1 will apply to employees, who may not smoke in the grounds.

6. Policy for Third Party Premises

6.1 Employees required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for the premises of Gedling Borough Council's Smoking Policy when arranging a visit. Although Gedling Borough Council has a duty of care to protect its employees it cannot control the Smoking Policy on these premises. Employees and/or managers should aim for the people visited to arrange for a non-smoking area to be provided for the duration of the visit. Where this is not possible, the visited should be requested to refrain from smoking inside the premises or in the meeting area for one hour before the visit and be asked not to smoke for the duration of the visit.

6.2 In circumstances where it is not possible to arrange a visit beforehand, employees should seek advice from their line manager, who should take all reasonable steps to protect them from exposure to second hand smoke.

6.3 It is recognised that there will be circumstances, particularly in visiting some domestic premises, where it will not prove possible to establish such arrangements as described in 5.1 and 5.2, therefore a risk assessment should be undertaken. In such circumstances the risk of entering the premises where smoking is taking place need to be weighed against the risk of not undertaking the visit.

6.4 The general principles in 3.4 above also apply to third party premises.

7. Implementation and Enforcement of the Policy

7.1 Each Head of Service will be responsible for the promotion and maintenance of a smoke free working environment in their area of responsibility. Managers should refer to the guidance document regarding their responsibilities in relation to the policy and the implementation of it.

7.2 Visitors not adhering to the Policy should be asked to comply or leave the premises.

7.3 All job applicants shall be made aware of the Policy at the point of application.

7.4 A copy of the Policy will form part of the Employee Handbook.

8. Information and Training

8.1 The council recognises that smoking is an addiction and aims to provide a supportive environment for those wishing to overcome it and in doing so to promote the health and well being of all employees. Details of support will be available in the guidance document.

9. Review of the Policy

9.1 The Policy will be reviewed by the Senior Management Team no later than twelve months after the date of implementation.

Implementation of the revised Smoking Policy

Background

The Council's Smoking Policy is attached as Appendix A. This has been discussed by the Corporate Health and Safety (CHAS) Group. Smoking in the workplace is a Health and Safety issue, and this policy will be included in the Council's Health and Safety Manual.

The aims of the policy can be stated as:

- To protect employees and members of the public from the effects of 'second hand smoke'
- To ensure that the reputation of the Council and its employees is not damaged by apparent support for employees to smoke
- To encourage and support employees who smoke to cease smoking to improve their own health

Effective Dates

The policy will come into effect on 1st April 2007. From that date smoking will not be permitted in working time. Employees who smoke are being notified well in advance of this policy to enable them to plan for its introduction.

Smoking will not be allowed by employees, Members, contractors, agency staff or visitors within buildings occupied by the Council or within its grounds, including car parks, footpaths and driveways. (This excludes public car parks or recreation parks). Nor will smoking be permitted in Council owned, leased or hired vehicles

To give effect to this, the custom and practice of permitting 'smoking breaks' will be withdrawn. This applies to all employees regardless of work base or working arrangements. Employees may smoke before or after work and during their official 'lunch break', but not on the Council's premises or vehicles as defined above.

Arnot Hill Park is a public recreation park as well as being the location of the Council offices and therefore the grounds are in effect the boundary of the park. It is not deemed practical to enforce a ban on employees smoking within this area, although this practice will be discouraged. For the purposes of defining the area where smoking is not permitted for employees on the Civic Centre Campus, there will be no smoking within 20 metres of the footprint of any building eg Civic Centre and Arnot Hill House. Visitors to the Civic Centre and Elected Members will be expected also to adhere to this 'limit' however it is recognised that this cannot be enforced for Members of the Public and therefore there may be some inconsistency.

Applying the above principle of no smoking within 20 metres of a building will have the practical effect of causing both Jubilee House and the whole of the associated Depot area to be a non-smoking area. This includes currently designated smoking areas, eg canteens.

Supporting Employees

It is recognised that for people who smoke the withdrawal of opportunities to smoke at work could cause concern, equally for some people this could be the trigger to stop smoking. To help employees through this period and to encourage those who wish to give up, a series of New Leaf Smoking Cessation sessions will be arranged. These have proved to be successful by offering support and advice through one-to-one or group sessions and providing information on how to obtain nicotine replacement therapy on prescription.

New Leaf is able to run these sessions on site – and including remote sites eg Leisure Centres if there are sufficient participants. Courses usually consist of weekly sessions of one hour for 6-8 weeks. During the implementation phase of the new smoking policy, the Council is able to offer all employees who commit to attending a New Leaf course, paid time off. It is hoped that sessions will run at the Civic Centre and Depot from November 2006.

Smoking Areas

The policy states that there will be no provision made for smokers eg shelters. It is recognised that those who wish to smoke will do so within the bounds of the policy, however it is extremely undesirable for those who do wish to continue to smoke to gather together and seek common locations to smoke at lunch times. This presents a poor image of the Council even if in public areas. Whilst there is no mechanism by which this can be prevented so long as the policy is being adhered to, employees are asked to respect the aims of the policy and to avoid this behaviour.

Sanctions

Any breach of this policy is potentially a disciplinary matter. Where there is evidence of a breach, a disciplinary investigation will be carried out. Employees should be aware that failure to follow a policy of the council could be considered misconduct and could potentially lead to dismissal.

Application of the Policy

The policy applies to all employees and workers without exception. If the implementation of the policy presents particular difficulties for any employee, they should discuss this in the first instance with their line manager. Further support is available from Personnel. It is not the aim of this policy to cause distress to any individual and we will work with them to ensure that the policy can be implemented effectively.