



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Appointments and Conditions of Service Committee

Date: **Thursday 15 October 2015**

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Time: **10.00 am**

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Place: **Committee Room**

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For any further information please contact:

**Alec Dubberley**

Service Manager, Elections and Members' Services

0115 9013906

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# Appointments and Conditions of Service Committee

## Membership

**Chair**                      Councillor John Clarke

**Vice-Chair**              Councillor Michael Payne

Councillor Michael Adams  
Councillor Chris Barnfather  
Councillor Bob Collis  
Councillor Marje Paling  
Councillor Colin Powell  
Councillor Muriel Weisz

## **AGENDA**

**Page**

- 1 Apologies for Absence and Substitutions.**
- 2 Declaration of Interests.**
- 3 To approve, as a correct record, the minutes of the meeting held on 29 July 2015.** 5 - 6
- 4 Smoking Policy** 7 - 32  
  
Report of the Corporate Director and the Service Manager Organisational Development.
- 5 Any other item which the Chair considers urgent.**
- 6 Exclusion of Press and Public**  
  
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 Re-Organisation of Council Management Arrangements** To Follow  
  
Report of the Chief Executive.

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## **MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**Wednesday 29 July 2015**

Councillor John Clarke (Chair)

Councillor Michael Adams  
Councillor Bob Collis

Councillor Marje Paling

Apologies for absence: Councillor Michael Payne, Councillor Chris Barnfather and Councillor Colin Powell

Officers in Attendance: D Archer, H Barrington, L Parnell and J Robinson

### **1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Payne and Powell.

Councillor Greensmith attended as a substitute for Councillor Barnfather, who gave his apologies.

### **2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 25 MARCH 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **3 DECLARATION OF INTERESTS.**

None.

### **4 CHRISTMAS HOLIDAY ARRANGEMENTS**

The Chief Executive and Service Manager, Organisation Development, presented the report, which had been circulated prior to the meeting, reporting back the recommendations made by the Joint Consultative and Safety Committee (JCSC) following the formal consultation exercise that took place at the meeting on 16 June 2015 in order to inform the decisions of this committee in respect to implementation of the change to terms and conditions of employment.

#### **RESOLVED that:**

1. the proposals for changed terms and conditions be agreed with immediate effect specifically in relation to:
  - a. The removal of the fixed concessionary day's leave and the addition of an extra day's annual leave;
  - b. The regular application of a non-contractual day's leave on Christmas Eve when the day falls on a weekday;
  - c. The minor wording changes made to bring the Employee Handbook up to date to reflect current legislation and internal working practices of the Council; and
2. the amended Leave and Time off Work Policy be approved.

**5 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 2.25 pm

Signed by Chair:  
Date:



## **Report to Appointments and Conditions of Service Committee**

**Subject:** The Council's Smoking at Work Policy

**Date:** 15 October 2015

**Author:** Corporate Director; D Wakelin  
Service Manager- Organisational Development

### **1. Purpose of the Report**

To report feedback from the Joint Consultative and Safety Committee (JCSC) following the formal consultation exercise that took place at the meeting on 25 August 2015 (**Annex 1**) in order to inform the decisions of this committee in respect to implementation of the change to policy.

### **2. Introduction and background**

The Joint Consultative and Safety Committee (JCSC) of 24 November 2014 received a draft Smoking at Work Policy (**Annex 1, Appendix 1**). This proposed the replacement of an existing policy in the Employee Handbook which, although it was stipulated clearly that smoking breaks should not be allowed, had not been consistently applied and so had fallen out of practice to the extent that the taking of cigarette breaks had again become commonplace in some work teams. The current Employee Handbook policy is shown at **Annex 1, Appendix 2**.

Although the revised policy was supported in principle, the JCSC at that time asked that this committee consider two particular aspects of the draft, these being:

- a. That paragraph 2.4 should be amended to reflect the difficulty in managing and enforcing a directive that required employees not to gather together in a public place to smoke with the suggested wording, "Staff are to be encouraged not to smoke in groups when taking smoking breaks."
- b. That the committee considered what might be a reasonable length of time over which to make a transition between current practice and the new revised policy that proposed again the eventual removal of cigarette breaks.

As requested, in December 2014 this committee did consider these issues but felt on balance that rather than addressing these particular points specifically, there was a more fundamental matter to be addressed which was that any new policy introduced should be no more lenient in the support of smoking than the current formal policy which does not recognise cigarette breaks. It was felt that the current policy already in place better reflected the views of this committee even though the policy had not been properly implemented and adhered to; in essence this was seen as a management issue.

Consequently, this committee asked that the matter be discussed at the next meeting of the Tobacco Declaration Working Group (TDWG) and that the views of the group be taken into account to help the re-casting of a Smoking at Work Policy that was not only similar to the current formal written policy in its nature but was also something that could be realistically implemented from a management perspective.

In summary the views of the TDWG were that:

- smoking by employees should not have an effect on productivity in the workplace
- employees' conduct must not create a "reputational risk" to the Council
- any policy must be manageable and enforceable in a consistent way across the Council
- the policy must be straightforward and achievable
- the implementation of any new policy or arrangements should be staged over a period of time; there was a range of timescales suggested as being reasonable by Group members which ranged from around six to 24 months.

### 3. Proposal

Taking account of the two committees' views (JCSC of November 2014 and Appointments and Conditions of Service Committee (ACSC) of December 2014) together with those of the Tobacco Declaration Working Group, a report was taken to the JCSC of August 2015 (**Annex 1**) for the purpose of consultation. The redrafted report was accepted by Members and trade union representatives without recommendation for change. In summary this proposed policy now brought forward again to this committee reflects;

- The concept that the revised wording is in effect merely a simplification of existing wording and a general update to reflect current issues and practices such as giving direction on the use of e-cigarettes. **The draft revised recommended policy is shown at Annex1, Appendix 3.**
- The requirement that the foundation of the current policy (that is that there are no breaks allowed during the day for the purpose of allowing smoking) be included in this newly revised policy.
- The need to implement the policy revision within a reasonable timescale. If agreed for implementation by this committee the new policy wording will be implemented from 1 January 2016. Employees will be notified that although the revised policy does alter current custom and practice, it does reflect the existing authorised policy and that apart from minor wording changes the policy is not substantially amended. This will be communicated to employees through the Intranet, cascade team briefing and the Gen.

### 4. Financial Implications

There are no financial implications



## **5. Appendices**

Annex 1; Appendix 1: Smoking at Work Policy report received by JCSC of 24 November.

Annex 1; Appendix 2: Current Smoking at Work Policy (Employee Handbook extract)

Annex 1; Appendix 3: Proposed new Smoking at Work Policy

## **6. Background papers**

None identified.

## **7. Recommendations**

It is recommended that the Appointments and Conditions of Service Committee formally adopt the revised Smoking at Work Policy shown at Annex 1, Appendix 3 with effect from 1 January 2016.



## **Report to Joint Consultative and Safety Committee**

**Subject:** The Council's Smoking at Work Policy

**Date:** 25 August 2015

**Author:** Corporate Director; D Wakelin  
Service Manager- Organisational Development

### **5. Purpose**

To present a revised Smoking at Work Policy and to invite comments and recommendations from the Joint Consultative and Safety Committee (JCSC) for consideration by the Appointments and Conditions of Service Committee (ACSC) prior to policy implementation.

### **6. Introduction and background**

The Joint Consultative and Safety Committee (JCSC) of 24 November 2014 received a draft Smoking at Work Policy (**Appendix 1**). This proposed the replacement of an existing policy in the Employee Handbook in which although it was stipulated clearly that smoking breaks should not be allowed, had not been consistently applied and so had fallen out of practice to the extent that the taking of cigarette breaks had again become commonplace in some work teams. The current Employee Handbook policy is shown at **Appendix 2**.

Although the revised policy was supported in principle, the JCSC asked that the ACSC consider two particular aspects of the draft, these being:

- a. That paragraph 2.4 should be amended to reflect the difficulty in managing and enforcing a directive that required employees not to gather together in a public place to smoke with the suggested wording, "Staff are to be encouraged not to smoke in groups when taking smoking breaks."
- b. That the committee considered what might be a reasonable length of time over which to make a transition between current practice and the new revised policy that proposed again the eventual removal of cigarette breaks.

As requested, the ACSC of December 2014 did consider these issues but felt on balance that rather than addressing these particular points specifically, there was a more fundamental matter to be addressed which was that any new policy introduced

should be no more lenient in the support of smoking than the current formal policy which does not recognise cigarette breaks. It was felt that the current policy already in place better reflected the views of the ACSC even though the policy had not been properly implemented and adhered to; in essence this was seen as a management issue.

The ACSC asked that the matter be discussed at the next meeting of the Tobacco Declaration Working Group (TDWG) and that the views of this group be taken into account to help the re-casting of a Smoking at Work Policy that was not only similar to the current formal written policy in its nature but was also something that could be realistically implemented from a management perspective.

In summary the views of the TDWG were that:

- smoking by employees should not have an effect on productivity in the workplace
- employees' conduct must not create a "reputational risk" to the Council
- any policy must be manageable and enforceable in a consistent way across the Council
- the policy must be straightforward and achievable
- the implementation of any new policy or arrangements should be staged over a period of time; there was a range of timescales suggested as being reasonable by Group members which ranged from around six to 24 months.

## **7. Proposal**

Taking account of the two committees' views (JCSC and ACSC) together with those of the Tobacco Declaration Working Group, the proposal now put forward is a simple one, that;

- the foundation of the current policy (that is that there are no breaks allowed during the day for the purpose of allowing smoking) be reflected in a revised policy.
- the revised policy is in effect merely a simplification of existing wording and a general update to reflect current issues and practices such as giving direction on the use of e-cigarettes. **A draft revised policy is shown at Appendix 3.**
- the final version of the policy agreed for implementation by the ACSC be notified to employees. It will be confirmed as a revised policy statement that will be applied from 1 January 2016 (and so more than three months' notice of this revision will be given from the date of ACSC approval). Employees will be notified that although the revised policy does alter current custom and practice, it does reflect what current authorised policy already is and that apart from minor wording changes the policy is not substantially amended. This will be communicated to employees through the Intranet, cascade team briefing and the Gen.

## **8. Financial Implications**

There are no financial implications

## **5. Appendices**

Appendix 1: Smoking at Work Policy report received by JCSC of 24 November.

Appendix 2: Current Smoking at Work Policy (Employee Handbook extract)

Appendix 3: Proposed new Smoking at Work Policy

## **6. Background papers**

None identified.

## **4. Recommendations**

It is recommended that the JCSC:

- 4.1 Considers the revised draft policy statement shown at **Appendix 3**.
- 4.2 Makes recommendations to the Appointments and Conditions of Service Committee which will subsequently consider whether to adopt the policy statement.

## **SMOKING AT WORK POLICY (Draft- JCSC November 2014/ ACSC December 2014)**

### **GENERAL INTRODUCTION**

#### **1. Background information**

Smoking is the largest avoidable cause of death and serious disability in the UK. In the UK around one in five adults, about ten million people are current smokers, five million of whom are expected to die prematurely from smoking related diseases and illness. It accounts for about one in six deaths each year in the UK (Source: Public Health England. 2014). It remains one of Public Health England's top priorities.

##### **1.1 Legislation**

The Health and Safety at Work Act 1974 outlines the general duties of employers to their employees which include the common law duty to take reasonable care for the safety of those employees and the provision of a safe working environment.

Managers have a duty to undertake risk assessments to safeguard non-smokers from the discomfort caused by tobacco smoke and other smoking devices.

Smoking has been prohibited by law in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom since July 2007. Smoke-free legislation in England forms part of the Health Act 2006.

##### **1.2 Purpose**

The purpose of the Smoking at Work Policy is to protect and improve the health, safety and wellbeing of all elected members, employees and others who visit or use Council premises. It reflects both an ongoing duty of care and a commitment to raising awareness of the dangers of smoking and of second hand smoke exposure.

The policy also encourages and supports employees who want to cease smoking to their own health.

##### **1.3 Definition**

Smoking is defined by the Council as: "The use of any product or device to inhale smoke or vapour from tobacco or any other substance. This includes the use of electronic cigarettes but does not include the use of prescribed medicines."

## **2. General Policy**

### **2.1 Who the Policy applies to:**

The policy applies to employees, Members, contractors, partners, agency staff and visitors. If the implementation of the policy presents particular difficulties for any employee, they should discuss this in the first instance with their line manager who can seek further support from the Council's personnel team.

### **2.2 Prohibited areas:** Smoking is prohibited in the following areas:

- all Council owned and controlled buildings and their grounds, including car parks, footpaths and driveways but not public car parks or recreational grounds.
- all vehicles owned, leased or hired by the Council.
- employees' own vehicles when other employees are present and whilst engaging in Council duties.

### **2.3 Smoking during working hours:**

Employees may smoke before or after work and during their official 'meal break', but not on the Council's premises or in vehicles as defined in the policy.

It is acceptable for employees, subject to the operational requirements of the service and management agreement to have a maximum of two short breaks, totalling no more than 20 minutes, in their working day (but again not on the Council's premises or in vehicles as defined in the policy).

For operational reasons there may be some jobs, or some occasions, when taking a smoking break is not permitted by a manager. Whenever an agreed smoking break is taken, the time for this needs to be made back either through the flexitime scheme or through some other appropriate mechanism determined by the manager.

As a consequence of the Council's action plan that supports its Declaration on Tobacco Control, smoking will not be permitted by any employee of the Council during paid hours from April 2016.

### **2.4 Facilities and ad hoc smoking arrangements:**

No facilities e.g. smoking shelters or designated communal smoking areas will be provided for smokers either inside or outside Council premises. Whilst there is no practical means of preventing those who smoke gathering in particular place employees are expected not to do this as it may result in a negative impression of the Council being formed when viewed by the public.

## **2.5 Smoking in Council rented buildings:**

Where the Council rents a building this policy applies to employees working there and to all the areas listed above. 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.

## **2.6 Staff smoking in uniform or with GBC Identification badge showing:**

Whilst at work, and so far as is reasonably practicable, employees who smoke in accordance with this policy should do so with their Gedling Borough Council uniform covered as not doing so may create a negative impression of the Council when viewed by the public.

## **2.7 Arnot Hill Park arrangements:**

Arnot Hill Park is a public recreational park as well as the location of the Council's Civic Centre offices. It is not deemed practical to enforce a ban on employees smoking within this area. Employees that do use the park area to smoke are asked not to congregate in groups and be mindful of the negative impression this may create to the public. Smoking will not be permitted within 20 metres of the footprint of any building e.g. 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 is difficult to enforce for visiting members of the public.

## **2.8 Jubilee House, Depot, Transport Services workshops and car park areas:**

These are non-smoking areas. Employees, visitors and contractors should be informed to smoke off premises i.e. the Baptist Church car park where an ashtray is provided or adjacent public roads.

## **2.9 Electronic cigarettes (e-cigarettes) and chargers:**

The Council acknowledges that some employees may wish to use e-cigarettes as an aid to reducing their smoking levels or indeed quitting.

Having had due regard to the limited and uncertain evidence base surrounding e-cigarettes they are, at this time, to be treated in the same way as tobacco cigarettes within this policy.

## **2.10 Nicotine replacement medicines (Patches, gum & sprays):**

Nicotine patches and spray are exempt from this 'policy's restrictions, however the use of nicotine based chewing gum may have a negative reputational impact when used by public facing staff and so its use must be discussed and agreed by the employee's line manager.

## **Policy for Third Party Premises:**

- 2.11** Employees who are required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for those premises of Gedling Borough Council's Smoking at Work Policy when arranging a visit. Although Gedling Borough Council has a duty of care to protect its employees it cannot control the Smoking Policies on third party premises.

Employees, or if appropriate their managers, should request that a non-smoking area be provided for the duration of the employees' visit. Where this is not possible, the people 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.

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

It is recognised that there will be circumstances, particularly in visiting some domestic premises where it will not prove possible to establish such arrangements 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.

### **3 Policy For Leisure Centre Bars:**

All areas are smoke free within the leisure centre, including the bar area and the use of e-cigarettes is also not permitted.

Members of the public may be permitted to smoke outside the building, depending on the arrangements put in place at each site.

The permitted smoking areas on leisure centre sites alter from centre to centre because of differences in land ownership. Clarification of permitted smoking areas is provided below:

#### **3.1 Arnold Leisure Centre:**

The leisure centre is owned by Gedling Borough Council and therefore smoking is only permitted 20m away from the building. This takes into consideration the no smoking policy of Nottinghamshire County Council, which owns the library building

#### **3.2 Redhill Leisure Centre:**

This is a joint use site therefore smoking is not permitted on any land that either the leisure centre or school are based.

Smoking is only permitted outside the grounds

#### **3.3 Calverton Leisure Centre:**

This is a joint use site therefore smoking is not permitted on any land that the leisure centre or school are based.

Smoking is only permitted outside the grounds.

#### **3.4 Carlton Forum Leisure Centre:**

Carlton Forum is a joint use site with Nottinghamshire County Council and Carlton Academy, therefore smoking is not permitted on any grounds that the leisure centre or school are based. This includes the grass pitches and astro-turf pitch sited on the opposite side of Coningswath road. Smoking by employees is only permitted off site on the adjacent roads.

#### **3.5 Richard Herrod Centre:**

The Richard Herrod Centre, grounds, car park and grass pitches are owned by Gedling Borough Council. The car park is for designated users of the Richard Herrod site and is not a public car park. As a result, smoking by employees is



only permitted on adjoining roads, the public footpaths or grass banks surrounding the pitches. Due to the proximity of these areas, employees smoking before or after work should only do so with Gedling Borough Council uniform covered so as not visible by members of the public.

**3.6 Contractors and customers:**

Contractors will be required to follow the policy in the same way that it applies to leisure centre employees.

Customers wishing to smoke must do so outside of the leisure centre and away from the entrance doors (A minimum desirable distance is 20 meters from the entrance), so to minimise smoke entering the building through the entrance/ exit doors.

**4. Implementation and Enforcement of the Policy**

**4.1 Service Manager responsibilities:**

Each Service Manager is 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.

**4.2 Guidelines for Contractors & Visitors not adhering to the Policy:**

They should be asked to comply or leave the premises.

**4.3 Job Application stage:**

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

**4.4 Where the policy can be obtained:**

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

**5. Information, training and support available:**

The Council recognises that smoking is an addiction and therefore it 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. Initiatives to support employees to stop smoking are promoted through the annual health fair and include the use of patches and electronic cigarettes. Details of support can be obtained from the Safety Officer or Personnel Team.

**6. Review of the Policy:**

The Policy will be reviewed by management when required.

**7. Sanctions and Disciplinary Procedures:**

Any breach of this policy could be treated as an issue of misconduct. Where there is evidence of a breach, an investigation under the Council's Disciplinary Procedure will be undertaken.

#### **8. Legislation References:**

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

## **APPENDIX 31 – NO-SMOKING POLICY (Current Policy)**

This policy, agreed by Committee in October 2006, and applying from 1<sup>st</sup> April 2007 fully replaces the existing policy agreed in 1990.

### **1. General Policy**

1.1. Smoking is 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

1.2. 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.

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

1.4. 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.

1.5. Where the Council rents a building, this policy applies to employees working there and to all the areas listed above. 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.

### **2. Policy for Warden Aided Homes**

2.1. 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.

2.2. No smoking is allowed elsewhere in the building.

2.3. 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 1.1 apply to employees who may not smoke in the grounds.

### **3. Policy For Leisure Centre Bars**

- 3.1. These areas will become smoke-free from 1<sup>st</sup> April 2007.
- 3.2. This will ensure that the Council meets its obligations to employees to work in a safe environment as soon as practically possible.
- 3.3. 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 1.1 will apply to employees, who may not smoke in the grounds.

### **4. Policy for Third Party Premises**

- 4.1. 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 at Work 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.
- 4.2. 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.
- 4.3. It is recognised that there will be circumstances, particularly in visiting some domestic premises, where it will not prove possible to establish such arrangements, 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.
- 4.4. The general principles above also apply to third party premises.

### **5. Implementation and Enforcement of the Policy**

- 5.1. Each Head of Service is 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.
- 5.2. Visitors not adhering to the Policy should be asked to comply or leave the premises.
- 5.3. All job applicants shall be made aware of the Policy at the point of application.
- 5.4. A copy of the Policy will form part of the Employee Handbook.

### **6. Information and Training**

- 6.1. 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 wellbeing of all employees. Details of support will be available in the guidance document.

## **7. Review of the Policy**

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

## **8. Implementation of the revised Smoking at Work Policy**

### **Background**

8.1. Smoking in the workplace is a Health and Safety issue, and this policy will be included in the Council's Health and Safety Manual.

8.2. The aims of the policy is:

- 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**

8.3. The policy will come into effect on 1<sup>st</sup> 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.

### **General**

8.4. Smoking is not 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 is smoking be permitted in Council owned, leased or hired vehicles

8.5. To give effect to this, the custom and practice of permitting 'smoking breaks' is 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.

8.6. 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.

- 8.7. 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.

## **9. Supporting Employees**

- 9.1. To help employees through the implementation period and to encourage those who wish to give up, a series of New Leaf Smoking Cessation sessions will be arranged.

## **10. Smoking Areas**

- 10.1. 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.

## **11. Sanctions**

- 11.1. Any breach of this policy is potentially an issue of misconduct. Where there is evidence of a breach, an investigation under the Council's Disciplinary Procedure 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.

## **12. Application of the Policy**

- 12.1. 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.

## **SMOKING AT WORK POLICY (Second, revised draft- JCSC August 2015)**

### **1. Introduction**

#### **1.1 Background information**

Smoking is the largest avoidable cause of death and serious disability in the UK. In the UK around one in five adults, about ten million people are current smokers, five million of whom are expected to die prematurely from smoking related diseases and illness. It accounts for about one in six deaths each year in the UK (Source: Public Health England. 2014). It remains one of Public Health England's top priorities.

#### **1.2 Legislation**

The Health and Safety at Work Act 1974 outlines the general duties of employers to their employees which include the common law duty to take reasonable care for the safety of those employees and the provision of a safe working environment.

Managers have a duty to undertake risk assessments to safeguard non-smokers from the discomfort caused by tobacco smoke and other smoking devices.

Smoking has been prohibited by law in virtually all enclosed and substantially enclosed work and public places throughout the United Kingdom since July 2007. Smoke-free legislation in England forms part of the Health Act 2006.

#### **1.2 Purpose**

The purpose of the Smoking at Work Policy is to protect and improve the health, safety and wellbeing of all elected members, employees and others who visit or use Council premises. It reflects both an ongoing duty of care and a commitment to raising awareness of the dangers of smoking and of second hand smoke exposure.

The policy also encourages and supports employees who want to cease smoking to improve their own health.

This policy is effective from 1 January 2016 and replaces and supersedes all previous versions of the Council's Smoking at Work Policy.

#### **1.3 Definition**

Smoking is defined by the Council as: "The use of any product or device to inhale smoke or vapour from tobacco or any other substance. This includes the use of electronic cigarettes but does not include the use of prescribed medicines."



## **2. General policy**

### **2.1 To whom the Policy applies**

The general policy guidance applies to employees, Members, contractors, partners, agency staff and visitors. If the implementation of the policy presents particular difficulties for any employee, they should discuss this in the first instance with their line manager who can seek further support from the Council's personnel team.

### **2.2 Prohibited areas**

Smoking is prohibited in the following areas:

- all Council owned and controlled buildings and their grounds, including car parks, footpaths and driveways but not public car parks or recreational grounds
- all vehicles owned, leased or hired by the Council
- employees' own vehicles when other employees are present and whilst engaging in Council duties

### **2.3 Smoking during working hours**

Although it is a personal matter for any employees who chooses to smoke before or after work and during their official 'meal break', this should not be on the Council's premises or in vehicles as defined in the policy.

Once a work shift has commenced, there will be no breaks allowed specifically for the purpose of allowing employees to smoke. This applies to all employees in all jobs at all sites.

### **2.4 Facilities and ad hoc smoking arrangements**

No facilities such as smoking shelters or designated communal smoking areas will be provided for smokers either inside or outside Council premises. Whilst there is no practical means of preventing those who smoke gathering in particular place employees are expected not to do this as it may result in a negative impression of the Council being formed when viewed by the public.

### **2.5 Smoking in Council rented buildings**

Where the Council rents a building this policy applies to employees working there and to all the areas listed above. 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.

### **2.6 Staff smoking in uniform or with GBC Identification badge showing**

As far as is reasonably practicable, employees who smoke outside their working day and in accordance with this policy should do so with their Gedling Borough

Council uniform covered as not doing so may create a negative impression of the Council when viewed by the public.

## **2.7 Electronic cigarettes (e-cigarettes) and chargers**

The Council acknowledges that some employees may wish to use e-cigarettes as an aid to reducing their smoking levels or indeed quitting.

Having had due regard to the limited and uncertain evidence base surrounding e-cigarettes they are, at this time, to be treated in the same way as tobacco cigarettes within this policy.

## **2.8 Nicotine replacement medicines (Patches, gum & sprays)**

Nicotine patches and spray are exempt from this 'policy's restrictions, however the use of nicotine based chewing gum may have a negative reputational impact when used by public facing staff and so its use must be discussed and agreed by the employee's line manager.

# **3. Specific employee guidance on smoking (in employees' own time) at sites owned by the Council**

## **3.1 Arnot Hill Park**

Arnot Hill Park is a public recreational park as well as the location of the Council's Civic Centre offices. It is not deemed practical to enforce a ban on employees smoking within this area. Employees that do use the park area to smoke are asked not to congregate in groups and be mindful of the negative impression this may create to the public. Smoking will not be permitted within 20 metres of the footprint of any building including the 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 is difficult to enforce for visiting members of the public.

## **3.2 Jubilee House, Depot, Transport Services workshops and car park areas**

These are non-smoking areas. Employees, visitors and contractors are required to smoke off premises.

## **3.3 Third Party Premises**

Employees required to visit other premises, both commercial and domestic, as part of their duties should advise the people responsible for those premises of Gedling Borough Council's Smoking at Work Policy when arranging a visit. Although Gedling Borough Council has a duty of care to protect its employees it cannot control the smoking policies and practices at third party premises. Employees, or if appropriate their managers, should request that a non-smoking area be provided for the duration of the employees' visit. Where this is not possible, the people visited should be asked 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.

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

It is recognised that there will be circumstances, particularly in visiting some domestic premises where it will not prove possible to establish such arrangements 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.

## **8.4 Leisure Centres- General**

All areas are smoke free within the leisure centre, including the bar area and the use of e-cigarettes is also not permitted.

Members of the public may be permitted to smoke outside the building, depending on the arrangements put in place at each site. Generally, customers wishing to smoke must do so outside of the leisure centre and away from the entrance doors (A minimum desirable distance is 20 meters from the entrance), so to minimise smoke entering the building through the entrance/ exit doors.

Contractors will be required to follow the policy in the same way that it applies to leisure centre employees.

The permitted smoking areas on leisure centre sites alter from centre to centre because of differences in land ownership. Clarification of permitted smoking areas is provided below:

### **3.4.1 Arnold Leisure Centre**

The leisure centre is owned by Gedling Borough Council and therefore smoking is only permitted 20m away from the building. This takes into consideration the no smoking policy of Nottinghamshire County Council, which owns the library building

### **3.4.2 Redhill Leisure Centre**

This is a joint use site therefore smoking is not permitted on any land that either the leisure centre or school are based.  
Smoking is only permitted outside the grounds.

### **3.4.3 Calverton Leisure Centre**

This is a joint use site therefore smoking is not permitted on any land that the leisure centre or school are based.  
Smoking is only permitted outside the grounds.

### **3.4.4 Carlton Forum Leisure Centre**

Carlton Forum is a joint use site with Nottinghamshire County Council and Carlton Academy therefore smoking is not permitted on any grounds that the leisure centre or school are based. This includes the grass and all-weather pitches located on the opposite side of Coningswath Road. Smoking by employees (within the terms of this policy) is only permitted off site on the adjacent roads.

### **3.4.5 Richard Herrod Centre**

The Richard Herrod Centre, grounds, car park and grass pitches are owned by Gedling Borough Council. The car park is for designated users of the Richard Herrod site and is not a public car park. As a result, smoking (under the terms of this policy) by employees is only permitted on adjoining roads, the public

footpaths or grass banks surrounding the pitches. Due to the proximity of these areas, employees smoking before or after work should only do so with Gedling Borough Council uniform covered so as not visible by members of the public.

## **9. Implementation and Enforcement of the Policy**

### **4.1 Service Manager responsibilities**

Each Service Manager is responsible for the promotion and maintenance of a smoke free working environment in their area of responsibility and for the implementation of this policy.

### **4.2 Guidelines for Contractors & Visitors not adhering to the Policy**

They should be asked to comply or leave the premises.

### **4.3 Job Application stage**

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

### **4.4 Where the policy can be obtained**

A copy of the Policy will form part of employees' local conditions of service and will be published in the Employee Handbook available through the Council's Intranet or through the Personnel Team.

## **10. Information, training and support available**

The Council recognises that smoking is an addiction and therefore it 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. Initiatives to support employees to stop smoking are promoted through the employee health fair. Details of appropriate support can be obtained from the Safety Officer or Personnel Team.

## **11. Review of the Policy**

The Policy will be reviewed periodically to ensure that it remains current and appropriate to the needs of the organisation.

## **12. Sanctions and Disciplinary Procedures**

Any breach of this policy by an employee will be treated as issue of potential misconduct. Where there is evidence of such a breach the matter will be dealt with through the Council's Disciplinary Procedure.

## **13. Legislation References**

Legislation relevant to this policy includes:

- The Health and Safety at Work Act 1974 (HASAWA74)
- The Management of Health and Safety at Work Regulations 1999 (Management Regs 99)

- The Workplace (Health Safety and Welfare) Regulations 1992 (Workplace Regs 92)

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