

### APPENDIX 31 – NO-SMOKING 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 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 well being 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 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

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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.