

FERRYHILL TOWN COUNCIL



POLICY

**NO SMOKING
&
NON VAPING
(electronic cigarettes)**

1.0 Introduction

- 1.1 This policy applies to all employees, Members, customers, contractors and visitors to all of the Council's premises and vehicles. This policy applies to anything that can be smoked, including cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes, and it also applies to electronic cigarettes (also known as e-cigarettes).
- 1.2 In response to changes in government legislation and guidelines Ferryhill Town Council has a total ban on smoking in any Council premises, including offices, corridors and toilets, vehicles (including privately owned when on council business and carrying any passengers) or worksites.
- 1.2 As a responsible employer we are taking the necessary steps to protect all employees from health risks wherever practical. Non-smokers have a right to work in a safe and healthy environment. This includes being protected from passive smoking. Ferryhill Town Council recognises the risks of smoking both to smokers and non smokers.
- 1.3 The implementation and enforcement of this policy, in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.
- 1.4 This policy will replace all previous policies and instructions relating to the control of smoking in Council premises or worksites.

2.0 Current legislation

- 2.1 It is intended that this policy complies with the relevant legislation including the 'Health Bill' in England and Wales effective from 1st July 2007.
- 2.2 The Health and Safety at Work Act 1974, Section 2(2)(e), which places a duty on employers to provide a working environment for employees that is:
"..safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work."

3.0 PROCEDURE FOR SOMEONE CAUGHT SMOKING

In the event that someone does smoke in a smoke-free environment, the below procedure will be followed:

- the person's attention will be drawn to the no-smoking signs and they will be requested to stop smoking or go outside
- it will be pointed out that the person is committing a criminal offence by smoking in a smoke-free premises or vehicle

- the person will be informed that Council employees have a responsibility to prevent smoking on Council premises and in Council vehicles and that both the person and the employees could receive a fine if smoking is not prevented
- in the event that the a member of the public refuses to stop smoking, a member of staff will request the person's name and address in order to report the incident to Durham County Council.

3.0 Aims and Scope of this Policy

3.1 This policy is intended to:

- Protect everyone against the effects of second hand smoke
- Promote health in the workforce
- Support those people who would like to quit smoking

3.2 Because vaping is not covered by the Health Act 2006, a different procedure should be followed if a person is found to be using an electronic cigarette in a Town Council building or vehicle:

- staff will be informed that vaping is prohibited by this policy and they will be instructed to stop using their electronic cigarette and only use this during normal breaks in designated smoking areas.
- Members of public will be informed that vaping is prohibited by this policy and they will be requested to stop using their electronic cigarette and or go outside to a designated smoking area.

4.0 Guidelines

4.1 Non adherence or disregard to any points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in your dismissal.

- ❖ Smoking is not allowed in any part of the premises, worksites or grounds, including offices, corridors and toilets. Unless there is a designated smoking area clearly marked.
- ❖ Smokers are not permitted to smoke immediately outside any work base.
This applies to staff, visitors and contractors.
- ❖ Staff based in and visitors to premises owned by Ferryhill Town Council are not permitted to smoke in any part of the premises, worksites or grounds, including offices, corridors and toilets. Unless there is a designated smoking area clearly marked.

- ❖ Staff are not permitted to smoke in Town Council or rental vehicles at any time.
- ❖ Staff are not permitted to smoke in personal vehicles whilst undertaking official Town Council business and carrying any passengers.
- ❖ Staff are not permitted to smoke whilst undertaking official council duties such as grass cutting and working on special events.
- ❖ Smoking breaks will NOT be provided for staff.

5.0 Responsibilities

- 5.1 This policy is intended to benefit all employees and visitors. All employees are responsible for its continued implementation. Overall responsibility for ensuring the policy is implemented, monitored and reviewed rests with Line Managers.
- 5.2 Signs will be put up where necessary to inform visitors. There will be no ashtrays inside council buildings.

6.0 Support

- 6.1 Each case will be dealt with on an individual basis. However, the Council will recommend referral to your own GP for counselling. If counselling is not available within your own practice counselling will be provided by Durham County Occupational Health service.

7.0 Enforcement of the policy

- 7.1 In the unlikely event of a member of staff not respecting the policy, their manager will attempt to resolve the situation informally in the first instance. Repeated breaches of the policy will result in disciplinary procedures.