

Report to the Cabinet

Report reference: C-081-2015/16

Date of meeting: 7 April 2016



**Epping Forest
District Council**

Portfolio: Technology and Support Services

Subject: Smoking and Vaping Policy

Responsible Officer: Wendy Gains (01992 564084).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) That the Cabinet note the results of the Smoking and Vaping survey of staff undertaken in November 2015; and**
- (2) That, as requested by the Joint Consultative Committee, the revised Smoking and Vaping Policy for all Council offices, workplaces and other Council premises open to the public, attached at Appendix B be adopted.**

Executive Summary:

The Joint Consultative Committee, at its meeting of 24 July 2014 considered a proposal to ban the use of E-cigarettes in enclosed Council offices and workspaces and resolved "That no action be taken on restricting the use of E-Cigarettes for a 12 month period and thereafter conduct an informal staff survey to ascertain the views of members of staff on the use of these products within the office environment."

A survey of staff was conducted in November 2015. The results showed that a clear majority of staff wanted vaping (the use of e-cigarettes and other electronic nicotine delivery systems) to be banned within Council offices and enclosed workplaces. The survey also sought staff opinion on the provision of smoking and vaping areas in unenclosed areas outside of offices and other workplaces.

The Council's Smoking Policy has been revised to reflect the views staff expressed through the survey. The revised policy also reflects the Management Board's wish for a consistent policy to be applied across all Council premises, including buildings open to the public and the communal areas of tenanted housing complexes.

The Joint Consultative Committee agreed to adopt the Policy with majority support from both sides.

Reasons for Proposed Decision:

The survey on smoking and vaping produced a good response from staff giving a clear indication of the wishes of staff with respect to vaping within Council workplaces and within the grounds. The survey was less clear with regards staff smoking in the grounds of the Civic Offices, however there was a clear indication that the provision of shelters was not supported. There was also a clear expectation that the banning of smoking within the grounds would displace the smokers to public land to the front of the building.

Other Options for Action:

The Cabinet could decide to disregard the views of staff expressed in the survey with regards smoking and vaping at work.

The Cabinet could opt to ban smoking and/or vaping during working hours and on Council premises.

The Cabinet could opt to permit vaping within the workplace in all areas or only in designated internal areas.

Report:

Smoking & Vaping Survey

1. The recent smoking and vaping survey of staff received 270 responses. Of these, 85% were based at the Civic Offices. The raw results are attached at appendix A.
2. There is an enormous amount of information on the pros and cons of vaping available on the internet. In order not to bias the survey one way or the other, none of this information was introduced into the survey question "Should vaping be permitted within Council offices and enclosed workspaces?" This was to allow each employee the opportunity to make their own decision based on their own knowledge, research and preference.
3. Without any information bias, a large majority of the employees who responded to the survey voted that vaping should not be allowed in offices and enclosed workspaces. A small majority of the staff who smoke or vape also voted that vaping should not be permitted within offices and enclosed workspaces.
4. The staff based at the Civic Offices were fairly evenly split on whether smoking should be permitted to continue in the area currently used. Over half of them did not support the provision of a shelter at a cost of £3500 plus a parking space. The additional comments included concerns that banning smoking from site would displace the smokers to public areas to the front of the building.
5. A clear majority (81%) of staff who responded did not want vaping to be permitted within Council offices and enclosed workspaces but two thirds thought vaping should be permitted in the grounds. A large majority did not support the provision of a separate shelter for vaping at a cost of £3500 plus one car parking space.
6. 11% of the respondents smoke and 6% of the respondents vape.

Provision of a Smoking Area at the Civic Offices

7. Comments received from respondents to the staff survey were, as expected, quite polarised regarding the provision of a smoking area. There were mixed feelings regarding the provision of shelter with several challenging the costs involved (estimated costs were provided by Facilities and took into account necessary ground works and labour). Some non-smokers supported the provision of shelter but not at that cost. Overall opinion was against the provision of shelter.

Revised Smoking and Vaping Policy

8. The Smoking Policy has been reviewed as a result of the survey and the new proposed Smoking and Vaping Policy attached at Appendix B.

9. The proposed changes are as follows:

- To ban vaping from all enclosed workplaces including vehicles in line with the current restrictions on smoking. The exception to this ban being the underground car park at the Civic Offices (see below).
- To ban vaping from Council buildings open to the public including the communal areas of housing developments, the communal areas of sheltered housing complexes, the communal areas of Norway House (the Council's homeless hostel), Epping Forest District Museum, the Lowewood Museum and the District's leisure centres that are managed on the Council's behalf (Epping Leisure Centre, Loughton Leisure Centre, Ongar Leisure Centre and Waltham Abbey Swimming Pool).
- To allow vaping in any reasonable area to the rear of the Civic Offices that is at least 2 metres away from doorways and windows. It is proposed that vaping be permitted in the underground car park at the Civic Offices to give those using electronic nicotine delivery systems (ENDS) as an aid to quitting smoking a vaping area separate from smokers. As it is sheltered, it may also be seen as an encouragement to those trying to quit cigarettes. Vaping will not be permitted near the doorways and working area.
- Managers responsible for other Council offices and workplaces to identify and make known external areas where vaping is permitted.
- References to vaping have been included alongside smoking in all other areas of the policy such as recording of breaks and visiting clients at home.
- A ban on charging e-cigarettes and ENDS via Council owned computer equipment has been included.
- The section on Support for those wishing to stop smoking has been expanded.

10. Members are asked to consider the background paper at appendix C which sets out information from Public Health England, the World Health Organisation and the National Health Service.

Joint Consultative Committee

11. The Joint Consultative Committee had a full debate on the issues raised by the report at its February meeting. The Policy was put to the vote and there was majority support from both sides. The Policy has been recommended to Cabinet for adoption.

Resource Implications:

The Cabinet should note that there will be a small expenditure on signage for building entrances and vaping areas in support of the policy. Expenditure is expected to be less than £300.

Legal and Governance Implications:

The Smoking and Vaping Policy complies with the requirements of the Health Act 2006 which states that *premises must be smoke-free if they are used as a place of work including vehicles*.

The policy also complies with Section 2(2) of the Health and Safety at Work etc Act 1974 which places a duty on employers to *provide and maintain a safe working environment which*

is, so far as is reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.

Safer, Cleaner and Greener Implications:

Restricting external areas where smoking is permitted and the provision of butt bins should reduce and contain smoking related litter.

Consultation Undertaken:

An online survey of staff was conducted during November 2015. A link to the survey was sent via email to all staff on 17th November. Staff had until the end of November to respond. Over 150 responses were received within 5 hours. 270 responses were received in total.

All respondents were asked if they worked at the Civic Offices. Only those that answered yes were then asked the two questions about smoking provision at the Civic Offices. All respondents were asked the questions regarding vaping. All respondents were asked if they smoke and if they vape. The raw results of the survey are attached at appendix A

Background Papers:

None.

Risk Management:

There have been incidences reported in the press of e-cigarettes exploding or catching fire when charged with the wrong adaptor. Prohibiting the charging of e-cigarettes and other ENDS through Council owned computer equipment will eliminate this as a fire risk in the offices.

Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **unlawful discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

Smoking and vaping may be undertaken by and may affect all groups of people.

Smokers and vapers are not recognised as a protected group under the Equality Act 2010.

Smoking and vaping areas at the Civic Offices are accessible to all.

The smoking area at the Civic Offices is located at one end of the site which may disadvantage persons with reduced mobility who work at the far end of the building.

Accessibility of smoking and vaping areas should be considered by managers of other sites when deciding on those areas.

As the health effects of vaping are still unclear, banning vaping from offices and enclosed work spaces will prevent any potential negative health effects on pregnant women and other staff.

Banning vaping from offices and enclosed work spaces will protect those with disabilities related to breathing difficulties and respiratory disorders from potential adverse effects on their health.