

Report to the Cabinet

Report reference: C-066-2011/12
Date of meeting: 12 March 2012



**Epping Forest
District Council**

Portfolio: Support Services

Subject: Smoke Free Workplace And Public Place Policy

Responsible Officer: Paula Maginnis (01992 564536).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

1. That Cabinet agrees the adoption of the following proposals regarding the Smoke Free Workplace and Public Place Policy:

- (a) Civic Offices site to be a completely smoke free site including external areas of the Council's premises where practicable;**
- (b) that this ban on smoking be extended to all Council sites where practicable;**
- (c) that the smoking ban apply at all times (i.e. 24 hours a day, 7 days a week);**
- (d) that staff should no longer be allowed smoking breaks;**
- (e) that all external ashtray facilities at the Civic Offices be removed as soon as the new policy comes into operation;**
- (f) additional advice on giving up smoking be provided through Human Resources; and**
- (g) the smoking ban to apply equally to Members of the Council.**

Executive Summary:

The Council's Smoke Free Workplace and Public Place Policy was introduced in 2007 to implement the provisions of the Health Act 2006. The Policy was due to be reviewed in 2008 but did not actually take place until 2011.

Management Board discussed the Policy in November 2011 and proposed that smoking should be banned from unenclosed areas of the Civic Offices and that paid smoking breaks should no longer continue. These arrangements would be mirrored at other Council sites and Assistant Directors would select appropriate places for employees to smoke.

The Joint Consultative Committee did not agree with Management Board and recommended that the Policy remains with a slight amendment to paragraph 3.4 and that the Policy be submitted to the Cabinet for discussion and resolution.

Paragraph 3.4 of the Policy has been amended to allow employees discretion to terminate an interview in a residents home if their smoking is an issue for the Council's employee.

Reasons for Proposed Decision:

The Joint Consultative Committee (JCC) (26 January 2012) agreed that the Policy was submitted to the Cabinet for discussion and agreement.

Other Options for Action:

The Policy could remain unchanged, except the slight amendment to paragraph 3.4.

Members could decide that the Policy remains except that employees are required to use 'flexi-time' to take smoking breaks.

Report:

1. The Council's Smoke Free Workplace and Public Place Policy was introduced in 2007 to implement the provisions of the Health Act 2006. It prohibits smoking in enclosed Council premises and vehicles, also it places restrictions on where councillors and employees may smoke in external areas of Council premises. (A copy of the Policy is attached at appendix 1).

2. The policy was due to be reviewed in July 2008 however no review was undertaken until November 2011. The policy states that at the review, consideration will be given as to whether it would be desirable to move to a total ban on smoking in unenclosed Council premises, and whether smoking breaks should continue to be allowed in the Council's time, rather than the individual employee's time.

3. At the Civic Offices the existing smoking area is located at the end of car park 1, near the basement entrance to the new building and the vehicle gate to Homefield Close. Last summer, complaints were received from employees occupying the office above the smoking area regarding smoke entering the office. Alternative sites for a designated smoking area have been considered but would require financial investment if shelter were to be provided and may potentially lead to the loss of car parking space(s). A designated smoking area without shelter would result in smokers migrating back to the current area during inclement weather.

4. Any change in the policy for the Civic Offices should be mirrored in the policy for other sites. It should be noted however that a total smoking ban at open sites used by members of the public would be impossible to enforce. (For example, the market and public events at North Weald Airfield, public car parks and the seating by the Civic Offices' flagpole).

5. The current policy permits smoking breaks to be taken during contracted working hours as long as they are not excessive and do not disrupt the day-to-day operational working of the service. Any smoking break taken is not deducted from the employee's contracted hours or flexi balance. Breaks may be monitored by managers.

6. Management Board on 7 December 2011 reviewed the current policy and proposed the following recommendations to January's JCC:

- (a) Civic Offices site to be a completely smoke free site including external areas of the Council's premises where practicable;
- (b) that this ban on smoking be extended to all Council sites where practicable;

- (c) that the smoking ban apply at all times (i.e. 24 hours a day, 7 days a week);
- (d) that staff should no longer be allowed smoking breaks;
- (e) that all external ashtray facilities at the Civic Offices be removed as soon as the new policy comes into operation;
- (f) additional advice on giving up smoking be provided through Human Resources; and
- (g) the smoking ban to apply equally to Members of the Council.

7. A lengthy discussion took place at the JCC who recommended the following;

- (a) That the current Smoke Free Workplace and Public Place Policy remains;
- (b) That all external ashtrays remain in place;
- (c) That advice and support on stopping smoking should be made available via Human Resources;
- (d) That smoking breaks remain in work time;
- (e) That an updated report with the comments of this Committee including revising paragraph 3.4 of the current Policy is submitted to the Cabinet for their consideration.

8. Paragraph 3.4 has been amended to allow employees' discretion to terminate an interview in a residents home if their smoking is an issue for the Council's employee (The amendments are in bold).

9. If the Policy remains, the Council will be required to monitor the impact of the current designated smoking area on employees located nearby. The JCC did not agree to fund an alternative shelter for smokers elsewhere on Council premises. However, the ashtrays could be located elsewhere away from the building which may discourage the use of this area.

Resource Implications:

No resource implications.

Legal and Governance Implications:

Both options comply with the Health Act 2006.

Safer, Cleaner and Greener Implications:

N/A.

Consultation Undertaken:

Joint Consultative Committee, 26 January 2012

Background Papers:

Joint Consultative Committee, 26 January 2012 - Smoke Free Workplace and Public Place

Policy Report

Impact Assessments:

Risk Management

The use of the designated area is likely to continue to cause discomfort to employees located in officers nearby which may effect their health.

Equality and Diversity

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?
N/A

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?
N/A