

Report to the Cabinet

Report reference: C/001/2007-08.

Date of meeting: 11 June 2007.



**Epping Forest
District Council**

Portfolio: Finance, Performance Management and Corporate Support Services.

Subject: Smoking Policy.

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Democratic Services Officer: Gary Woodhall (01992 – 564470).

Recommendations/Decisions Required:

- (1) That Cabinet notes the recommendations of the Joint Consultative Committee and in the light of these agrees the proposed Smoking Policy attached at appendix one.**

This draft policy has been subject to consultation with the Joint Consultative Committee

Report:

1. At the 12 April 2007 meeting of the Joint Consultative Committee (JCC) a report was considered which set out the various options open to the Authority in implementing the Health Act 2006 on its own premises (as opposed to in its enforcement role). The JCC noted that all enclosed premises were required to be smoke free with effect from 1 July 2007, and proposed that in addition the following matters should apply when drawing up a Smoking Policy.

(a) That smoking should be banned in all unenclosed Council premises except for designated smoking areas;

(b) That all Council owned or leased vehicles should be smoke free at all times, as required by the legislation;

(c) That all privately owned vehicles, and those vehicles leased under the Council's car leasing scheme should be smoke free whilst being used for the purposes of carrying of passengers on Council business;

(d) That staff should be permitted to smoke during the working day (i.e. that smoking breaks should be allowed in working hours, and that such breaks should be in the Council's time rather than in the individual's time); and

(e) That when a member of staff is visiting a client in their own home they may ask the client to refrain from smoking, or alternatively seek to re-arrange the meeting for a smoke free location, but in the event of the client refusing to comply with this request that the meeting should continue regardless.

2. In addition, the JCC asked the Head of Human Resources and Performance Management to prepare a policy and covering report for this meeting of Cabinet. This policy is attached at Appendix 1. The report that was submitted to the JCC for consideration provides background information on the smoke free legislation and the options available to

the Authority; this can be viewed via the Committee Management System.

3. Finally, the JCC asked that the Smoking Policy be reviewed after one year of operation, with a view to a consideration of whether the external premises should be completely smoke free. In doing this it was mindful of its community leadership role, and the need to set a positive example.

Statement in Support of Recommended Action:

4. The proposals contained in the report provide adherence to the legal requirements of the Health Act 2006. They also provide for a means of review after one year of operation.

Other Options for Action:

5. The Authority is required to implement a smoking ban in all enclosed spaces. It is open to the Authority to do no more than that, or go further and introduce a complete ban in all unenclosed premises.

Consultation undertaken:

6. The recognised Trade Unions via the Joint Consultative Committee.

Resource implications:

Budget provision: None at this stage save for new signage that can be met from existing budgets

Personnel: As set out in the report.

Land: N/A.

Community Plan/BVPP reference: N/A.

Relevant statutory powers: The Health Act 2006.

Background papers: N/A.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision reference (if required): N/A.