

REPORT TO: Executive

DATE: 21 February 2006

REPORT OF: Head of Personnel

SUBJECT: Review of Smoking Policy

WARD: All

1. Purpose of Report

To inform Members of the outcome of a tripartite review of the council's Smoking Policy and to include recommendations for change to the existing policy.

2. Consultation

- 2.1 The review has been carried out by a Working Party comprising elected members, trade union representatives, the Health and Safety Manager, the Asset and Property Manager, the Chairman of the Joint Trade Unions and myself. The Working Party was chaired by the Deputy Leader of the Council. The review has been carried out in consultation with all employees of the Council, the Primary Care Trust and Crutes Law Firm. The Management Team support the proposals in principle.

3. Background

- 3.1 The Council's existing Smoking Policy was originally developed in 1996 and has been subject to minor change over the years. It currently prohibits smoking in all workplaces but makes some provision by allowing smokers to smoke in their own time in a limited number of designated smoking areas/rooms and outdoors.
- 3.2 The current policy largely satisfies the Council's obligation to provide non-smokers with a smoke-free environment. We also facilitate smoking cessation sessions to help smokers reduce or cease smoking altogether. However there is no real incentive to encourage smokers to give up.
- 3.3 In fact the policy could be said to be promoting smoking by providing designated areas/rooms and having fairly relaxed arrangements for controlling smoking at work in general.
- 3.4 This is inconsistent with the Council's and Primary Care Trust's objective to promote health in the community and reduce the incidence of preventable disease.
- 3.5 We know that levels of ill-health in this District are unfortunately amongst the highest in the country and smoking prevalence (estimated at 34% locally against a national average of 25%) an undoubted contributory factor.
- 3.6 The Council has already expressed the view to the Department of Health that it would prefer a complete ban on smoking in all public enclosed places. Recent surveys of local residents confirm that a majority are in favour of this.

- 3.7 We are also aware that the Government plans to introduce legislation to prohibit smoking in public places and that M.P.'s will shortly be voting on this.
- 3.8 The very recent survey of our employees and elected members (Results are shown at Appendix A) shows substantial support for a total ban within all our buildings in question 1 (which would necessitate the closure of smoking rooms). The position regarding banning smoking in the grounds to our buildings - question 2, is less clear.
- 3.9 There is also support (question 4) for banning smoking whilst on duty although this was less popular with outdoor workers.

4. **Options Appraisal and Position Statement**

- 4.1 There is clearly a momentum for change in terms of how smoking is controlled and regulated. This is borne out of public perception and the views of our employees.
- 4.2 The Council recognises that whether people smoke or not in their private lives is a matter of personal choice. However the Council has a duty as an employer to protect everyone in workplaces and enclosed public spaces from smoke. And further it has a governance role in generally promoting health in the local community. It follows then that its internal policies should reflect its broader health objective to reduce the incidence of preventable disease.
- 4.3 To that end the tripartite Working Party has examined where change in the existing Council Smoking Policy is necessary and justified. It concluded that:-
- There is no appetite and no sound argument for retaining smoking rooms or designated areas and therefore it is recommended that they should be removed and all council buildings designated non-smoking.
 - Employees and members of the public that smoke tend to congregate at entrances to buildings, drop litter and project an unacceptable image. It is recommended that the grounds of the Council buildings and depots be designated non-smoking zones and appropriate signage be erected.
 - Whilst there is no health and safety justification for banning smoking whilst on duty for outdoor workers, the proposal can be justified in terms of promoting better health, improving the image of the Council and treating all employees equally (office bound and outdoor workers). Consequently it is recommended that all employees be required not to smoke whilst on duty.
 - Finally the Working Party considered the current practice of allowing smokers to take a smoking break during normal working hours (office workers have to clock out). It was concluded that in many cases it was impractical to allow employees to leave their place of work, and go off-site to take a smoking break. Again, in order to be consistent it was concluded that there should be no smoking breaks whilst on duty. It is, of course, an employee's prerogative to smoke whilst on official lunch break if they so wish. This is the only time that smoking at work would be permitted (but obviously off-site), otherwise employees are on duty.

4.4 The proposals for change have been incorporated into a revised Smoking Policy which is shown at Appendix B to this report.

5. **Implementation**

5.1 It is recognised that this is a sensitive issue and that smoking can be a serious personal addiction and that difficulties faced by smokers must be taken into account.

5.2 To that end, the Working Party considered that possibility of providing a “lead in” period. If Members approve the revised Smoking Policy it is recommended that a “lead in” period be allowed before the new policy takes effect. This will allow:-

- The Council adequate time to publicise and promote the changes.
- Time to erect signage in the no-smoking zones.
- Time for smokers to come to terms with the new policy.
- Time for smokers to take up offers of help to stop smoking or cut down.

5.3 It is suggested that 4th May 2006 would be an appropriate date on which to make the policy effective.

6. **Implications**

6.1 **Financial** – it is considered that any budget implications will be minimal and capable of being absorbed by corporate property budgets. The Primary Care Trust will assist the Council by providing promotional material, and running smoking cessation courses.

6.2 **Legal** – the Council has taken appropriate legal advice on the proposed changes. That advice has confirmed that the Council is entitled to make the recommended changes. The Monitoring Officer has been consulted on the proposed arrangements and is satisfied with the legal advice given.

6.3 **Policy** – the amended Smoking Policy will require adoption by the Council.

6.4 **Risk** – A risk assessment has been completed and the necessary actions to manage the identified risks will be implemented.

6.5 **Communications** – it is proposed to engage the Primary Care Trust to help the Authority promote and publicise the changes to the Policy. The Communications and Marketing Manager will direct the campaign.

7. **Corporate Implications**

7.1 The report and its recommendations support the Council’s priority objective (no. 8) ‘Building a healthy community’. More specifically the proposals demonstrate how the Council will lead by example and will work closely with the Primary Care Trust and other partners to develop a range of programmes and initiatives that will help to make the District a healthier place to live, work and visit.

8 Recommendations

- 8.1 Members are asked to consider the report and agree to the adoption of the amended Smoking Policy.
- 8.2 Members are asked to agree to the 'lead-in' period and an effective date for implementation of 4th May 2006 (Annual Meeting).

9 Background Papers

Corporate and Performance Plan 2005/6.

Legal Advice

Report of the Executive Member for Health to District Council on 8th September 2005 entitled 'Department of Health Consultation on Smoking Legislation.

RG/CS/H&S/060104
27 January 2006