



Lostwithiel Town Council

Smoke-free Policy

(including vaping/electronic cigarettes/electric nicotine devices)

1. Introduction

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Lostwithiel Town Council ('the Council') is committed to protecting all employees, Council Members, contractors and visitors from exposure to second-hand smoke.

The British Medical Association has said that more research is needed to establish the safety of electronic cigarettes. For this reason, the Council feels it is prudent to protect all employees, Council Members, contractors and visitors from potential risks associated with vapours produced by these devices.

2. Background

From 01 July 2007, all public places and workplaces (including vehicles) became smoke-free in England, with the exception of a limited number of exemptions under the Smoke-free (Premises and Enforcement) Regulations 2006. This policy complies with the Health Act 2006 to make virtually all enclosed public places and workplaces in England, smoke free.

3. Aims

- A healthy smoke-free working environment which protects the health of employees, contractors, Council Members and members of the public.
- The right for everyone to breathe in air which is free from tobacco smoke
- Raise awareness of the dangers associated with exposure to tobacco smoke
- Take account of the needs of those who choose to smoke and to support those who wish to stop
- Create the right image of employees not smoking/vaping in and around Council property

4. Scope

This policy will apply to all employees, Council Members, contractors, visitors and members of the public who enter council owned, rented or leased buildings for any purpose whatsoever.

5. Policy details

Lostwithiel Town Council's aspiration is to be smoke free; smoking is prohibited: in all buildings including corridors and toilets and also

perimeter areas immediately outside. Staff may smoke before and after working hours and during their breaks. However, no facilities are provided for smokers within the boundaries and grounds of any Council staff workplace.

Smoking is not permitted in any vehicle owned by, leased or hired to the Town Council. Smoking is not permitted in privately owned vehicles whilst being used on Council business. The policy does not apply to the interior of cars owned privately and in sole occupancy or if not being used for Town Council business purposes or during business hours. The policy extends to all official car travel where the vehicle is shared by other employees on official business.

E-cigarettes or electronic nicotine devices are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. The use of e-cigarettes or any other electronic nicotine devices is currently unregulated. Although they fall outside the scope of smoke-free legislation, the Town Council prohibits the use of e-cigarettes or Electronic Nicotine Delivery Systems in the workplace because.

- although they do not produce smoke, e-cigarettes/ENDS produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models and electronic nicotine devices can, from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers, other employees that it is acceptable to smoke.

6. Facilities for smoking

There are no facilities provided for smoking in Lostwithiel Town Council owned buildings or on Lostwithiel Town Council land.

7. Enforcement of the policy

Compliance with this policy is a management issue.

Contraventions of the Smoke Free Act are subject to the normal enforcement arrangements, for example littering and on-street smoking.

Non-adherence with the policy on Town Council premises is a disciplinary issue which will be investigated using the Disciplinary Procedure.

If a person challenges their right to smoke the following points should be made:

- Employers have a duty of care to provide a safe system of working and therefore have the right to introduce or change their employment policies to ensure a healthier and safer working environment.
- This is a Town Council policy relating to Health and Safety and prohibits smoking and vaping.
- Smokers/vapers may use their break to go off-site.

8. Time taken for smoking breaks

In relation to staff the Line Manager is responsible for ensuring that any breaks taken during the normal working day are not excessive and do not have a detrimental effect on service provision. This principle applies to both smokers and non-smokers alike. It should be discussed and guidelines set for employees about the timing, frequency and duration of breaks.

Employees are not entitled to paid time off for breaks including smoking breaks.

9. Litter

The Council recognises that the majority of people who are smokers show consideration for others in the smoking and will dispose of cigarette ends responsibly. Employees are expected to have consideration for local neighbours including avoiding smoking directly outside houses, drifting smoke near open window, discarding cigarettes in gardens and littering pathways in the community. Where persistent patterns of this behaviour are identified, this could also potentially be a disciplinary issue.

10. Help for Employees to stop smoking

The NHS offers a range of free services to help people to stop smoking. Any employees wishing to give up smoking will, upon request, be signposted to these resources.

11. Breaches and non-compliance

Any breach of this policy which comes to the Council's attention will be investigated. This may result in appropriate action being taken under the Council's Disciplinary procedure.