

Report of the Chief Executive

SMOKE FREE SITE POLICY

1. Purpose of Report

To consider changes to the Smoke Free Site policy. This includes vaping and e-cigarettes.

2. Recommendation

The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet the Smoke Free Site Policy.

3. Detail

The Smoke Free Site Policy was reviewed and renewed in June 2017, banning all smoking on Council premises. At the time, it was proposed by the Trade Unions to not include vaping within the changes – to be reviewed in time.

The Health and Safety 1974 requires the employer to take reasonable steps to protect the health and safety of its employees and members of the public visiting Council premises.

The Council's existing Smoke Free Site policy prohibits smoking within Council vehicles and buildings, however, the proposal is to extend this to vaping.

It should be noted that the Council wishes to support employees and this policy is not intended to be a punitive measure. Appropriate support will be given to employees who wish to stop smoking or vaping.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications to consider as part of this report.

5. Legal Implications

The comments from the Monitoring Officer/Head of Legal Services were as follows:

The Health and Safety at Work etc. Act 1974 Section 2(2) (c) requires an employer to provide and maintain a working environment for his employees that is, so far as is reasonably practicable, safe and without risks to health. The Management of Health and Safety at Work Regulations 1999 also requires employers to assess and remove or reduce hazards to which their employees are exposed and render them at risk. Further Smoke-free legislation in the Health Act 2006 made virtually all indoor public places and work places, including work vehicles, smoke-free, protecting workers and the public from the

harmful effects of passive or secondary smoke. The Council (who control and/or manage smoke-free premises) also have a legal duty stop a person smoking in a smoke free area (section 8 of the Health Act 2006). It is an offence not to display no smoking signs in a smoke-free workplace or public place (section 6 of the Health Act 2006).

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable.

8. Background Papers

Nil

REFERENCE