

# Stoke Lodge and The Common Parish Council

## Smoke free Policy

### 1 Purpose

- 1.1 This policy has been developed to protect all employees, service users, customers and visitors from exposure to secondhand smoke and to assist compliance with the Health Act 2006.
- 1.2 Exposure to secondhand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

### 2 Policy

- 2.1 It is the policy of Stoke Lodge and The Common Parish Council that all of our workplaces are smoke free, and all employees have a right to work in a smoke free environment. The law came into effect on 1 July 2007 and the policy shall be reviewed annually by the Parish Clerk.
- 2.2 All smoking including vapours, e-cigarettes and similar is prohibited throughout the entire workplace with no exceptions. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.
- 2.3 IF THERE ARE EXTERNAL AREAS WHERE EMPLOYEES AND CUSTOMERS CAN SMOKE, THESE SHOULD COMPLY WITH THE LAW

### 3 Implementation

- 3.1 Overall responsibility for policy implementation and review rests with the Parish Clerk.
- 3.2 All staff are obliged to adhere to and facilitate the implementation of the policy.
- 3.3 The person named above shall ensure that all existing employees, consultants and contractors are informed of the policy and their role in the implementation and monitoring of the policy. They will also have to ensure that all new personnel are given copy of the policy on recruitment/induction. Appropriate 'No smoking' signs will be clearly displayed at the entrances to and within the premises.

## **4 Non-compliance**

4.1 Local disciplinary procedures should be followed if a member of staff does not comply with this policy. Those who do not comply with the smoking law are also liable to a fixed penalty fine and possible criminal prosecution.

### **Note:**

#### **Help to Stop Smoking ~ For Staff members**

The NHS offers the following free services to help smokers give up:

Local NHS Stop Smoking Services -you are four times more likely to give up smoking with the support of your local NHS Stop Smoking Service and nicotine gum and patches. Call The NHS Smoking Helpline on 0300 123 1044 to find your local service or text 'give up' and your full post code to 88088.

The NHS Smoking Helpline -you can speak to a specialist adviser or request resources by calling 0300 123 1044 (lines are open daily from 7am to 11pm). [www.givingupsmoking.co.uk](http://www.givingupsmoking.co.uk) -an online resource for all the advice, information and support you need to stop and stay stopped.

Together -This support program is free to join and is designed to help you stop smoking using both medical research as well as insights from ex-smokers. For more information call the NHS Smoking Helpline on 0300 123 1044 or visit [www.smokefree.nhs.uk/](http://www.smokefree.nhs.uk/).

# Stoke Lodge and The Common Parish Council Smoke free Policy

## SMOKE FREE WORKPLACE AND PUBLIC PLACE POLICY

### 1 Aims of the Policy

- 1.1 All managers of enclosed workplaces and public places have a responsibility for the maintenance and, where possible, improvement of the health of staff and users of their services and we (Stoke Lodge and The Common Parish Council) acknowledge that breathing other people's smoke is both a public health hazard and a welfare issue, proven to cause ill health.
- 1.2 This Policy recognises that secondhand smoke adversely affects the health of all employees. It is not concerned with **whether** anyone smokes but with **where** they smoke and the effect this has on staff and other members of the public. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of our premises.
- 1.3 We actively encourage employees to refrain from smoking outside the times and circumstances set out in this policy, both in their own interests and as representatives of this organisation. However, this falls outside the scope of this Policy.
- 1.4 The policy seeks to:
  - 1.4.1 Guarantee a healthy working environment and protect the current and future health of employees and members of the public
  - 1.4.2 Guarantee the right of everyone to breathe in air free from tobacco smoke
  - 1.4.3 Comply with Health and Safety Legislation and Employment Law
  - 1.4.4 Raise awareness of the dangers associated with exposure to tobacco smoke
  - 1.4.5 Take account of the needs of those who choose to smoke and to support those who wish to stop

## **2 Introduction**

2.1 Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to:

*‘...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.’*

2.2 On the 1 July 2007, the Health Act 2006 became law. This new legislation makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2:

*(2) states that premises must be smoke free if they are used as a place of work including vehicles.*

Further detail on the Health Act 2006 and the regulations associated with this Act is available on [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

2.3 Secondhand smoke – breathing other people’s tobacco smoke – and side stream smoke has now been shown to cause lung cancer and heart disease in non-smokers, as well as many other illnesses and minor conditions.

## **3 General Principles and Scope**

3.1 The aim of this Policy is to:

3.1.1 Protect the health of staff

3.1.2 Protect the health of visitors, contractors and users and/or clients of our services or products

3.1.3 Inform staff and managers of their responsibilities in respect of the Policy

3.1.4 Promote the culture of a smoke free organisation

3.1.5 This Policy will apply to all staff, visitors, contractors and other persons who enter the premises of this workplace/public place.

3.1.6 Support smokers to help them cope with increased restrictions on their smoking during the working day

## **4 Restrictions on Smoking**

**4.1 *Smoking is not permitted in any part of the premises or at entrances managed, leased or owned by Stoke Lodge and The Common Parish Council at any time, by any person regardless of their status or business with the Council.***

4.2 By premises is meant any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more members of staff.

4.3 Such spaces include lifts, corridors, stairways, toilets, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent or semi-permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter.)

### **4.4 Visitors**

4.4.1 All visitors, contractors and deliverers are required to abide by the smoke free policy.

4.4.2 Staff members are expected to inform visitors of the policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.

### **4.5 Staff**

4.5.1 Staff are only permitted to smoke whilst off duty (in official break times only) and are only permitted to smoke in unenclosed designated areas.

### **4.6 Vehicles**

4.6.1 Smoking is not permitted in vehicles belonging to or leased by the employer, nor staff private vehicles if ever used to carry members of staff or members of the public, whilst carrying out the duties of an employee.

4.7.1 Information on stopping smoking with support from local cessation services will be provided for smokers. The NHS Smoking Helpline number is **0300 123 1044**. The helpline can offer advice and support on stopping smoking along with a website at [www.smokefree.nhs.uk/](http://www.smokefree.nhs.uk/).

## **4.8 Sales of Tobacco Products**

4.8.1 It is a criminal offence for anyone to sell, transport or possess illegal tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5,000 for anyone allowing their premises to be used for such activities. The selling/storing and dealing in any way of illegal cigarettes and tobacco on the Council premises will not be tolerated.

4.8.2 Stoke Lodge and The Common Parish Council will fully co-operate with Law Enforcement agencies, such as HM Revenue and Customs, in their investigations. Any such illegal activity will be considered as Gross Misconduct and will result in appropriate disciplinary action.

## **5 Introduction and Implementation of the Policy**

5.1 Staff, whether employed or voluntary, are personally responsible for complying with this Policy. Responsibility for implementing this Policy rests with the management.

5.2 Day-to-day responsibility for implementation lies with the Parish Clerk. To ensure that everyone understands that smoking is only allowed in designated areas away from buildings, clear signs will be displayed.

5.3 Tenders and contracts will stipulate adherence to this Policy as a contractual condition. Existing contracts will be modified as soon as possible.

## **6 Disciplinary Action**

6.1 Any member of staff refusing to observe the policy by smoking in unauthorised areas will be liable to Disciplinary Action.

6.2 All staff have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. If line managers or staff feel apprehensive about their own safety in regard to addressing any breach, they should seek management support. It is important to note that primary emphasis should be placed on prevention of such situations arising.

6.3 In the event of a breach of the policy by a visitor or staff member of other organisations, they should be asked to extinguish all smoking materials and be informed of the availability of external smoking areas.

- 6.4 If they continue to smoke the matter should be referred to the line manager or to the Town Clerk, as appropriate.
- 6.5 In the event that staff of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.

## **7 Monitoring and Reviewing**

- 7.1 The following will be monitored:
  - 7.1.1 That prospective employees are advised of the Policy
  - 7.1.2 That the Policy forms part of the induction programme
  - 7.1.3 That discarded smoking materials are disposed of safely
  - 7.1.4 This Policy will be reviewed (annually at the Council AGM) to ensure that it continues to meet the aims of the original Policy.
  - 7.1.5 The Smoke free Policy Co-ordinator is the Parish Clerk.

## **NOTES:**

### **FAILURE TO COMPLY WITH THE LAW IS A CRIMINAL OFFENCE**

#### **Fines are as follows:**

- 1** If an individual is found to be smoking in smoke free premises or work vehicles then they can be subject to a fixed penalty fine of £50.00 or a maximum fine of £200.00
- 2** In addition to the penalties that can be imposed on individual smokers, there are also specific duties to actively prevent smoking in the workplace.
- 3** The employer can be liable to criminal conviction if a person is found smoking in their workplace, even if they were not aware of the smoking activity taking place at the time.
- 4** There is a maximum fine of £2,500.00 that can be imposed on whoever manages or controls the smoke free workplace or vehicle if that person failed to prevent smoking in a smoke free place.
- 5** Signs must be fixed as necessary and if these are not in place then there is a fixed penalty fine of £200 and a maximum fine of £1,000.00 if prosecuted and convicted by a court.

*Reviewed ...09<sup>th</sup> November 2023*