

Together  
we make a  
difference

# Smoking Policy

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LAST UPDATED: FEBRUARY 2023

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## 1. POLICY STATEMENT

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- 1.1 Wyre Council has a legal obligation to provide a safe and healthy workplace and is committed to providing a healthy and comfortable environment for elected members, employees, contractors and visitors to its premises. It will take all reasonable steps to eliminate exposure to environmental tobacco smoke in and around all its public buildings, workplaces and facilities.

## 2. LEGAL POSITION

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- 2.1 The Health Act 2006 laid the legal framework for Smoke Free Regulation and from the 1 July 2007 all workplaces, vehicles, enclosed or partially enclosed public places must be smoke free by law, display the legally defined notices and ensure compliance with the regulations laid before Parliament.
- 2.2 It is not intended to go in to detail to explain the whole Legislative Framework but the key areas of legislation are as follows:
- the Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368);
  - the Smoke-free (Exemptions and Vehicles) Regulations 2007 (SI 2007/765);
  - the Smoke-free (Penalties and Discounted Amounts) Regulations 2007 (SI 2007/764);
  - the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760); and
  - the Smoke-free (Signs) Regulations 2012

## 3. PURPOSE

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- 3.1 The purpose of this policy is therefore to ensure that Wyre Council complies with the legal requirements by taking measures to:
- create a smoke-free environment for employees, elected members, visitors, customers and service users
  - recognise a person's right to be protected from harm and to enjoy smoke-free air
  - raise the awareness of the dangers associated with exposure to tobacco smoke
  - support employees who wish to stop smoking
  - reduce the prevalence of smoking related illness and early death in Wyre

## 4. SCOPE

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- 4.1 This policy applies to all elected members, employees, employees of partner organisations, third parties hiring Council premises, contractors and visitors to Wyre Council buildings and enclosed spaces.

## 5. POLICY RULES

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- 5.1 Smoking during normal working time is not allowed. Employees are permitted to smoke during official lunch break times or other break times as agreed with their line manager. Employees who do smoke during their break times must ensure that they do so outside the areas affected by this policy and that they have clocked off of work.
- 5.2 Employees must not smoke openly in public while wearing a Wyre Council uniform and/or an ID badge when on or off duty.
- 5.3 In workplaces shared with other organisations (e.g. partner organisations) the Council will seek to ensure that consistent and comparable smoking policies are introduced.
- 5.4 Where Council employees are present in another organisation's workplace, employees will adhere to any additional smoking policies or restrictions put in place by that organisation.
- 5.5 The sale of tobacco products from Wyre Council sites is prohibited.
- 5.6 Electronic cigarettes (also known as vapes) are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although they fall outside the scope of smoke-free legislation, the council prohibits the use of e-cigarettes in the workplace.

The rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly 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.

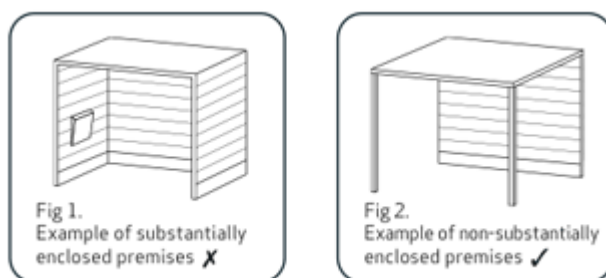
## 6. NON SMOKING AREAS

6.1 Smoking is prohibited in the following areas:

- All operational buildings, offices and depots - this will include associated outdoor areas, yards, car parks (smoking in your own personal vehicle is permitted) and garden areas at the Civic Centre. Enclosed or substantially enclosed spaces in public parks and open spaces.
- Immediately adjacent to access doorways, reception areas, lifts, any rest or common/public rooms, corridors, kitchens and toilets. This includes approach paths and the surrounding grounds.
- All Members' rooms and political group rooms
- All Council owned and managed public buildings.
- All Council owned vehicles.
- A personal vehicle being used whilst on council business.

**Note:**

**Definition of enclosed and substantially enclosed**



Premises are considered **'enclosed'** if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis.

Premises are considered **'substantially enclosed'** if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

6.2

### Homeworkers

Homeworkers are not permitted to smoke during the working day, unless clocked out for lunch or on an agreed break.

## 7. ROLES AND RESPONSIBILITIES

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7.1

### It is the responsibility of Managers to:

- Be fully conversant with this policy.
- Ensure that all employees who report to them are aware of and comply with the policy.
- Ensure day-to-day compliance by all elected members, employees, contractors and visitors.
- Ensure that employees who report to them are not leaving their workstation to smoke during working hours.

7.2

### It is the responsibility of the Human Resources team to:

- Provide advice, support and guidance to all parties on the application of the policy.
- Regularly review and monitor the effectiveness of the policy.
- Promote reduction in smoking and to provide assistance to those who wish to cease smoking.

7.3

### It is the responsibility of all elected members and employees to:

- Comply with the Policy.
- Comply with smoke-free policies in force in other premises when carrying out council business.
- Not to leave their workstation to smoke during working hours.
- Promote and maintain a smoke-free working environment by ensuring, so far as it is reasonable to do so, that visitors, customers and service users are made aware of the policy and address any breaches to the policy.

## 8. ENFORCEMENT OF THE POLICY

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8.1

It is expected that elected members and employees will co-operate voluntarily in making the policy work without the need for more formal measures to ensure its effectiveness.

8.2

Persistent and intentional breaches of the policy may lead to disciplinary action being taken against employees.

8.3

Contraventions of the policy by elected members may lead to action by the Standards Committee.

8.4

Visitors will be asked to respect the Council's Policy on Smoking. Failure to comply with the policy may result in the individual being asked to leave the premises.

## 9. COMMUNICATION OF THE POLICY

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9.1

### Signage

'No Smoking' signage will be displayed in a prominent position at every entrance to smoke free premises (internal and external).

All Council Vehicles will carry a no smoking sign.

The size and style of signage will be to meet the needs of the location.

9.2

### Elected Members and Employees

The policy will be made available via the intranet, team briefs or as a paper copy as required.

9.3

### Prospective and New Employees

All new employees will be informed of the Smoking Policy at commencement of employment and at their induction training (for new staff).

9.4

### Contractors

All contractors will be provided with a copy of the policy on engagement. Compliance with the policy on smoking will be included in contracts as part of the health and safety requirements.

## 10. RAISING HEALTH AWARENESS

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10.1

The Council will actively promote the improvement of the health of its employees providing information on health risks and other problems related to smoking of tobacco products. Information and advice on the effects of smoking (both active and second hand) will be available at regular intervals.

## 11. SUPPORT FOR SMOKERS

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11.1

The Council recognises that smoking is an addiction and aims to provide a supportive environment. In recognition of this, the Council will grant a maximum of two hours paid time off (pro rata for part time or job share workers) to attend an initial smoking cessation consultation with the NHS Stop Smoking Service. Attendance at any appointments following the initial consultation must be made in the employee's own time.

- 11.2 Staff who want treatment for their tobacco addiction should contact :  
Lancashire NHS Foundation Trust – Quit Squad on 0800 328 6297  
Or click here to <http://www.quitsquad.nhs.uk/index.php>  
The Stop Smoking Service is delivered over a number of clinic sites.
- 11.3 For staff who are registered with a GP outside the Blackpool, Fylde & Wyre area telephone the National Help-Line on 03001231044, or text QUIT plus your full postcode to 88088 or click here to obtain further information regarding NHS Smokefree services.
- 11.4 The Human Resource team is able to provide those wishing to stop smoking with appropriate literature.

## 12. EQUALITY IMPACT ASSESSMENT AND MONITORING

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- 12.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 13. DATA PROTECTION

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- 13.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.