

**Agenda Item No:**

**Report No:**

**Report Title: The Health Act 2006 – Smoke-Free Premises and Vehicles**

**Report To: Employment Committee      Date: 11 June 2007**

**Ward(s) Affected: All**

**Report By: Head of Business Services**

**Contact Officer(s): John Clark, Head of Business Services**

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**Purpose of Report:**

To seek the Committee's and Unison's views on the Council resolution regarding further smoking restrictions.

**Officers Recommendation(s):**

- 1 That the staff side give their views on the proposal set out at paragraph 1
- 2 That the Committee gives their view on the proposal, having regard to the views expressed by the staff side.

**Information**

- 1 At its meeting on 25 April Council resolved that "The Council work towards the situation that no smoking takes place in any buildings or on any land that it owns or controls, excluding its housing stock; and

That as a further step towards implementing the provisions in the Health Act 2006 relating to smoking in the workplace, the following arrangements be introduced, subject to the normal staff consultation procedures:

- (i) No member of staff may absent themselves from their place of work during working hours for the purpose of taking a smoking break;
  - (ii) No councillor may take a smoking break at any time during any Council, Cabinet or Committee meeting, or at any other time whilst on the business of the Council; and
  - (iii) No councillor, or member of staff, may smoke in any buildings, or on any land, that the Council owns or controls".
- 2 As a first step, I am seeking the staff side and the Committee's views so they can be considered before any further action is taken. Comments on level of support, practicality, and timetable would be particularly welcome. Some background on the current position and possible issues is given below.

**Smoking Breaks**

- 3 The Council has had no smoking in its main buildings for several years and this was introduced without problems as there was overwhelming staff support at

the time. The Council provided help in quitting for those who wanted it, but for those who didn't we let an informal system of smoking breaks arise. So at present, there is no formal Council policy on smoking breaks and whether they are allowed or not has been left to managers' discretion.

- 4 We have no information on the extent or frequency of breaks allowed, but they are enjoyed by a small minority of staff. There have been no cases of significant disputes over smoking breaks, whether from staff being refused them or from other staff objecting to the provision of those breaks. But, on occasion, some departments have reported that individual members of staff have objected to the additional time given to smokers.
- 5 In view of Council's stated aims it is now recommended that the discretion given to managers to allow smoking breaks should be removed and that staff should be told that smoking breaks will no longer be allowed. Your views are sought on the proposal.

### **Smoking on Council Land**

- 6 Most smoking breaks are probably taken on Council land now, for example, behind offices or in the car parking areas. So stopping those breaks would immediately reduce the number of cases where that occurs. The issues here will be around what happens at the start and end of the working day, lunch breaks and the rules on land not directly connected to a place of work e.g. Southover Grange gardens.
- 7 As the Council wishes to work towards a situation where "no smoking takes place in any buildings or on any land that it owns or controls, excluding its housing stock" staff will be affected in any event when that is put in place. So some change is inevitable. An interim arrangement for staff and councillors relating to areas directly associated with places of work might be possible if that was thought to be needed while the wider public ban was put in place although it would need some careful definition. Your views are sought.

### **Financial Appraisal**

- 1 There are no new financial implications arising from this report.