

No Smoking in Council Premises Health & Safety Management Standard

| | | | |
|---------------|--------------------|----------------|--|
| Author | <i>Fiona Duddy</i> | Contact | <i>duddyf@northlan.gov.uk</i> |
| Owner | <i>Fiona Duddy</i> | details | <i>healthandsafety@northlan.gov.uk</i> |

| | | | | | |
|-------------|----------------------|-----------------------|------------|------------------------|--------------|
| Date | <i>1 August 2023</i> | Version number | <i>1.0</i> | Document status | <i>Final</i> |
|-------------|----------------------|-----------------------|------------|------------------------|--------------|

| | | | |
|-----------------------------|---------------------------------|----------------------|--------------------|
| Governance Committee | <i>Insert name of committee</i> | Date approved | <i>insert date</i> |
| Review date | <i>Insert date</i> | | |

Strategic Alignment

Outcome: Build a workforce for the future capable of delivering on our priorities and shared ambition.

Action: Monitor compliance to standard.

| | | |
|-----------------------------|-------------------------|--|
| Consultation process | <i>All Trade Unions</i> | |
| Stakeholders | | |
| | | |
| Distribution | | |

Change record

| Date | | Author | |
|--------------------|--|---------------|--|
| Change made | | | |

1. Introduction

This 'No Smoking in Council Premises Management Standard' has been developed to protect all employees, elected members, service users, pupils and visitors from exposure to 'passive smoking' or 'second-hand smoke' and to achieve absolute compliance with the Smoking, Health and Social Care (Scotland) Act 2005 and supporting provisions contained within The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

Exposure to 'passive smoking' or 'second-hand smoke' 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. Council standard

| | |
|------------------------|---|
| Standard | North Lanarkshire Council as an employer is committed by its General Statement of Policy on Health and Safety at Work to take such steps as are reasonably practicable to provide a safe place of work and a working environment which is safe and without risk to health. |
| Rationale | The Council, as the employer, has a legal obligation to control the risk to employee's health, safety and wellbeing. The council, together with its trade union health and safety representatives, should work together through regular consultation to establish, monitor and maintain safe systems to protect employees. As such, the Council should adhere closely to the relevant legislation outlined below. |
| Legal reference | The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006. Smoking, Health and Social Care (Scotland) Act 2005 |

3. Scope

Smoking will not be permitted in any Council office, garage, Council vehicle or any other 'wholly or substantially' enclosed premises within the Council. This prohibition extends to the use of electronic cigarettes and vapes in similar circumstances.

All employees, non-employees, such as elected members, contractors and visitors to Council facilities will be covered by this prohibition. For clarity this position will include single occupied rooms or vehicles with passengers, whether or not the employee is a smoker or non-smoker.

Smoking will not be permitted in **any** Council vehicle, either by employees or by any non-employees being transported.

Smoking will not be permitted in Council controlled vehicles or contractors' vehicles under contract to the Council carrying personnel or client groups on Council business. Therefore, the transport provided is a designated no smoking area for the period of the contract. Signage to this effect will be displayed.

Exemptions

Residents' Own Rooms - An exemption is permitted under the 'No Smoking in Council Premises Policy' in relation to Residential Care Homes where smoking may be permitted in designated rooms only.

Employees' Vehicles - It is considered inappropriate to prohibit smoking or restrict freedom of choice in an employee's own or leased vehicle used on approved Council business.

However, in circumstances where a passenger in the vehicle is an employee on Council business or a client being escorted and who express concerns about "passive smoking" then alternative travel arrangements should be made in the interests of the employee's or the client's health and well-being.

4. Definitions

The term "**smoker**" and "**smoking**" will relate to the smoking of tobacco products and the inhaling of nicotine vapours from e-cigarettes, vapes (or similar).

5. Implementing the standard

| | Standard to meet | Accountability |
|-----|--|---|
| (1) | All North Lanarkshire Council buildings, 'wholly or substantially' enclosed workplaces and vehicles shall have prominently displayed signage, details of which will be contained in Council guidance to support this standard. Signage examples are shown in Appendix 1. | Head of Establishment/Property Manager/Head Teacher |
| (2) | Any deliberate failure to abide by this standard will be regarded as a breach of the Council's conditions and treated in accordance with the appropriate procedures, including discipline. | Head of Establishment/Property Manager/Head Teacher |
| (3) | It is recognised that the requirements of this standard will increase the number of people smoking outside an establishment, with this in mind those who manage properties must give | Head of Establishment/Property Manager/Head Teacher |

| | | |
|-----|--|--|
| | thought to the provision of mechanisms to prevent littering and environmental damage. | |
| (4) | At this point in time, the Council has not implemented a ban on smoking in Council grounds. However, smoking will not be permitted outside <u>any</u> entrance and exit doors of <u>any</u> property. Employees should comply with arrangements in place for each property as appropriate. | All employees/visitors/elected members/service users |
| (5) | <p>The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 creates an offence of permitting others to smoke in 'no-smoking premises'; smoking in 'no-smoking premises' and failing to display warning notices in 'no-smoking premises'.</p> <p>A fixed penalty fine of £200 can be issued if those who manage properties do not take reasonable action to prevent someone smoking on the premises, or if they do not provide adequate 'No- Smoking' signs.</p> <p>Individuals who smoke in 'no-smoking premises' will be liable to a fixed penalty fine of £50.</p> | Head of Establishment/Property Manager/Head Teacher |

6. Monitoring and reviewing

Monitoring of the effective implementation of this standard will be carried out within premise inspections.

This health and safety management standard will be subject to periodic review at intervals not exceeding three years.

7. Further Information

Information and support on how to stop smoking can be found [here](#).

Information from the health and safety executive on smoking in workplaces can be found [here](#).

a) Principal information sign required in all establishments.



b) General information sign suitable for supplementing the Principal Information Sign (a).



c) Information sign to be used in all vehicles.



d) Information sign to include reference to e-cigarettes.

