

**BABERGH DISTRICT COUNCIL**

**FROM: HR PANEL**

**REPORT NUMBER    **G10****

**TO: STRATEGY COMMITTEE**

**DATE OF MEETING: 31<sup>st</sup> May 2007**

**Smoke free legislation**

**1.    PURPOSE OF REPORT**

1.1    Five sets of Smoke-free Regulations to support the Health Act 2006 have been published and come into effect from 1 July 2007. Essentially they require public places and workplaces, including company and work vehicles, to be smoke-free environments. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smoke free environment. This report outlines action required by the Council to comply with the legislation and also recommends further action to support the Smoke-free Regulations.

**2.    RECOMMENDATIONS**

2.1    That the Smoke-free Policy (Appendix) is adopted by the Council from 1 July 2007.

The Committee is able to resolve this matter

**3.    FINANCIAL IMPLICATIONS**

3.1    Any costs can be met from existing budgets.

**4.    RISK MANAGEMENT**

<b>Risk Description</b>	<b>Likelihood</b>	<b>Seriousness or Impact</b>	<b>Mitigation Measures</b>
Non compliance with the Regulations	Very Low	A fine- current max is £2500 but non-compliance would seriously undermine the Authority's role as the Enforcing Body for the new Regulations.	Adoption and monitoring of policy. Display all 'no-smoking' signs as required Communication to all staff to ensure clarity of responsibility.

5. **KEY INFORMATION**

5.1 There are 5 sets of Smoke-free Regulations: -

**The Smoke-free (Premises and Enforcement) Regulations**

**The Smoke-free (Signs) Regulations**

**The Smoke-free (Exemptions and Vehicles) Regulations**

**The Smoke-free (Penalties and Discounted Amounts) Regulations**

**The Smoke-free (Vehicle Operators and Penalty Notices) Regulations**

5.2 Currently, the Council has a no smoking policy that bans smoking from all areas of the Corks Lane building. However, beyond the building itself there is no restriction on smoking. The immediate area around the building, including the area outside the staff restaurant within the quadrangle, the entrance areas and the balcony area outside Committee Room 1 are used regularly for smoking breaks.

5.3 All other sites of work in addition to the main office building are designated as no smoking buildings with the following exceptions

- Residents in Sheltered accommodation and in the Homeless Persons Units are able to smoke within their own private accommodation- this will continue to be allowed within the Regulations.
- The Homeless Persons Units at Stour House and at Hadleigh allow smoking within most of the communal areas. Communal areas within Sheltered Schemes are currently designated as no smoking.

5.4 At present, staff are allowed to take smoking breaks in their own time, in accordance with the flexible working hours policy. No changes are proposed to this policy.

5.5 The Regulations define those areas that must be smoke-free and where non-compliance will lead to penalty fines. However, it also advises Employers to consider whether or not to extend these areas within the Organisation's No Smoking policy, in support of Smoke-free Britain

5.6 The HR Panel have considered the Regulations and recommend that the new policy (attached as Appendix) extends a ban on smoking beyond the legally designated areas to include the following areas around the Council Headquarter's building and at Stour House. This would include:-

- the entire quadrangle area enclosed by the staff restaurant, planning and environmental offices at HQ
- the open area outside of the entrance to the Council Headquarters which leads to the footpath
- the bike sheds in the car park at the back of the HQ building
- Any enclosed open areas at other Council premises- i.e the garden at Stour House

5.7 All staff, Elected Members, residents and visitors to the Council buildings will be notified and fully advised of the forthcoming changes and their obligations. 'No smoking' signs will be displayed in accordance with the Regulations

5.8 'Give up Smoking' courses will be arranged and offered at no cost to staff, Elected Members and residents at the Homeless Persons' Units.

6. **APPENDICES**  
Proposed Smoke Free Policy

7. **BACKGROUND PAPERS REFERRED TO:**  
The Smoke –free Regulations 2006  
Babergh District Council- No Smoking Policy  
HR Panel Report HR114

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