

**Runnymede Borough Council**

**Smoke-free and Vape-free Workplace  
Policy**

**May 2023**



## Contents

<b>Introduction</b> .....	3
Definitions .....	3
<b>Statement</b> .....	3
Policy Aims .....	3
Fines and penalties .....	4
<b>Organisation</b> .....	4
Council responsibilities .....	4
Employees' responsibilities .....	4
<b>Arrangements</b> .....	5
Work areas, common areas and public areas .....	5
Visits to non-council premises .....	5
Smoking in vehicles .....	5
Employee smoking arrangements .....	6
E-cigarettes, vapes and other smoking cessation inhalation devices .....	6
Visitors, contractors and temporary/agency staff .....	7
Non-compliance and enforcement of the policy .....	7
Support for staff stopping smoking .....	7
Legislation .....	7
Review of the policy .....	8
<b>Appendix A – Smoking location map, Addlestone One</b> .....	9
<b>Appendix B – Smoking location map, Ford Road depot</b> .....	10

## Introduction

Smoking can cause fatal diseases such as pneumonia, emphysema and lung cancer and is a leading cause of preventable death in the UK. According to the Office for National Statistics, in 2019, 74,600 deaths were attributable to smoking in the United Kingdom.

In England, there were estimated to be 506,100 hospital admissions attributable to smoking in 2019 to 2020\*. Reducing the prevalence of cigarette smoking is therefore a main objective for the government. \*Statistics taken from NHS. [Statistics on Smoking, England 2020 - NDRS \(digital.nhs.uk\)](#)

Following the introduction of the Health Act 2006, which banned smoking in workplaces and enclosed public places, the Council adopted a No Smoking Policy covering all enclosed or partially enclosed workplaces, including vehicles. This required the Council to introduce a number of smoking controls contained in this policy and revise the policy to include the use of Vapes and E-cigarettes.

### Definitions

<b>Smoking:</b> Use or carrying of any lit tobacco product, including cigarettes, pipes, cigars and shisha.	<b>Vaping:</b> Use of an electronic cigarette or similar device that produces a visible vapour.
---	---

## Statement

Second-hand smoke is both a public and workplace health hazard. This policy seeks to guarantee the right of all to breathe air free of tobacco smoke and to comply with smoke-free legislation. This covers all types of burnt and smoked products including cigarettes, electronic cigarettes, cigars, tobacco and non-tobacco products in whatever format.

Smoking and vaping are prohibited in all parts of Runnymede Borough Council operational buildings or vehicles used for Council business (except sole use, privately owned) at any time, by any person regardless of their status or business with the Council.

Smoking and vaping are also not permitted within the direct vicinity of entrances and exits to Council buildings to ensure staff and visitors are not exposed to secondhand smoke or visible vapour when entering, leaving or occupying Council buildings.

### Policy Aims

The aims of this policy are to:

- ensure all employees and visitors to Council property have the right to work in or visit a smoke-free environment
- protect the health of our staff, contractors and visitors by minimising their exposure to second-hand tobacco smoke
- reduce the risk of fire by signposting and/or providing suitable facilities for smoking
- promote a safe and healthy working environment for Council employees and visitors

- minimise the litter resulting from smoking
- to meet our aim under the Employee Wellbeing Strategy to support employees' physical health
- to not infringe on personal lifestyle choices of employees in implementing this policy.

To assist with this the Council will aim to:

- Provide encouragement for smokers to reduce their use of tobacco
- Support smokers who wish to stop smoking and/or vaping
- Provide protection from passive smoking for non-smokers.

## **Fines and penalties**

Smoking is not permitted in any enclosed workplace, public building or on public transport in the UK.

Littering cigarette ends is illegal and carries a fixed penalty charge of up to £150, as an alternative to prosecution. If an offender is prosecuted and convicted in court, the fine could rise to £2,500.

Businesses can be fined up to £2,500 if they do not stop people smoking in the workplace or up to £1,000 if they do not display 'no smoking' signs.

## **Organisation**

### **Council responsibilities**

The Council must:

- display 'no smoking' signs in all workplaces and vehicles
- make sure people don't smoke and/or vape in enclosed work premises or Council vehicles
- Safeguard employees from secondhand smoke and communicate no smoking in the exits, entrances, partially enclosed areas or by open windows of the buildings. Employees can reference appendix A, which provides areas where smoking bins are provided within the Addlestone One development and appendix B showing the designation smoking areas at the Ford Road depot.

### **Employees' responsibilities**

All employees must:

- not smoke or vape in any Council vehicles
- not smoke and/or vape inside any Council occupied buildings
- employees who work from home must not smoke and/or vape during video and telephone calls. All video and telephone calls are deemed a professional setting and an employee must apply the same rules and standards as those which are applicable to any meetings held in the workplace
- only smoke and/or vape in designated outdoor smoking areas

- Have awareness of smoking and/or vaping in your privately-owned vehicle. If work colleagues are in the same vehicle you should consult with them on whether to proceed
- not smoke and/or vape in exits, entrances, partially enclosed areas and by open windows of a Council owned building resulting in colleagues suffering secondhand smoke. Reference appendix A for locations at Addlestone One development that provide smoking bins and appendix B showing the designation smoking areas at the Ford Road depot. Refer to specified signposting for your work location.

## **Arrangements**

### **Work areas, common areas and public areas**

Smoking is not permitted in any work area at any time (including outside normal Council office hours). This applies to all offices and work areas, Council run centres, halls and pavilions whether occupied by one person, or shared by two or more. Staff smoking rooms are not permitted by law.

Smoking is not permitted in any common or public area including meeting rooms, interview rooms and reception areas. Although permitted in Council owned open spaces, (for example, car parks, parks), smoking is not permitted in external areas where these are in or near entrances or exits or adjacent to/under open windows, to prevent smoke filtering back into buildings. An example of this is the Undercroft car park at the Civic Office, which is partially enclosed, is near an entrance and directly under the offices, therefore smoking is not permitted in this area.

Employees are expected to act professionally when carrying out duties of the Council. It is expected to show discretion when in the public's eye where employees take a cigarette/vaping break and the disposal of them.

### **Visits to non-council premises**

Council staff are entitled to work in a smoke-free environment, this includes visiting non-Council premises including private homes. If staff are asked to visit these types of premises, they may ask the occupier to refrain from smoking for the duration of the visit. It is the discretion of the employee whether they wish to continue with the visit or ask if an alternate date and venue could be arranged.

Furthermore, this practice of using an alternative venue may also apply if the property has a smoky environment.

When making arrangements to facilitate such appointments, employees may wish to consider transport options for those who may have difficulties in attending an alternative venue.

### **Smoking in vehicles**

By law, smoking is not allowed in any work vehicle that more than one person uses, e.g.:

- taxis
- buses
- vans
- goods vehicles

- company cars.

Smoking is not permitted in Council vehicles, that is any car, van, refuse freighter or other transport provided by the Council for the purpose of work.

This applies to both employees and members of the public that may be transported in those vehicles. This policy does not cover privately owned vehicles used on Council business. However, if in the case of the latter, the vehicle is to transport others then the vehicle should remain smoke-free so as not to impose secondary smoke upon passengers.

### **Employee smoking arrangements**

'Smoking break' facilities have been withdrawn. Staff may only smoke in non-prohibited locations, and normally in their own time or outside of their set working hours or core time so that it does not prevent them from satisfactorily carrying out their responsibilities and work duties.

Any time taken must be with the agreement of the member of staff's manager. Staff will be required to deduct this time from working hours through flexi-time and time sheets.

Where an employee is spending more time away from the office to smoke in designated areas than the manager considers reasonable, this may lead to disciplinary action.

In order to avoid the effects of smoke drift, a complete smoking ban applies at exits, entrances, partially enclosed spaces and by open windows of such premises and workplaces and to the entire car parks at the Civic Offices and Chertsey Depot. In all other Council premises and workplaces smoking will only be permitted provided it does not, in the opinion of the appropriate Corporate Head represent a health and safety risk or a nuisance to other people.

There are designated smoking areas and bins available in the Addlestone One development. Other Council buildings have their own designated smoking areas in the surrounding area. Employees are to be reminded that they must remain in the smoking areas whilst smoking in the grounds of Council buildings and dispose of any litter in the bin provided.

### **E-cigarettes, vapes and other smoking cessation inhalation devices**

Despite the increasing popularity of e-cigarettes, opinion is divided over whether they offer a healthy alternative to conventional smoking or whether, in fact, they are unsafe and poorly regulated. A report by the World Health Organisation (WHO) argued that more research is needed to address the potential health concerns of e-cigarettes but did warn in 2020 there is clear evidence that the aerosols of the majority of Electronic Nicotine Delivery Systems (ENDS) contain toxic chemicals, including nicotine and substances that can cause cancer.

In order to remain consistent and support compliance, the Council prohibits the use of e-cigarettes in no smoking areas. This applies to all cigarette-shaped, smoking cessation inhaling devices.

Research has shown that e-cigarettes are often used as an aid to stop smoking. Whilst recognising that an employer must also consider the effects on other members of staff, as the long-term effects of e-cigarettes are unknown having them in the workplace may create an unpleasant environment.

To ensure we maintain an enjoyable and comfortable working environment for all, the Council prohibits the use of all smoking devices on Council premises. Anyone wishing to smoke these items must do so in designated smoking areas, or alternatively off-site in their break. Whilst vaping, staff are requested to show consideration for others and not vape near exits, entrances and by open windows.

Following a growing number of incidents caused by faulty e-cigarette chargers, including explosions, staff are not permitted to charge e-cigarettes in Council premises. This remains consistent with the Council's current policy of not allowing personal electrical items to be brought in from home.

### **Visitors, contractors and temporary/agency staff**

All visitors, contractors, deliverers and temporary staff are expected to comply with this policy.

### **Non-compliance and enforcement of the policy**

Refusal or failure to comply with the provisions of the policy on smoking at work may lead to disciplinary action.

Not only is smoking in the workplace a disciplinary offence but it is also a criminal offence under the Health Act 2006. Employees (and contractors and visitors) can be fined up to £200 for smoking in a workplace.

### **Support for staff stopping smoking**

Provided below are links to external services who can support with stopping smoking.

- Clear advice on the best ways of stopping is provided at [NHS Live Well](#)
- Advice to help you give up smoking is also available from the NHS Smokefree National Helpline 0300 123 1044 or <http://www.nhs.uk/smokefree>
- [One You Surrey Stop Smoking Service](#) 01737 652 168, Website: <http://www.oneyousurrey.org.uk/> Email: [hello@oneyousurrey.org.uk](mailto:hello@oneyousurrey.org.uk)
- Your GP or practice nurse will be able to provide details of support available.

### **Legislation**

Relevant legislation includes:

- Health and Safety at Work, etc. Act 1974
  - The employer must ensure, so far as is reasonably practicable, the provision and maintenance of a safe working environment, that is without risks to health, and that has adequate facilities and arrangements for employees' welfare.
- The Health Act 2006
  - Smoking will not be allowed in any enclosed or partially enclosed public buildings or workplaces. The provision of any outdoor designated smoking areas must be located away from entrances and exits to prevent secondary smoke from re-entering the building. Outside smoking areas are provided at

the discretion of the employer but the employer is not legally obliged to provide an outside smoking area.

- Smoke-free (Premises and Enforcement) Regulations 2006
  - These Regulations, which apply only to England, specify the meanings of “enclosed” and “substantially enclosed” premises as follows:
    - Premises are enclosed if they have a ceiling or roof and, except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily.
    - Premises are substantially enclosed if they have a ceiling or roof and less than half of their perimeter consists of openings in the walls, other than windows, doors or openings which can be shut.
- Management of Health and Safety at Work Regulations 1999
  - The employer must carry out a risk assessment on the effects of passive smoking where there is thought to be significant risk.
- Tobacco Advertising and Promotion Act 2002
- Smoke-free (Signs) Regulations 2012
- Smoke-free (Exemptions and Vehicles) Regulations 2007
- Smoke-free (Offences in Vehicles and Fixed Penalty Notices) Regulations 2007
- Smoke-free (Penalties and Discounted Amounts) Regulations 2006
- Smoke-free (Premises and Enforcement) Regulations 2006
- Food Hygiene (England) Regulations 2005
- Workplace (Health, Safety and Welfare) Regulations 1992
- Regulatory Reform (Fire Safety) Order 2005

### **Review of the policy**

The policy will be reviewed every three years or sooner if there is a change to legislation. Unions and health and safety representatives will be consulted in the event of any resulting additions, or changes to this policy.



## Appendix A – Smoking location map, Addlestone One

The blue dots display the smoking points with bins around the Addlestone One development.



## Appendix B – Smoking location map, Ford Road depot

