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| Report to: | Corporate Resource Committee |
| Date of Meeting: | 8 February 2006 |
| Report by: | Executive Director (Corporate Resources) |

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| Subject: | No Smoking Legislation and Revised No Smoking Policy |
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ advise the Corporate Resources Committee of the results of the No Smoking Policy survey and the requirements of the new smoking legislation

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the revised No Smoking Policy, taking account of legislative requirements and the results of the survey, be approved;
- (2) that the implementation of the No Smoking Policy within each Resource be delegated to the appropriate Executive Director; and
- (3) that the revised No Smoking Policy be referred to the Executive Committee for approval.

3. Background

3.1. South Lanarkshire Council was one of the first Council's to introduce a No Smoking Policy. The policy was first introduced in 1996 as a Smoking Policy and revised in 2001 to the "No Smoking Policy". This policy covers all employees, contractors, visitors, customers and Elected Members.

In June 2005, legislation was passed which will prohibit smoking in public places from 26 March 2006.

In light of new guidance and legislation on smoking in enclosed public spaces, the Council conducted a questionnaire to review the Council's current No Smoking Policy.

The survey was split into three main themes:-

- ♦ the current Council No Smoking Policy
- ♦ employee support
- ♦ new legislation

4. No Smoking Policy Questionnaire

- 4.1. Questionnaires were conducted with 442 employees across all Resource areas. Most employees stated that they were aware of the Council's No Smoking Policy (96%) and that they felt the current No Smoking Policy was being adhered to (84%).
- 4.2 A high percentage of employees were aware of the support the Council offers to employees who want to stop smoking (79%), given that some respondents may not be smokers and therefore have no interest/knowledge.
- 4.3 As a result from the questionnaire it was felt necessary to raise the awareness of the No Smoking Policy and the support offered. The revised policy will therefore be communicated through all recognised communication channels, including The Works, Bulletins and team briefs.

5. New Legislation Requirements

5.1 Signage

The Council will be required by law to display 'No Smoking' signs in or on any premise which is affected by the ban. A review of each Resource has, therefore, been undertaken and a supplier for the signage identified.

Each Resource will be responsible for identifying a named person(s) for their details to be displayed on the required signage.

5.2 Existing Smoking Areas

As part of the no smoking policy questionnaire it was established that in certain work places, despite the Council's No Smoking Policy, there were designated smoking areas for smoking. All of these must close by Friday 24 March 2006.

As the smoking shelter located at South Lanarkshire Council headquarters is considered under the definition of the law as an 'enclosed' area, this will no longer operate as a smoking shelter and will also close on Friday 24 March 2006.

Alternative uses for this area are currently being investigated.

5.3 Exemptions

The policy has been revised to incorporate that all Council buildings/grounds, surrounding premises and vehicles will be smoke free with the only exception being:-

- ◆ Council residential facilities, where residents' freedom to smoke must be taken into account
- ◆ Private premises where employees are working in a member of the public's private accommodation, where the residents have the freedom to smoke

It is the responsibility of the Council to ensure that our employees are not unnecessarily exposed to passive smoking, under health and safety legislation.

In terms of implementing the legislation, Resources who have employees working in areas where they are exposed to second-hand smoke, are developing action plans to address issues and minimise risk. These plans involve actively developing a register of service-users who are smokers, as per the guidance issued by the Scottish Executive.

Feedback from the progression of these action plans will be reported through the Joint Health and Safety Working Group.

6. Policy Revision

6.1 The revised policy as attached at Appendix 1 incorporates all of the required new legislative changes. The following points should also be noted:-

- ◆ In terms of Council policy employees are not permitted to smoke in areas within the curtilage of Council premises
- ◆ The policy incorporates clear actions/reporting lines if employees witness someone smoking in a no smoking area
- ◆ Links have been re-established with NHS Lanarkshire to offer training and advice in order to support employees who wish to stop smoking

7 Employee Implications

7.1 Support/counselling mechanisms will be put in place for those employees wishing to stop smoking.

8 Financial Implications

8.1 Any costs associated with the legislative requirements and implementing the revised policy will be met from existing budgets.

9 Other Implications

9.1 None.

10 Consultation

10.1 Consultation with the Corporate No Smoking Working Group, Personnel Managers and relevant trade unions on this policy has taken place.

Alan Cuthbertson
Executive Director (Corporate Resources)

23 January 2006

Link(s) to Council Objectives

This is a legislative requirement and links to:-

- ◆ Living in the Community
- ◆ Supporting Communities
- ◆ Resource Management

Previous References

Corporate Resources Committee – 8 August 2000

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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