

CYNGOR SIR POWYS COUNTY COUNCIL

**County Council
6th March 2015**

REPORT AUTHOR: County Councillor Phil Pritchard, Portfolio Holder for HR and ICT

SUBJECT: Question from County Councillor Aled Davies

Members of the public have raised concerns about smoking on Powys County Council property. There are clear rules on smoking on Council property. What actions can be taken to ensure that the Council's policy is complied with?

The Council introduced a Smoke Free Workplace Policy in August 2008. This policy was revised in August 2013. The policy applies to all employees, elected members, visitors, contractors, service users and other members of the public whilst on/in Council premises.

The policy states that Smoking will not be permitted in or on any of the Council's premises or in vehicles owned, occupied or managed by the Council. An e-mail reminding employees of their responsibilities in respect to this policy was sent out on 2nd December 2014. The arrangements for the enforcement of the policy are described in the extract below:

It is the responsibility of all employees and line managers to uphold the standards of a healthy workplace and to ensure that the policy is complied with.

Elected Members, Directors, Heads of Service and Senior Managers, all have a responsibility to ensure that the policy is applied consistently throughout the Council by taking necessary action whenever they witness, or receive reports of, this policy being contravened.

Advice and guidance regarding the practical implementation of this policy and instances of non-compliance should be sought from Human Resources.

Failure to adhere to this policy, despite support offered, and to keep Council premises smoke-free, will result in the Council's Disciplinary Procedure being applied.

Anyone covered by this policy who is found smoking in or on Council premises as outlined above, should be asked to stop and advised that they are breaching Council policy. Should an employee challenge their manager on their right to smoke, the manager should refer to the following:

- *This is a Council policy relating to health and safety at work and is based on the same principles as policies relating to dangerous machinery, toxic substances etc.;*
- *The Council wishes to convey positive health messages to its employees and the public;*
- *An employee cannot challenge the employer's right to introduce healthier and safer workplaces.*

A refusal to stop is unacceptable and should be reported to senior management. It is the responsibility of the employee's service area to take the necessary action, including disciplinary action if required, to discourage smoking in prohibited areas, taking advice from HR as necessary.

Contractors breaching the policy should be requested to cease smoking on the premises. A contractor who refuses to stop smoking should be required to leave the premises.