



## CHESHAM TOWN COUNCIL

### NON-SMOKING & NON-VAPING POLICY

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#### STATEMENT OF COMMITMENT

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Chesham Town Council is committed to protecting all employees, Members, customers, contractors and visitors from exposure to second-hand smoke.

The British Medical Association has said that more research is needed to establish the safety of electronic cigarettes. For this reason, the Town Council feels it is prudent to protect all employees, Members, customers, contractors and visitors from potential risks associated with vapours produced by these devices.

#### POLICY COVERAGE

This policy applies to all employees, Members, customers, contractors and visitors to all of the Council's premises and vehicles. This policy applies to anything that can be smoked, including cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes, and it also applies to electronic cigarettes (also known as e-cigarettes or vapes).

#### LEGISLATION

The *Health Act 2006* was implemented in England on 1 July 2007. It is now a criminal offence to smoke in virtually all enclosed public places, workplaces and in public and work vehicles. Managers of smoke-free premises and vehicles have legal responsibilities to prevent smoking and to ensure that 'no smoking' signs are displayed as required by this law.

The legislation will be enforced through fixed penalty notices which are issued by Chiltern District Council. Details of the penalty notices and maximum fines for each offence are set out on the following page.



Offence	Who is liable?	Fixed Penalty Notice (if paid in 15 days)	Fixed Penalty Notice (if paid in 29 days)	Court awarded fine
Smoking in a smoke-free place	Anyone smoking in a smoke-free place	£30	£50	Up to £200
Failure to display required no-smoking signs	Anyone who manages or occupies the smoke-free premises or vehicle	£150	£200	Up to £1000
Failure to prevent smoking in a smoke-free place	Anyone who manages or controls the smoke-free premises or vehicle	N/A	N/A	Up to £2500

## POLICY STATEMENT

It is the policy of Chesham Town Council that all our workplace buildings are smoke-free, and all employees have the right to work in a smoke-free environment. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace, including council vehicles. The same prohibition applies to vaping (the use of electronic cigarettes).

Appropriate 'no smoking' signs will be clearly displayed at the entrances to and within the premises, and in all smoke-free vehicles, making everybody who uses them aware that they are legally required to be smoke-free. If the frequency of vaping warrants it, signage will be provided to make it clear that this practice is also prohibited.

Overall responsibility for policy implementation rests with the Town Clerk, but responsibilities are delegated to those managers with responsibilities for individual buildings and vehicles, including:

Town Hall – Administration Manager

Depot buildings, vehicles and sports pavilions – Parks and Premises Manager

The Elgiva – Elgiva Manager

Chesham Moor Gym & Swim – Pool Manager



However, all staff are obliged to adhere to and support the implementation of the policy.

In the event that someone does smoke in a smoke-free environment, the below procedure will be followed:

- the person's attention will be drawn to the no-smoking signs and they will be requested to stop smoking or go outside
- it will be pointed out that the person is committing a criminal offence by smoking in a smoke-free premises or vehicle
- the person will be informed that Council employees have a responsibility to prevent smoking on Council premises and in Council vehicles and that both the person and the employees could receive a fine if smoking is not prevented
- in the event that the member of the public refuses to stop smoking, a member of staff will request the person's name and address in order to report the incident to Chiltern District Council

Because vaping is not covered by the Health Act 2006, a different procedure should be followed if a person is found to be using an electronic cigarette in a Town Council building or vehicle:

- the person will be informed that vaping is prohibited by this policy and they will be requested to stop using their electronic cigarette or go outside

Disciplinary procedures will be followed for members of staff who do not comply with this policy. Those who do not comply with the smoke-free legislation may also be liable to a fixed penalty fine and possible criminal prosecution.

The NHS offers a range of free services to help people to stop smoking. Any employees wishing to give up smoking will, upon request, be signposted to these resources.

## **POLICY REVIEW**

Chesham Town Council is committed to reviewing its policies and making improvements where possible.

Adopted: 20 January 2014

Version 3 Reviewed: 3 September 2018

Policy Due for Review: September 2022

