



Subject:	Review of Council Smoking at Work Code of Practice
Date:	23 November 2018
Reporting Officer:	John Walsh, City Solicitor
Contact Officer:	Emma Eaton, Corporate Health and Safety Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	At the Strategic Policy and Resources Committee meeting on 23 March 2018, the Committee was advised that, at the meeting of the Council of 5 th March, the following motion which had been proposed by Councillor Reynolds and Seconded by Councillor Kyle, had been referred to the Committee for consideration in accordance with Standing Order 13(f): <i>'This Council will review and revise its Code of Practice on Smoking at Work on the use of e-cigarettes, in light of the new research published by Public Health England'</i>
1.2	The Committee agreed that a report be submitted to a future meeting on the Council's Code of Practice on Smoking at Work and the use of e-cigarettes.

1.3	This report provides information to the Committee on the Public Health England advice, the findings of a recent staff survey on vaping and proposes a new Smoking Policy for the Committee's consideration.
2.0	Recommendations
2.1	<p>The Committee is recommended to;</p> <ul style="list-style-type: none"> • Approve in principle the revised draft Smoking Policy at Appendix One. This policy acknowledges the use of e-cigarettes as an aid to reducing tobacco smoking and permits their use in designated areas of Council buildings. • On approval in principle by the Committee, the draft policy will be subject to the established staff health and safety consultation arrangements. At the end of this process, the policy will be returned to the Committee for final consideration.
3.0	Main report
3.1	<u>New Public Health England research</u>
3.1.1	On 6 February 2018, Public Health England published a new e cigarette evidence review (https://www.gov.uk/government/news/phe-publishes-independent-expert-e-cigarettes-evidence-review).
3.1.2	<p>In the press release which publicised the release of this report, Professor John Newton, Director for Health Improvement at PHE said:</p> <p>‘Our new review reinforces the finding that vaping is a fraction of the risk of smoking, at least 95% less harmful, and of negligible risk to bystanders. Yet over half of smokers either falsely believe that vaping is as harmful as smoking or just don’t know. It would be tragic if thousands of smokers who could quit with the help of an e-cigarette are being put off due to false fears about their safety’.</p>
3.1.3	<p>With regards specifically to vaping in work and public places, the report referred back to an earlier 2016 Public Health England guide for organisations on policy making in relation to the use of e-cigarettes in public places and workplaces https://www.gov.uk/government/publications/use-of-e-cigarettes-in-public-places-and-workplaces . This advice was based around five principles - covering the need to make a clear distinction between vaping and tobacco cigarette smoking; ensuring policies are informed by the evidence on risks to bystanders; identifying and managing risks of uptake by children and young people; supporting smokers to stop smoking and stay stopped; and supporting compliance with the smokefree law and policies. The advice is acknowledged</p>

as being non-prescriptive in recognition of the fact that settings differ and there is no 'one size fits all solution'.

3.2 Vaping etiquette and considerations

3.2.1 The July 2016 Public Health England guidance regarding the use of e-cigarettes within workplaces, identifies there may be a number of considerations when developing policies.

3.2.2 These include:

- there may be reasons other than health risk to bystanders which exist for prohibiting e-cigarette use in all or part of a public place or workplace, such as commercial considerations and professional etiquette
- people with asthma and other respiratory conditions can be sensitive to a range of environmental irritants which could include e-cigarette vapour. The interests of such individuals should be taken into account when developing policies and adjustments made when necessary
- vaping can in certain circumstances be a nuisance or distraction for people nearby. Where a decision is taken to allow vaping in an enclosed place, policies could consider some simple etiquette guidelines for vapers, such as minimising the production of visible vapour

3.2.3 There is also the potential for e-cigarette vapours to interfere with the Council's fire alarm systems and result in false alarms.

3.3 Existing Code of Practice on Smoking at Work

3.3.1 The Council's current Smoking Code of Practice has been in place since the introduction of the national smokefree legislation in 2007. Due to the age of this document, it does not include any references to e-cigarettes which have increased in prevalence in the intervening years.

3.3.2 In 2014, in light of increasing public interest and advice from a number of public health organisations regarding the potential health risks from e-cigarettes, a proposal was brought to the Strategic Policy and Resources Committee to prohibit their use within Council workplaces. This proposal was deferred by the Committee until such times as further information became available on the health risks.

- 3.3.3 As advised above, the new Public Health England research now reports that there is negligible risk to bystanders from these devices.
- 3.4 E-cigarette usage within the Council
- 3.4.1 There are currently no restrictions placed on the use of e-cigarettes within Council buildings with the exception of 9 Adelaide where the building usage protocols prohibit the use of e-cigarettes due to the possibility of the vapours interfering with the building's fire alarm system. There is no data on the prevalence of e-cigarette usage within Council buildings.
- 3.4.2 A staff survey was conducted during August 2018 on vaping at work which received 400 responses. The key findings from this survey are included in Appendix Two.
- 3.4.3 The staff who responded to this survey have strongly indicated that they believe that e-cigarettes should not be allowed in Council buildings or vehicles; or should only be permitted with restrictions, for example, no vaping in the presence of children, customers or members of the public; and no vaping at workstations or in meetings, training etc.
- 3.4.4 The survey also included a section for staff to provide general comments. The majority of these comments related to the risk of potentially unknown health effects from inhaling the vapour; the nuisance impact of vapour 'clouds' and their smell; and that their use does not portray a professional image in the workplace.
- 3.5 Proposed Council Policy
- 3.5.1 In light of this notice of motion, the new Public Health England research and associated workplace guidance and the findings of the staff survey, the existing Code of Practice has been reviewed and a new Smoking Policy proposed (Appendix One).
- 3.5.2 This policy formally acknowledges the potential benefits of e-cigarettes and their low risk of harm. In accordance with the Public Health England guidance, it also makes clear the distinction between vaping and tobacco smoking and for this reason, permits the use of e-cigarettes within designated areas of Council buildings.
- 3.5.3 The provision of designated areas is recommended to avoid any accidental triggering of fire alarm systems and any other nuisance impacts arising from the vapours.
- 3.5.4 Any changes to health and safety policies and procedures within the Council are subject to staff consultation. This consultation is managed through the Corporate and Departmental

	<p>Health and Safety Committees, the Council's JNCC and the Corporate Management Team. At the end of this staff consultation process, the proposed policy will be brought back to the Committee for consideration.</p>
3.6	<u>Financial & Resource Implications</u>
3.6.1	No financial or resource implications are anticipated from this review.
3.7	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.7.1	Equality, Good Relations and Rural Needs Assessment Screening are underway.
4.0	Appendices – Documents Attached
	<p>Appendix One – Draft Smoking Policy Appendix Two - Staff Vaping at Work Survey Findings</p>