

ARMAGH CITY, BANBRIDGE AND CRAIGAVON  
BOROUGH COUNCIL

<b>ARMAGH CITY, BANBRIDGE and CRAIGAVON BOROUGH COUNCIL</b>	
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<b>Policy Nominated Officer:</b>	
<b>Equality screened by:</b>	<b>Seamus Donaghy, Gillian Topping</b>
<b>Equality screening date:</b>	<b>2<sup>nd</sup> February 2015</b>
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<b>Sent out by:</b>	<b>Environmental Health LRG Project Group</b>
<b>Approved by:</b>	<b>Roger Wilson</b>
<b>Review Date:</b>	<b>01 April 2015</b>

**AMENDMENT RECORD SHEET**

Remove and destroy old pages. Insert new pages as indicated.

<b>Revision Number</b>	<b>Page Number</b>	<b>Date Revised</b>	<b>Description of Revision</b>

## **1. AIM**

The aim of this document is to detail the operating principles for staff and visitors as to the Council's requirements to smoking on its premises, including vehicles owned or leased by the council and on the use of Nicotine Containing Products (NCP's) which replicate smoking behaviour, such as 'electronic cigarettes'.

## **2. PURPOSE**

The Council wishes to ensure that smokers and non-smokers have a clear understanding of their rights and obligations and comply with the Smoking (Northern Ireland) Order 2006, which came into effect on 30<sup>th</sup> April 2007.

To this end the success of this policy depends upon the consideration and co-operation of all staff and visitors.

## **3. THE PROVISIONS OF THE POLICY WILL BE AS FOLLOWS:-**

Smoking is prohibited in all Council Property and within any vehicles owned or leased by the Council except in designated smoking areas. The policy includes the use of NCP's which replicate smoking behaviour, which must not be used in all council premises (including vehicles).

Council would advise that those using such products would do so in an area away from smokers to avoid exposure to second hand smoke.

### **3.1 PREMISES**

Smoking is prohibited throughout all enclosed and substantially enclosed Council premises with no exceptions. Receptacles will be provided for disposal of cigarette ends and other waste smoking materials.

Smoking is prohibited outside the front or any other public entrances of Council Buildings.

Smoking areas will be suitably located and away from sources of ignition.

Where Council employees have to visit other buildings in the course of their work other, they must abide by the smoking policy/rules of that establishment.

### **3.2 VEHICLES**

All Council owned and leased vehicles will be smoke-free at all times.

Employees are not permitted to smoke in their own private vehicles when they are carrying passengers on work related journeys.

### **3.3 SIGNAGE**

No Smoking signs must comply with the requirements stipulated within the Smoking (NI) Order 2006.

Clear signage must be displayed at each entrance to smoke free premises and in each separate compartment of smoke free vehicles.

In addition, consideration should be given to extra signage at the entrances to buildings regularly accessed by members of the public clearly informing them that it is a no-smoking building and that the policy includes the use of NCP's which replicate smoking behaviour, such as electronic cigarettes.

### **3.4 USE OF NCP's (ELECTRONIC CIGARETTES)**

If employees, visitors, contractors etc are allowed to use NCPs which replicate smoking behaviour in places where the law prohibits smoking, or where no-smoking policies are in place, then they may be mistaken for actually smoking. This may encourage others to smoke believing either that it is permitted to do so or that no action will be taken against them for doing so.

Consequently, the use of the following products commonly known as 'electronic cigarettes' are not permitted on Council premises or in vehicles:

- Those that resemble cigarettes e.g. having a lit tip and therefore could be confused with cigarettes
- Those that create a vapour.  
From a distance some people will mistakenly perceive that people who may be using a NCP which emits a vapour and replicates smoking behaviour, are actually smoking and may make complaints as a result or cause difficulty in the application of this policy by the Council.

Council would advise that those using such products would do so in an area away from smokers to avoid exposure to second hand smoke.

## **4. GENERAL**

This policy will be reviewed periodically and modified as necessary.

## **5. ASSISTANCE FOR SMOKERS**

In order to assist those employees who smoke and wish to stop the following services and activities are recognised as appropriate and may be provided on request:-

- Stop smoking - Self Help Counselling
- Smoking cessation treatment or therapy
- Any other form of therapy for tobacco addiction provided it is supplied by a suitable specialist.

## 6. IMPLEMENTATION OF THE POLICY

- All staff shall be responsible for monitoring the implementation of this policy.
- Appropriate signs will be posted throughout the building and within Council vehicles.
- A copy of this policy will be posted on notice boards and included in the Employee Handbook.
- This policy is applicable to all users of Council property and vehicles.

## 7. DISCIPLINARY PROCEDURE

Failure to comply with this policy will be dealt with through the Council's Disciplinary Procedures.

Visitors or members of the public who breach the policy will be asked to stop smoking or using the electronic cigarette described at 3.4 of this Policy.

Persons will be asked to leave the premises if they fail to comply with this request.

All breaches of this policy will be recorded in writing by the Council.

In addition to action taken under this policy, the Council, as enforcers of the Smoking (NI) Order 2006, may take legal action against individuals who smoke in smoke-free places or vehicles.

## 8. REVIEW

The effectiveness of this policy will be reviewed on a regular basis.

## 9. OFFICER RESPONSIBILITIES

### Chief Executive Officer

The Chief Executive Officer will have overall responsibility for this policy.

### The Strategic Directors and Heads of Service

The Strategic Directors and Heads of Service will be responsible for the implementation of the policy.

This will include:-

- Promoting the policy
- Providing reports to Council for the Chief Executive as necessary.
- Monitoring the Policy.

**Employees**

- Adhere to the policy
- Ensure that work colleagues and visitors to the site are aware of the policy
- Report breaches of the policy to management

**Policy Title: Smoking Policy**

**Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.**

This is a new Smoking Policy.

**Intended aims/outcomes. What is the policy trying to achieve?**

The aim of this policy is to detail the operating principles for staff and visitors as to the Council's requirements to smoking on its premises, including vehicles owned or leased.

**Policy Framework**

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

The Council wishes to ensure that smokers and non-smokers have a clear understanding of their rights and obligations and comply with the Smoking (Northern Ireland) Order 2006, which came into effect on 30<sup>th</sup> April 2007.

The smoking policy also provides clarity in relation to the use of nicotine containing products in council premises and vehicles.

**Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.**

No. This policy will have no impact on equality.

**Who initiated or wrote the policy? (If Council decision, please state). Who is responsible for implementing the policy?**

<b>Who initiated or wrote policy?</b> Environmental Health LRG Project Group.	<b>Who is responsible for implementation?</b> All relevant service area Directors, Managers and Officers.
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**Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?**

In certain circumstances, the Council may derogate from such statutory responsibilities to the extent that is permitted by law and is proportionate.

**Main stakeholders in relation to the policy**

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector).

Council staff and the general public who use Council facilities.

**Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.**

Disciplinary procedure

**Available Evidence**

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

**Needs, experiences and priorities**

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A

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Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A



**1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?**

Category	Policy Impact
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

**2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?**

Category	If yes, provide details
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None
Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

**3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?**

Category	Details of Policy Impact
Religious belief	None

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Political opinion	None
Racial group	None

<b>4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</b>	
Category	If yes, provide details
Religious belief	None
Political opinion	None
Racial group	None

**Multiple Identity**

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

**Disability Discrimination (NI) Order 2006**

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

**Screening Decision**

**A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY**

Please identify reasons for this below

This Policy ensures that smokers and non-smokers have a clear understanding of their rights and obligations and comply with the Smoking (Northern Ireland) Order 2006, which came into effect on 30<sup>th</sup> April 2007.

It has no bearing in terms of its likely impact on equality of opportunity or good relations

for people within the equality and good relations categories.

**B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED**

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

**C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED**

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

**Timetabling and Prioritising**

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

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Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring.

Identify how the impact of the policy is to be monitored

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

<b>Screened by</b>	<b>Position/Job title</b>	<b>Date</b>
Seamus Donaghy	Head Of Environmental Health & Neighbourhood Services (Armagh)	02 February 2015
Gillian Topping	Head Of Environmental Health (Banbridge)	
<b>Approved by</b>	<b>Position/Job Title</b>	<b>Date</b>
Roger Wilson	Chief Executive	February 2015

**Please forward a copy of the completed form with policy attached to XXX Officer who will ensure that screening forms and policies are available on the Council website.**

**This officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.**

