



Seaton Town Council Constitution

Chapter 20 Non-smoking & Non-vaping Policy

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SEATON TOWN COUNCIL

Non-Smoking and Non-Vaping Policy

INTRODUCTION

Exposure to second-hand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Seaton Town Council ('the Council') is committed to protecting all employees, councillors, tenants, 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 Council feels it is prudent to protect all employees, councillors, tenants, contractors and visitors from potential risks associated with vapours produced by these devices.

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 law.

POLICY STATEMENT

This policy applies to all employees, councillors, tenants, 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).

It is the policy of the Council that all Council-owned workplaces (including Council-owned vehicles) are smoke-free, and staff, visitors, tenants and volunteers are not permitted to smoke either inside Council-owned buildings or within the curtilage of Council-owned buildings. The 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 however, all employees, councillors, tenants, contractors and visitors to the building are obliged to adhere to and support the implementation of this policy.

In the event that someone does smoke in a smoke-free environment, the following procedure will apply:

- 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 East Devon 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 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

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

Adopted: December 2020

Reviewed: May 2023

Policy Due for Review: May 2024