

 <b>Employment Committee</b> <b>December 17<sup>th</sup> 2014</b>		<b>Agenda Item No.</b>
<b>Title</b>	<b>Smoking etc. Policy</b>	
<b>For further information about this report please contact</b>	Rob Chapleo, Health & Wellbeing Lead ext 6707	
<b>Wards of the District directly affected</b>	All	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/a	
<b>Background Papers</b>	Nil	
<b>Contrary to the policy framework:</b>	No	
<b>Contrary to the budgetary framework:</b>	No	
<b>Key Decision?</b>	No	
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes	
<b>Equality Impact Assessment Undertaken</b>	Yes	
<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
Trade Unions consulted with no adverse comment.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

Dissemination of policy

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## 1. Summary

This report recommends the refreshment of the Council's Smokefree Policy to take into account the use of e-cigarettes or Nicotine Containing Products (NCPs).

## 2. Recommendation

It is recommended that the Council's smoking policy be revised to prohibit the use of e-cigarettes on Council premises etc.. See draft policy at Appendix A..

## 3. Reasons for the Recommendation

3.1 A breath-operated nicotine device called the 'Voke' that looks and feels like a cigarette but contains no electronics, heat or combustion has received approval from the Medicines and Healthcare Regulatory Agency (*The Times, September 13, 2014*).

Its backers insist it is not an electronic cigarette but a smoking cessation device intended to help addicts to give up.

The technology is said to be entirely different from an e-cigarette, in that there is no heat or electronics. It contains a pressurised aerosol and a propellant used in asthma inhalers.

Approval from the Medicines and Healthcare Regulatory Agency means that eventually doctors could prescribe the devices to smokers. The Voke comes in a box shaped like a cigarette packet, which contains 20 refills. Each one is sufficient for six to ten puffs — to simulate conventional smoking.

The use of alternatives to cigarettes ('Vaping') has surged over the past three years. One in five tobacco smokers and recent ex-smokers are said to use electronic inhalers from time to time.

Action on Smoking and Health, which campaigns against tobacco use, welcomes the device's approval because there are many electronic cigarettes already on the market that are popular with smokers who are trying to cut down or quit smoking, but none of them so far are licensed as medicines.

## 4. Policy Framework

### 4.1 Policy Framework

The Council's Sustainable Community Strategy has the following aim:  
*To enable and encourage the people of Warwick District to have an equal access to a healthy life and sense of wellbeing, ensuring that our actions are aligned with the Warwickshire Health & Wellbeing Board's Strategy.*

The priorities:

To make every contact count (MECC) in recognising that the Council has many opportunities to impact on people's mental and physical health and wellbeing by: ...

...Reducing exposure to tobacco smoke

### 4.2 Fit for the Future

This policy contributes to making *Warwick District a great place to live work and visit* and secondly, it contributes to the 'People' strand of strategy. It does this by reinforcing the Council's positive attitude to the Health & Wellbeing of its workforce and public.

#### 4.3 Impact Assessments

There are no new or significant policy changes proposed in respect of Equalities.

### 5. **Budgetary Framework**

5.1 There are no financial implications.

### 6. **Risks**

6.1 There are no significant risks from the proposals.

6.2 Legal Services advise of no risks and refer the Council to ACAS advice referred to below.

### 7. **Alternative Option(s) considered**

7.1 The alternative option is to allow the free use of e-cigarettes but this would be inconsistent with both the behaviour and image that the Council fosters with respect to Health & Wellbeing.

### 8. **Background**

Guidance referred to at 4. above recommends the following approach:

*"In order to establish a sensible and justifiable policy, we are advising that you first consider the following five questions:*

1. *What are the issues you trying to deal with?*
2. *What do you think you need to control?*
3. *Do you have concerns about the possibility of harm from NCPs?*
4. *Will restricting or prohibiting use of Nicotine Containing Products support compliance with smokefree policies?*
5. *Do you want your policy to help to improve people's health?"*

ACAS guidance leaves it up to employers but accepts that employers might want to ban it. They say;

*"Employers may want to consider whether such devices are likely to upset other workers, particularly if they are pregnant or trying to give up smoking themselves - or whether it's in keeping with the professional image of an organisation, especially if clients or members of public are likely to come into the office.*

*Since the smoking ban came in, it's broadly recognised that smoking is now associated with break times rather than work time. Employers may be reluctant to allow e-cigarettes into a working environment and prefer*

*them to be treated in exactly the same way as conventional cigarettes. There's also a risk that e-cigarettes might undermine efforts to reduce smoking by normalising cigarette use at work."*

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