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## Local Code of Practice

### Smoking at Work

#### Section 29

**(Version 3.00 – March 2019)**

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#### **STATEMENT:**

In order to comply with legislation and fulfil statutory responsibility, the Council must make sure that:

- All enclosed council premises are smoke-free
- Correct signage is displayed in smoke-free areas and no smoking policy is enforced
- Signage and other relevant documents are updated following advice and revisions from HSE

#### **SCOPE:**

This Local Code of Practice (LCoP) applies to:

- All managers including head teachers referred to as managers herein in LBB maintained schools.
- All employees of Barnet Borough Council.
- All contractors, agency staff, volunteers and temporary workers working on behalf of the Council
- All visitors to council premises (members of public, pupils etc.)

## **Issue Control**

This Local Code of Practice is issued and managed by the Safety, Health and Wellbeing team.

Issue		Revision		
Number	Date	Number	Date	Amendments
Version 1.00	July 2007			
Version 2.00	Jan 2016			
Version 3.00	March 2019			Periodic Review
Review Schedule				
Review Conducted		Next Review Date		

This LCoP should be read in conjunction with the London Borough of Barnet (LBB) Policies listed below in relation to LBB employees.

- Part C – Section 1 – Management of Health and Safety
- Part C – Section 3 – Fire Precautions
- Part C – Section 6 – Managing Contractors
- Part C – Section 18 – Health and Safety in Offices

These can be found by clicking on this link <https://wwc.barnet.gov.uk/wwc/working-children-barnet/information-schools/health-and-safety-schools/health-and-safety>

**Note, these policies are for the exclusive user of London Borough of Barnet employees only**

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## **1. Responsibilities**

### **Head of Service / Head Teachers are responsible for ensuring:**

- 1.1. All managers and employees are aware of and compliant with the guidelines set out in this Local Code of Practice (LCoP).
- 1.2. Managers enforce a smoke free workplace.
- 1.3. Those who are seeking help in quitting smoking are supported and offered help.

### **Managers are responsible for ensuring compliance with the LCOP and must:**

- 1.4. Managers have day-to-day responsibility for ensuring that the rules are followed
- 1.5. This will include providing and maintaining signs, ensuring that any smoking accommodation complies with the law, and monitoring and enforcing the rules
- 1.6. Where services require employees to enter premises that are not covered by the Smoke-free Regulations (such as private houses and exempted workplaces) managers must ensure that a risk assessment is carried out and that staff are given guidance on reasonable measures to reduce the risk of exposure to smoke, and any other hazards that may exist.

### **Employees are responsible for ensuring:**

- 1.7. They follow the rules and policies set by the council at all times. This means that employees must not smoke in areas, premises and vehicles that are designated as smoke-free.

### **Visitors and contractors must:**

- 1.8. Follow the rules and policies set by the council at all times. This means, similar to employees, visitors and contractors must not smoke in areas, premises and vehicles that are designated as smoke-free.

## 2. Procedures

### 2.1 Smoke free premises

2.1.1 Premises where smoking is not allowed are defined in law as 'Smoke-free' which are areas that are enclosed or substantially enclosed in places that are;

- Open to the public.
- Used as a place of work by more than one person.
- Where members of the public might attend to receive or provide goods or services.

2.1.2 All premises occupied by the council must be smoke-free, for example;

- Offices
- Schools (separate information will be issued to Governing Bodies)
- Libraries
- Day centres
- Youth centres

### 2.2 Smoke free vehicles

2.2.1 The regulations require enclosed vehicles to be smoke-free at all times, if used by members of the public or a section of the public (whether or not for reward or hire), or in the course of paid or voluntary work by more than one person, even if those people use the vehicle at different time, or only intermittently.

2.2.2 Although employees' own vehicles are not covered by the regulations, any employees who carry service users or other employees in their vehicles must refrain from smoking while they have a passenger, and should refrain from smoking in the time before carrying a passenger. This will reduce the passenger's risk of exposure to smoke.

### 2.3 No smoking signs

2.3.1 Section 6 of the Health Act places a legal duty on persons who occupy or manage smoke-free premises to display no-smoking signs that meet certain requirements. Regulations also make similar legal duties for the display of no-smoking signs that meet requirements set out in regulations in smoke-free vehicles. It is against the law not to display required no-smoking signs.

2.3.2 **For premises**, these must be located in a prominent position at each entrance. The signs must;

- be size A5 in area,
- display the international no-smoking symbol in colour, a minimum of 70mm in diameter
- carry the words in characters that can be easily read, "No smoking. It is against the law to smoke in these premises".

2.3.3 **For vehicles**, it will be the duty of any person with management responsibilities for each smoke-free vehicle to display a no-smoking sign in each enclosed compartment that can accommodate people. These no-smoking signs must display the international no-smoking symbol in colour, a minimum of 70mm in diameter (Appendix B).

## **2.4 Employees visiting domestic premises or vehicles where smoking is allowed**

2.4.1 Any service that employs staff to visit domestic premises must carry out an assessment and identify suitable control measures that reduce exposure to smoke, whilst continuing to provide a service.

2.4.2 In some circumstances it may be necessary to discontinue a service if it is at the cost of the employee's health. In any case, the following measures should be considered:

- Where possible, providing the service in a council workplace, where smoking is banned.
- Asking service users to refrain from smoking at home before and during visits (this can be a written or verbal request).
- Providing information to service users about the risks and the help available
- Empowering staff to refuse to continue the activity in an enclosed smoky environment and move to another area, where this is appropriate.
- If employees are exposed to smoke in a place covered by Smoke free regulations (such as a workplace or other public place), inform the smoker that they may be committing an offence and that action can be taken by the enforcing authority
- Informing staff of the risks and of measures they can take to reduce Exposure

2.4.3 Individual services will be responsible for establishing and implementing precautions that are reasonable to the level of service they provide.

## **2.5 Support for Employees**

2.5.1 Barnet council is committed to supporting employees in quit smoking programs and NHS initiatives.

## **4. Main Legislation Relevant to this Document**

[Health Act 2006](#)  
[Smoke Free Regulations](#)

## **5. Further Guidance and Advice**

[HSE - Advice on Smoking at Work](#)  
[Vaping in Public Places - Advice for Employers](#)  
[NHS Smoke Free](#)

## **DEFINITIONS AND EXEMPTIONS**

### **ENCLOSED OR SUBSTANTIALLY ENCLOSED**

Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis. Premises will be considered to be substantially enclosed if they have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings that can be open or shut. This is known as the 50% rule.

A roof includes any fixed or movable structures, such as canvas awnings. Tents, marquees or similar will also be classified as enclosed premises if they fall within the definition.

### **Exemptions**

Applying to premises managed by the council. For a full list of exemptions, see the guidance On <http://www.smokefreeengland.co.uk/faq/exemptions/>

### **VEHICLES**

Vehicles required to be smoke-free will not need to be smoke-free when they are conveying persons if they have a removable or stowable roof during the time the roof is completely removed or stowed.

Vehicles will not be required to be smoke-free if they are used primarily for the private purposes of a person who owns it, or has a right to use it which is not restricted to a particular journey.

### **RESIDENTIAL MENTAL HEALTH UNITS.**

All residential mental health units will be required to be smoke-free in any enclosed parts.

### **PERFORMERS**

Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the regulations allow for parts of premises in which a person performs to be not smoke-free in relation to that person only during the time of the performance.

## NO SMOKING SIGNS

This is the sign that **must** be provided at every entrance to smoke-free premises:



This is the sign that **must** be displayed in smoke-free vehicles:



These and other signs are available to order or for download at  
[www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)