

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**GENERAL PURPOSES COMMITTEE**

**08 October 2018**

**Report of the Director of Central Services**

**Part 1- Public**

**Delegated**

**1     AMENDMENT TO THE SMOKING POLICY**

- 1.1**   The Council's Insurance officer recently raised a query regarding our policy on allowing e-cigarette/vaping (to be referred to hereafter as e-cigs) charging units to be used on Council premises and the fire risk associated with them. Our insurers own policy is to ban e-cigs and their charging from the workplace altogether because of the potential fire risks.
- 1.2**   The Health & Safety Officer was consulted and the matter referred to Personnel who reviewed the current policy and amended the draft (attachment) to incorporate mention of charging units and the necessity that they should be PAT tested before being used in Council offices (para 2.1) and not left unattended.
- 1.3**   As Members will note, whilst overtly banning smoking in the offices, the current policy is silent on the use of e-cigs and the inclusion of the mention of charging units could be seen as condoning their use in the offices.
- 1.4**   This is has been a sensitive subject in the past, particularly for staff who have used an e-cig in their attempt to quit smoking but as few staff, if any, use an e-cig in the offices, it is unlikely to affect anyone to overtly state that e-cig use is banned in the offices.
- 1.5**   The proposed amendments to the Policy have been agreed by your Management Team, and were put to the JECC and there were no objections raised.
- 1.6**   Therefore, should Members agree, in addition to the amendments noted above, the following wording has been inserted at para 2.1 of the Smoking Policy in addition to the mention of charging units:

“ ‘Vaping’ or the use of electronic cigarettes is similarly not permitted in any part of the operational premises as defined above. Those using such devices are not required to use the designated smoking areas but may use them outside so long as they do not cause harm or distress, whether actual or perceived, to others.”

## **1.7 Legal Implications**

- 1.7.1 Failure to ensure the safety of any equipment relating to e-cigs could expose the Council to statutory enforcement by the H&S regulatory bodies.

## **1.8 Financial and Value for Money Considerations**

- 1.8.1 There is no financial risk associated with the amendment to the Policy.

## **1.9 Risk Assessment**

- 1.9.1 The risk posed by the amendments to the policy are judged to be minimal.

## **1.10 Equality Impact Assessment**

- 1.11 The amendments to the Policy do not conflict with the Equality Act 2010.

## **1.12 Policy Considerations**

- 1.13 The Health & Safety Policy.

## **1.14 Recommendations**

- 1.14.1 It is recommended that the amendments mentioned at paragraphs 1.2 and 1.6 are endorsed by Members.

Background papers:

contact: Charlie Steel

Nil

Adrian Stanfield  
Director of Central Services