



Reference Number: 101004843232

Response provided under: Freedom of Information Act 2000

Request & Response:

Request in bold:

Response in plain text:

1. Please state the number of Community Protection Notices (CPNs) issued in the year November 2018-October 2019. Please provide the text or subject matter of these CPNs.

Public Protection:

7 as per below:

Complaint regarding loud music
Complaint re dumped waste
Dog Request.
Car complaint
Accumulations of dog faeces
Rubbish in garden
Burnt out car

Cornwall Fire, Rescue and Community Safety Service:

2 x CPN'S for aggressive begging

2. Please state the number of fines issued for the violation of Public Spaces Protection Orders (PSPOs) in the calendar year 2019 (Jan-Dec 2019).

Public Protection:

This information is available on our website:

<https://www.cornwall.gov.uk/environment-and-planning/environmental-protection/environmental-crime/>

Cornwall Fire, Rescue and Community Safety Service:

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2b. Please provide details of the offences for which these PSPO fines were issued.

As above

2c. Please state if these fines for PSPO violation were issued by a private company.

All fines issued by Cornwall Council

2d. If your PSPO provides for dispersal powers, please state the number of orders to disperse issued by council officers.

N/A

3. Please state the income raised in 2019 from the renting out of outdoor public spaces (for example, public streets or squares).

£

2019/2020 75,304

2018/2019 93,935

4. Please state if your council has a policy of banning smoking and/or vaping in any outdoor public spaces - such as parks, beaches, play areas, town squares, outdoor markets, or car parks. Please give details of any restrictions, and if any penalties apply.

Information available online:

<https://www.cornwall.gov.uk/environment-and-planning/environmental-health/smoking-ban-enforcement/>

5. Please state if your council bans council employees from smoking and/or vaping during work hours. If so, could you please send me a copy of the policy.

Employees are not allowed to vape or smoke during working time on Council premises. Any breaks taken to go offsite to do this during their working day are counted as breaks and not included in their working day.

Please find attached the Council's Smoke-free Policy as requested.

Information provided by: Neighbourhoods & Public Protection
People, Change & Digital Service
Cornwall Fire, Rescue and Community
Safety Service

Resources Service

Date of response: 21.04.20



Smoke-free policy (including vaping/electronic cigarettes/electronic nicotine devices)

People Management,
Development and Wellbeing

V.2

Communities and Organisational
Development Directorate

Policy summary

Smoking (including vaping) is defined as the inhalation of the smoke of burning tobacco or any other substance encased in cigarettes, pipes, e-cigarettes and cigars. Although they fall outside the scope of smoke-free legislation, the Council prohibits the use of e-cigarettes or any other form of electronic nicotine device.

The Council's aspiration is to be smoke free but we recognise that designating all our sites as smoke free can have an impact on neighbours through displacement of smokers. To that end, the Council will endeavour to provide facilities in a controlled manner within its office sites. There are some discreet designated conventional smoking areas and demand for discreet vaping will be kept under review.

Smoking is prohibited: in all buildings, in any Council vehicle, (including pool cars and hire cars) at any time, when they are used on Council business. Privately owned vehicles used for business purposes will not be required to be smoke-free unless they are being shared by more than one person whereby the vehicle must be smoke-free for the duration of that trip.

Background

This policy complies with the Health Act 2006 to make virtually all enclosed public places and workplaces in England smoke free.

Objectives

- A healthy smoke-free working environment which protects the health of employees and members of the public and supports improved attendance at work
- The right for everyone to breathe in air which is free from tobacco smoke
- Raise awareness of the dangers associated with exposure to tobacco smoke
- Take account of the needs of those who choose to smoke and to support those who wish to stop
- Create the right image of employees smoking in and around Council property

Scope

This policy will apply to all employees, agency workers, Members, visitors, contractors and other persons, who enter council owned, rented or leased buildings for any purpose whatsoever.

Policy details

Smoking is not permitted in any vehicle owned by, leased or hired to the Council, including pool cars. Smoking is not permitted in privately owned

vehicles whilst being used on Council business. The policy does not apply to the interior of cars owned privately and in sole occupancy or if not being used for business purposes or during business hours. The policy extends to all official car travel where the vehicle is shared by other employees on official business.

E-cigarettes or electronic nicotine devices are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. The use of e-cigarettes or any other electronic nicotine devices is currently unregulated. Although they fall outside the scope of smoke-free legislation, the Council prohibits the use of e-cigarettes or Electronic Nicotine Delivery Systems in the workplace because.

- although they do not produce smoke, e-cigarettes/ENDS produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models and electronic nicotine devices can, from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors, customers, other employees that it is acceptable to smoke.

Facilities for smoking

The following sites have designated smoking areas. New County Hall Truro, Dolcoath Offices Camborne, 39 Penwinnick Road St Austell, Carrick House Truro, Luxstowe House Liskeard, St Clare Penzance and Higher Trenant at Wadebridge. Please ask at the Reception of the site you are visiting for further information. Demand for discreet vaping will be kept under review.

Enforcement of the policy

Compliance with this policy is a management issue.

Contraventions of the Smoke Free Act are subject to the normal enforcement arrangements, for example littering and on-street smoking.

Non-adherence with the policy on Council premises is a disciplinary issue which will be investigated using the Disciplinary and Capability Procedure.

If a person challenges their right to smoke the following points should be made:

- Employers have a duty of care to provide a safe system of working and therefore have the right to introduce or change their employment policies to ensure a healthier and safer working environment
- This is a Council policy relating to health and safety and is based on the same principles as policies relating to dangerous machinery, toxic substances etc.
- This policy is concerned with where someone smokes or vapes. A smoker may use their breaks to go off-site.

Exemption Process

It may be possible to justify an exemption from this policy, if there are operational reasons to support the case. Any justification for exemption will need to be supported by a risk assessment. The process for this is explained in Appendix 1.

Time taken for smoking breaks

Managers are responsible for ensuring that any breaks taken during the normal working day are not excessive and do not have a detrimental effect on service provision. This principle applies to both smokers and non-smokers alike. Managers may need to discuss and set guidelines for employees about the timing, frequency and duration of breaks.

Employees are not entitled to paid time off for breaks including smoking breaks.

Managers will be able to seek advice from the Employee Relations Team about setting guidelines for employees or situations where employees persistently fail to adhere to the policy.

Litter

Employees are expected to have consideration for local neighbours including avoiding smoking directly outside houses, drifting smoke near open window, and noise from conversations, discarding cigarettes in gardens and littering pathways in the community. Where persistent patterns of this behaviour are identified, this could also potentially be a disciplinary issue.

Help for Employees to stop smoking

Employees who are finding it difficult to adjust to the prohibition on smoking or the use of e-cigarettes will be offered relevant support.

This policy allows employees reasonable unpaid time-off during normal working hours (subject to operational requirements) to attend Stop smoking sessions run by the Stop Smoking Service. Leaflets are available from the Occupational Health Unit or on the Workplace Health, Safety and Wellbeing pages on the intranet. The Stop Smoking Service can provide:

- On site individual or group support sessions for anyone who wants to stop smoking
- External support sessions for staff employees which are run by trained Stop Smoking Advisors all over the county
- Support by telephone, text or e-mail to staff employees who wish to give up smoking.

The Stop Smoking Service can be contacted on 01209 215666 or at smokefree@cornwall.nhs.uk. or the Health, Safety and Wellbeing Team can be contacted on 01872 323138 or visit their "[Stopping Smoking](#)" pages.

Breaches and non-compliance

Any breach of this policy which comes to the Council's attention will be investigated. This may result in appropriate action being taken under the Council's Disciplinary and Capability procedure.

How the impact of the policy will be measured

Any complaints regarding on-site cigarette litter will be monitored by Facilities Management and reported to the Employment Reward and Diversity Manager. The number of people referring to the Stop Smoking Service will be checked on an annual basis by the Employment Reward and Diversity Team and any disciplinary cases involving breaches of this policy will be monitored and reported on an annual basis at 31 January each year.

Evaluation and review

This policy will be reviewed in June 2017 to ensure that it meets the Council's needs. The policy will also be reviewed if new legislation is published or existing legislation is updated, new guidance is published or existing guidance is updated or research suggests that a review may be required.

Contacts

██████████, Employment Advisor, People Management, Development and Wellbeing.

Further information

The Stop Smoking Service 01209 215666 or HR Helpdesk 01872 323500 option 5.

Alternative formats

If you would like this information in another format please contact:

Cornwall Council, County Hall, Treyew Road, Truro TR1 3AY

Telephone: **0300 1234 100** email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

Please consider the environment. Only print this document if it cannot be sent electronically.

Exemption process

If it is considered that there are additional, unforeseen risks or if there will be a detrimental impact on Service provision it is possible, based on a risk assessment, to be exempt from this policy. The Service must keep a record of the risk assessment and their decision, in case it is challenged.

Service levels –in certain circumstances, taking smoking/vaping breaks clear of the premises boundary may have a detrimental effect on the provision of service.

Additional risk – certain work areas and patterns of work may dictate that to require a smoking break to be taken clear of a premises boundary may introduce an additional risk to staff, service users or members of the public that cannot be controlled.

Exposure – in exceptional circumstances, managers may identify situations where exposure to smoke may occur that cannot be controlled without introducing other serious risks. In this instance, a risk assessment should be carried out and short term exposure with mutual agreement may be sanctioned.

The risk assessment will need to consider the following:

- Will the length of any smoking break cause a risk to others that cannot be controlled?
- Will these breaks affect the provision of service?
- Will going to the premises boundary introduce a risk to either staff or service users that cannot be controlled?
- To control the risks, will an alternative smoking location be required? If so, will this affect others right to breathe clean air? Will this present a risk to others? Will this conform to the requirements of the Health Act 2006?