

Public Document Pack



Executive Board Sub Committee

Thursday, 21 June 2007 at 10.00 a.m.
Marketing Suite, Municipal Building

A handwritten signature in black ink that reads 'David W R'.

Chief Executive

SUB COMMITTEE MEMBERSHIP

Councillor Mike Wharton (Chairman)	Labour
Councillor Phil Harris	Labour
Councillor Steff Nelson	Labour

Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.

The next meeting of the Sub Committee is on Thursday, 19 July 2007

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. CORPORATE SERVICES PORTFOLIO	
(A) DISCRETIONARY NON-DOMESTIC RATE RELIEF	1 - 3
(B) SMOKE FREE WORKPLACE POLICY	4 - 9

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Executive Board Sub-Committee
DATE: 21st June 2007
REPORTING OFFICER: Strategic Director – Corporate and Policy
SUBJECT: Discretionary Non-Domestic Rate Relief
WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is for members to consider an application for Discretionary Non-Domestic Rate Relief, under the provisions of the Local Government Finance Act 1988.

2.0 RECOMMENDATIONS: That

(1) **Under the provisions of Section 47, Local Government Finance Act 1988, Discretionary Rate Relief be granted to the following organisation at the percentage indicated, for the period 1st April 2007 or the commencement of liability, whichever is the later, to 31st March 2009:**

Runcorn War Memorial Club Ltd 10%

(2) **In respect of the following organisation, it is also recommended that they should be granted Discretionary Rate Relief for the backdated element of the charge:**

Runcorn War Memorial Club Ltd 10%
(from 1st April 2006)

3.0 SUPPORTING INFORMATION

3.1 Under the provisions of Section 47 of the Local Government Finance Act 1988, the Authority is allowed to grant Discretionary Rate Relief to organisations who are either a charity or a non-profit making organisation. A summary of the application follows and a list of the associated figures are attached in Appendix 1.

Runcorn War Memorial Club Ltd **York Street, Runcorn**

Runcorn War Memorial Club Ltd operates to provide sporting, social and rational recreation and other associated advantages of a club. The club is limited by guarantee and no interest or dividend is paid in respect of any share, under the terms of the constitution.

The premises are used as for social and recreational purposes by both members and visitors, with snooker, darts and dominoes played at the club. The bowling green is used on a regular basis by 3 club teams and approximately 35 non-team members, as well as other teams. The club is affiliated to the British Crown Green Bowling Association and hosts district competitions.

Runcorn War Memorial Club Ltd is a not for profit organisation but is not a registered charity and, consequently, does not qualify for Mandatory Rate Relief. The application is in respect of Discretionary Rate Relief only. Runcorn Golf Club Ltd has previously been granted 10% in Discretionary Rate Relief, in respect of the premises at Clifton Road.

Cost to Taxpayer (10%)	2006/07	£140.73
	2007/08	£144.30

4.0 POLICY IMPLICATIONS

4.1 Members are required by the regulations to consider each application on its own merit. Any recommendations provided are given for guidance only and are consistent with previous decisions and council policy.

5.0 OTHER IMPLICATIONS

5.1 75% of any Discretionary Rate Relief granted to organisations receiving Mandatory Rate Relief must be met by the Council Taxpayer, whilst 25% must be met if Mandatory Rate Relief has **not** been awarded. Appendix 1 identifies the cost to the Council Taxpayer for each new application. All the applicants provide support and/or education to the community, which is consistent with the Council's Corporate Plan.

6.0 RISK ANALYSIS

6.1 There are no key risks associated with the proposed action.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 Membership of the club is open to **any** individual over the age of eighteen years.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 Document	Place of Inspection	Contact Officer
Application form and supporting evidence	Catalyst House, Widnes	Phil Murphy, Business Rates Manager

APPENDIX 1

Ratepayer	Address	Annual Rates 2007/2008 £	Actual Rates Liability 2007/2008 £	Mandatory Rate Relief Awarded	Actual Rates Payable £	Discretionary Rate Relief Claimed	Annual Cost of Relief to HBC (100%) 2007/2008 £	Annual Cost of Relief to HBC (10%) 2007/2008 £
Runcorn War Memorial Club Ltd	York Street, Runcorn,	5,772.00	5,772.00	Nil	5772.00	100%	1443.00	144.30

REPORT TO: Executive Board Sub-Committee

DATE: 21st June 2007

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Smoke Free Workplace Policy

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of this report is to seek Members' approval to revise the Council's current Smoking Policy to comply with the Smoke Free Workplace legislation coming in on 1st July 2007.

2.0 RECOMMENDED: That the attached policy document be approved and adopted.

3.0 SUPPORTING INFORMATION

3.1 The Council has a statutory duty to comply with the introduction of the provisions of the Health Act 2006 by ensuring all premises are smoke free if they are used as places of work, including vehicles, from 1st July 2007.

3.2 Discussion have been taking place with the Trade Unions around the detail of how such a policy should be implemented.

3.3 Whilst the Trade Unions support the long-term objective, they had preferred a phased approach to the implementation of some of the provisions in the Policy.

3.4 In view of the position, and given the key leadership role this Council has taken in health issues over many years, it is recommended that the attached policy be brought in from 1st July. This will mean that employees will no longer be able to smoke or take smoking breaks within working hours and that smoking would not be permitted within the curtilage of Council-owned buildings.

3.5 It should, however, be recognised that arrangements are being put in place to ensure that any existing smokers who wish to stop will be provided with help to do so. The PCT are providing financial support and putting arrangements in place to support cessation for the community. Employees will be signposted to these opportunities.

4.0 POLICY IMPLICATIONS

4.1 It is important that the Council has in place a policy to ensure compliance with the requirements of the Health Act. Improving health

is a key priority of the Council and providing support to those who wish to cease smoking is an important part of that policy drive.

- 4.2 The Council is required to provide a smoke free environment by 1st July 2007 in line with the Health Act 2006.

5.0 RISK ANALYSIS

- 5.1 Without a clear policy, the Council would risk not being in a position to comply with legislation and provide a smoke free environment for its employees.

6.0 EQUALITY AND DIVERSITY ISSUES

- 6.1 There are no equality and diversity issues contained in the report.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

There are no background papers under the meaning of the Act.

DRAFT

SMOKE FREE WORKPLACE POLICY

1.0 Purpose

1.1 This Policy has been developed to protect all employees, elected members, service users, customers and visitors from exposure to second-hand smoke and to ensure compliance with the Health Act 2006.

1.2 This Policy applies to all employees, consultants, contractors, customers, elected members, clients and visitors. This Policy does not apply to Schools where the responsibility to decide on the adoption of a no smoking policy lies with the Governing Body, however, they are strongly recommended to adopt it or a variation, to ensure compliance with the legislation.

The Policy seeks to:

- Guarantee a healthy working environment and protect the current and future health of employees, elected members and members of the public
- Guarantee the right of everyone to breathe in air free from tobacco smoke
- Comply with Health and Safety Legislation and Employment Law
- Raise awareness of the dangers associated with exposure to tobacco smoke
- Inform staff and managers of their responsibilities in respect of the Policy
- Support smokers to help them cope with increased restrictions on their smoking during the working day.
- Promote the culture of a smoke free organisation

1.3 We will **actively support employees who wish to refrain from smoking** outside the times and circumstances set out in this Policy.

2.0 Background

2.1 Section 2(2) of the Health and Safety at Work Act 1974 places a duty on employers to: "...provide and maintain a safe working environment which is, so far as is reasonably practical, safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work."

2.2 On 1 July 2007 the Health Act 2006 comes into effect. This new legislation makes provision for the prohibition of smoking in certain premises, places and vehicles. Section 2(2) states "...that premises must be smoke free if they are used as a place of work including vehicles".

- 2.3 Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.
- 2.4 All managers of enclosed workplaces and public spaces have a responsibility for the maintenance and, where possible, improvement of the health of staff and users of their services and we acknowledge that breathing other people's smoke is both a public health hazard and a welfare issue, proven to cause ill health. This Policy recognises that second-hand smoke adversely affects the health of all employees. It is not concerned with **whether** anyone smokes but with **where** they smoke and the effect this has on employees and other members of the public. It is also concerned with the exclusion of preventable carcinogenic substances in the locality of our premises.

Further detail on the Health Act 2006 and the regulations associated with this Act is available on www.smokefreeengland.co.uk.

3.0 Restrictions on Smoking

- 3.1 The Council currently has a No Smoking policy in all offices and premises (including vehicles) however there are currently some exceptions. In accordance with the legislation to be introduced on the 1st July 2007, smoking is prohibited throughout the entire workplace, **with no exceptions**, this includes Council vehicles.
- 3.2 The Council wishes to be an exemplar employer in regard to the introduction of this legislation. It recognises the rights of individuals who wish to continue to smoke or who wish to cease smoking. For this reason **support will be provided in the form of information on smoking cessation programmes** following the removal of smoking rooms. This is available from the Council's Welfare Officer. The restrictions on smoking are as follows:

From the 1st July 2007,

- **employees will not be permitted to smoke or take a smoking break during working hours**, this excludes any official lunch time break
- all employees, when allowed to smoke,(e.g. – during any official lunch time break) shall do so **outside the boundaries of Council premises**, i.e. not on Council grounds including car parks.

For clarity the legislation defines premises/workplace requiring to be smoke free as any building or substantially enclosed public or private area occupied by one or more members of the general public or a workspace whether used by one or more employees. Such spaces

include lifts, corridors, stairways, lavatories, rest rooms, reception areas or entrances. (An enclosed area is one which has a permanent to semi-permanent roof and has walls (including windows and doors) enclosing more than 50% of its perimeter.)

- 3.3 **Visitors** - All visitors, service users (excepting residents of residential accommodation, such establishments being outside the new legislation), contractors and deliverers are required to abide by the smoke free policy. Employees are expected to inform visitors of the policy. However, they are not expected to enter into any confrontation that may put their personal safety at risk.
- 3.4 Individuals who do not comply with the Smoking Legislation requiring all substantially enclosed workplaces be smoke free are liable to a fixed penalty and fine and also criminal prosecution. Additionally, any employee wilfully refusing to observe the Policy by smoking on Council premises in enclosed Council workplaces and after July 2008 on any Council premises and grounds including car parks at unauthorised times will be liable to disciplinary action in accordance with the Council's Disciplinary Procedure.
- 3.5 All employees have a role to play in enforcing the Policy and are required to deal with any observed or reported breaches. If managers or employees feel apprehensive about their own safety in regard to addressing any breach they should seek management support. It is important to note that primary emphasis should be placed on prevention of such situations arising.
- 3.6 In the event of a breach of the Policy by a visitor or an employee of other organisations, they should be asked to extinguish all smoking materials and be informed that smoking is only permissible outside Council premises. If they continue to smoke the matter should be referred to the appropriate manager or to the Building Manager as appropriate. In the event that employees of other organisations continue to breach the Policy, the appropriate organisation should be advised in writing of the consequences of breaching these requirements.
- 3.7 **Vehicles** – Council vehicles fall within the terms of the definition of a workplace. Any Council vehicle used by one person or more in the course of their paid employment must be a smoke-free vehicle. Private vehicles used on Council business or lease vehicles, if used primarily for private purposes, and if no passengers are carried, may be exempt.

4.0 **Support for Smokers**

- 4.1 Information on stopping smoking with support from local cessation services is available for smokers. The NHS Smoking Helpline number is **0800 169 0 169**. The helpline is open daily from 7am to 11pm and can offer advice and support on stopping smoking along with a website

at www.givingupsmoking.co.uk. Additionally, visit www.gossmokefree.co.uk an online resource for all the advice, information and support you need to stop and stay stopped.

5.0 Implementation

- 5.1 Overall responsibility for policy implementation and review rests with (*Name of the building manager or other responsible person*). All employees are obliged to adhere to and implement the Policy.
- 5.2 Line Managers will be responsible for their teams and shall inform all existing employees, consultants and contractors of the Policy and their role in the implementation and monitoring of the policy. They will also ensure that all new employees receive a copy of this Policy on recruitment/induction.
- 5.3 To ensure that everyone understands that smoking is only allowed in designated areas away from buildings, the Property Services Division will ensure that clear signs will be displayed at each site.
- 5.4 Tenders and contracts will stipulate adherence to the Policy as a contractual condition. Existing contracts will be modified as soon as possible.

6.0 Monitoring and Reviewing

- 6.1 The following actions will be undertaken and monitored by managers:
 - That prospective employees are advised of the Policy
 - That the Policy forms part of the induction programme
 - That all prospective candidates for employment are informed of the policy.

This Policy will be reviewed as appropriate to ensure that it continues to meet its aims.

This Policy was recommended by the Management Team at their meeting on 12th June 2007

It was endorsed by the Executive Board Sub Committee on (date)