Non-Smoking and Non-Vaping Policy

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1.0 Introduction

1.1 The right to have a smoke free environment within premises is contained in the Smoking (Northern Ireland) Order 2006. Mid Ulster District Council recognises its duties to ensure this is the case in relation to its civic, leisure and cultural facilities under this Order.

2.0 Policy Aims and Objectives

2.1 **Policy Aim**: To protect customers, visitors and employees from exposure to second-hand smoke and to comply with the Smoking (Northern Ireland) Order 2006 which has been enforced by District Councils from 30th April 2007.

2.2 **Policy Objectives:**

- To establish a clear policy on providing a non-smoking and non-vaping environment inside Council facilities

- To provide guidance to all managers and premises supervisors to ensure a smoke free and vape free environment is maintained

3.0 Policy Scope

3.1 This policy relates specifically to all “enclosed” or “substantially enclosed” sections of Council buildings, including civic, leisure and cultural venues.

3.2 The use of electronic (e) cigarettes was not covered in the current UK legislation as they did not exist at the time. EU guidance provided in relation to (e) cigarettes is set out in section 5.2. This policy affords e-cigarettes the same restrictions as tobacco, for the following reasons:

- the safety of e-cigarettes has not been significantly demonstrated as the chemicals used have not been fully disclosed and there is no adequate data on their emissions;

- there is a lack of peer-reviewed evidence on their value in helping smokers cut down or stop;

- concerns that e-cigarettes might reinforce the smoking habit as they are designed to closely mimic smoking actions

- Public Health Agency Northern Ireland urges caution when using e-cigarettes, issuing the following guidance; “Don’t Smoke. Don’t Vape”

4.0 Linkage to the Corporate Plan

4.1 Referring to Mid Ulster District Council's Corporate Plan 2024-2028, this policy contributes toward the delivery of Corporate Theme 1, *Service Delivery.*

5.0 Smoking Restrictions

5.1 The Smoking (Northern Ireland) Order 2006 requires that smoking be prohibited in all "enclosed" or "substantially enclosed" premises, public areas. Premises are "enclosed" if they have a ceiling or roof and except for doors, windows and passageways they are – wholly enclosed, either permanently or temporarily. Premises are "substantially enclosed" if they have a ceiling or roof but there is an opening or an aggregated area of openings in the walls which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises. In determining the area of opening or an aggregate area of the openings, no account is taken of openings in which there are doors, windows or other fittings that can be opened or shut.

5.2 The Tobacco Products Directive provided by the EU Parliament came into effect for member states in May 2017. The Directive states that e-cigarettes are a relatively new product for which evidence is only starting to emerge. As such the long-term impact of vaping and passive vaping is unknown. As such Mid Ulster District Council will follow the guidance issued by Public Health Agency NI until further guidance or clarity is available in relation to vaping.

5.3 Smoking will not be permitted at/in; the entrance/exits to and from buildings, locations where other statutory restrictions apply e.g. fuel storage, gas storage and areas where smoking could constitute a serious fire risk.

5.4 Mid Ulster Council is keen is to ensure that smokers and vapers realise the full impact of this policy and in particular that observance of the policy is an important health and safety rule. For visitors, single breaches which do not indicate a clear intention to ignore the policy will, in the first instance, be regarded as a minor incident which will be dealt with informally. Recurrence will be regarded as a clear breach of policy and could lead to the smoker/vaper being asked to leave the premises.

6.0 Roles and Responsibilities

6.1 The management, staff, visitors and customers within each facility all have roles and responsibilities in relation to the implementation of this policy. Specific roles and responsibilities are set out below:

Management

- To display ‘No Smoking’ as required by the legislation and ‘No Vaping’ Signs
- To investigate complaints regarding employees, customers and visitors smoking
- To ensure that customer and visitors do not smoke or vape in smoke/vape free vape free places
- To ensure that staff members who smoke or vape, use appropriate or designated areas

Staff

- To ensure that they or others do not interfere with no smoking signs
- To comply with this policy
- To ensure customers and visitors do not smoke in smoke-free places
- To report and appropriately deal with incidents of smoking in Council facilities
- To ensure that they use designated or appropriate smoking areas for smoking/vaping. (Line Managers can advise of where these areas are located)

7.0 Support for Smokers

7.1 It is hoped that by having non- smoking and non-vaping facilities policy in place Council will encourage individuals to consider giving up smoking. In order to support those individuals who wish to stop smoking, advice is available through a range of information channels.

7.2 Support measures available to the public include the following:

- Public Health Agency recommended website – https://www.stopsmokingni.info/
- Support and advise from your GP or Pharmacist

8.0 Impact Assessments

8.1 Equality Screening & Rural Impact Assessment

8.1.1 The policy has been subject to equality screening in accordance with the council’s screening process. The policy has been ‘screened out’.

8.1.2. This policy has been subject to a Rural Needs Impact Assessment. The assessment has identified that there are no specific actions required in relation to considering rural needs in relation to this policy.

8.2 **Staff & Financial Resources**

8.2.1 No issues have been identified which would significantly impact on the councils resources and delivery of its business as a result of this policy being implemented.

9.0 Support and Advice

9.1 Advice and guidance on the implementation on this policy should be sought from the Director and/or Head of Service relating to whichever service area the policy is being implemented.

10.0 Communication

10.1 This policy should be communicated to staff members by their line managers is responsible for the communication of this policy.

11.0 Monitoring and Review of Arrangements

11.1 Implementation of this policy will be monitored and a formal review undertaken 4 years from its date of approval.

Managing Acceptance of Gifts and Hospitality Policy

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1.0 Introduction

1.1 This policy is in place to confirm Mid Ulster District Council's approach to managing matters relating to gifts and hospitality offered to councillors (elected members) and council officers.

All employees and members of council are expected to observe the highest standards of conduct and should at all times adhere to Codes set for both parties, namely the Code of Conduct for Local Government Employees and the Northern Ireland Local Government Code of Conduct for Councillors.

It is important to have clear policies and procedures in place to recognise that the acceptance of gifts and hospitality could be seen to compromise personal judgement or integrity, particularly in those persons involved in procurement, awarding of grants or enforcement of regulations. The handling of gifts and hospitality is a sensitive matter which could lead to public disapproval and become a risk to the council's reputation if dealt with inappropriately.

1.2 As a general rule elected members and officers should consider whether a particular course of action could be satisfactorily defended if scrutinised by a member of the public or organisation responsible for auditing the council. Where there is any doubt about the application of this policy consultation and advice should be taken from the Head of Strategic Services and Engagement.

2.0 Policy Aim and Objectives

2.1 **Policy Aim**: To ensure effective management of the acceptance and of gifts and hospitality offered to elected members and officers.

2.2 **Policy Objectives:**

- To provide clear guidance concerning the management of the offer of gifts and/or hospitality from individuals and organisations in the course of business.
- To maintain the reputation of Council through its employees and elected member
- To manage the risk of exposure to criticism
- To maintain integrity within Council decision and governance processes
- To avoid cases which could compromise the honesty and integrity of council
- To ensure there are clear roles, responsibilities and procedures for authorising and recording the acceptance or rejection of gifts and/or hospitality from individuals and organisations

3.0 Policy Scope

3.1 This policy relates specifically to all of Mid Ulster District Council's elected members and employees.

3.2 It also extends to all aspects of business undertaken on behalf Mid Ulster District Council.

4.0 Linkage to Our Corporate Plan

4.1 Referring to Mid Ulster District Council's Corporate Plan 2024-2028, this policy contributes toward the delivery of Corporate Theme Three: Being the Best Council Possible.

5.0 Roles and Responsibilities

5.1 The role of elected members in relation to this policy is observe the NI Local Government Code of Conduct for Councillors with particular reference to 4.20 of the Code on Acceptance and registration of gifts and hospitality and apply the requirements of this policy.

5.2 The role of the Chief Executive to have overall executive responsibility for the implementation of this policy. The Chief Executive's Office shall maintain the Gifts and Hospitality Register for Council.

5.3 The role of line managers in relation to this policy is to ensure all employees within their service are made aware of the contents and conditions of this policy. Arrangements should be made for the policy to be communicated to all employees at set and relevant intervals.

5.4 The role of employees in relation to this policy is to observe the Code of Conduct for Local Government Employees and apply the requirements of this policy.

6.0 Definitions

6.1 Definitions for some of the terms included in this policy are set out below:

Gift is the transfer of something, without the need for compensation that is involved in trade. A gift is a voluntary act which does not require anything in return. Even though it involves possibly a social expectation of reciprocity, or a return in the form of prestige or power, a gift is meant to be free.

Hospitality refers to the relationship process between a guest and a host, and it also refers to the act or practice of being hospitable, that is, the reception and entertainment of guests, visitors, or strangers, with liberality and goodwill.

Official Hospitality refers to hospitality provided by Council in the course of Council business.

Register is the official record listing all offers of gifts and hospitality received.

7.0 Procedures and Implementation

7.1 Acceptance of Gifts

Offers of cash, cheques and lottery tickets to members and officers should be declined. Seasonal, promotional gifts, such as calendars, diaries or pens, which reference company names and branding of the provider and have an estimated value of less than £20 may be accepted without the need for reporting acceptance. Gifts with a value of between £21-£50 can be accepted but must be Gifts and Hospitality Register.

Acceptance or decline of a gift **greater** than a value of £50 must be declared within the Gifts and Hospitality Register. Appendix A should be completed and submitted in all cases within 28 days of receipt of the offer. This will form part of the council's Gifts and Hospitality Register.

The Chair of Council/Deputy Chair/Elected Members may be presented with civic gifts for Council. These civic gifts may be accepted on behalf of Council and do not need to be recorded and do not require approval. These shall remain the property of Council and will be listed in the relevant Council inventory.

7.2 Acceptance of Hospitality

Offers of hospitality require careful judgement to determine whether or not it is proper to accept hospitality offered. Each case should be considered on its individual merits.

As a general rule, significant hospitality determined as a value greater than £50 should not be accepted. When deciding whether to accept hospitality consideration should be given to:

- the reason for accepting it
- if acceptance could be satisfactorily defended if queried by a ratepayer
- the value and scale of the hospitality
- the obligation that acceptance might appear to place on an officer or the
- Council in terms of reciprocal hospitality and business dealings

- whether it provides benefits to the Council, which outweighs the risk of
- possible misrepresentation of the hospitality
- The timing of the offer, be mindful decisions which the Council may be in the process of taking, affecting the provider of the hospitality, procurement, grant award, enforcement of regulations

8.0 Legal Framework

8.1 This policy complies with the following legislation:

- **The Local Government Act (NI) 1972** – States that an Officer of the Council cannot through their Council role demand or accept any fee or reward other than their proper remuneration. If they do so they will be liable on conviction of a fine.
- **The Bribery Act 2010** - States that it is an offence for an Elected Member or a Council worker to accept or offer a bribe to improperly perform a function or activity within their Council role.
- **Freedom of Information Act 2014** – Required Council as a Public Authority to provide public access to information which it holds; unless there are valid legal reasons not to do so.
- **The Local Government (NI) Act 2014** – States that Elected Members must comply with the Northern Ireland Local Government Code of Gifts & Hospitality Policy Conduct for Councillors which requires Members to provide notification to the CE within 28 days of receiving any gift, hospitality, material benefit or service above a value specified by Council. Also requires members not to accept such if it would place them under an improper obligation and it discourages gifts and offers to any family members which may place or appear to place the Member under an improper obligation.

9.0 Impact Assessments

9.1 Equality Screening & Impact

The policy shall be subjected to equality screening in accordance with the council's screening process. This policy has been screened out for EQIA.

9.2 Rural Needs Impact

The policy shall not be subjected to a rural needs impact assessment. This is a corporate governance policy for which a rural needs impact assessment is not considered to be proportionate.

9.3 **Staff & Financial Resources**

No issues have been identified which would significantly impact on the councils resources and delivery of its business as a result of this policy being implemented.

Personal Data Considerations (GDPR)

9.4 This policy is compliant with Council's GDPR requirements. Appropriate controls and measures are in place in relation to the implementation of the policy. The Executive Officer to the Chief Executive maintains a register (available as Appendix A). Records will be maintained for 7 years in line with the Council's Retention and Disposal procedures.

10.0 Support and Advice

Advice and guidance on the implementation of this should be sought from the Strategic Directors and relevant Assistant Directors and Head of Services.

11.0 Communication

The Strategic Services and Engagement section is responsible for the communication and delivery of this policy.

12.0 Monitoring and Review Arrangements

Implementation of this policy will be monitored and a formal review undertaken 4 years from its date of approval.

Appendix A- Notification of Gift and Hospitality Offers

This form should be completed for:

- Declined Offers of Gifts or Hospitality; and
- Acceptance of Gifts or Hospitality greater than £50

Mid Ulster District Council	
1. Job Title - *person who received the offer*	
2. Department and Service	
3. Description of gift or hospitality offered	
4. Estimated Value	
5. Details of organisation making the offer	
6. Accept or Decline	
7. Reason to accept or decline	
Signed	
Date	
Line management acknowledgement	
Signed	
Date	
Completed forms to be returned to Chief Executive's Office	