



## Smoke-Free Policy

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# **UNIVERSITY OF ROEHAMPTON SMOKE-FREE POLICY**

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# SMOKE-FREE POLICY

## 1. Introduction and Scope

This policy's purpose is to address smoking at work and to control exposure to environmental tobacco smoke whilst at work. This includes all types of manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes). This policy also prohibits the use of any type of electronic cigarette (including Vape e-cigarettes) as detailed in Section 7. It complies with the [Smoke-free \(Premises and Enforcement\) Regulations 2006](#).

This legislation bans smoking in enclosed public places, workplaces and public and work vehicles. There is also a requirement to display 'No Smoking' signs in premises and vehicles. The legislation makes it an offence to smoke or, for those that control or manage premises and vehicles, fail to prevent smoking in smoke-free premises and vehicles. Penalties for breach of these various regulations are given in Section 3 (*Definitions*) of this policy.

## 2. Purpose

The University will comply fully with the [Health Act 2006](#), [Smoke-free \(Premises and Enforcement\) Regulations 2006](#) and other associated regulations (see *section 9, Legislation*). The overarching aim of this policy is to encourage a sensible approach to smoking and to accommodate the views of both smokers and non-smokers. However, it is recognised that smoking is detrimental to health and the University will encourage staff and students to cease smoking and prevent exposure to environmental cigarette smoke.

## 3. Definitions

### 3.1 Enclosed and substantially enclosed premises

The [Smoke-free \(Premises and Enforcement\) Regulations](#) define enclosed and substantially enclosed premises as being:

*"Premises which have a roof or ceiling and have more than half of the area enclosed by walls or other structures that serve the purpose of walls and constitute the perimeter of the premises."*

### 3.2 Enclosed vehicles

An enclosed vehicle or any enclosed part of a vehicle is smoke-free if it is used:

- (a) by members of the public or a section of the public (whether or not for reward or hire); or

- (b) in the course of paid or voluntary work by more than one person (even if those persons use the vehicle at different times, or only intermittently).

#### **4. Statutory Penalties**

The following penalties can be imposed by a Local Authority enforcement officer for the following offences:

- *Smoking in smoke-free premises or work vehicles*  
A fixed penalty notice of £50 imposed on the person smoking, or a maximum of £200 if convicted by a court.
- *Failing to prevent smoking in a smoke-free place*  
A maximum fine of £2,500 imposed on whoever manages or controls the smoke-free premises or vehicle.
- *Failure to display no-smoking signs*  
A fixed penalty notice of £200 imposed on whoever manages or occupies the smoke-free premises or vehicle or a maximum fine of £1,000 if convicted by a court.

#### **5. Responsibilities**

##### **5.1 Vice-Chancellor**

- To ensure that the University complies with the [Health Act 2006](#) and [Smoke-free \(Premises and Enforcement\) Regulations 2006](#) and associated Smoke-free Regulations.

##### **5.2 Head of Health & Safety**

- To achieve a representative review and update the policy, as required, a minimum of every 3 years.
- If not already represented at the Health, Safety and Welfare Committee the following representative bodies will be consulted during a revision of this policy:
  - Wellbeing Group
  - Trade Unions (GMB/ UCU)
  - Roehampton Students' Union
  - Human Resources
  - Health and Safety Office
  - Estates and Campus Services
  - Legal Office
  - Internal Communications
  - Vice-Chancellor's Office

### 5.3 Managers

- To inform staff and those under their control that they must comply with the policy.
- To manage the day-to-day implementation of and compliance with the policy.
- Those with control over University vehicles must ensure that signage is in place and that staff using such vehicles comply with the policy.

### 5.4 Staff, Students, Visitors and Contractors

- All staff, students, contractors or visitors to the University are expected to comply with the Smoke-free Policy. Anyone smoking in smoke-free spaces, premises, doorways or University vehicles will be in contravention of Roehampton's Smoke-free Policy.
- To comply with smoke-free policies in force in other premises when carrying out University business.

### 5.5 Drivers of smoke-free vehicles

- To comply with the policy and to ensure that passengers also comply.

5.6 Estates and Campus Services will be responsible for implementing the practical aspects of the Smoke-free Policy by providing and maintaining signage on buildings and indicating smoke-free spaces.

## **6. Details of procedure/operational details**

To comply with the relevant smoke-free legislation, the University will:

- Prohibit smoking in all University buildings and in areas adjacent to buildings where environmental tobacco smoke could cause a nuisance to occupants.
- Prohibit smoking in University vehicles in accordance with the [Smoke-free \(Vehicle Operators and Penalty Notices\) Regulations 2007](#).
- Prohibit smoking in all residential accommodation provided within University-owned or managed private dwellings.
- Designate external smoking shelters in each college and as appropriate, where smoking is permitted. This is to allow a sensible approach to be taken to controlling smoking and associated waste (Reference Appendix B). In the case of one-off events, the University may designate alternative smoking areas.
- Waste management: Ensure adequate ashtrays are provided in the correct locations a suitable distance from combustible material and waste. Ensure regular waste removal from both cigarette and general waste bins.
- Signage (As illustrated in Appendix A) will be displayed on the front and rear entrance doors to all Academic and Residential University Buildings. This version is approved by the ECS, H&S and Internal Communications.

## 7. Application & Exemptions

The policy applies to all buildings in the ownership of the University (whether on or off campus) or leased by the University and to University owned or leased vehicles.

The legislation covers all substances that a person can smoke. These include manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes). This policy also prohibits the use of any type of electronic cigarette (including Vape e-cigarettes) in areas where smoking is banned in premises and designated external areas.

The following areas and activities are excluded from this policy:

- **Performers:** Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs is not smoke-free in relation to that person during their performance. Rehearsals are excluded from this exemption. This is subject to [task risk assessment and approval from the H&S office](#).
- **Research and testing facilities:** Designated rooms in a research or testing facility are not smoke-free whilst it is being used for any research or tests specified in the regulations.

## 8. Failure to Comply

Staff and students in breach of this policy will be subject to relevant University disciplinary procedures as well as being liable to prosecution by the relevant statutory enforcement bodies.

## 9. Guidance

For further guidance, see the Frequently Asked Questions document (Appendix C).

## 10. Legislation

[Health Act 2006](#)

[Smoke-free \(Premises and Enforcement\) Regulations 2006](#)

[Smoke-free \(Exemptions and Vehicles\) Regulations 2007](#)

[Smoke-free \(Penalties and Discounted Amounts\) Regulations 2007](#)

[Smoke-free \(Vehicle Operators and Penalty Notices\) Regulations 2007](#)

[Smoke-free \(Signs\) Regulations 2007](#)

**Appendix A**

*Signage template*



**NO SMOKING**

**IT IS AGAINST THE LAW TO SMOKE IN THESE  
PREMISES**

**PLEASE SHOW CONSIDERATION FOR  
BUILDING OCCUPANTS AND MOVE AWAY  
FROM DOORWAYS AND WINDOWS BEFORE  
SMOKING**

## Appendix B



### Smoking Facilities Map



#### Smoking Facilities on Campus

Linden, Willow & Aspen

Lulham

Davies

Grove House

Garden Court/ Hive

Harvey / Library

Lee House

Southlands Quad

Downshire /Chadwick

Mount Clare/ Picasso

Parkstead House Reception (Existing)

Parkstead House Canteen deck area



## Appendix C



### UNIVERSITY OF ROEHAMPTON SMOKE-FREE POLICY FREQUENTLY ASKED QUESTIONS

#### 1. The Smoke-free Law

##### 1.1 *When did the Smoke-free law start?*

The Health Act 2006 and associated regulations came into force on Sunday 1 July 2007.

##### 1.2 *Does the law just apply to cigarettes?*

No, it covers all substances that a person can smoke. These include manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes).

At the University of Roehampton this also includes the use of all electronic cigarettes.

#### 2. Work premises and public places

##### 2.1 *Which places must be smoke-free?*

The smoke-free law applies to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones such as tents and marquees.

Premises will be considered 'enclosed' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis. Premises will be considered 'substantially enclosed' if they have a ceiling or roof, but have an opening in the walls which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.

##### 2.2 *Do the University's student residences count as public places?*

Yes. All of the accommodation residences both on and off campus, including bedrooms, kitchens and common areas, are designated as smoke-free.

##### 2.3 *I work from home. Will it be required to be smoke-free?*

If more than one person uses any part of a private dwelling solely as a place of work, it will be required to be smoke-free.

### **3. Work vehicles**

#### *3.1 I share a work vehicle with another smoker. Can we still smoke?*

No, the law is designed to protect smokers and non-smokers from second-hand smoke. Smoking will be permitted only in work vehicles that are for the sole use of the driver and are not used by anyone else for work, either as a driver or passenger.

#### *3.2 Can I smoke in my own car?*

Yes, the law doesn't cover vehicles used primarily for private purposes.

#### *3.3 I occasionally use my private car for work. Will it need to be smoke-free?*

No, vehicles used primarily for private purposes will not need to be smoke-free.

### **4. Managers' responsibilities**

#### *4.1 Who is responsible for ensuring that University buildings and vehicles remain smoke-free?*

If you manage or are in charge of any premises or vehicles that the law applies to, you will have a legal responsibility to ensure they become and remain smoke-free.

#### *4.2 What should I do if a member of staff smokes in a smoke-free place I'm responsible for?*

- Draw the person's attention to the No Smoking signs and ask them to stop smoking or go outside
- Point out that they are committing a criminal offence by smoking in a smoke-free premises or vehicle
- Remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine
- If this results in threatening or aggressive behaviour towards you, notify Campus Security services
- If an employee or student breaks the law, you may wish to consider taking disciplinary action

#### *4.3 What should I do if a customer or visitor smokes in a smoke-free place I'm responsible for?*

- Draw the person's attention to the No Smoking signs and ask them to stop smoking
- Point out that they are committing a criminal offence by smoking in a smoke-free building or vehicle
- Remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine

- Consider not serving or providing services to a customer who is breaking the law
- If a customer or visitor continues to smoke, you can ask them to leave your premises

## 5. Enforcement of the law

### 5.1 How is the smoke-free law enforced?

Local councils are responsible for enforcing the law in England. They have the power to appoint enforcement officers, such as environmental health officers, trading standards or local community support officers. Their approach to enforcement is based on supporting businesses to comply with the law. However, they do have the legal power to enter premises or board vehicles to determine if the law is being upheld.

### 5.2 What are the penalties for breaking the law?

Anyone who does not comply with the smoke-free law will be committing a criminal offence and can be fined or prosecuted by an enforcement officer. The fixed penalty notice and maximum fine for each offence are set out below.

Offence	Who is liable	Fixed penalty notice (if paid in 15 days)	Fixed penalty notice (if paid in 29 days)	Court awarded fine if convicted
Smoking in a smoke-free place	Anyone who smokes in a smoke-free place	£30	£50	Up to £200
Failing to display required no smoking signs	Anyone who manages or occupies the smoke-free premises or vehicle	£150	£200	Up to £1,000
Failing to prevent smoking in a smoke-free place	Anyone who manages or controls the smoke-free premises or vehicle	N/A	N/A	Up to £2,500

## 6. Enforcement by the University

### 6.1 Will the University penalise staff or students who break the smoke-free law?

Yes, Staff who smoke in smoke-free places will be subject to disciplinary action. Persistent disregard for the law will be treated as gross misconduct. Students who smoke in smoke-free places will be dealt with in accordance with the Student Code of Conduct.

## 7. Support to Quit Smoking

### 7.1 Where can I get information on giving up smoking?

Local NHS Stop Smoking Services - This Service will get you working with a trained adviser, either in a group or one-to-one - it's up to you. To find your local service, call the NHS Smoking Helpline free on 0800 169 0169, visit <http://smokefree.nhs.uk/> text ?GIVEUP? and your full postcode to 88088 or ask at your local GP practice, pharmacy or hospital.