# Smokefree Ideology

## How local authorities are waging war on choice and personal freedom

Josie Appleton

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September 2020

Published in Great Britain in 2020 by
Forest
Sheraton House
Castle Park
Cambridge CB3 0AX

forestonline.org

Cover design by Dan Donovan

battenburg.biz

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# About the author

Josie Appleton is director of the Manifesto Club civil liberties group and author of *Officious - Rise of the Busybody State*. Over the past decade she has specialised in research and campaigning on the state hyperregulation of everyday life, authoring dozens of reports on issues ranging from leafleting bans to the regulation of public spaces. These reports included original freedom of information research and have often gained substantial press coverage. Her aim is to defend the liberties of all groups regardless of class or social habits - including dog walkers or skateboarders, young and old, buskers or the homeless, smokers or football supporters.

# About Forest

FOREST (Freedom Organisation for the Right to Enjoy Smoking Tobacco) was founded in 1979 to support adults who choose to smoke tobacco (a legal consumer product). We campaign against excessive regulations including comprehensive smoking bans and unnecessary government intrusion into people's personal lives and private spaces. In recent years we have also campaigned against policies that infantalise adults (notably the standardised packaging of tobacco) and measures that are designed to denormalise or restrict freedom of choice for adult consumers.

# Foreword

When did local authorities become such busybodies, interfering in the lifestyles of council employees and the local people they are supposed to represent? Polls conducted by Populus for Forest have consistently demonstrated that compared to issues like addressing crime and anti-social behaviour, improving job prospects for local people or investing in roads and pavements, the public does not consider tackling smoking, alchol misuse or obesity to be a priority for local government. Despite this, local authorities are increasingly targetting adults who smoke, restricting or even banning the habit for council employees during working hours, or extending smoking bans to outdoor areas where there is no evidence of risk to non-smokers, including children.

Nine years ago things looked a little different. When a lone councillor in Stony Stratford suggested a ban on smoking throughout this small Buckinghamshire town, few people took him seriously. Indeed, for many people he was a figure of fun. Sunday Times columnist Rod Liddle, a former editor of BBC Radio 4's Today programme, told him, "Do you realise there's not a single person in Stony Stratford who's in favour of your plan? We've trawled the streets. We've walked up and down. We haven't found a single person who doesn't think that it's a fatuous idea." Even his fellow councillors thought the proposal was a step too far and resoundingly rejected it.

Although prohibition remains a dream for Britain's tobacco control industry, an increasing number of local authorities have nevertheless been emboldened to introduce strict new measures designed to dictate where and when adults can light up. Indeed, as this report by Josie Appleton makes clear, many councillors now believe it is perfectly acceptable to micro-manage the lives not only of their own employees but also members of the public who voted them into office. Interestingly, it seems to make very little difference whether a council is run by Labour, the Conservatives, the Liberal Democrats or, in Scotland, the Scottish National Party. Denying adults the right to choose and extinguishing personal freedoms is not restricted to one party. Instead councillors of all political persuasions and none are more than happy to embrace an increasingly interventionist agenda, ignoring the fact that if an adult chooses to smoke it is none of their business.

What is equally clear, as Josie also points out, is that anti-smoking campaigns are no longer exclusively about health. The risks of smoking have been known for decades, hence the steep fall in smoking rates long before government intervened to ban smoking in all enclosed public spaces, prohibit the display of tobacco in shops or introduce standardised packaging of tobacco. Today smoking cessation has become a moral crusade. The tobacco control industry even has a word for it – 'smokefree'. Smoking is not merely unhealthy, it's 'bad', while not smoking is 'good' and virtuous.

Public Health England has been targetted for serious criticism during the coronavirus crisis, and rightly so. Following its launch in 2013 PHE became so focussed on tackling people's lifestyle – including our eating, drinking and smoking habits – officials completely lost sight of their primary function which was to protect the nation from infectious diseases over which individuals have little or no control.

Local authorities too have strayed far from their traditional role into areas in which they have little or no business. Whether adults choose to smoke is a matter for them and their nearest and dearest. It has nothing to do with local government. Thankfully, as the responses to Josie Appleton's Freedom of Information research show, many councils continue to adopt a common sense approach to smoking. A complete ban on smoking by council staff during working hours is not yet the norm, nor are bans on smoking in council-owned parks and other outdoor areas where the health risk to non-smokers can be rated somewhere between insignificant and zero. Nevertheless, the trend towards further intervention is enough to worry those of us who value individual freedom and personal responsibility.

If this report achieves one thing I hope it gives councillors and local authority CEOs reason to think twice before giving the green light to further intrusions into the lives of millions of ordinary people who are fed up being dictated to by an army of politicians and public health professionals. The 'smokefree' utopia envisaged by many anti-smoking campaigners may appear benign and caring to some. In reality a 'smokefree' world can only be achieved by removing people's freedom to think for themselves and make their own choices.

**Simon Clark**
**September 2020**

# Key Findings

Based on data gathered via a series of Freedom of Information (FOI) requests to 372 local authorities in England, Wales and Scotland (283 of whom replied), this report analyses the policies that regulate smoking throughout the UK.

- There is a new wave of restriction on smoking, occurring not through parliamentary legislation but via local authority policies, many of which are not subjected to democratic scrutiny;

- 192 councils (68% of those that responded) have a policy restricting or banning smoking at work while almost a third now restrict smoking in open-air public spaces, including children's play areas, parks, beaches, council campuses or open-air public events: some of these bans are enforced with fixed penalty notices;

- Smoking is no longer seen merely as a health risk to the consumer but as a moral offence to be kept 'out of sight, out of mind';

- Councils are increasingly keen to distance themselves from any association with the act of smoking, with one council even requiring people to not smoke near council vehicles;

- 49 councils ban cigarette breaks entirely, even if workers clock off, while a further 87 councils require workers to clock off or to obtain permission from a manager;

- In total, 113 councils currently ban smoking outside council buildings with some requiring employees to leave the site entirely or stand up to 50 metres from a council building to light up;

- Some councils are also targeting social housing residents to persuade them to change their smoking behaviour. Social inequality is being recast as the consequence of a lifestyle habit and the restriction of that habit is the answer to social inequality.

NO SMOKING
The council operates a smokefree policy in these grounds
London Borough of
Newham

# Introduction

The ban on smoking in enclosed public spaces transformed the life of the nation. It marked the end of smoker-friendly pubs and bars and even removed the option of separate smoking rooms or smoking areas. Today a new wave of anti-smoking regulation is under way. Although it is occurring in a quieter, more piecemeal, manner, it is having an equally dramatic effect on public life and personal freedoms. While the smoking ban was introduced through national legislation following years of often heated debate, the new restrictions are driven largely by local councils, regional authorities, professional regulatory bodies and well-funded campaign groups. While the smoking ban was justified by the alleged risks of passive smoking in enclosed public spaces, current regulation targets smoking outdoors and in contexts where the habit has no ill-effects on others, such as parks, beaches or public streets.

The role of local government in the ongoing crusade against smoking was highlighted recently when the Local Government Association (LGA) supported an amendment to the government's Business and Planning Bill that would have required new seating areas outside pubs, cafes and restaurants to be completely smokefree.[1] Although the bid failed, anti-smoking campaigners succeeded in forcing the government to include a 'compromise' amendment that required restaurants and pubs to provide no smoking areas. Manchester City Council subsequently pledged to grant pavement licences only on the condition that the new outdoor seating areas will be smokefree;[2] Newcastle City Council has done the same.[3] Meanwhile the Welsh government has said that it aims to ban smoking outside cafes and restaurants next year.[4] Over the past decade or so local authorities have established and funded 'smokefree' bodies that have campaigned for new restrictions on smoking that go beyond statutory duties.

1 LGA: Alfresco summer calls for smoke-free pavements, 18 July 2020: https://www.local.gov.uk/lga-alfresco-summer-calls-smoke-free-pavements
2 Outdoor seating in Manchester to become smoke-free areas, Manchester City Council, 5 August: https://secure.manchester.gov.uk/news/article/8518/outdoor_seating_in_manchester_to_become_smoke-free_areas
3 Newcastle's new pavement cafes to be smoke free, Newcastle City Council, 4 August: https://www.newcastle.gov.uk/citylife-news/newcastles-new-pavement-cafes-be-smoke-free
4 Wales moves to ban smoking outside pubs, cafes and restaurants, Wales Online, 4 July: https://www.walesonline.co.uk/news/health/wales-moves-ban-smoking-outside-18595823

The new restrictions on outdoor smoking are no longer even nominally justified by concrete health risks posed by smokers to other people. Instead, they are part of a new political and moral framework, a *smokefree ideology*, that is taking hold at all levels of the state structure, particularly regional governments and local authorities. This programme is seeking *an end to the sight and presence of smoking in public spaces*, not only as a public health goal but as a political and moral good and a means of social transformation. Smokefree beaches, parks, homes and workplaces are being pursued by a state structure strapped for funding and bereft of social or moral ideals. To go smokefree becomes a way in which state authorities can make a positive statement about the improvement of public spaces or of social conditions locally. 'Smokefree' becomes the stand-in public good, the stand-in way in which state bodies might claim to have a vision or to affect improvements in society. The active mission of the state - which in previous decades had been expressed in public projects or provision - has become displaced on to the restriction of personal smoking behaviour.

This report presents new data showing the extent of local authority regulation of smoking in areas that go way beyond the law on enclosed public spaces. Councils are starting to regulate smoking in areas that include: open-air public spaces such as parks and beaches, the grounds around council buildings and, in some cases, in social housing. Councils are also imposing highly restrictive conditions upon their own employees, contractors, councillors, or members of the public who are on council premises. Public services and provisions are increasingly coming with smokefree conditions: to be 'smokefree' is becoming the condition for working for a council or using open-air public land.

Freedom of information (FOI) data in this report finds that nearly a third of councils now restrict smoking in open-air public spaces, including children's play areas, parks, beaches, council campuses, or open-air public events.

My research also finds that 68% of councils have a policy restricting smoking at work. Forty-nine councils ban cigarette breaks entirely, even if workers clock off, while a further 87 councils require workers to clock off or to obtain permission from a manager. In total, 113 councils currently ban smoking outside council buildings, with some requiring employees to leave the site entirely or stand up to 50 metres from a council building before lighting up. One council banned workers from smoking in their own home while working from home, while others banned employees

smoking while walking between appointments or sitting in their car in the council car park.

Finally, local authorities are starting to develop policies restricting smoking in local authority housing, including interventions to encourage tenants to quit, and setting up the first smokefree housing developments.

The first section of this report describes and analyses the new smokefree ideology and shows how this involves the construction of a new paternalistic relationship between state and citizen. The second section presents and analyses the data showing the extent of local authority smoking regulation. If this trend continues we will see smoking banned in many outdoor spaces, and the restriction of smoking for employees and local authority tenants, in the years to come. These changes will occur without national legislation that could be scrutinised by elected representatives or exposed to public debate. For those of us - smokers and non-smokers alike - who wish to oppose illiberal restrictions on choice, the arena is arguably shifting from Westminster to the less scrutinised area of local authority policymaking.

It is important to note that my criticism of local authorities' policies on smoking is not grounded in a defence of the free market or the interests of corporations. Instead, I am defending what I consider to be the true mission of the welfare or social state - a state that achieves meaningful public interventions that can substantially improve people's lives and counter the effects of market inequalities. In this report I therefore look at how the social mission of the welfare state has become degraded and perverted to become a crusade that restricts personal and private lifestyle choices. The state mission of public provision is transforming into one of interference and coercion in the realm of free choice. The groups most in need of state support - such as those in social housing or the mentally ill - are becoming the particular targets for coercive and restrictive policies that seek to change their smoking behaviour.

I write this report in admiration of local authorities' traditional role in public provision, and in the hope that they might return to their original mission and leave people's lifestyle choices up to them.

**Josie Appleton**
**September 2020**

No smoking permitted in this area
Smoking is only permitted in the smoking shelter provided

# 1. Smokefree - Analysis of new state morality

## a. Smokefree

It is significant that the restriction of smoking is not generally described as a negative campaign of being 'anti-smoking' but rather as the achievement of a positive condition of becoming 'smokefree'. That a space is free of cigarette smoke takes on a greater meaning. 'Smokefree' is being sought as an ideal and a substantive objective, beyond pragmatic or health considerations. 'Smokefree' has become an adjective that can be attached to any public space or body of people including: smokefree beaches, smokefree parks, smokefree homes, smokefree schools, smokefree workforces, smokefree Sheffield or Wakefield. The Scottish government is aiming to achieve a smokefree Scotland by 2034, while the Westminster government is aiming for England to be 'smokefree' by 2030. (Smokefree in these terms is defined as when smoking is 'denormalised' and smoking rates are 5% or less).[5]

'Smokefree' takes on a broader meaning of a positive public good: smokefree housing is the sort of place you want to live; a smokefree park is a 'nice' space; smokefree seating outside pubs and restaurants is space that 'can be enjoyed by everyone';[6] smokefree playgrounds are spaces where children can be creative and realise themselves. Birmingham City Council's justification for its smokefree home programme shows how a wide range of moral or political goals have become attached to the question of smoking: 'Everyone has the right to live in a safe and secure home. The right home environment is crucial to promoting positive health and wellbeing including the right to live in a healthy environment, a place where children can grow, learn and play.'[7] A smokefree home, in these terms, becomes akin to a place where children can develop and feel safe and secure. A suite of positive features of the home environment (which largely depend upon family relations and material prosperity) are seen as the outcome of the smokefree status of the home.

5 Roadmap to a Smokefree 2030, Smokefree Action https://smokefreeaction.org.uk/wp-content/uploads/2020/01/Roadmap-to-a-Smokefree-2030-FINAL.pdf
6 LGA: Alfresco summer calls for smoke-free pavements, 18 July 2020: https://www.local.gov.uk/lga-alfresco-summer-calls-smoke-free-pavements
7 Smoke free homes, Birmingham City Council: https://www.birmingham.gov.uk/info/50238/wellbeing_during_the_coronavirus_covid-19/2135/smoking_and_covid/4

In my analysis of council smoking policies I found that there has been a distinct change in these policies over the past few years. Older smoking policies from 2007-12 tended to be relatively practical in their aims and objectives - they are primarily concerned with elements such as passive smoking or lost working hours. Yet council policies from the past 3-5 years strike an increasingly ideological tone. Smokefree policy documents talk of vision, pride, or ethos. They imagine a utopian future in which children never see others smoking or, better still, nobody smokes.

Wakefield Council says it has an 'objective of moving towards a smoke-free environment across the Wakefield district', while Calderdale Council states an 'objective of moving towards a smoke-free environment across the Calderdale borough'.[8] Slough Council's smokefree policy says that it is 'proud to be smokefree' and will seek to 'Promote the culture of a smoke-free environment in all our services.' Cheltenham Council's policy says that it 'supports the ethos of healthy living through not smoking and will actively seek to promote this image and practice.' (Note that 'not smoking' is seen as a positive 'practice'.)

What is occurring is that *the absence of tobacco is recast as a state of political, social or personal realisation*. Tobacco – and, more precisely, an individual's choice to smoke tobacco - becomes the embodiment of political and social restriction, of everything that is holding people back or preventing them from realising their potential. Therefore, tobacco control becomes a project of social realisation - of liberating people from restriction and allowing them to realise themselves.

This can be seen most clearly in Scotland's heady vision of achieving the 'tobacco-free generation' of all children born since 2013.[9] This is a Soviet-style declaration of year zero, a new kind of citizen, and the introduction of yearly plans for the achievement of this new citizen. Unlike Soviet five-year plans, however, the state is not affecting vast transformations of economic and social life - it is not building infrastructure or harvesting fields. Nor is it improving health provision, housing or education. Instead, the state offers 'targeted support to combat poor choices and behaviours which restrict many people and young people in particular from reaching

8 FOI responses from Wakefield and Calderdale Councils
9 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/2/

their potential'.[10] Therefore, the terrain of the state becomes one of intervening in the terrain of lifestyle choices - of persuading those who currently smoke, or who may smoke in the future, to change their behaviour.

Government has planned various targeted measures to safely 'steer' the smoke-free generation through the years: 'In five years' time the tobacco-free generation Scotland is raising will be 10. So we need to make sure that there are smoking prevention activities, education, initiatives and programmes in place to help steer them through the next stage of their lives. Over the next five years we need to establish standards and agreed programmes for education and ensure efforts are being properly and consistently focused.'[11]

In turn, a series of social transformations are supposed to flow from this change in smoking behaviour, including: improvements in criminal justice (a reduction in anti-social behaviour, vandalism, and domestic abuse), education (with an increase in educational attainment), the economy ('reducing lost days in work and training from either fewer sick absences or from staff having longer, healthy working lives'), and the reduction of social inequality ('in our most deprived communities we aim to provide better access to physical activities and provide targeted support to combat poor choices and behaviours which restrict many people and young people in particular from reaching their potential').[12]

Here we see the loss of social and political imagination, whereby poverty and educational failure are seen as the result of '*poor choices and behaviours*': there is no consideration of the broader forces at play, such as class divisions, limited employment, under-funded schools, or any other broader social factors. By the same accounts, the transformative potential of the state is not realised by construction or provision, but rather as an *opposition of poor choices*. The restriction of individual choice perversely becomes the public duty and mission of the welfare state.

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10 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/2/
11 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/3/
12 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/2/

The approach to tackling 'inequality' of 'vulnerable' groups is not to transform their situation in a substantive fashion (such as providing employment or housing) but merely to restrict the activity of smoking. As justification it is pointed out that smoking is much higher in socially deprived groups. Yet this gets things the wrong way around. It is more the case that smoking helps people cope with difficult situations, such as poverty or mental illness, rather than poverty or mental illness is a consequence of smoking. Yet, increasingly, *social inequality is recast as the consequence of a lifestyle habit* and the restriction of a lifestyle habit is seen as the answer to social inequality. The passing down of social inequality through the generations (which occurs through educational and financial factors) is re-explained as a 'cycle of disadvantage' through the transmission of 'smoking behaviours'. Therefore, smokefree homes are seen as a way of breaking this cycle of disadvantage and the transmission of inequality.

A report by Action on Smoking and Health (ASH) on smokefree homes - produced in collaboration with several local authorities - states that 'Smoking is transmitted across the generations in a cycle underpinned by social norms, familiarisation and addiction', and that 'Tackling smoking based on where people live can help to tackle entrenched inequalities in communities where smoking is common'.[13] Factors of class and economic inequality are omitted, leaving the question of smoking or no smoking as the primary element of social structure.

'Smokefree' has also become attributed with symbolic properties, as a state of moral virtue or cleanliness. The ideal is that children will be brought up in this clean virtuous world where smoking is 'largely out of sight and out of mind'; that they will not see, or think, about smoking. The goal of a smokefree future for children seems to embody much broader concerns - that they live in a world that is free of corruption, that adults set them a good example of how to live. All these broad moral sentiments, however, are projected on to the single question of *children not witnessing the act of smoking*. This is why smokefree policies are pursued beyond previous bounds - because the question is not a bounded one of health but a loftier moral/political goal.

If smokefree is *clean* - in a moral sense - smoking is dirty. Smoking is no longer seen prosaically as a health risk to the smoker or to others.

13 'Smoking in the Home', ASH, November 2018: https://ash.org.uk/wp-content/uploads/2018/11/FINAL-2018-Smokefree-Housing-report-web.pdf

Instead, it has become laden with a weightier meaning as a moral offence. Therefore, smoking is not only a question of the exposure of oneself or others to toxins, but rather is a form of *visual pollution or sullying of the public realm*. Local authorities are keen to distance themselves from any contact with, or association with, the act of smoking. Many local authorities have taken down the smoking shelters they erected after the smoking ban since these appear to facilitate and condone smoking. To provide somewhere for people to smoke sends the message that the authority condones smoking. East Dunbartonshire Council's smoking policy said that its new restriction on all smoking on council grounds 'includes all previously designated smoking areas and shelters'. Northumberland Council's policy says that 'the Council, with its leadership role and public health responsibilities, is not associated with smoking and seeks to denormalise it.' North Tyneside's policy is that members of the public should not smoke outside while in the presence of council workers: 'Outdoor workers who encounter exposure to second hand smoke are encouraged to politely ask members of the public who smoke to extinguish the smoking material or move away from the work area as this is designated as a place of work, they should also be reminded of the Council's SmokeFree Workplace Policy.'

Councils seek to restrict smoking almost superstitiously, as if smoking in a council's outdoor space, or outside a public building, leads to a sullying or polluting of that space. There is a concerted effort to hide smoking from public view. Council workers are prohibited from smoking in uniform or while wearing a badge, or from smoking within a certain distance of council buildings. Ipswich Council says that it is not enough to stand outside a council car to smoke - you have to move away from the car. The public authority's desire to purify itself of any contact with cigarette smoke means that smokers must establish a reasonable distance between themselves and any item of council property. Smoking is not only prohibited on council property but also in an 'exclusion zone' around the property.

This is not a matter of smoke drifting in through windows but rather of the sight of smoking damaging the image and reputation of the public authority. Council employees who work outside (such as in a park) are also banned from smoking, even during their breaks, and must leave their 'place of work' if they wish to smoke. Councils including Leeds and North Tyneside request that outdoors workers only smoke in official breaks and should be 'discrete and ensure they are out of public view wherever possible.'

Therefore, the reputation and role model of the council is not attached to its ability to mend roads or maintain schools, but rather in the fact that it is not touched by or in any way associated with the act of smoking. In its *smokefree status* it can claim to set a good public example or to have a good reputation. Leeds Council says: 'Leeds City Council employees are role models for our local communities. Employees who are visibly smoking whilst carrying out their duties are not demonstrating behaviour that encourages local communities to stop smoking.' Slough Council requests that employees do not even *smell* of smoke and says it would not be a professional image: 'workers must present a professional image during their working day/shift (eg not smell of smoke).' Basildon bans people from smoking within 20m of council property and says that this measure 'is in an effort to try and reduce the negative image that smoking directly outside Council premises creates.'

Smoking is also portrayed as a form of visual pollution because it is imagined that the habit is transmitted in a viral manner: if someone sees someone else smoking they may be tempted to try it themselves, or relapse if they have successfully quit. Several councils (including Islington) request that workers do not smoke in view of children.

It is for this reason that all councils (aside from one, Hull) treat vaping as smoking and impose similar restrictions upon it. The fact that vaping is one of the primary aids to quitting smoking, and has minimal health risks, is ignored. Vaping is restricted in the same way as smoking because it *looks like smoking,* which means that it mimics the same visual offence. Mid Sussex Council says that 'some (e-cigarette) models can, particularly from a distance, look like real cigarettes, it makes it more difficult to enforce our Smoke Free policy and creates an impression for visitors, customers or other employees that it is acceptable to smoke.' Wiltshire Council requires that vaping occurs out of public view, and that people must not vape in a group or in council uniform. Several councils prohibit vaping breaks, and also require that vaping can only be done off-site.

Perversely, therefore, public authorities make it *more* difficult for employees to give up smoking because they concerned primarily with preventing people from the perceived offence of *appearing to be smoking*.

**b. The paternalistic state**

The state's intervention into private lifestyle behaviour occurs under the remit of paternalism, a presumption that the state knows what is best for people and what is truly in their interests.

This is a reversal of the democratic relationship between state and citizen. Rather than the state being representative of the public - representing the wishes and desires of the people, while giving individuals the autonomy to make private choices - the state instead professes to be the source of knowledge of what is in the public interest and in the interest of individuals. We can see this in Rhondda Cynon Taf Council's specification that 'Council employees, whatever position they may hold, or elected members, are not permitted to smoke whilst they are working for, on duty for or representing the Council, whatever they may be doing or wherever they may be at the time.' Therefore, councillors are seen as *representatives of the council* and called upon to emanate its values, rather than the democratic principle that the local authority is representative of local people.

Smokefree policy documents profess to know what is in the public interest, and the interest of individual citizens. These documents give many reasons why it is not in people's interests to smoke. It damages their health, it costs them money, it means they have to repaint their homes more frequently, increases the risk of fire, costs public health services, and so on. There are implausibly precise statistics concerning the cost to the economy of the health problems or loss of working hours due to smoking, or the number of tenants who would clear their arrears if they were to stop smoking. These reasons are communicated matter of factly, as if people could have no alternative values or there could be no valid rationale why someone may choose to smoke. There is also no public value accorded to living a life freely according to one's own design - to the principle that your body, time and money are yours to do with as you think best.

Council smoking policies tend to state that the authority has a 'duty of care' to protect the health of its employees and local residents. Leeds Council says, 'Everyone has a right to smoke if they so wish. However, Leeds City Council has a duty of care to its employees' - and proceeds to outline how it will seek to discourage employees from smoking. This is a change in the meaning of 'duty of care', a phrase that would have

traditionally meant the provision of public sanitation, the protection of people from accidents at work, and so on. Now this duty of care becomes a right of state intervention - trying to change the lifestyle choices people make in their everyday lives. The state's 'duty of care' is expressed primarily in the terrain that belonged not to the state but to the realm of decision-making of the free citizen. The state is no longer a transforming, providing force, but rather expresses its active side by *interfering in the choices that people have made*.

Most of the local authorities with policies on smoking at work said that they would seek to dissuade their employees from smoking. Swale Council said that the council would be 'encouraging and supporting employees who currently smoke to change their smoking behaviour.' Leeds Council said that managers would 'Sensitively and supportively ask employees as part on 1:1s, back to work meetings and/or appraisals about any support they need to promote their general wellbeing. This will include pro-actively asking those who smoke if they require any assistance to stop smoking, encouraging them to consider the benefits of quitting, as well as the effects of smoking on their current and future health and supporting them to access the Leeds Stop Smoking Service.'

The supervision of employees' smoking habits becomes part of managerial responsibilities, with some council managers given a veto over employees' smoking breaks. This represents an extension of managerial control over workers that should be of great concern to unions. Southampton Council allows smokers to take vaping breaks for six months in an attempt to quit smoking. The smoker would be referred to occupational health and it would be the responsibility of line managers to monitor compliance. In effect, line managers are being charged with monitoring employees' quit attempts; their success or otherwise in giving up smoking becomes subject to workplace supervision and advice.

A number of local authorities said that they recognised that their restriction of smoking breaks would present difficulties for smokers. They responded to these needs by offering support to give up, including paying for employees to go on several hours of non-smoking courses in work time. Recognising smokers' needs is not recognising their wishes, or their views on what they believe is in their interests - but rather supporting them in their effort to move into line with policy. Councils' policies on smoking are made a part of job application packages and the smokefree position is made clear at job interviews, which could dissuade

some smokers from applying or make it less likely that they would get the job.

State services of various kinds have made persuading people to give up smoking a part of their responsibility and role in relation to the public. Officials are trained in 'very brief advice', a technique for directing smokers towards no-smoking services in a brief conversation of a few minutes. This includes council workers who go into people's homes, local authority housing managers, fire officers, as well as health staff, debt or money advice services.

Increasingly state services come with an obligation of 'no smoking' for both parties, regardless of whether they are both smokers. For example, South Tyneside Council requires that when a local authority employee is visiting someone in their home, both parties refrain from smoking for three hours before the appointment, and that the meeting takes places with no-one smoking. Therefore, the question of whether or not smoking is acceptable is a matter not of the people concerned but of public policy. This would mean, absurdly, that two smokers would have to abstain for three hours before meeting one another, and not smoke throughout the meeting, because their meeting involves state services. The state insists that any public service comes with the condition of being smokefree. Therefore, public policy is reflective of official opinion rather than public opinion or the opinion of private citizens. Smokefree policies are communicated to the public so that the public can seek to correspond to these judgements of what is in their interest.

Inasmuch as officials recognise a disjuncture between policy and public mores, they seek to change public opinion in order to move it in line with policy. A common justification for anti-smoking measures is that they seek to 'denormalise' smoking. Sheffield City Council announces that 'Smokefree Sheffield and its partners are taking new approaches to change the norms around smoking in Sheffield.'[14] Tameside Council encourages people to hold smokefree outdoor events, saying that these events serve to 'de-normalise and protect children and young people from smoking behaviour.'[15] The Scottish government seeks to 'Make smoking less acceptable and reduce the visibility of smoking in

14 Two new campaigns announced from Smokefree Sheffield to mark World No Tobacco Day, Sheffield City Council, May 2019: https://sheffieldnewsroom.co.uk/news/smokefree-may19/?doing_wp_cron=1598173265.7655680179595947265625

15 Tameside Council, Smoke-free events: https://www.tameside.gov.uk/adultservices/SmokefreeEvents

areas where children learn and play.'[16] Here, coercive measures are not justified as a reflection of public opinion or norms; rather, coercion is used as a means to *transform norms* and to bring them into line with official policy. If it is currently acceptable to smoke outdoors, council policy acknowledges this only in order to seek the best 'new approaches' to change this element of public opinion. Public norms are not given any independent legitimacy, and state policy in no way considers itself accountable to or reflective of these norms.

When the public is represented it is only as victims, not as wilful subjects with the ability to think for themselves. In every case the paternalistic state relates to people as *non-subjects* - as victims, addicts, or as otherwise incapable. This includes the relationship to smokers as well as to non-smokers. Smokers are not seen as individuals who have made a choice, albeit a potentially bad one - instead they are seen as addicts, unable to control their actions, and in need of help and 'support'. Leicester Council says that, 'The council recognises that smoking is an addiction and wishes to support employees who want to stop.' The anti-smoking group ASH says that smoking is 'an addiction of childhood, not an adult choice.'[17] The group urges social landlords to impose smokefree policies in housing in order to 'help smokers help themselves'. Bracknell Forest's smoking policy says, 'It is recognised that smoking is an addictive habit and an automatic response to certain situations. In order to help smokers reduce this dependency the Council is prepared in the implementation of the Policy to be supportive and understanding of individual needs', which included making 'provision to assist employees quit smoking.'

Restrictions are also enacted against smokers in the name of other non-subjects who are allegedly victimised by their actions - particularly children, or vulnerable people. Smokers are also portrayed as causing harm to former smokers and current vapers who may be tempted to start smoking again or may be exposed to other people's tobacco smoke. While vapers are the potential victims of smokers, they are themselves seen as a threat to children or to former smokers who will be exposed to the sight of someone appearing to be smoking and may therefore be tempted to do so themselves. In effect, smokers and vapers are at once

16 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/3/
17 Over half a million social housing tenants in poverty due to the cost of smoking, ASH, 27 June 2019: https://ash.org.uk/media-and-news/press-releases-media-and-news/over-half-a-million-social-housing-tenants-in-poverty-due-to-the-cost-of-smoking/

seen as victims of tobacco or of the actions of others, while causing harm to others. In every case state intervention is justified on the grounds that it protects a vulnerable party; in every case, the state relates to people as incapable. Smokefree homes are posed not as an interference into the private sphere but as an issue of 'protection' - safeguarding children from tobacco smoke, or from cycles of disadvantage, or protecting residents from fire risk or from smoke drift.

What is important is that in every case *the intervention occurs on behalf of the non-subject or victim, and everyone is in some sense or in some contexts a non-subject or victim.* The state is not a representative organ but a protective one, and every intervention is represented as an act of protection of a party who is incapable of protecting themselves.

Cambridgeshire County Council

# This is a smoke free site

## Smoking is not permitted anywhere in the buildings or on the grounds.

www.cambridgeshire.gov.uk

# 2. Local authority regulation of smoking - the findings

### a. Outdoor public spaces

We asked councils about their regulation of outdoor public spaces. These are areas not covered by smoking legislation and where passive smoking could not represent a conceivable health risk to other members of the public. We found that councils are going beyond the requirements of national legislation and are initiating restrictions on smoking in a variety of outdoor public places. In some cases these restrictions are enforced through fines and prosecution; in other cases, they are either not enforced, or only enforced through security guards asking a person to stop smoking or to leave the area. The restrictions are generally not justified through the risk of passive smoking but rather as improving the local area, setting a good example to children, making it a pleasant public space, and so on.

We asked all 340 local authorities in England and Wales, and all 32 Scottish local authorities, whether they restricted smoking in outdoor public spaces. Of the 268 councils able to answer this question, 77 councils (28.7%) said that they had restricted smoking in at least one outdoor public space, while 190 said that at present they had no regulation.

The most common restriction was a ban on smoking in children's play areas. In most cases these bans were not enforced, but they were enforced with Fixed Penalty Notices and/or prosecution by several authorities, including Guildford, North Somerset, Mansfield, Leeds, Cheshire West, Wrexham, Pendle, and Enfield.

Several councils had introduced bans in other public spaces including parks, country parks and beaches. In some cases these were wide open areas that were one of the main options for open-air public recreation. These are sites where there is no risk from passive smoking. The ban is intended as a symbolic statement about the unacceptability of smoking, and the dissociation of public authority from any kind of connection with smoking. In many cases these bans also included e-cigarettes, showing that the question is the unacceptability of the appearance of smoking, rather than the transference of toxins from the smoker to other people.

Councils that ban smoking outside included:

- Denbighshire: no smoking in civic centres, country parks and outside facilities
- Swansea: two beaches
- Pembrokeshire: Little Haven beach
- City of London: three smoke-free gardens
- Ashford: Civic Centre grounds
- Aberdeenshire, West Dunbartonshire, Mid Devon, Basingstoke, Northumberland: bans on smoking on council grounds
- East Dunbartonshire: smoke free areas at annual Canal Festival
- Nottingham City Council: no smoking at council events such as The Beach (this is patrolled by security guards and community support officers)
- Bracknell Forest: smoking is banned in open spaces managed by Parks & Countryside
- Rushcliffe: all public events are smokefree
- Hackney: smoking is banned in several parks

These results show the increasingly active role played by local authorities in restricting smoking in outdoor public spaces. Many more public spaces are smokefree than when I first looked at this issue for Forest five years ago.[18]

Several attempts at more widespread council bans have proven unsuccessful, after negative public reactions. Brighton Council attempted to ban smoking on the several kilometre long beach.[19] A councillor in Stony Stratford attempted to ban smoking in the town centre,[20] while Haringey Council proposed a ban on smoking in pub beer gardens.[21] Bexley Council also sought to ban smoking in the town centre.[22]

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18 Smoked Out, Josie Appleton and Dolan Cummings, Forest, October 2015: http://www.forestonline.org/files/3914/4542/1879/Smoked_Out.pdf
19 Brighton and Hove beach smoking ban bid dropped, BBC News, 16 December 2015: https://www.bbc.com/news/uk-england-sussex-35112169
20 Stony Stratford set to ban smoking in all public places, Daily Telegraph, 29 June 2011: https://www.telegraph.co.uk/news/health/news/8607067/Stony-Stratford-set-to-ban-smoking-in-all-public-places.html
21 North London council's plan to ban smoking in pub beer gardens blocked, Evening Standard, 14 April 2017: https://www.standard.co.uk/news/london/north-london-councils-plan-to-ban-smoking-in-pub-beer-gardens-blocked-a3515251.html
22 Have your say on whether Bexleyheath town centre should becoming a smoke-free zone, Bexley Times, https://www.bexleytimes.co.uk/news/have-your-say-on-whether-bexleyheath-town-centre-should-becoming-a-smoke-free-zone-1-5384563

Yet there are signs that this trend could go much further. Council intervention has been partly successful in restricting smoking in the new outdoor pavement areas established in response to Covid-19. In July 2020 the Local Government Association (LGA) supported an amendment to the Business and Planning Bill that would have made all pavement licences issued by councils to restaurants, pubs and cafes subject to the condition that they are smokefree.[23] An LGA spokesperson said, 'Reducing smoking in public places has been vital to improving public health, which councils are responsible for. Smoking is still the leading cause of preventable death and councils want to work with government on how to keep driving down smoking rates for the benefit of a healthier society.'

Although the amendment was unsuccessful the government was forced to propose a compromise requiring pubs, cafes and restaurants in England to make 'reasonable provision' for non-smoking seating.[24] Ignoring the spirit of the legislation, which was designed to provide choice for smokers and non-smokers alike (and help the hospitality industry get back on its feet after lockdown), Manchester City Council said that it would only grant pavement licences on condition that the new outdoor eating and drinking areas were smokefree: 'We want to play our part to ensure that the city is a place where smoking is not a cultural norm. Smoking is not only terrible for our health but is also an unpleasant thing for bystanders to endure'.[25] The council has a target of reducing smoking levels to the national average and to 'decrease it still further'. Newcastle City Council has also pledged to allow only smokefree pavement areas for pubs and restaurants.[26]

This shows how councils are actively seeking to reduce public smoking levels and to change the public acceptability of smoking outdoors. They are using their role as local manager of public spaces and licensing in order to specify that outdoor areas should be smokefree. In this way outdoor smoking bans are developing in a piecemeal manner across the country, without national legislation or a formal ban. It is conceivable

23 LGA: Alfresco summer calls for smoke-free pavements, 18 July 2020: https://www.local.gov.uk/lga-alfresco-summer-calls-smoke-free-pavements
24 Pubs blast 'complex' new rules, Daily Mail, 20 July 2020 https://www.dailymail.co.uk/news/article-8540137/Pubs-restaurants-offer-non-smoking-areas-outdoors.html
25 Outdoor seating in Manchester to become smoke-free areas, Manchester City Council, 5 August: https://secure.manchester.gov.uk/news/article/8518/outdoor_seating_in_manchester_to_become_smoke-free_areas
26 Newcastle's new pavement cafes to be smoke free, Newcastle City Council, 4 August: https://www.newcastle.gov.uk/citylife-news/newcastles-new-pavement-cafes-be-smoke-free

that these temporary smokefree zones introduced in new al fresco areas will change the pattern for outdoor seating, making no-smoking or smokefree areas the new norm. This will occur against the wishes of the democratically elected government of the day, and without significant public debate about the issue.

**b. Smoking by council employees**

Since the introduction of the workplace smoking ban in 2006 (in Scotland) and 2007 (England, Wales and Northern Ireland), council regulations regarding cigarette breaks for their employees have become increasingly strict. Some councils started to require staff to use designated smoking areas that were away from public view. Some required employees to 'clock off' for smoking breaks and make up the time at the end of the day. My FOI results show that 32 councils today require members of staff to smoke in a designated smoking area; while 87 councils only allow restricted cigarette breaks, for example requiring managerial approval or for members of staff to clock out. Rhondda Cynon Taf Council even has a requirement that managers authorise every single cigarette break.

In the past 3-5 years an increasing number of councils have removed smoking shelters, prohibited smoking anywhere on council grounds, or banned smoking breaks entirely, even when employees clock out. In these cases, employees can only smoke in their lunchbreak if they leave council grounds, which could entail a reasonably lengthy walk in the case of larger campuses or council areas. For example, Teignbridge Council says that smoking breaks are not permitted even if clocked out. Solihull Council's recent policy says that staff will no longer be able to clock out for cigarette breaks. In autumn 2019 Wiltshire changed its policy and banned cigarette breaks completely; before that they had been permitted. In total, 113 councils now ban smoking outside council buildings for their staff, a ban that often also includes visitors, contractors and councillors. This means that members of staff cannot even smoke in their own car in a council car park. The requirement to leave council grounds makes a cigarette break all but impossible for those on sizeable campuses or council areas, even for councils that allow designated breaks.

In addition, councils have started to impose restrictions on where workers smoke in their lunch break. For example, they cannot smoke in view of the public, children, or in uniform. Stafford Council says that staff members cannot smoke in 'known busy periods' or in sight of children -

they can only smoke at lunch at designated areas that are discreet and out of view of the public. Rhondda Cynon Taf Council says that people cannot smoke at any time they are representing the council, which would include councillors attending an outdoor public event.

Hammersmith and Fulham Council does not allow home workers to smoke in their office at home, and also prohibits any other family members from smoking in that room: 'Home workers should not smoke at their workstation during office hours. Family members should not be allowed to smoke in the home worker's office.' Salford and many other councils prohibit workers who work outside from smoking in their 'place of work', such as a park. (Reading is the only council that explicitly allows this.)

Islington Council furthermore requires employees not to smoke in the sight of children or near health premises. Several councils (including Richmond) ban workers from smoking while walking or driving between work appointments. These restrictions have no effect on council workers' ability to do their job, or their exposure of others to cigarette smoke.

Many councils also restrict vaping. Most treat vaping as smoking and therefore subject to identical restrictions - for example, prohibiting people from having vaping breaks, or vaping on council grounds. Canterbury Council says that e-cigarettes should be used only in designated smoking areas, and that 'smoking or "vaping" is strictly prohibited in all parts of the organisation's premises or anywhere on its grounds'. Highland Council says that 'staff are not permitted to smoke or vape during working hours'. Other councils apply slightly different regulations - for example, requiring vapers to smoke *near* the smoking shelter but not in it, or allowing them to vape outside so long as they are out of sight. Hull Council is the only council that excludes e-cigarettes from smoking regulation and 'does not consider the use of such devices as a form of smoking'.

The findings:

*Policies on smoking at work:*
Of 283 councils able to answer the question about their policies restricting smoking at work:

- 192 councils have a policy restricting smoking at work (68% of councils)
- 91 councils did not have a policy (32%)

*Policies on cigarette breaks:*
Of 147 of councils with a explicit policy on cigarette breaks:

- 88 restricted breaks (for example, requiring workers to clock out)
- 10 permitted breaks
- 49 banned breaks

*Policies on smoking outside council buildings:*
Of 147 councils with a policy on smoking outside council buildings:

- 32 required that smokers only smoke in designated smoking areas
- 2 permitted smoking outside council buildings
- 113 banned smoking outside council buildings

*Policies on smoking in council uniform:*
- 21 councils banned workers from smoking in council uniform or with council ID badges visible

**c. Homes**

Local authorities have also started trying to change people's smoking habits in their own homes. While no local authority has yet taken the step of banning smoking in council housing, moves are being taken in this direction, with interventions encouraging local authority tenants to quit and the establishment of the first smokefree housing units. Many local authorities now have 'smoke free homes' policies and campaigns, and public health expert Professor John Middleton has said that smokefree clauses could become part of the tenancy contract for new family housing.[27] The move of smokefree interventions into housing follows on from the restriction of smoking in prisons and mental institutions in 2018 - a ban on smoking in a place of residence, a step that was considered unacceptable in 2007 where places of residence were explicitly excluded from smokefree legislation. The home has now become an acceptable terrain for state intervention, especially in the case of social housing.

The Scottish government's tobacco plan states: 'We will explore with local authorities and housing associations the idea of tobacco-free clauses in tenancy agreements and smoke-free housing alternatives being offered in social housing.' It suggests 'consulting on and exploring with agencies

27 Smoking may be banned in new council homes, says health expert, BBC News, 8 May 2017: https://www.bbc.com/news/health-39842792

whether new applicants for social housing or relocation could be offered a choice of accommodation in smoke-free housing units – ie blocks or tenements in which there was no smoking allowed anywhere'.[28] Some councils have started to establish certain smokefree residences. Salford Council provides shared accommodation for 18-25 years olds that is smokefree.[29] Salix Homes - the charity that operates homes on behalf of Salford City Council - said that social housing providers have the potential to become 'custodians of health' for their tenants.

Other councils have programmes encouraging smokers to quit. Local authority-funded Fresh Northeast has a programme telling parents to 'take it right outside' and not smoke around their children.[30] Leicester City Council runs no smoking events in tower blocks; the council told me that it had 'discussions at senior management level of taking a stance of education and discouraging smoking' among local authority tenants.'[31] Smokefree Sheffield ran a campaign that 'aims to encourage those who smoke to keep their properties smokefree, as well as going smokefree themselves', which included 'the distribution of thousands of commitment cards across the city to encourage people to go smokefree for the benefits of their families via schools, children's centres etc'.[32]

Smokefree policies are also enforced when council officers visit smokers' homes. Leeds Council says that 'staff who go into people's homes will be trained to raise the issue of client health behaviour in a sensitive fashion, such as the benefits of engaging with the Smoke-free Homes initiative, which can help free their home of second hand smoke and/ or stopping smoking.' North Tyneside Council has the same policy. Many councils require that residents do not smoke for a certain amount of time before receiving a visit from a council officer - this time varies between one and three hours. Hyndburn Council requires that its officers carry out a risk assessment when entering the home of a smoker, while Waverley Council requests that people do not vape in their own homes if in the presence of a visiting council officer.

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28 Raising Scotland's tobacco-free generation: our tobacco control action plan 2018, Scottish Government, 20 June 2018: https://www.gov.scot/publications/raising-scotlands-tobacco-free-generation-tobacco-control-action-plan-2018/pages/3/
29 'Smoking in the Home', ASH, November 2018: https://ash.org.uk/wp-content/uploads/2018/11/FINAL-2018-Smokefree-Housing-report-web.pdf
30 Smoke-free Families, Fresh Northeast: http://www.smokefreefamilies.co.uk/your-smokefreetips
31 Leicester City Council, FOI response
32 Two new campaigns announced from Smokefree Sheffield to mark World No Tobacco Day, Sheffield City Council, 31 May 2019: https://sheffieldnewsroom.co.uk/news/smokefree-may19/

# No Smoking
# No Vaping

**Thank you for your co-operation**

# Conclusion

This report documents the move of local authorities into the regulation of smoking and vaping. It shows how councils have oriented around the project of moving society towards a utopian 'smokefree' future. The project is not based on potential health risks such as passive smoking, nor is it merely a reflection of statutory duties. Instead, it is about the state changing its form - from social provider, to busybody.

The welfare state is increasingly seeking to make society 'better' by restricting the behaviour and lifestyle choices of individual citizens. This involves a failure of social imagination: structural inequalities are blamed on personal habits such as smoking, and no-smoking measures are viewed as the answer to social problems of various kinds.

There is plenty of good that local authorities are doing, and more that they could be doing. Interfering in the personal habits of employees or residents should not be part of their job description.

# Appendix: Data on local authority regulation of smoking

Questions were sent to all 340 local authorities in England and Wales, and all 32 Scottish authorities, concerning their regulation of smoking outdoors, and policies on smoking by employees and on council land. 283 authorities were able to provide information. The results are below.

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Adur District Council** | No | Y - Employees are not permitted to smoke or vape on Council premises including car parks, pavements, parks, as well as buildings and playing fields. | | Banned | |
| **Allerdale Borough Council** | No | Y - Allerdale Borough Council does not allow smoking or vaping inside any Council buildings or work vehicles. However, employees are allowed to vape/smoke in the designated outside smoking area. | | Smoking area | |
| **Amber Valley Borough Council** | No | Y - 'The Council prohibits employees smoking at work. It also prohibits anyone smoking in any Council premises or Council vehicles.' | Restricted | | |
| **Ashford Borough Council** | Y - Civic Centre including grounds is a smokefree area | Y - The Civic Centre including grounds is a smokefree area - employees must leave the zone. | | Banned | |
| **Babergh District Council** | No | Y - No smoking on council property (including in private car), whilst wearing uniform, or travelling between appointments (even walking). | | Banned | Y |
| **Barking and Dagenham London Borough Council** | No | NA | | | |
| **Barnet London Borough Council** | No | Y - Smoking breaks are not supported during work time. If employees take breaks they need to make the time back so effectively they are smoking in their own time. | Restricted | | |
| **Barrow in Furness Borough Council** | Y - New signs saying no smoking in play areas | No | | | |
| **Barrow in Furness Borough Council** | Y - New signs saying no smoking in play areas | No | | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Basildon Borough Council** | No | Y - No smoking within 20m of any council property. Employees wishing to smoke must do so during officially allocated breaks. Employees are only permitted to take two additional short breaks of approximately 10 minutes during the day (all time must be made up and recorded on flexi-sheets). | Restricted | Banned | |
| **Basingstoke and Deane Borough Council** | Y - No smoking on Civic Offices Campus | Y - Employees may not smoke on Civic Offices Campus (including outdoor areas) | | Banned | |
| **Bexley London Borough Council** | No | Y - Smoking in Council buildings and grounds will not be permitted even during official breaks. | Banned | Banned | |
| **Birmingham City Council** | No | Y - Smokers should only smoke outside of a building and not directly outside the entrance, exit or near to windows or other openings where smoke could enter a building. Clock or sign out for every smoke break: where service provision allows, you can take one smoke break in the morning and one in the afternoon, or pro rata for shift workers. Each smoke break must not exceed 20 minutes in duration. | Restricted | Permitted | |
| **Blaby District Council** | No | No | | | |
| **Blackburn with Darwen Borough Council** | No | Y - Smoking only in designated areas (including e-cigs) | | Smoking area | |
| **Blaenau Gwent County Borough Council** | No | Y - Smoking is prohibited in all Council premises (except the statutory exemptions) including access areas and adjacent car parks and land. Smoking breaks only allowed in employee's own time and not on council premises | Restricted | Banned | |
| **Bolsover District Council** | No | Y - Smoking is permitted outside the workplace and outside working hours, i.e. before/after work or during breaks. | Restricted | | |
| **Bolton Metropolitan Borough Council** | No | No | | | |
| **Boston Borough Council** | No | Y - No smoking on council premises or places of work, including playing fields or car parks where parked for work use. | | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Bracknell Forest Borough Council** | Y - No smoking in multistory carparks, and also in open spaces managed by Parks & Countryside | Y - Smoking only in designated smoking areas | | Smoking area | |
| **Braintree District Council** | No | No | | | |
| **Brent London Borough Council** | No | No | | | |
| **Brentwood Borough Council** | No | No | | | |
| **Bridgend County Borough Council** | NA | Y - No smoking directly outside any BCBC Council building, including car parking areas or within 10 metres of any door window, air intake fan or other opening. Council employees who wish to smoke can do so either in official breaks or utilise the flexi scheme where available. Employees are only permitted to take smoking breaks with the express permission of their managers | Restricted | Banned | |
| **Brighton & Hove City Council** | No | Y - Employees who work in council owned premises who wish to smoke/ vape may do so during their work time but only in permitted, designated areas and subject to the agreement of their line manager. Where a designated smoking/vaping area is not provided at an establishment, employees wishing to smoke/ vape must go “offsite” to do so but they must have secured the prior agreement of their line manager. In this context “offsite” means not on property (i.e. buildings and surrounding external areas such as walkways, entrances, driveways, car parks etc) which are managed, leased or owned by the council. | Restricted | Smoking area | |
| **Bristol City Council** | No | No | | | |
| **Broadland District Council** | No | No | | | |
| **Bromley London Borough Council** | No | No | | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Broxbourne Borough Council** | Y - No smoking signs displayed in play areas (but no fines) | Y - The Council has no provision for so called smoking breaks. Staff who wish to smoke must do so in their own time before or after work, or when on lunch or other official breaks. Managers must make arrangements to ensure that staff only smoke during official breaks. Staff who smoke are required to do so in a way that does not adversely affect other staff or the public, and to choose a location that does not adversely affect public perception of the Council. For example, staff must not smoke immediately outside entrances used by the public. Where designated smoking areas have been provided staff must use these while smoking at work. Members of the public are permitted to smoke in a limited number of designated, open air, smoking areas. Members of staff are not permitted to smoke in these areas. | Restricted | Banned | |
| **Burnley Borough Council** | No | No | | | |
| **Calderdale Metropolitan Borough Council** | Y - No smoking in play areas | Y - No smoking in working hours (no cigarette breaks, except in unpaid breaks at lunchtime); no smoking on council premises or within 25m of building; no smoking near entrances of indoor or outdoor council premises. | Banned | Banned | |
| **Canterbury City Council** | No | Y - No smoking in uniform or near council buildings; only in designated smoking areas (this applies to e-cigs). | | Smoking area | Y |
| **Castle Point Borough Council** | No | Y - Employees who go outside to smoke are restricted to taking one short smoking break in the morning and one in the afternoon, with a maximum of ten minutes per break. This time will be deducted from working time so an employee who works flexi will need to add these breaks to their lunch break. Employees are requested not to smoke within a 10 metre radius of any Council building, at the Kiln Road Offices this includes Runnymede Hall. It does not create a good image with the public to have staff standing around smoking outside the buildings. | Restricted | Banned | |
| **Central Bedfordshire Council** | No | Y - A smoking area is provided for staff. | | Smoking area | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Ceredigion County Council** | Y - Smoking is not permitted on school grounds, including playing fields and car parks under the control or managed as part of the school. Similarly smoking is not permitted in or on leisure facilities, sports grounds and play areas that are under the control of or managed by the County Council. | Y - As a result of this Smoke Free Policy, smoking is prohibited in all areas with the exception of designated external smoking areas. | | Smoking area | |
| **Charnwood Borough Council** | No | Y - Employees may smoke whilst at work but any smoking breaks should be taken in non-paid time (i.e. before or after work or during any unpaid breaks such as lunchtime). This includes the use of e-cigarettes, personal vaporisers or electronic nicotine delivery systems. Employees should agree with their managers how best to manage any unpaid smoking breaks, taking into account the nature of the job role and any specific working arrangements which may be required. Smoking is currently permitted outside of Council premises and away from areas that would cause irritation to non-smokers. | Restricted | Permitted | |
| **Chelmsford Borough Council** | No | No | | | |
| **Cheltenham Borough Council** | Y - The play area signs ask people to refrain from smoking inside fenced areas, but there aren't any bylaws backing that up and no penalties in place. | Y - Employees who work in an enclosed workplace will only be permitted to smoke in designated smoking areas. Smoking breaks should be taken outside of core hours and/or during rest breaks agreed with the employee's line manager. The time spent away from the enclosed workplace on a smoking break must be recorded on the employee's time sheet. | Restricted | Smoking area | |
| **Cherwell District Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Cheshire East Council** | Y - Smoke free play areas | Y - Smoking will not be allowed in any Council premises, including work areas, buildings, vehicles or depots owned by the Council. Staff, elected members, service users, visitors, contractors and the public may only smoke in designated smoking areas which are provided where appropriate. People using electronic cigarettes outside do not have to use the designated smoking areas used by smokers. Staff should only smoke outside of working hours | | Banned | |
| **Cheshire West and Chester Council** | Y - PSPO ban on smoking in play areas (100 pound penalty). | No - Only that staff must not smoke in enclosed spaces or council vehicles | | | |
| **Chesterfield Borough Council** | No - Only bus station | No | | | |
| **Chichester District Council** | No | No | | | |
| **Chiltern District Council** | No | No | | | |
| **Chorley Borough Council** | No | Y - Both smoking and vaping are not permitted during working hours, but in line with the flexi policy a break can be taken at any time during the day. | Restricted | | |
| **City of Bradford Metropolitan District Council** | NA | NA | | | |
| **City of London** | Y - Three smoke free gardens (voluntary scheme that is not enforced) | Y - Staff may not smoke around the entrances to buildings in which City Corporation staff work. Staff are not allowed to smoke whilst they are on duty. | Banned | Banned | |
| **City of Wakefield Metropolitan District Council** | Y - Play parks are smoke free but this is not enforceable. Consulting on whether should apply to vaping too. | Y - Employees must not smoke in any place or at any time during working hours (they are not entitled to take specific 'smoke breaks'). They should ensure, outside working hours, they adhere to the smoke-free provisions applicable to all Council premises (both indoors and outdoors); and not smoke next to Council building entrances/windows/air inlets. | Banned | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Colchester Borough Council** | No | Y - Smoking breaks during office hours should be kept to a minimum and should depend on the needs of the service. Staff who choose to smoke during office hours must do so in their own time, either by flexing on and off for the duration of the break or by making up the time lost either at the start or end of the day. Staff based at Rowan House who choose to smoke in their own time should be mindful of public perception and ensure that they do so completely off the premises (ie beyond the car park and perimeter fence) and avoid congregating at the front of council buildings. Staff based in other Council buildings who want to smoke should do this at least ten metres away from the entrance or exit of Council buildings. Staff wearing uniform or any other form of Council identification and who want to smoke should do this out of view of the public. | Restricted | Banned | Y |
| **Conwy County Borough Council** | No | Y - To prevent smoke drifting into workplaces, staff will not be permitted to smoke within 10 metres of a Council building. Smoking breaks are not permitted during working hours. A smoking break may be taken in an employees' own time during the flexible hours bandwidths. For staff on standard hours, smoking during an 'agreed paid or unpaid break' is also permitted. | Restricted | Banned | |
| **Copeland Borough Council** | No | No | | | |
| **Corby Borough Council** | No | Y - Smoking and e-cigs not permitted within 2m of any council door or window; | | Banned | |
| **Cornwall Council** | No | Y - No unpaid breaks; smoking in designated areas. | Banned | Smoking area | |
| **Cotswold District Council** | No | Y - Ban all smoking from areas adjacent to or within ten metres of workplaces, even where they are not enclosed or substantially enclosed and accordingly designate suitable areas where smoking is permissible. The No Smoking Policy applies to all workplaces and in the interests of equal treatment to all staff, smoke breaks are not permitted. | Banned | Banned | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Coventry City Council** | Y - Play areas have no smoking signs | Y - No council employee may smoke during working hours. This means that smoke breaks during working hours will not be allowed. Council employees who wish to smoke may do so only in their own time. | Banned | | |
| **Crawley Borough Council** | No | No | | | |
| **Croydon London Borough Council** | NA | Y - Staff are asked not to smoke when in Council uniform or wearing Council name badges. Staff are also asked to move away from the boundaries of Council work places if smoking. | | Banned | Y |
| **Dacorum Borough Council** | NA | NA | | | |
| **Dartford Borough Council** | No | Y - Employees will only be permitted to smoke whilst off duty and are only permitted to smoke in unenclosed designated areas. Smoking will also not be permitted in private vehicles belonging to staff where they may be used to carry other members of staff, members of the public etc, whilst the employee is carrying out their duties. | Restricted | Smoking area | |
| **Daventry District Council** | Y - Enclosed play areas | Y - Council employees are only allowed to smoke during their designated lunch break, they are not allowed 'cigarette breaks'. They must also smoke off site and not around the council building. | Banned | Banned | |
| **Denbighshire County Council** | Y - Smoking will not be permitted in the following premises or locations or their immediate environs:<br>• Civic centres<br>• Country parks and outside facilities | Y - Anyone wishing to smoke whilst on official breaks or whilst clocked off must either use the Permitted Smoking areas if these are available or leave the immediate vicinity of the Council premises. Smoking will not be permitted near to entrances or windows to a Council premises or any other outside area in the immediate vicinity, whereby smoke may affect other employees or portray a negative image of the Council. | Restricted | Smoking area | |
| **Derbyshire Dales District Council** | Y - Enclosed play areas | Y - Employees who do find it necessary to smoke during working hours are entitled to breaks with the approval of their line manager. Smoking breaks will normally be limited to one in the morning and one in the afternoon and the time must be made up by the employee. | Restricted | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Dorset Council (formerly Weymouth and Portland, West Dorset, North Dorset, Purbeck, and East Dorset).** | | No - Only restriction on smoking in enclosed public places and entranceways | | | |
| **Dover District Council** | No | No | | | |
| **Durham County Council** | Y - Voluntary smoke free play parks | Y - Durham County Council employees are not permitted to smoke/vape during working hours. Employees may however do this in authorised designated areas in their own time and at their manager's discretion. | Restricted | Smoking area | |
| **East Cambridgeshire District Council** | No | No | | | |
| **East Devon District Council** | No | Y - Smoking is not permitted in front entrances, in the area immediately adjacent to any entrance to EDDC buildings or near to areas where the EDDC logo is displayed. | | Banned | |
| **East Hampshire District Council** | No | Y - We don't ban staff from smoking, we discourage from a health and wellbeing perspective. We have designated smoking areas external to the building for both vaping and smoking and time is to be added to time sheet. | Restricted | Smoking area | |
| **East Hertfordshire District Council** | No | Y - Employees must only smoke in the designated areas. Employees who take smoke breaks during working hours are reminded that excessive breaks will be addressed by their manager. Must cover up logo if smoking in uniform during breaks. | Permitted | Smoking area | Y |
| **East Northamptonshire District Council** | | N - Staff must smoke outside and do not take excessive breaks. | | | |
| **East Riding of Yorkshire Council** | No | Y - To ensure equality of treatment for all employees there are no designated 'smoking' breaks and therefore any smoking break must be taken in line with the normal lunch break. Employees should not smoke or use e- cigarettes or vape immediately outside Council entrance points. Employees are representatives of the Council and should portray a professional image at all times. | Banned | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **East Staffordshire Borough Council** | No | Y - Employees are not allowed to smoke or vape while at work, or while on council land (including open areas). No provision for breaks or for smoking areas. | Banned | Banned | |
| **East Suffolk District Council** | No | Y - Employees will be expected to take smoking breaks at the beginning and end of the working day, during their lunch break or at such other reasonable times as agreed with their line manager. All breaks will be required to be taken in the employees' own time. | Restricted | | |
| **Eastbourne Borough Council** | No | No | | | |
| **Eastleigh Borough Council** | No | No | | | |
| **Enfield London Borough Council** | Y - play areas (with PSPO) | No | | | |
| **Epping Forest District Council** | No | Y - Staff and councillors are only permitted to smoke or vape in unenclosed designated areas. This applies to councillors while they are on Council premises, and to staff whilst they are at work, including whilst on official breaks, (e.g. lunchtime). Smoking and vaping breaks during contracted working hours are permissible and, if taken, must not be excessive. These breaks will be monitored by managers and must not disrupt the day-to-day operational working of the service or team. Any smoking or vaping break taken must be deducted from the employee's contracted hours or flexi balance and the deductions recorded on the employee's Time Recording Sheet. | Restricted | Smoking area | |
| **Epsom and Ewell Borough Council** | No | Y - No smoking near council buildings (windows/entrances). Whilst we discourage staff from smoking at work, we recognise that staff may wish to do so and they will be allowed to take a reasonable period of time for this purpose. Any time taken will be with the agreement of the member of staff's manager and staff will be required to make the time up. | Restricted | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Erewash Borough Council** | No | Y - Smoking is not permitted in buildings owned by or leased to the council, including at building entrances or anywhere on its grounds. This includes areas that are outside but that form part of the council's premises except within designated areas. | | Banned | |
| **Exeter City Council** | No | Y - Smoking is only allowed in lunch break. | Restricted | | |
| **Fareham Borough Council** | No | Y - Smoking during work time is not encouraged, but smoke breaks are permitted if the employees manager agrees to them. Any lost time from work due to a smoke break will need to be made up. | Restricted | | |
| **Flintshire County Council** | No | Y - Employees wishing to smoke during the working day must do so in their own time and must ensure that they log any smoking breaks via a relevant time recording mechanism. | Restricted | | |
| **Folkestone and Hythe District Council** | No | Yes | | | |
| **Gateshead Metropolitan Borough Council** | | Y - Employees are not permitted to smoke anywhere on Council premises, including in Council vehicles. If they want to smoke whilst at work they are required to clock out and stand outside the perimeter of the Civic Centre or in designated smoking areas if in an external location. | Restricted | Banned | |
| **Gedling Borough Council** | No | Y - must cover uniform when smoking; no smoking within 20m of building or in council carparks. | | Banned | Y |
| **Gloucester City Council** | | Y - Vaping is not allowed in offices; there are designated smoking areas outside offices. | | Smoking area | |
| **Gosport Borough Council** | No | No | | | |
| **Gravesham Borough Council** | No | No | | | |
| **Great Yarmouth Borough Council** | No | No | | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Greenwich London Borough Council** | No | Y - Staff are not permitted to smoke anywhere in the grounds of Council buildings; this is to include car parks and immediately outside entrances to buildings. However, where the location of the building makes this an unreasonable restriction then consideration will be given to an exemption to allow some smoking in designated external areas. Staff are not permitted to smoke during work hours. All staff are only permitted dedicated lunch breaks; staff who smoke are not allowed to take extra smoking breaks outside of this dedicated lunch break. | Banned | Banned | |
| **Guildford Borough Council** | Y - Smoking is banned in play areas (with legal penalties) | Y - Smoking is prohibited in any part of the workplace including leisure centres and sports pavilions, car parks. Smoking is prohibited immediately outside Council buildings. This includes the whole Millmead site. We operate a flexi-time system that can accommodate breaks outside the core hours of 10am to 12 noon, and 2pm to 3.30 pm. Staff may smoke before and after working hours and during their lunch breaks in the appropriate areas. Smokers wishing to take a break within core hours and while on duty may do so at the discretion of their line manager. | Restricted | Banned | |
| **Hackney London Borough Council** | Y - Smokefree play areas and some areas in parks | Y - Employees are not permitted to smoke during work-time and while on duty. This applies equally to employees working within Council premises and those who principally work out-of-doors (e.g. in parks, within borough neighborhoods). No smoking breaks; no smoking near council buildings. | Banned | Banned | |
| **Hambleton District Council** | No | Y - Smoking by employees and elected Members is strictly prohibited in all council buildings as well as their immediate environments and in all council vehicles. If an employee uses their own vehicle for council business, smoking should be prohibited at the request of a non-smoking passenger (applies also to vaping). | | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Hammersmith and Fulham London Borough Council** | No | Y - There are no designated smoking areas outside Council premises any more and all staff who smoke have to walk away from Council premises completely. It is LBHF policy that staff who smoke, should not smoke on the Council forecourts or other external spaces .... The management board has agreed that there should not be any breaks specifically to allow staff to smoke .... home workers are expected to have the same set up at home as they do in the office. Smoking is not allowed in any of the Council's offices and home workers should not smoke at their workstation during office hours. Family members should not be allowed to smoke in the home worker's office. | Banned | Banned | |
| **Haringey London Borough Council** | No | Y - No additional breaks will be given to employees who smoke. Employees can only smoke in their own time e.g. before or after work or during their agreed breaks. Smoking in council buildings and grounds is not permitted, even during official breaks. (Vaping is allowed outside on council grounds). | Banned | Banned | |
| **Harlow District Council** | No | No | | | |
| **Harrogate Borough Council** | Y - No smoking signs in play areas but not enforced | No | | | |
| **Hart District Council** | No | No | | | |
| **Havant Borough Council** | No | Y - We don't ban staff from smoking, we discourage it from a health and wellbeing perspective. We have designated smoking areas external to the building for both vaping and smoking and time is to be added to time sheet. | Restricted | Smoking area | |
| **Havering London Borough Council** | No - Only in council multistory carparks | Y - The Council expects all its workers, Elected Members and visitors to refrain from smoking (and e-cigs) in all Council premises and associated grounds, including car parks outside of any building or workplace occupied by Council workers. | | Banned | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Hertsmere Borough Council** | | Y - Smoking only allowed in designated smoking areas; no smoking in core working hours. | Banned | Smoking area | |
| **High Peak Borough Council** | No | No | | | |
| **Hinckley and Bosworth Borough Council** | No | No | | | |
| **Horsham District Council** | Y - No smoking in play areas | NA | | | |
| **Hounslow London Borough Council** | NA | NA | | | |
| **Hyndburn Borough Council** | Y - Voluntary restriction in children's play areas | Y - Not banned but not allowed in work time or on our premises (including in private vehicle in council car park) unless specific designated area | Restricted | Smoking area | |
| **Ipswich Borough Council** | No | Y - Anyone carrying out work, whether paid or voluntary, or any other business on behalf of, or in connection with Ipswich Borough Council is prohibited from smoking whilst performing their duties. (Includes vaping). | Banned | | |
| **Isle of Anglesey County Council** | No | No - Smoking is only prohibited in enclosed areas (including vaping) | | | |
| **Isle of Wight Council** | No | No | | | |
| **Islington London Borough Council** | Y - Smoke free playgrounds | Y - No smoking within 50m of council building, no smoking in uniform or in view of children, no smoking near health facilities. | | Banned | Y |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Kensington and Chelsea Royal Borough Council** | Y - Smoke free playgrounds | Y - Smoking is strictly forbidden within all Council buildings and the external spaces to those buildings including, for example, exits, roads, car parks, squares, forecourts, courtyards, pathways etc. The Council prohibits the use of e-cigarettes in and around the workplace and their perimeters. | Restricted | Banned | |
| **Kettering Borough Council** | Y - Smoke free playgrounds | Y - Employees can take up to 3 smoking breaks a day but only in designated smoking areas. | Restricted | Smoking area | |
| **King's Lynn and West Norfolk Borough Council** | Y - Smoke free playgrounds | Y - Employees must clock out of the flexitime system when they wish to smoke, and will be permitted smoking breaks no more frequently than one every 2 hours. | Restricted | | |
| **Kingston upon Hull City Council** | | Y - The Council will not permit smoking or vaping, in any Council work places or premises or during Council paid work time. Premises include all buildings, entrances to buildings and land adjacent to buildings, grounds and vehicles, owned by or under the control of the Council, either temporarily or otherwise, excluding council house stock and council owned care settings. | Banned | Banned | |
| **Kirklees Council** | No | Y - Staff who wish to smoke may do so if it is in their own time during their official breaks such as lunch breaks, official unpaid tea breaks or when either on the way to or from work. No smoking within 10m of council buildings | Restricted | Banned | |
| **Lambeth London Borough Council** | No | Y - Employees must not smoke on the street or in the open air within 15 metres from the perimeter of any council building. Employees must not smoke anywhere in public view whilst displaying council identity badges or logos. | | Banned | Y |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Lancaster City Council** | No | Y - Employees who are office based must not smoke during their working hours. Employees are permitted to smoke in their own time, but it must take place away from Council premises. Office based staff are expected to use flexi-time when leaving the office for a smoking break. Smoking must not take place anywhere on Council premises, which includes outside space that forms part of the Council's property. | Restricted | Banned | |
| **Leeds City Council** | Y - PSPO banning smoking in children's play areas | Y - No smoking on council land, including grounds/building sites, parks. Non paid breaks are permitted. | Restricted | Banned | |
| **Leicester City Council** | Y - Bans in play areas (but not enforceable) | Y - Smoking banned in council premises and association outdoor areas (depots and carparks). Council employees not permitted to take smoking breaks (whether paid or unpaid). Policy also includes vaping. | Banned | Banned | |
| **Lewes District Council** | No | No | | | |
| **Lincoln City Council** | NA | Y - If employees want to smoke this must take place in their own time either before work, at lunch time or after work, and smoking must take place outside of Council premises and/or grounds. Also applies to e-cigs. | Banned | Banned | |
| **Luton Borough Council** | Y - Smoke free initiative in playgrounds | Y - Staff are not permitted to smoke during working time and this includes travelling between council offices or client / customer visits irrespective of whether this is undertaken by walking or by driving a private vehicle. Staff wishing to smoke must do so in their own time during their official breaks such as lunch breaks, or when either on the way to or from work. | Banned | | |
| **Malvern Hills District Council** | Y - No smoking in play areas | Y - Staff can take smoking breaks but they must clock out. | Restricted | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Manchester City Council** | Y - No smoking in play areas | Y - Council employees who wish to smoke may only do so in their own time. Employees must not absent themselves from their place of work during work time for the purposes of smoking. Managers must not condone employees taking time off work in order to smoke. | Restricted | | |
| **Mansfield District Council** | Y - PSPO bans smoking in play areas | Y - All Council employees are prohibited from:<br>• Smoking during working hours<br>• Smoking in all Council-operated buildings and associated outdoor areas, such as depots, yards and car parks (excluding Council owned parks and open spaces). Employees wishing to smoke must do so only in their own time i.e. only at lunchtimes or on official breaks, or before or after work. Employees who smoke (or use e cigarettes) during a lunch break (or official break) on the district, or outside Council premises, should be mindful of the possible negative impact on the reputation of the Council. For example, employees wearing uniform or an identification badge, who should exercise discretion on where they smoke. | Restricted | Banned | Y |
| **Medway Council** | No | No | | | |
| **Melton Borough Council** | No | Y - Individuals wishing to smoke or vape should do so out of the council building and after they have clocked out with the terms of the flexitime working hours scheme. Employees not in the flexible working hours scheme wishing to smoke or vape should do so only in their own time.' Also no smoking in private cars when 'the employee is paid either mileage or essential car user allowance (during working hours)' | Restricted | | |
| **Mendip District Council** | N - Only that traders cannot smoke at their pitches at the market | No | | | |
| **Merthyr Tydfil County Borough Council** | No | Y - The Council bans employees from smoking or vaping on Council premises. | | Banned | |
| **Merton London Borough Council** | Y - No smoking signs in play areas, but not enforced | NA | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Mid Devon District Council** | Y - Smoking ban on all council sites, including leisure centres, car parks | Y - No smoking breaks on council sites; smoking breaks allowed if agreed with manager on flexi-time | Restricted | Banned | |
| **Mid Suffolk District Council** | No | Y - No smoking on council property (including in private car), whilst wearing uniform, or travelling between appointments (even walking). | | Banned | Y |
| **Mid Sussex District Council** | No | Y - Smoking banned on campus (including e-cigs). Smoking only allowed in lunchbreaks off campus. | Banned | Banned | |
| **Middlesbrough Council** | No | Y - Smoking is not permitted at any time, in any Council owned and/or managed buildings or in grounds within the immediate vicinity including entrances and exits. This includes the use of electronic cigarettes. Employees should not take smoking breaks during work time. | Banned | Banned | |
| **Milton Keynes Council** | NA | NA | | | |
| **Mole Valley District Council** | No | No - Only enforcement of smoke free legislation | | | |
| **Newark and Sherwood District Council** | Y - Voluntary ban in children's play areas | Y - Employees participating in the flexi time scheme should make every effort to only take smoking breaks during their meal breaks, at the start of, or end of the day. However, they are permitted to take reasonable smoking breaks as and when service provision allows during working hours. All time taken away during each smoking break must be fully accounted for within flexi time logs. Employees not on flexi time are not permitted to take smoking breaks during their core working hours. Smoking will only therefore be permitted during rest/meal breaks. | Restricted | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Newcastle under Lyme Borough Council** | | Y - Smoking is ONLY permitted in designated smoking areas (where provided) on permitted breaks. Where designated smoking areas are not provided, smoking is not permitted at any time in any part of Council premises or the curtilage of the property including car parks and yards attached to the premises, entrances/exits, nor in Council-owned vehicles or any vehicles being used on Council business, by any person regardless of their status. The same applies for e-cigarettes. | Restricted | Smoking area | |
| **Newcastle upon Tyne City Council** | | Y - You can leave a building to smoke during working hours subject to the following restrictions:<br>• Permission being obtained from the person's line manager;<br>• Mandatory use of the flexi system or equivalent manual time record system to clock or log out and back in; and<br>• You do not smoke in the immediate vicinity of all entrances and exits, window openings and air intake points. | Restricted | Banned | |
| **Newham London Borough Council** | No | Y - No smoking in council car parks or entrances to council buildings. The council will not permit employees to congregate and smoke or use e-cigarettes in groups outside Council premises. Employees are only permitted to smoke whilst off duty (in official break times only) and are expected to be out of uniform whilst smoking. | Restricted | Banned | Y |
| **Newport City Council** | No | Y - Smoking is prohibited within council or school premises including open areas/ ground areas. Employees who wish to smoke must do so in their own time. Employees should only break from work to smoke within authorised breaks. Employees are required not to smoke at entrances to Council / School premises as this may harm the image of the Council. | Restricted | Banned | |
| **North Devon District Council** | Y - No smoking signs in play areas, but not enforced | Y - only that employees on flexitime will need to "clock off" when leaving their workplace/vehicle for a smoking break and "clock back on" when they return. Employees not on flexitime will have to agree arrangements with their manager for recording their unpaid smoking breaks. | Restricted | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **North East Derbyshire District Council** | No | Y - Smoking in designated smoking areas, at least 5m from council workplace | | Banned | |
| **North East Lincolnshire Council** | No | Y - Smoking including the use of electronic cigarettes (e-cigarettes) is prohibited in any NELC premise including surrounding grounds and car parks. | | Banned | |
| **North Hertfordshire District Council** | Y - No smoking signs in play areas but not enforced | Y - Restrictions on how smoking is done and how frequently, but smoking not banned for employees | Restricted | | |
| **North Kesteven District Council** | No | N - Only no smoking on premises or in council vehicles | | | |
| **North Lincolnshire Council** | NA | Y - Employees will not be allowed to take smoking breaks. | Banned | | |
| **North Somerset District Council** | Y - PSPOs ban smoking in children's play areas and around council buildings | No | | | |
| **North Tyneside Metropolitan Borough Council** | No | Y - No smoking on council land, including parks and open spaces and car parks; | | Banned | |
| **North Warwickshire Borough Council** | No | Y - Employees who wish to smoke should do so in their own time during their official unpaid breaks i.e anyone working in excess of 6 hours has the minimum of 30 minutes unpaid break. Employees are only permitted to smoke whilst off duty. | Restricted | | |
| **North West Leicestershire District Council** | No | Y - Smoking is strictly prohibited on all parts of the Council's premises, including at entrances or anywhere on its grounds. This includes areas that are outside but that form part of the Council's premises. Smoking breaks are no longer permitted. Any employee or contractor wishing to smoke must do so in their own time. | Banned | Banned | |
| **Northampton Borough Council** | No | Y - Employees who take time away from work to smoke during the working day, should do so in their own time and ensure that these breaks are logged on the timesheet, as these breaks are unpaid. | Restricted | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Northumberland County Council** | Y - No smoking on council grounds or sites | Y - Tobacco smoking is not allowed anywhere on NCC premises and at least 30 metres from any NCC building. If NCC employees wish to smoke or vape, they should do so outside of working hours or at normal and agreed break times. Vaping is permitted outside and away from main entrances and exits. | Restricted | Banned | Y |
| **Norwich City Council** | Y - Initiative of no smoking near childrens' play areas and schools | Y - The council prohibits smoking at all of its workplaces including entrances, exits, grounds, car parks and vehicles. Employees are not permitted to smoke during working time and are therefore not permitted to take smoking breaks whether paid or unpaid. Employees are not permitted to use the council's flex time scheme to facilitate smoking breaks. | Banned | Banned | |
| **Nottingham City Council** | Y - Playground areas, school grounds, council events such as the Beach (patrolled by security guards or CSOs) | Y - The council does not prevent employees from smoking or vaping during work hours. However, employees must use designated areas to do so. | Permitted | Smoking area | |
| **Nuneaton and Bedworth Borough Council** | No | Y - Smoking in the vicinity of entrances and exits to Council buildings is prohibited. No NBBC employee is to smoke during working hours, to include paid breaks. Employees who wish to continue smoking may do so in their own time, during their official unpaid breaks (e.g. lunch break). Employees on flexitime will not be permitted to smoke during "core hours". When employees are required to drive their own vehicle for business purposes smoking will not be permitted. | | | |
| **Oadby and Wigston Borough Council** | No | No | | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Oxford City Council** | Y - Voluntary restriction in play areas | Y - Employees should inform their manager if they wish to take a smoking break and ensure that there is sufficient cover before taking a break. In line with the Working Hours Policy and Procedure, employees are permitted to take reasonable time for smoking breaks, but must account for and make up any time taken away from their work on smoking breaks. This time must therefore be accounted for on the personal record sheet by indicating the reason and amount of time absent in the remarks column and adjusting working time accordingly. | Restricted | | |
| **Pembrokeshire County Council** | Y - No smoking play areas and beaches | Y - Staff can take smoking breaks but they must clock out. | Restricted | | |
| **Pendle Borough Council** | Y - Prohibited in children's play areas and multi-use games areas (FPN or prosecution penalties). | Y - Smoking , (including the use of E-Cigs) ,will not be permitted in any part of the premises or within two metres of any entrances/exits managed, leased or owned by the Council at any time. Employees who are office based are not permitted to smoke during working hours. They are allowed to smoke during their lunch break; however this must take place away from Council premises. Employees are not allowed to clock off at any other time during the day to smoke. | Banned | Banned | |
| **Peterborough City Council** | No | Y - Employees are not allowed to smoke whilst they are working but they are allowed to smoke in their unpaid breaks providing they are off the premises and away from the buildings. Smoking breaks must always be taken off site, or in a smoking area and not in the presence or view of service users. | Banned | Banned | |
| **Plymouth City Council** | No | Y - Employees are not permitted to smoke in enclosed or substantially enclosed Council workplaces, buildings and associated grounds. Employees are not permitted to smoke during contractual paid hours. | Banned | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Portsmouth City Council** | No | Y - Smoking is prohibited in all buildings and premises (including outdoor areas) controlled by the City Council (including areas previously designated staff smoking areas). Employees must not smoke whilst on duty. On duty is defined as during working time, including when representing the Council or visiting customers or clients. Employees are requested to respect our City Council neighbours and not smoke in view of the public. Employees must not smoke whilst wearing visible PCC logos or badges, or any uniform associated with PCC. | Banned | Banned | Y |
| **Powys County Council** | No | Y - Council employees who wish to smoke may only do so in their own time during official break times. Employees must not leave their work area during work time for the purposes of smoking and/or vaping. | Restricted | | |
| **Preston City Council** | Y - Voluntary ban in children's play areas | Y - Ban on smoking in immediate vicinity of council buildings | | Banned | |
| **Reading Borough Council** | No | Y - In addition to normal arrangements, smokers may be allowed to leave their work place in order to smoke if the performance of the team is not compromised. Staff should seek permission to leave their workstation from their manager, agreeing general and specific arrangements to best fit the needs of the service / team (not the individual smoker). Where staff wish to smoke during the working day, and wish to take a smoking break, they will generally do so only within a designated break (e.g. lunch break). As with any occasion when employees leave their workstations, those taking smoke breaks should ensure that colleagues know where they are. | Restricted | | |
| **Redbridge London Borough Council** | No | Y - If employees need to smoke, this must be during their lunch-break and not during core working hours, away from all Council buildings (this includes access points to Council buildings).There is no right to smoke in work time and the Council does not permit authorised smoking breaks to employees while they are at work. | Banned | Banned | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Redcar and Cleveland Borough Council** | No | No | | | |
| **Rhondda Cynon Taf County Borough Council** | No | Y - Council employees, whatever position they may hold, or elected members, are not permitted to smoke whilst they are working for, on duty for or representing the Council, whatever they may be doing or wherever they may be at the time. Council employees are only permitted to smoke in their own time, i.e. when they are on authorised breaks during which they are not being paid by the Council (or before they start work, during their lunch breaks or after they finish work). | Restricted | | |
| **Ribble Valley Borough Council** | No | No | | | |
| **Richmond upon Thames London Borough Council** | Y - No smoking in play areas | Y - Smoking is banned on all Councils' land during individual employees working hours (ie parks). It is also banned within 15 metres of any building, or group of buildings which is either used or occupied by the Councils. To clarify, it must be 15 metres away from the whole Councils' campus and not just the front doors. Staff who wish to take smoking breaks during working hours will be limited to a maximum of 2 smoking breaks per day, which may last for a maximum of 10 minutes for each break. All staff taking non work related breaks must have explicit consent from their manager and the time must made up during the day. | Restricted | Banned | |
| **Richmondshire District Council** | No | No | | | |
| **Rochdale Metropolitan Borough Council** | Y - Voluntary no smoking scheme in play areas | Y - Smoking banned in council grounds and premises. Employees must not smoke or vape whilst in work and recognisable as local authority staff. Smoking or vaping breaks other than authorised breaks in the working day will not be permitted. | Banned | Banned | Y |
| **Rochford District Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Rossendale Borough Council** | No | Y - If a break is taken and a cigarette smoked, every reasonable step must be taken by the employee to ensure they are not in view of the public whilst in uniform. Smoking whilst on duty is not permitted. Smoking whilst on a lunch and other permitted breaks is allowed however is subject to other restrictions outlined i.e. smoking in Council vehicles. Employees must clock out to take a break for the purpose of having a cigarette. In areas in which clocking in/out is not in operation, any cigarette must be smoked within allocated break times. Smoking is not allowed in any part of the premises or grounds. | Restricted | Banned | Y |
| **Rother District Council** | No | No | | | |
| **Rotherham Metropolitan Borough Council** | No | Y - The Council does not make separate provision for employees who smoke. Council staff are not permitted to take smoking breaks (whether paid or unpaid). This applies to Council staff wherever they are employed, regardless of whether the Council owns the premises or land where they are working. Smoking is prohibited in all of the Council's operational buildings and outdoor areas, such as depots, yards and car parks associated with specific buildings. | | Banned | |
| **Royal Borough of Kingston upon Thames** | No | No | | | |
| **Rugby Borough Council** | No | No | | | |
| **Runnymede Borough Council** | Y - Signs requesting no smoking in play areas | Y - Smoking is therefore strictly prohibited on all Council premises (including entrances and exits) and vehicles. Outside areas have been identified for those who wish to smoke during their break-time. E-cigarettes and Vapesticks are also prohibited from use in Council buildings and vehicles. | | Smoking area | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Rushcliffe Borough Council** | Y - All our public events are promoted as smoke free. The smoke free initiative is a voluntary code and is 'policed' as such, therefore there are no penalties for noncompliance other than being asked to leave or refrain from smoking at the event. | Y - Smoking is prohibited on premises owned, shared or controlled by the Council including entrances to premises and car parks. | | Banned | |
| **Rushmoor Borough Council** | No - Looking at no smoking playgrounds | No | | | |
| **Rutland County Council** | No | Y - Smoking is not permitted in any of Rutland County Council's premises, including perimeter grounds such as car parks, and as such, all existing smoking areas will be withdrawn from use. No smoking breaks will be allowed during the working day, and so those wishing to smoke will need to do this during lunch periods only. | Banned | Banned | |
| **Ryedale District Council** | Y - Children's play area; signs but not policed | Y - Staff are permitted to smoke in designated outdoor areas on their breaks. | Permitted | Smoking area | |
| **Salford City Council** | No | Y - Where smoking does take place outside, the location should be out of public view wherever possible and must not be directly outside buildings, or near to doors or windows. No allowance will be made for smoking breaks and those wishing to smoke will be required to do so in their own time. | Banned | Banned | |
| **Scarborough Borough Council** | | Y - No smoking breaks, even on flexitime. | Banned | | |
| **Sedgemoor District Council** | No | No | | | |
| **Sefton Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Selby District Council** | No | No | | | |
| **Sevenoaks District Council** | No | Y - Employees who wish to smoke during the working day may be permitted reasonable breaks, in agreement with their line manager, provided these do not prevent them from satisfactorily carrying out their responsibilities and work duties. Work time lost to breaks (excluding lunchbreaks) unrelated to work activity should be made up as necessary. | Restricted | Smoking area | |
| **Slough Borough Council** | Y - In all our carparks | Y - No smoking breaks, no smelling of smoke. Same rules for e-cigs. | Banned | | |
| **Solihull Metropolitan Borough Council** | No | Y - Staff will no longer be able to "clock out" on smoking breaks. Staff will only be able to smoke during their lunch breaks and this must be off council workplaces including council grounds and internally situated car parks. | Banned | Banned | |
| **Somerset West and Taunton Council** | No | No | | | |
| **South Bucks District Council** | No | No | | | |
| **South Derbyshire District Council** | No | Y - Council has published smoking policy for employees. | | | |
| **South Gloucestershire Council** | Y - No smoking on outdoor play areas; and also on the community farm (due to flammable material) | Y - Smoking breaks permitted but employees required to clock out | Restricted | | |
| **South Hams District Council** | Y - No smoking signs in children's play areas; but not enforced | No - Only in buildings and vehicles as per smokefree legislation (extended to vaping) | | | |
| **South Kesteven District Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **South Lakeland District Council** | No | Only in buildings and near entrances (this includes vaping since it may create confusion) | | | |
| **South Norfolk Council** | No | No | | | |
| **South Northamptonshire Council** | No | No | | | |
| **South Oxfordshire District Council** | No | Y - Employees must not smoke anywhere on council property, other than a designated smoking shelter. This includes council buildings or land. It also applies to council owned or leased vehicles and to your own vehicle while on council business or while parked on council property. You may take short cigarette breaks away from council premises although regular cigarette breaks should not be counted as work time and should be deducted from your annualised hours total for that day. | Restricted | Banned | |
| **South Somerset District Council** | No | No | | | |
| **South Tyneside Metropolitan Borough Council** | No | Y - Employees are not permitted to smoke at building entrances and exits and must smoke off-site, away from Council buildings and other individuals. There is an expectation that Council employees will set a good example by not smoking in view of the public whilst at work. Smoking is only permitted during standard designated (i.e. unpaid) breaks, and individuals must be 'keyed-out' of the Flexible Hours Working System. | Restricted | Banned | |
| **Southampton City Council** | Y - No smoking in play areas | Y - Smokers are required to limit their cigarette/e-cigarette breaks during the working day by smoking outside of normal working hours or within designated break times. No smoking in sight of sites frequented by children; uniform or council ID should not be visible. | Banned | Banned | Y |
| **Southend on Sea Borough Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Spelthorne Borough Council** | No - Only in council multistory carparks | Y - 'Whilst we discourage staff to smoke at work, we recognise that staff may wish to smoke at work and they will be allowed to take a reasonable period of time to do so. Any time taken will be in agreement with the member of staff's manager and they will be required to either clock-out or make arrangements with their manager to ensure there is no lost working time.' | Restricted | | |
| **Stafford Borough Council** | Y - No smoking play areas | Y - If you wish to take a smoking break during the course of your working day, you should consult with your supervisor before checking out under the Flexitime Scheme and checking back when you return. In order to prevent the effects of passive smoking on officers within the Council buildings, smoking is not permitted within ten metres of any external wall. Smoking is also prohibited in council car park. | Restricted | Banned | |
| **Staffordshire Moorlands District Council** | No | No | | | |
| **Stockport Metropolitan Borough Council** | No | NA | | | |
| **Stoke on Trent City Council** | | No - Smoking breaks taken as normal non-work breaks. | Permitted | | |
| **Stratford on Avon District Council** | Y - No smoking policy at the Recreation Ground Play Area in Stratford-upon-Avon | No | | | |
| **Stroud District Council** | No | No | | | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Sunderland City Council** | Y - Smokefree parks and play areas (voluntary ban). | Y - Employees can no longer take specific smoking / vaping breaks during their normal working hours. Smoking / vaping is only allowed during standard designated breaks. In order to protect and enhance the Councils commitment to smoke free workplaces and to support the Sunderland Smoke Free Alliance vision that by 2025 Sunderland becomes a smoke free City, those employees that are issued with a uniform bearing the Council crest or name must not smoke in public places whilst wearing the uniform. Smoking is banned in all council buildings and grounds, schools, depots and community centres apart from any external designated smoking areas. | Banned | Banned | Y |
| **Surrey Heath Borough Council** | No | No | | | |
| **Sutton London Borough Council** | Y - No smoking signs in children's play areas (not enforceable) | Y - Employees may smoke during a lunch break or in their own private vehicles whilst not on duty, providing they are not identifiable as Council employees and they do not do so on Council premises or grounds or within close proximity to a Council building. Smoking breaks are not permitted. Employees may not leave the buildings in which they work for the purpose of smoking during working hours other than during an authorised lunch break. Further, employees must not smoke anywhere in public view whilst in a uniform that displays the Council identification logo, or whilst wearing Council identity badges whereby they could be identified as a Council worker, other than when the employee is travelling to, or from work. | Banned | Banned | Y |
| **Swale Borough Council** | No | Y - Employees must smoke only in own time and must try to not create negative impression of the council | Restricted | | Y |
| **Swansea City and Borough Council** | Y - Two beaches, school gates, playgrounds (voluntary bans). | Y - Swansea Council adheres to the Smoke-free Premises etc. (Wales) Regulations 2007, which prohibited smoking in Council premises and vehicles. Staff are not banned from smoking and/or vaping during working hours, but must follow our Management of Smoking Policy. | Restricted | Banned | Y |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Swindon Borough Council** | Y - Bus station; also working with parish councils to make playgrounds smokefree | Y - Employees must smoke only in outdoor designated areas; and also only at lunchtime or agreed breaktimes. Vaping should be only in agreed breaks and outside (but not outside entrances to building). | Restricted | Smoking area | |
| **Tameside Metropolitan Borough Council** | Y - Smokefree playgrounds (not enforceable) | Y - Employees wishing to smoke will be permitted 'smoking breaks'. They should deduct time as with other time spent on personal issues, eg GP appointments. | Restricted | | |
| **Tamworth Borough Council** | No | Y - Smoking breaks are allowed and the time is deducted from an employee's working hours. No smoking within 3m of buildings or in place of work. For the purpose of employees who undertake work outside, e.g. ground maintenance, park rangers etc. the employee's workplace is wherever they are engaged in a work activity. | Restricted | Banned | |
| **Tandridge District Council** | No | No | | | |
| **Teignbridge District Council** | Y - Smoke free playparks (voluntary) | Y - The Council has adopted a policy of not permitting smoking in any of its sites, grounds or in Council owned vehicles. Employees who wish to smoke must do so in their own time and away from Council owned property. This can, for example, be in their own car or when off site at lunchtime. Smoking breaks, regardless of whether or not the employee has clocked out, will not be permitted at any other time. | Banned | Banned | |
| **Telford and Wrekin Borough Council** | | Y - Employees are not allowed to smoke during working hours. 'Working hours' are defined as the individual's own working hours, this does not include official breaks (official breaks are documented on the flexitime sheet and do not count towards working time). Any other smoking breaks are not allowed. Smoking cigarettes is not permitted anywhere on or within Council premise or grounds (except for where designated smoking areas have been identified). Smoking cigarettes outside of the designated smoking areas is not permitted. This includes smoking inside personal vehicles whilst parked on Council grounds. Employees who smoke on Council grounds or elsewhere must ensure that they are not identifiable as Council staff whilst smoking. | Restricted | Smoking area | Y |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Tendring District Council** | Y - Children's play areas | Y - Smoking/vaping is not permitted in any part of the Council work premises or grounds. Employees who smoke are allowed to take two 15 minute smoking breaks, but this time needs to be made up either at the beginning or end of the day. All such breaks have to be agreed with the officers Section Manager. | Restricted | Banned | |
| **Test Valley Borough Council** | No | NA | | | |
| **Tewkesbury Borough Council** | No | No | | | |
| **Thanet District Council** | No | Y - Smoking or 'vaping' is strictly prohibited on all parts of the organisation's premises, including at entrances or anywhere on its grounds. The only exception is where a designated outside area has been identified (this may be a shelter). This policy does not prescribe the frequency or length of breaks staff take during the working day to smoke or 'vape'. This decision is left to the discretion of each manager. | Permitted | Banned | |
| **Thurrock Council** | NA | NA | | | |
| **Tonbridge and Malling Borough Council** | Y - No smoking in play areas | Y - Staff are only permitted to smoke at unenclosed designated external smoking points during break times that have been agreed with line managers. | | Smoking area | |
| **Torridge District Council** | No | Y - Staff are not permitted to smoke whilst on duty and then only outside in an unenclosed area. If staff leave their work base they should clock in and out for all absences. | Restricted | | |
| **Tower Hamlets London Borough Council** | Y - No smoking signs in playgrounds | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Trafford Metropolitan Borough** | Y - No smoking or vaping in play areas | Y - Employees must not smoke during work time. This means that employees who wish to smoke must do so only in their own time i.e. before they start work, after they finish work, or during a designated lunch break. Where employees are on the flexi-system, smoking can only be permitted once logged off for lunch etc. i.e. employees should not log in and out of the system between the hours of 10:00 – 12:00 and 14:00 – 15:00. This applies in the same way when employees are working at off-site locations and at home. Employees must not smoke on grounds of council premises, including car parks. | Banned | Banned | |
| **Tunbridge Wells Borough Council** | No | N - Only that 'Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace, including company vehicles. Smoking is only permitted in staff private vehicles whilst used on TWBC business if there are no passengers in the vehicle.' | | | |
| **Uttlesford District Council** | No | No | | | |
| **Vale of Glamorgan Council** | | Y - No smoking on council sites, including parks; no provision for smoking breaks. | | Banned | |
| **Vale of White Horse District Council** | No | Y - Employees must not smoke anywhere on council property, other than a designated smoking shelter. This includes council buildings or land. It also applies to council owned or leased vehicles and to your own vehicle while on council business or while parked on council property. You may take short cigarette breaks away from council premises although regular cigarette breaks should not be counted as work time and should be deducted from your annualised hours total for that day. | Restricted | Banned | |
| **Waltham Forest London Borough Council** | No | No | | | |
| **Wandsworth Borough Council** | No | No | | | |

| Council<br><br>LOCAL AUTHORITIES - ENGLAND AND WALES | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Warwick District Council** | No | Y - During break times smoking must take place away from Council premises, buildings and outside the grounds. | Restricted | Banned | |
| **Watford Borough Council** | No | No | | | |
| **Waverley Borough Council** | No | Y - No smoking within 10m of council building (including e-cigs); no smoking in presence of council staff in your home (including e-cigs). | | Banned | |
| **Wealden District Council** | | Y - Council Employees are allowed to smoke in designated areas but have to be clocked out to do so. | Restricted | Smoking area | |
| **Wellingborough Borough Council** | No | No | | | |
| **Welwyn Hatfield District Council** | No | Y - Employees and contractors will not be allowed to smoke in or near Council premises, facilities or in Council vehicles at any time. If employees wish to smoke during their allotted lunch break or before starting work or after finishing work it should be off site and not on land near a Council building's main entrance, fire escape route, or any window, door, or opening, which might allow smoke to enter the building. | Banned | Banned | |
| **West Berkshire Council** | Y - Signs in council car parks | Y - Smoking is not permitted within working hours. Employees who are smokers are only permitted to smoke in their own time (i.e. in break times) and must go off site to do so. | Restricted | Banned | |
| **West Devon Borough Council** | Y - No smoking signs in children's play areas; but not enforced | N - Only in buildings and vehicles as per smokefree legislation (extended to vaping) | | | |
| **West Lancashire Borough Council** | Y - Smoking banned in play areas | Y - All buildings operated by West Lancashire Borough Council are non-smoking environments. No provision has been made for separate smoking areas or smoking breaks. No smoking outside building entrances. | Banned | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **West Suffolk Council** | No | Y - Smoking (including vaping and the use of e-cigarettes) is not currently permitted within some site boundaries of the Council's premises, unless a designated smoking area has been provided. No additional breaks are permitted for employees. Employees wishing to smoke (including vaping and the use of e-cigarettes) may only do so in their own time. | Banned | Banned | |
| **Westminster City Council** | No | N - Staff can take smoking breaks outdoors. | | | |
| **Wigan Metropolitan Borough Council** | No | Y - The council will discourage smoking in any form. Smoking whilst on duty is not permitted and this will also include any part of council buildings, entrances, associated car parks and perimeter ground; also in the vicinity of vehicles. | Banned | Banned | |
| **Wiltshire Council** | Y - No smoking in outdoor play areas; also in areas around council buildings, including car parks | Y - Smoking is not permitted during work time. If an employee wishes to smoke this should be off site during authorised rest breaks (e.g. lunchtime / shift breaks). In addition to vaping during authorised breaks, managers can agree to unpaid vaping breaks to support an attempt to stop smoking. Time taken for these breaks should be made up during the work day e.g. using flexitime, extending hours at work or reducing authorised rest breaks (subject to minimums stated in flexitime policy). | Restricted | | Y |
| **Winchester City Council** | No | Y - Staff should not smoke / vape / use e-cigarettes within Council buildings and should use designated smoking areas if these are provided, or go off-site where these designated areas are not in place. Allows smoking breaks. | Permitted | Banned | |
| **Windsor and Maidenhead Royal Borough Council** | No | Y - Smoking by staff (including the use of e-cigarettes and any other smoking devices) will not be permitted within the boundaries of council properties. For staff not covered by the flexitime scheme, this means that smoking breaks are not permitted at any time whilst 'at work' or 'on-duty'. Smoking is permitted during official rest/break periods. Staff should be conscious of the public image of the council and not smoke in locations off council premises that are highly visible to the public or to gather in groups. | Restricted | Banned | |

| Council<br><br>**LOCAL AUTHORITIES - ENGLAND AND WALES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Wirral Metropolitan Borough Council** | | Y - Smoking is not permissible whilst staff are 'on duty'. Where an individual cannot stop smoking, staff will be able to go 'off site' during their break. Managers need to effectively plan for individuals that leave the premises on breaks for any reasons. Vaping is permitted in outdoor areas of Council owned or leased land but a risk assessment must be carried out which takes account of the specific circumstances applying to the setting or workplace. Adults who use or work in child and youth settings should not vape in view of children or young people, but the setting must consider ways to make it easier to vape than to smoke. Approaches might include allowing vaping in a designated adults-only outdoor area. | Restricted | Banned | |
| **Woking Borough Council** | Y - No smoking in children's playgrounds (signs but not enforced) | Y - The council allows employees to smoke/vape during working hours in a designated outside space. | Permitted | Smoking area | |
| **Wolverhampton City Council** | No | Y - Smoking is not permitted at work on any part of the workplace premises, including any City Council owned and controlled building including enclosed, partially enclosed and non-enclosed areas within the boundary of the relevant premises | | Banned | |
| **Worcester City Council** | No | Y - Smoking not allowed within 6m (20`) of any council entrance, window, doorway, stairs or covered area where the distance is within Council property. Employees are not permitted to take a smoke break between recognised core- times. (e.g. morning & afternoon break[s] where applicable) Any smoke breaks must be taken outside of core time and deducted on time sheet. Also applies to persons working outdoors. | Restricted | Banned | |
| **Worthing Borough Council** | No | Y - Employees are not permitted to smoke or vape on Council premises including car parks, pavements, parks, as well as buildings and playing fields. | | Banned | |
| **Wrexham County Borough Council** | Y - PSPO ban on smoking in children's play areas (fine 100 pounds) | Y - Smoke Free Policy prohibits council employees from smoking and/ or vaping during work hours. | Banned | | |

| Council | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **LOCAL AUTHORITIES - ENGLAND AND WALES** | | | | | |
| **Wychavon District Council** | Y - No smoking in play areas | Y - Designated smoking area for staff; also staff must clock out for breaks | Restricted | Smoking area | |
| **Wycombe District Council** | No | Y - Smoking ban on council office site. | | Banned | |
| **York City Council** | No | Y - The Council recognises the right of employees to smoke in their own time if they wish. All smoking breaks must be shown on the employee's timesheet. Smoking breaks are only permitted with the express permission of the employee's line manager and are subject to the needs of the service. No smoking in vicinity of council buildings. | Restricted | Banned | |
| **SCOTTISH LOCAL AUTHORITIES** | | | | | |
| **Aberdeen City Council** | No | Y - Smoking is banned on all parts of the Council's premises and surrounding grounds, including all access doorways, surrounding areas (outside buildings if smoke is likely to drift through open windows/ doors and ventilation systems), and employee carparks. Smoking inside vehicles is not permitted on site. | Permitted | Banned | |
| **Aberdeenshire Council** | Y - Aberdeenshire Council does have a policy of not allowing smoking or vaping on their grounds for both staff and visitors. | Y - Aberdeenshire Council does not ban employees from smoking/vaping during working hours, although employees would be expected to do so during their breaks, would be subject to the restriction on smoking in council premises. | Permitted | Banned | |
| **Clackmannanshire Council** | No | Y - Smoking is prohibited in all Clackmannanshire Council's premises and surrounding grounds. Employees who wish to smoke may do so in their own breaks such as lunch breaks or where agreed, official mid-morning or mid-afternoon breaks. | Restricted | Banned | |
| **Comhairle (Western Isles) Council** | No | Y - No smoking in council grounds (including gardens, car parks, etc). Smoking will only be permitted during designated breaks. | Restricted | Banned | |

| Council<br><br>**SCOTTISH LOCAL AUTHORITIES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Dundee City Council** | | Y - Ban on workers smoking on and off site during working hours, even when walking between sites. | Banned | | |
| **East Ayrshire Council** | No | Y - Employees are only allowed to smoke or vape during their own time in their recognised breaks. Also, this is not allowed in Council establishments or workplaces or the surrounding grounds or in Council vehicles or vehicles parked on surrounding grounds. | Restricted | Banned | |
| **East Dunbartonshire Council** | Y - Smoke-free play areas; smoke free areas at annual Canal Festival | Y - Smoking banned on all council premises and surrounding grounds. Staff cannot smoke in their own car in a council carpark. | | Banned | |
| **Edinburgh City Council** | Y - No smoking in play areas | No | | | |
| **Falkirk Council** | No | Y - Council employees should only smoke or vape during their break times. | Restricted | | |
| **Fife Council** | No | Y - Smoking (including the use of e-cigarettes) is not permitted on Council premises other than designated smoking areas. | | Smoking area | |
| **Glasgow City Council** | No | Y - Staff on designated breaks and not on council premises can smoke or vape. Smoking (including E-Cigarettes) are not permitted within any council premises or vehicle and applies to all staff, contractors, visitors etc. Premises are taken to include internal and external areas such as car parks, and internal courtyards within the boundary of the premises. Smokers (including the use of E-Cigarettes) are not permitted to congregate at areas where non-smokers pass e.g. main entrances. | Permitted | Banned | |
| **Highland Council** | No | Y - Highland Council staff are not permitted to smoke or vape during working hours. | Banned | | |

| Council<br><br>**SCOTTISH LOCAL AUTHORITIES** | Smoking restrictions outdoors? | Policy restricting employees smoking at work? | Policy on smoking breaks (banned, restricted, permitted) | Policy on smoking outside council buildings (banned, permitted, smoking area) | Not be seen smoking in uniform/ wearing council ID? (Y) |
|---|---|---|---|---|---|
| **Midlothian Council** | | Y - Employees who wish to smoke will only be able to do so during times when they are not working, e.g. on a work break. Those who work outdoors will only be able to smoke out-with council-owned grounds and only during designated breaks. The Smoke Free arrangement covers all council properties and surrounding grounds including entrances and exits to and from council buildings | Restricted | Banned | |
| **Moray Council** | No | Yes | | | |
| **Perth & Kinross Council** | No | No | | | |
| **Renfrewshire Council** | No | Y - Employees of Renfrewshire Council are not allowed to smoke during working hours or whilst on any council business. No smoking is permitted at entrances to Council premises, within Council car parks or other external locations; ü no smoking is permitted when employees are using their own cars whilst on Council business. Smokers are not allowed breaks for smoking. | Banned | Banned | |
| **South Ayrshire Council** | No | No | | | |
| **South Lanarkshire Council** | No | Y - No smoking in council grounds. | | | |
| **Stirling Council** | No | Y - Smoking is not specifically banned during work hours; however smoking is not allowed on council property. | | Banned | |
| **West Dunbartonshire Council** | Y - Smoking ban in grounds surrounding council buildings and public buildings | Y - Smoking ban in grounds surrounding council buildings (including smoking in own car in car park). | | Banned | |

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