

SMOKEFREE

Policy Statement

1.0 Introduction

- 1.1 This policy relates to smoking at HYELM (“us”, “our”, “we”) properties where we provide good quality and comfortable accommodation and is produced in accordance with The Health Act 2006 (the “Act”) and a number of related Smokefree Regulations issued by the Government.
- 1.2 Smoking at any property owned by us is not permitted either in accordance with the Act or this policy.
- 1.3 The Act and its accompanying regulations made it illegal to smoke in virtually all enclosed and substantially enclosed public places and workplaces in England since July 2007.
- 1.4 The law applies to anything that can be smoked. This includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.
- 1.5 E-cigarettes, personal vaporizers (PVs), and electronic nicotine delivery systems (ENDS) (‘E-cigarettes’) are battery operated devices and are often used as a replacement for cigarettes. They produce a vapour, including flavoured aromas either with or without nicotine.
- 1.6 E-cigarettes fall outside the scope of the Smokefree legislation as the act of smoking requires a substance to be burnt. Even so, this policy also applies to E-cigarettes and the term smoke and/or smoking applies to the use of E-cigarettes except where this policy concerns the criminal offence of smoking in a Smokefree place.
- 1.7 In so far as this policy applies to employees it is entirely **non-contractual**. It does not form part of any employee’s contract of employment and we may amend it at any time.
- 1.8 We are committed to challenging discrimination and promoting equality of opportunity in every area of our work. This policy is written from an equal opportunities perspective.
- 1.9 This policy, and others, if requested, are available in different formats, such as languages, large print and recorded form.

2.0 Offence of Smoking in a Smokefree place - Penalties

- 2.1 The law places a legal duty on any person who controls or is concerned in the management of Smokefree premises to require a person there to stop smoking.

2.2 The maximum fine on conviction for an offence of smoking in a Smokefree place is £200.

2.3 A fixed penalty procedure may be used in respect of an alleged offence of smoking in a Smokefree place by the relevant enforcement authority. The fixed penalty is £50, reducing to £30 if the penalty is paid within 15 days from the date that the notice is issued.

3.0 Related Documents

3.1 This policy should be read in conjunction with:

- Tenancy Agreement.
- Guide for Residents.
- Staff Handbook.
- Anti-social Behaviour Policy.

4.0 Scope

4.1 **HYELM – Old Street is a Smokefree property.** Smoking is **not** allowed anywhere on the property:

- It is **illegal** to smoke in shared kitchen/dining/living rooms within residents' two, three, four and six bedroom flats and in the offices, communal areas, corridors, stairwells, lifts, service rooms and stores.
- It is not illegal to smoke in areas of the courtyard, surrounding grounds and roof terraces. However, it is a breach of our policy to do so.
- It is not illegal to smoke in resident's en-suite bedrooms and in kitchen/dining/living rooms within one-bedroom flats. However, it is a breach of our policy to do so.
- It is not illegal to use E-cigarettes in residents' en-suite bedrooms and in kitchen/dining/living rooms. However, it is a breach of our policy to do so.
- It is not illegal to use E-cigarettes in areas of the courtyard, surrounding grounds and roof terraces. However, it is a breach of our policy to do so.

5.0 Signage

5.1 Signage in relation to smoking restrictions that is required by law or this policy is properly displayed within all relevant areas of our properties.

6.0 Enforcement against Residents

6.1 Where we believe that a person has persistently (three occasions or more in any twelve-month period), been smoking in a Smokefree area, and/or to have caused a nuisance/annoyance to others as a result of smoking, within one of our properties, the following actions may be taken:

- Where the person is a resident, measures may be taken where appropriate, to terminate the Tenancy Agreement.
- Where a person is a visitor or guest, they may be asked to leave and not return, and we will consider action against the resident who is responsible for the behaviour of their visitors.

6.2 HYELM may also, where appropriate, report to the relevant enforcement authority all instances where it has evidence that indicates that a person (regardless of who that person is) has committed an offence of smoking in a Smokefree area within our properties.

6.3 In a case where we suspect that a person has been smoking in a Smokefree area, that person will be notified and invited to discuss and clarify the matter with the Management Team. During the discussion, this policy statement will be reiterated.

6.4 If, further evidence becomes available that indicates, that the person has been smoking in a Smokefree area, we will consider terminating the Tenancy Agreement and reporting the matter to the relevant enforcement authority as outlined above.

7.0 Enforcement against Staff & Contractors

7.1 Disciplinary action may be taken against a member of staff who is found to have been smoking in a Smokefree area.

7.2 Action for breach of contract may be taken against a contractor where a member of their staff is found to have been smoking in a Smokefree area.

8.0 Smoking Breaks for Staff

8.1 Smoking breaks for staff are not permitted.

9.0 Appeals and Complaints

9.1 Appeals against decisions made under this policy can be made using:

- HYELM'S complaints procedure where the appeal is being made by a resident.

- HYELM's disciplinary procedure where the appeal is being made by a member of staff who has been disciplined as a result of a breach of this policy.

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