

Policy on Smoking in Communal Areas

Derby Homes implemented a No Smoking Policy from Monday 1 August 2005. From this date, employees have not been allowed to smoke in any Derby Homes' offices or premises, including all premises where our employees work even if Derby Homes does not own the premises.

Additionally, all Communal Areas must also be smoke free to comply with the Smoke-free (Premises and Enforcement) Regulations 2006. Communal areas include, but not limited to:

- Common rooms
- Stairwells
- Corridors
- Lifts
- Any common parts which are shared

All forms of smoking are banned within these areas. This means anything that can be smoked, including cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes, and it also applies to electronic cigarettes (also known as e-cigarettes) and "vaping".

We will not provide facilities for smokers either inside or outside Derby Homes' premises, such as smoking shelters or areas. However, smoking is still permitted in shared gardens.

The legislation does not cover smoking within individual flats. This means that, for example, there will be no legal requirement for an individual not to smoke in their own home if a tradesman / housing officer is present. However it is recommended in such circumstances that the tenant is informed about Derby Homes' smoking policy and that they do not expose any employee to cigarette smoke. The employee has the right to leave the premises if cigarette smoke is present. Derby Homes cannot control smoking on these premises but still has a duty to its own employees. Where employees are exposed to second-hand tobacco smoke in these circumstances, they should seek advice from their line manager. Managers must arrange for a risk assessment to be carried out and all reasonable steps taken to protect employees from exposure to workplace tobacco smoke. Derby Homes' employees should not smoke at these premises whilst on duty.

Enforcement

Any incidents of smoking by, tenants or visitors, in communal areas should be reported to Derby Homes. It is important to remember that the purpose of the Smoke Free Regulations is to promote good health and in the first instance Derby Homes should consider offering advice or assistance to take up a smoking cessation course.

If there are repeated incidents of smoking in communal areas will be treated as a breach of this policy and enforcement action may be taken. The action taken will depend on the circumstances of the case but, in general if the issue is persistent or poses a health and/or safety risk to residents or staff then it will be treated as Anti-Social Behaviour.