

CONSULTATION ON REGULATIONS TO INTRODUCE RESTRICTIONS ON SMOKING IN CARS CARRYING CHILDREN	7th March 2017
TO ENVIRONMENTAL SERVICES REPORT	
FOR DECISION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Engaged and Health Communities
Outcome	Implementation of proposed legislation
Lead Officer	Public Health & Housing Interim Manager
Cost: (If applicable)	N/A

1.0 Background

The Department of Health is currently seeking the views of Council on draft regulations to introduce restrictions on smoking in private vehicles when children are present.

The Smoke-Free (Private Vehicles) Regulations will extend the existing smoke-free legislation by setting out on the circumstances by which private vehicles must be smoke-free.

The proposed Regulations allow the use of fixed penalties for offences in smoke-free private vehicles and names both the Police Service of Northern Ireland and district councils as the enforcement authorities for these measures.

The Department of Health enclosed a questionnaire for completion and submission by Friday 3rd March 2017 at 5:00pm. Attached at Appendix 1 is a response prepared by Environmental Health Northern Ireland (EHNI).

It is recommended that Council endorse this response.



REGULATIONS RESTRICTING SMOKING IN PRIVATE VEHICLES CARRYING CHILDREN

Consultation Response Questionnaire

January 2017

CONSULTATION RESPONSE QUESTIONNAIRE

You can respond to the consultation document by e-mail or in writing.

Before you submit your response, please read **Appendix 1** at the end of this questionnaire, regarding the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Responses should be sent to:

By e-mail: phdconsultation@health-ni.gov.uk

In writing: Population Health Directorate Administration Team

Department of Health

Room C4.22

Castle Buildings

Belfast

BT4 3SQ

RESPONSES CANNOT BE CONSIDERED AFTER 3 MARCH 2017

I am responding: as an individual on behalf of an organisation

(please tick a box)

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Q1. Evidence of the harm to health of inhaling second-hand tobacco smoke is well established. In view of this, would you support the introduction of controls on smoking in private vehicles when children are present?

Yes No

Please outline the reasons for your answer.

Environmental Health Northern Ireland (EHNI) supports the introduction of controls on smoking in private vehicles when children are present as the evidence on the harm to health of inhaling second hand tobacco smoke is well established.

Q2. The draft regulations make it an offence for a person to smoke in a private vehicle when there is more than one person present and there is a person under the age of 18 present. The offence would fall on the person smoking regardless of their age. Do you have any comments on this approach?

EHNI agree with this approach.

Q3. Do you agree that there should be an exemption for caravans and motor caravans when they are not on the road?

Yes No

EHNI agree that there should be an exemption in place for caravans and motor caravans, when they are not on the road, as the primary use for these vehicles at this time is for accommodation.

Q4. The draft regulations allow the enforcement role to be carried out by both the PSNI and district council staff. Do you agree with this approach?

Yes No

EHNI agree with the dual enforcement approach between PSNI and district council staff with the PSNI having primary enforcement role. PSNI have existing powers to stop moving vehicles and will be able to enforce this legislation as part of their usual road safety responsibilities, which include the proper use of child car seats, seat belts and mobile phones.

District councils anticipate practical difficulties in obtaining the necessary evidence for enforcement action as they do not have the power to stop vehicles, so would have to observe both the smoking within the smoke free vehicles, and also determine the age of the children in the vehicle. To address this, district council are likely to carry out enforcement as part of compliance checking initiatives which will be in targeted, safe locations where children are expected to be present in private vehicles.

Q5. Do you have any other views on the enforcement or implementation of restricting smoking in private vehicles?

Yes No

Prior to the introduction of the proposed legislation, EHNI believe that it is essential that an information and advice campaign is developed to highlight the new legislative requirements.

It is also essential that enforcement guidance is developed to provide advice for enforcement officers and to ensure consistency in the enforcement of the legislation.

Q6. Do you wish to make any other comments or provide other evidence about possible health, economic or social impacts of the regulations, whether

adverse or beneficial?

Yes

No

X

Comments