

ANNEX B



Department of
Health

An Roinn Sláinte

Máinnystrie O Poustie

www.health-ni.gov.uk

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)

Name: Diane Herron

Job Title: Senior Environmental Health Officer

Organisation: Belfast City Council

Address: Cecil Ward Building

4-10 Linenhall Street

Belfast

Tel: 02890 320202 ext. 3374

E-mail: herrond@belfastcity.gov.uk

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

Belfast City Council 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?

Belfast City Council agrees with this approach but would note that in line with the Council's enforcement policy legal action is unlikely to be taken against a person under 18 years of age.

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

Yes No

Belfast City Council agrees that there should be an exemption in place for caravans and motor caravans when they are not on the road as during this time they are being used as private 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

Belfast City Council agrees with the dual enforcement approach between PSNI and district council staff with the PSNI having primary enforcement role. PSNI has 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.

It is anticipated that this legislation will be largely self-regulated and will have a high level of public support. Belfast City Council anticipates practical difficulties in obtaining the necessary evidence for enforcement action as it does not have the power to stop vehicles, so would have to observe both the smoking within the vehicle, and also determine the age of the child or children in the vehicle. To address this, district councils are likely to carry out enforcement as part of compliance checking initiatives which will be in targeted locations where children are expected to be present in private vehicles; for example outside schools.

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, Belfast City Council 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.

As previously stated Belfast City Council is concerned about how its enforcement role would work in practice and would welcome guidance from the Department of Health on how it considers compliance could be achieved.

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