

Annex B



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

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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

Children in Northern Ireland considers these proposals to be well drafted and we fully support the policy. We also believe that this will lead to significant public health gains especially for children and young people.

It is our view that smoking in cars causes harm in the following ways:

- harm to the smoker
- harm to other adults in the vehicle from inhaling second hand smoke
- harm to children and young people in the vehicle from inhaling second hand smoke and
- harm from greater risk of accidents resulting from driver distraction.

As already contained within the strategy the evidence of the harm of inhaling second hand smoke is well established. Exposure to these increases the risk to the individual of illness, hospital admission and death.

The Royal College of Physicians estimates that each year in the UK exposure of children to second hand smoke causes over 20,000 cases of lower respiratory tract infection, 120,000 cases of middle ear disease, at least 22,000 new cases of wheeze and asthma, 200 cases of bacterial meningitis, and 40 sudden infant deaths.

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?

Yes. Children in Northern Ireland supports the principle that smoking in private vehicles with children present should be unlawful and the offence should fall on the person smoking.

Moreover, we strongly recommend the Department of Health and the Public Health Agency collaborate on a major advertising and marketing campaign to ensure public understanding of the legislation and consequences. There should also be a coordinated introduction of this regulation from the PSNI to ensure a clear message and clear instructions when the offence is introduced.

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

Yes No

Nothing to add.

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

We fully support the proposal that enforcement should be largely the responsibility of the PSNI however we also support the proposal that authorised district council staff should support the police.

However, we recommend that district council staff are well trained and empowered to issue whatever enforcement powers policy would have on these occasions such as the issuing of fixed penalty notices.

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

Yes No

Please outline the reasons for your answer.

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

We welcome these proposals however we are wondering whether consideration should be given to electronic cigarettes in the future? Perhaps a commitment is needed to closely monitor the health issues and in particular the exposure to electronic cigarettes for children and young people.

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at:

<http://www.informationcommissioner.gov.uk/>).

