

Department of Health consultation on plans to extend smoke-free places and introduce heated tobacco-free and vape-free places in England Making outdoor places smoke-free

Do you agree or disagree with our proposal to make public children's playgrounds (those with council involvement) smoke-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Members of the College's Lay Advisory Committee also provided input into our response. While agreeing, some Lay members would like to understand the justification of only including playgrounds with council involvement and not all children's playgrounds with public access. This also applies to the other products considered in subsequent questions in this consultation. It may seem more practical to introduce a universal policy for all rather than target specific groups such as Council to avoid confusion from the public, but we recognise that some exemptions may be necessary.

Do you agree or disagree in principle with our proposal to make outdoor areas of health and care settings smoke-free?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

We propose to make the outdoor areas of health and care settings smoke-free. A detailed list of these is above in the 'Proposals for smoke-free, heated tobacco-free and vape-free places' section.

This excludes private outdoor dwellings that are not used as workplaces.

Do you agree or disagree with our proposed list of health and care settings where outdoor areas would be smoke-free?

- Agree
- **Neither agree nor disagree**
- Disagree
- Don't know

While generally supportive of the areas listed, a number of Lay Committee members suggested that consideration should be given to a limited exemption for detained patients within a mental health inpatient setting given that for a small number of these patients this could be detrimental to their recovery during times of crisis. This limited exemption should also be considered in relation to the other products considered later in this consultation.

Do you agree or disagree in principle with our proposal to make outdoor areas of education settings smoke-free?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

We propose to make outdoor areas of education settings smoke-free. A detailed list of these is above in the 'Proposals for smoke-free, heated tobacco-free and vape-free places' section.

This excludes private outdoor dwellings that are not used as workplaces, such as the garden of an on-site school caretaker's house.

Do you agree or disagree with our proposed list of education settings where outdoor areas would be smoke-free?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers to the questions in this section. This could include, for example, sharing comments on any settings in the above categories that are not listed but you think should be included, settings that are listed that you think should not be included or other types of settings that should be considered for inclusion. (Optional, maximum 600 words)

Lay Committee members questioned whether Secure Education Settings should also be listed.

Exemptions to smoke-free outdoor places

The outdoor settings that we propose should be allowed an exemption are:

- care homes with nursing (nursing homes)
- residential care homes
- assisted living homes
- hospice centres
- mental health residential facilities
- residential schools (only for permitted persons in these settings)

This would mean that the manager or person in charge could decide whether to designate an outdoor smoking area based on the needs of people living on the site.

Do you agree or disagree with allowing an exemption for the above settings? (Optional)

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether you think more or fewer settings should be allowed an exemption or your views on allowing the manager or person in charge to designate a smoking area. (Optional, maximum 600 words)

We generally agree with these exemptions and recognise the need for appropriate discretion in relation to managers. Some Lay Committee members emphasised the need for effective monitoring and also continuing health promotion in relation to encouraging smoking cessation.

Heated tobacco-free indoor and outdoor places

Do you agree or disagree with our proposal that all indoor places that are currently smoke-free should also become heated tobacco-free? These places include enclosed and semi-enclosed workplaces and public places, public transport, vehicles used for work and private vehicles with an individual aged 17 years and under present.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to make public children's playgrounds (those with council involvement) heated tobacco-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree in principle with our proposal to make outdoor areas of health and care settings heated tobacco-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposed list of health and care settings where outdoor areas would be heated tobacco-free? This is the same list as proposed for smoke-free health and care settings.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree in principle with our proposal to make outdoor areas of education settings heated tobacco-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposed list of education settings where outdoor areas would be heated tobacco-free? This is the same list as proposed for smoke-free education settings.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers to the questions in this section. This could include, for example, sharing comments on any settings in the above categories that are not listed but you think should be included, settings that are listed that you think should not be included or other types of settings that should be considered for inclusion. (Optional, maximum 600 words)

Exemptions to heated tobacco-free places

With the exception of specialist tobacconists, we propose matching heated tobacco exemptions with the indoor smoke-free and proposed outdoor smoke-free exemptions.

For the outdoor areas this would mean that the manager or person in charge could decide whether to designate an outdoor heated tobacco area based on the needs of people living on the site.

Do you agree or disagree with our proposed exemptions for heated tobacco-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether you think more or fewer settings should be allowed an exemption. (Optional, maximum 600 words)

Vape-free indoor and outdoor places

Do you agree or disagree with our proposal that all indoor places that are currently smoke-free should also become vape-free? These places include enclosed and semi-enclosed workplaces and public places, public transport, vehicles used for work and private vehicles with an individual aged 17 years and under present.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposal to make public children's playgrounds (those with council involvement) vape-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree in principle with our proposal to make outdoor areas of education settings vape-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Do you agree or disagree with our proposed list of education settings where outdoor areas would be vape-free? This is the same list as proposed for smoke-free education settings.

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers to the questions in this section. This could include, for example, sharing comments on any settings in the above categories that are not listed but you think should be included, settings that are listed that you think should not be included or other types of settings that should be considered for inclusion. (Optional, maximum 600 words)

Exemptions to vape-free places

We propose matching the relevant vape-free exemptions with the indoor smoke-free and proposed outdoor smoke-free exemptions.

We also propose indoor vaping exemptions for smoking cessation services and for mental health residential facilities.

For the outdoor areas and mental health residential facilities this would mean that the manager or person in charge could decide whether to designate a vaping area based on the needs of people living on the site. The manager or person in charge of a smoking cessation service could also decide whether to designate a vaping area to support smoking cessation efforts.

Do you agree or disagree with our proposed exemptions for vape-free places?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This could include, for example, sharing comments on whether you think more or fewer settings should be allowed an exemption or your views on allowing the manager or person in charge to designate a vaping area for the relevant settings. (Optional, maximum 600 words)

Boundaries to where smoking, heated tobacco use and vaping are restricted outdoors

We are considering 3 different approaches for defining the boundaries of smoke-free, heated tobacco-free and vape-free outdoor places. For all 3 approaches, we propose that the same boundaries are used for smoke-free, heated tobacco-free and vape-free outdoor places.

Please see the consultation document for more detail about the proposed approaches.

Which is your preferred approach to the boundaries of smoke-free, heated-tobacco free and vape-free outdoor places?

- Approach 1 (site boundary and an additional 10 metre perimeter)
- Approach 2 (site boundary and an additional 10 metre perimeter around access points)
- Approach 3 (site boundary only)
- An alternative approach (please specify in the free text question at the end of this section)
- **Don't know**

However, option 2 maybe the most practical and deliverable.

Where an outdoor setting does not have a clear site boundary, we propose that the site boundary is the equivalent to 10 metres from play equipment or buildings.

Do you agree or disagree with our proposed approach to outdoor settings that do not have a clear site boundary?

- **Agree**

- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers to the questions in this section. This could include, for example, sharing comments on an alternative approach to boundaries or additional perimeters, the distance of any additional perimeter beyond the site boundary, any evidence that you have taken into account to support your response or your comments on any potential challenges associated with indicated approaches. (Optional, maximum 600 words)

Signs to show where a place is smoke-free, heated tobacco-free and vape-free

We propose that all indoor places that have been designated smoke-free, heated tobacco-free and vape-free must have at least one sign saying this.

We propose that there would be flexibility for these indoor signs, including in relation to size, design and location.

Do you agree or disagree with our proposed approach for indoor signage?

- Agree
- **Neither agree nor disagree**
- Disagree
- Don't know

A range of views were expressed but some said signs for smoking should be mandated and consistent in design.

We propose that outdoor places that will be smoke-free, heated tobacco-free and in some cases vape-free should also have a sign displaying this.

These signs should describe the rules and the distance the rules apply to, if applicable. At least one sign should be placed at an access point or area boundary.

Do you agree or disagree with our proposed approach for signage for outdoor areas with a clear boundary?

- Agree
- **Neither agree nor disagree**
- Disagree
- Don't know

Some Lay Committee members voiced concern about the possible risk of inadvertently raising awareness of heated tobacco products if they are explicitly mentioned on signage since these are relatively less well known and may cause individuals to research them. They would like to understand better the modelling around any of the proposals in this respect.

We propose that a sign should be positioned next to the play equipment or building where a boundary is not clearly defined.

Do you agree or disagree with our proposed approach for signage for outdoor areas without a clear boundary?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answers to the questions in this section. (Optional, maximum 600 words)

Smoking, heated tobacco use and vaping areas

We propose that managers or the person in charge of sites with exemptions would be able to designate smoking, heated tobacco use and vaping areas.

If we proceed with these exemptions, what requirements should we set for the outdoor smoking, heated tobacco use and vaping areas that can be designated under this exemption? This could include, for example, who is permitted to use the areas, the size of the areas, the distance from buildings, whether smoking, heated tobacco use and vaping should be allowed in the same area or kept separate, any other practical considerations and any evidence that can help make these decisions. (Optional, maximum 600 words)

Consideration would need to be given to defined spaces, signage requirements, ventilation equipment if a dedicated room, access controls and what is allowed to be used within the area.

If there are any potential impacts on the rest of the site that might result from people using designated areas for smoking, heated tobacco use, and/or vaping, please outline them here. (Optional, maximum 600 words)

Proposed implementation period

Do you agree or disagree with our proposed implementation period of no less than 6 months?

- **Agree**
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. This may include, for example, sharing comments on whether the total period allowed for implementation between regulations being made and new legal requirements fully coming into force should be longer or shorter or on implications the proposal could have for certain groups. Please reference any evidence that you have taken into account to support your response. (Optional, maximum 600 words)

Other comments:

Lay Committee members questioned whether future regulations might cover outdoor places of worship (cemeteries, churchyards etc) as vulnerable people are often in these places, or bus shelters where again, vulnerable adults and children are often present at these sites.