



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:	Prof Mark Strachan
Job Title:	Secretary
Organisation:	Royal College of Physicians of Edinburgh
Address:	9 Queen Street
	Edinburgh
	EH2 1JQ
Tel:	0131 247 3658
E-mail:	s.collier@rcpe.ac.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 **X** No ☐

Please outline the reasons for your answer.

There is strong evidence of the dangers of second hand smoke exposure, and passive smoking significantly increases the risk of a range of diseases in children.

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?

In reality a case by case judgement will likely apply.

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

Yes **X** No ☐

Please outline the reasons for your answer.

Vehicles which are also people's homes should be exempted providing the vehicle is stationary, being used as a home, and not a vehicle being used for travel.

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 **X**

Please outline the reasons for your answer.

The College takes the view that PSNI should have this enforcement responsibility. Police officers could effectively enforce the measure while engaging in existing routine duties, such as enforcing legislation relating to mobile phone use.

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

Yes **X** No ☐

Please outline the reasons for your answer.

As this will require enforcement by PSNI there must be evidence of their involvement and buy in.

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 **X** No ☐

Comments

Regulations should also be accompanied by other measures to inform, educate and persuade people to take action to reduce and avoid exposure (for both children and adults) to second-hand smoke. Those who wish to stop smoking should continue to be supported to do so, and the positive health benefits of smoking cessation emphasized.

Appendix 1

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/>).