

Draft Smoke-free Regulations 2007 – E-Consultation on-line response

Response from ASH

Q1: YES

Q1a: We recommend that such signage should be protected from tampering, damage, removal or concealment.

Q2: YES

Q2a: If you wish to comment, please do so here

Q3: YES

Q3a: However, in addition to the smokefree rule for communal areas, ASH recommends that employers develop policies on how smoking during residential visits (or while employees are carrying out work in private dwelling) will be addressed. Care workers, cleaners, construction workers and others have as much right to work in a smoke-free environment as other employees automatically protected by law.

Q4: YES

Q4a: If hotel bedrooms are to be exempt from smoke-free legislation then we would recommend a maximum number of rooms in any one premise should be designated as smoking rooms. On the basis of US legislation we recommend that no more than 20% of hotel rooms in any one establishment may be designated smoking rooms (www.legis.state.ga.us/legis/2005). This will ensure consistency for all accommodation for guests and club members, regardless of their size.

In addition to the above restrictions, room designations, i.e. smoking or non-smoking should not be easily or frequently changed. Non-smokers should not be put in a room which was a 'smoking room' the previous day which as a result may still smell of smoke and contain a level of secondhand smoke.

Holiday homes and mobile homes for hire should be designated as either smoke-free or not smoke-free. This designation should be included in advertising material and clearly displayed at the venue.

Q5: YES

Q5a: ASH believes that the Government should commit to a clear strategy (with timescales) for achieving smoke-free status both in prisons and in mental health units. In the case of mental health units, the strategy should follow recommendations set out in a report from the Kings Fund. (See Clearing the Air. Debating smoke-free policies in psychiatric units.

http://www.kingsfund.org.uk/resources/publications/clearing_the.html

We are concerned that the distinction drawn between the rights of people in mental health facilities offering short-term accommodation versus those in long-term accommodation may be compromised and may breach disability rights legislation.

All mental health patients should have equal rights and access to smokefree premises. Exempting long-stay mental health institutions would perpetuate the strong culture of smoking that exists within them, with the continuation of serious health inequalities that this implies.

We welcome the Northern Ireland Prison Service's commitment to reflecting the spirit of the legislation through Prison rules. Prison officers, other prison staff, and inmates have as much right to protection from SHS as individuals in any other setting.

In the case of prisons, a target date should be set for smoke-free status, following the precedent which will be set in Young Offender Institutions which will not be exempt from the legislation. Some juvenile facilities are already smoke-free, and the evidence shows that this improves both health and security (for example there are fewer instances of bullying, which often take place over cigarettes). Many adult prisons in the United States at State and Federal level are already smoke-free with no serious discipline problems.

Scotland prison rules were changed in March 2006 so that prisoners may only smoke in certain areas of the prison, and a disciplinary offence of smoking in an area where it is not permitted has been created.

We also recommend that, as in Scotland, smoking should not be permitted in shared cells unless already designated as a smoking area. All prisons should have access to comprehensive smoking cessation support services. We suggest that the Department of Health, Social Services and Public Safety works in partnership with the Northern Ireland Prison Service to develop a comprehensive strategy for increasing smoke-free provision in prisons in Northern Ireland.

Q6: YES

Q6a: We accept the need for an exemption for research facilities – provided that this is tightly defined to prevent tobacco firms from designating rooms that would otherwise be smoke-free. However, exemptions should be tightly framed to allow only minimal exemptions. The regulations should specify that the intention is not to allow areas to be designated exempt in order to permit staff or visitors to smoke.

We can see no good reason for the exemption for specialist tobacconists, which would simply make it easier for the tobacco industry to push their lethal products (Paragraph 3.13). Customers should be expected to step outside in order to test products before purchasing them, or to purchase them on a sale or return basis.

Q7: YES

Q7a: These provisions are sensible – although we would wish to see rented vehicles treated similarly to hotel rooms, i.e. the owner/operator would designate and sign vehicles as either smoke-free or not. This designation should then be set out in all advertising material etc.

We would be wary of paragraph 3.30 as it may add to inequalities and anomalies within the workplace in certain members of staff (perhaps senior staff) permitted to smoke in their cars while others who share vehicles not. This could lead to confusion and resentment and would be more difficult to enforce than a clear smoke-free policy.

