

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

Response from Confederation of Passenger Transport NI

Q1: YES

Q1a: If you wish to comment, please do so here

Q2: YES

Q2a: We agree with the requirement for signage on vehicles and believe this to be reasonable.

Q3: YES

Q3a: If you wish to comment, please do so here

Q4: YES

Q4a:

Q5: YES

Q5a: If you wish to comment, please do so here

Q6: YES

Q6a: If you wish to comment, please do so here

Q7: YES

Q7a: The Confederation of Passenger Transport NI is the trade association representing the interests of bus and coach operators in Northern Ireland. We welcome the opportunity of contributing to the above consultation in this formal response.

We believe the proposals to be totally unreasonable in expecting the driver of a public service vehicle to have the responsibility of enforcing the smoking ban. The safety of passengers is the foremost consideration for drivers and to expect them to both drive and police what is happening on the vehicle is completely unreasonable and potentially very dangerous.

Already some drivers face daily threats of violence from certain sections of society and to expect them to in effect police Government legislation is unacceptable. Many bus drivers will be under instructions not to leave their cab (which in itself in many areas has to have anti assault protection) to deal with anything but the most extreme situation and indeed there could be a risk as the proposals currently stand of someone deliberately smoking in order to entice a driver, to remonstrate, out of the cab in order to be robbed of cash. How will a driver necessarily be aware that someone is smoking on the top deck of a double-deck vehicle?

We draw your attention to the approach used by the Department for Transport in the recent legislation implementing European Directives on the mandatory wearing of seatbelts whereby a legal duty is placed on the operator to provide (by one of a number of methods) to inform passengers that it is the law to wear a seatbelt when the seat is occupied and the vehicle is in motion and a second legal duty is placed on the passenger to comply. No legal duty has been placed on the driver to enforce the mandatory wearing which itself would be unworkable whilst the driver has to concentrate on driving the vehicle safely.

In Scotland where a ban is already in place a protocol has been developed between the Royal Environmental Health Institute of Scotland, Scottish local authorities, the Scottish Executive and the Confederation of Passenger Transport to provide guidance to all stakeholders on the implementation of the smoking ban in relation to buses.

In Scotland the ban applies to all enclosed public places and the definition includes buses. There are four main requirements:

- Operators/ drivers – must not ‘knowingly permit’ smoking on buses;
- Individuals – must not smoke on buses;
- Signage – all buses should display the appropriate sign;
- Information, such as name and address must be provided to the authorised officer.

It is an offence in Scotland not to comply with these requirements. We believe that the legal position in Scotland is more reasonable.

Karen Magill
Director, Government Relations NI