

**THE DRAFT SMOKE-FREE (GENERAL PROVISIONS)  
REGULATIONS (NORTHERN IRELAND) 2007  
AND  
THE DRAFT SMOKE-FREE (EXEMPTIONS, VEHICLES,  
PENALTIES AND DISCOUNTED AMOUNTS)  
REGULATIONS (NORTHERN IRELAND) 2007**

**CONSULTATION QUESTIONNAIRE**

**CBCHSST Response**

**3<sup>rd</sup> November 2006**

## **INTRODUCTION**

### **Purpose**

This Questionnaire seeks views on:

1. the draft Smoke-free (General Provisions) Regulations (Northern Ireland) 2007;  
and
2. the draft Smoke-free (Exemptions, Vehicles, Penalties and Discounted Amounts) Regulations (Northern Ireland) 2007.

It should be read in conjunction with the consultation document which includes the draft regulations.

### **Background**

The draft Smoking (Northern Ireland) Order 2006 (the draft Order) is currently before Parliament. It is anticipated that it will complete its legislative process in November 2006. If approved, the Order will come into operation in April 2007, provide for enclosed public places and workplaces to be smoke-free and give the Department of Health, Social Services and Public Safety (the Department) the power to make regulations in a number of areas. The draft regulations that the Department proposes to make, have been drawn up on the assumption that the draft Order will be approved by Parliament.

### **Consultation**

Responses to the consultation must be received by not later than 5.00pm on 3 November 2006.

**In order to facilitate analysis it is important that respondents use this Questionnaire.**

**Responses to this consultation may be made online at:**

**[http://www.dhsspsni.gov.uk/index/consultations/current\\_consultations.htm](http://www.dhsspsni.gov.uk/index/consultations/current_consultations.htm)**

## **QUESTIONNAIRE**

### **DRAFT SMOKE-FREE (GENERAL PROVISIONS) REGULATIONS (NORTHERN IRELAND) 2007**

**Q1. Draft regulation 3** sets out proposed requirements for the content and display of no-smoking signs in premises. Each entrance to smoke-free premises will be required to display a no-smoking sign that meets the standard minimum requirements i.e. a flat rectangular sign with minimum dimensions of 148mm by 210 mm, display the international “no smoking” symbol and carry the words “No smoking. It is against the law to smoke in these premises” (Paragraphs 2.6 – 2.11 of the consultation document refer).

**Do you agree with the proposals for the content and display of no-smoking signs in premises set out in regulation 3?**

Yes  No

**If you wish to comment, please do so here.**

It is important that signage demonstrating smoke-free premises should be displayed in prominent places in all entrances, not just public entrances.

There will be a need to consider how best to inform partially sighted or blind individuals that premises are smoke-free.

**Q2. Draft regulation 4** sets out proposed requirements for the content and display of no-smoking signs in smoke-free vehicles. The operator of the smoke-free vehicle will be required to ensure that at least one no-smoking symbol is displayed in each compartment of his vehicle. The no smoking symbol consists of a graphic representation of a burning cigarette enclosed in a red circle with a red bar across it, at least 75mm in diameter (Paragraphs 2.12 – 2.15 of the consultation document refer).

**Do you agree with the proposals for the content and display of no-smoking signs in smoke-free vehicles?**

Yes  No

**If you wish to comment please do so here.**

There is a need for clarification with regards to private vehicles that are used for work purposes, or transporting service users.

**DRAFT SMOKE-FREE (EXEMPTIONS, VEHICLES, PENALTIES AND DISCOUNTED AMOUNTS) REGULATIONS (NORTHERN IRELAND) 2007**

**Q3. Draft regulation 2** sets out a proposed exemption for a private dwelling. Those parts of the dwelling that are shared with other premises (including other private dwellings) such as communal lifts, indoor stairwells, communal corridors in a block of flats etc., which are open to the public or used as places of work will be smoke-free. It is proposed that any part of a private dwelling that is used solely as a place of work by more than one person will be smoke-free. The smoke-free requirement will not apply to work that is undertaken in any part of private dwellings for the provision of personal care for the person living there or to maintain the structure or fabric of the building etc (Paragraphs 3.3 – 3.6 of the consultation document refer).

**Do you agree with the proposals in the draft regulations for private accommodation?**

Yes  No

**If you wish to comment please do so here.**

Disappointed that the smoke free requirements will not extend to private dwellings when a carer or service provider is present. This offers no protection for community workers providing the majority of their work in persons home. Appreciate the difficulty in balancing the rights of a home-owner with the health and safety of a worker.

Appropriate signage is needed to be displayed to clearly identify areas which are smoke-free, e.g. communal lifts, indoor stair wells, corridors etc.

**Q4. Draft regulation 3** sets out proposed exemptions for designated bedrooms in a hotel, guest house, inn, hostel or members' club. It also specifies certain conditions which must be satisfied (Paragraphs 3.7 – 3.8 of the consultation document refer).

**Do you agree with the proposed exemptions and conditions in draft regulation 3 for hotels, guest houses, hostels etc?**

Yes  No

**If you wish to comment please do so here.**

The health and safety of all workers is the fundamental issue. This does not protect people working within this environment from the health risks of second hand smoke. There is no indication that there will be a restriction on the number of designated smoking rooms in any hotel. It is important to note that without this restriction, hotels will be able to change the designation of room depending on demand.

**Q5. Draft regulation 4** sets out proposed exemptions for designated rooms in residential care homes and nursing homes, hospices and those mental health units that provide long-term residential accommodation (long-term is defined as accommodation which, in the normal course of events, is provided for patients to occupy for not less than 6 months). It also specifies certain conditions which must be satisfied (Paragraphs 3.9 – 3.11 refer).

**Do you agree with the proposed exemptions and conditions in draft regulation 4 for care homes & nursing homes, hospices and mental health units?**

Yes  No

**If you wish to comment please do so here.**

In residential settings such as care homes and mental health units, the regulations propose that designated smoking areas can be provided, and in mental health settings for long term (6 months) services users. Making exemptions for mental health units may result in the exacerbation of already large health inequalities between those individuals living with mental health problems and the rest of the population.

Permitting smoking for **long-term** mental health service users and not those on admission / short term care may be difficult to manage in practice. On Immediate/ emergency admission people are likely to be distressed and least able to take on compliance with a smoke free policy and smoking cessation.

Consideration should be given for case by case exemptions in extreme cases for day care settings such as learning disability, elderly and mental health care. There may be a need to include a case-by-case protocol for such clients that smoking restrictions would result in extreme behaviour, no member of staff or patient should be put at risk.

Whilst the conditions for designated smoking areas are comprehensive it will be difficult to ensure there is no risk of passive smoking for other residents and staff who are required to access the smoking areas, and to design buildings so that designated smoking rooms do not open onto smoke free areas of the building. Staff, visitors and non-smoking clients cannot be protected from second hand smoke if patients/clients smoke in their bedrooms or are permitted to smoke in designated smoking rooms.

More emphasis and encouragement to prioritize access to outside smoking space where feasible and smoking cessation would be helpful.

**Q6. Draft regulation 8** sets out a proposed exemption for a designated room in a research or testing facility. This includes research or tests in relation to smoking and smoking cessation (Paragraphs 3.15 – 3.16 refer).

**Do you agree with the proposed exemption in draft regulation 8 in relation to research and testing facilities?**

Yes 4

No

**If you wish to comment please do so here.**

Yes 4

No

**If you wish to comment please do so here.**