

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

### **Response from Craigavon Council**

Q1: NO

Q1a: Council believes that the requirement for signs at entrances is crucial to securing compliance. We have observed that even where no smoking signs comply with the requirement to be displayed in entrances they may still not be visible to persons entering and therefore accidental smoking could occur.

In order to avoid occurrence of 'accidental smoking' the terms "visible at all times" should be inserted into Regulation 3(1). In order to avoid signs in entrances becoming damaged or defaced, they should be required to be of durable material.

It is our view that signs should also contain details of to whom a complaint should be made should someone observe smoking in smoke free premises. This requirement exists in both Scotland and the Republic of Ireland. We feel that the following could be added to the regulation 3

"(c) displays the name of the person or holder of a particular post to whom a complaint may be made by any person who observes another person smoke in the smoke-free premises in question and state that a complaint may be so made."

Q2: YES

Q2a: The requirement is sufficiently detailed in that a sign will be required in every compartment of the vehicle. However, it is considered that appropriate signage will be of assistance and drivers of public transport vehicles such as taxis in securing passenger compliance. Their signs should therefore be the same as for those in smoke free premises and carry the words "No Smoking. It is against the law to smoke in this vehicle". The signs should be required to be affixed to the interior of the vehicle. Our recommendation for the wording of this regulation is therefore as follows:

... in a prominent position inside the vehicle and visible at all times".

However we believe that there is a need for signage requirements to be consistent across the UK particularly as vehicles will cross between jurisdictions. Council therefore propose that a sensible way to proceed is to harmonise the signage requirements for vehicles. As Scotland has already enacted requirements for smoke-free signs in vehicles we believe that Northern Ireland should replicate those requirements.

Q3: YES

Q3a: Council welcomes the specific requirement for communal areas and common parts to be smoke free.

Council note that it is not intended to require private residential space per se to be smoke-free unless they are open to the public or used as places of work and we accept the principle that in all other circumstances it is for the person who lives in the premises to decide whether or not to permit smoking. However, we believe that all workers deserve protection from secondhand smoke. In the absence of a legal requirement for an individual not to smoke in their own home if a tradesman, cleaner or carer is present, employers of people providing such services (or the individual provider) will need to make their own arrangements about smoking with the home owner and to adopt model

policies that ensure the protection of workers who have to carry out work in private accommodation.

Holiday homes etc. should be clearly stated as either smoke free or not smoke free in any advertising material, booking forms and at the facility itself.

Q4: NO

Q4a: Council would prefer that such premises are not exempt from being totally smoke free as there is a need to protect the health of workers and visitors who do not smoke. We feel that in certain instances it is possible that this exemption could be abused so that in effect a smoking room is created in smoke-free premises and that the exemption should only be for the residents of the bedroom and not for guests or employees of the hotel.

However, effective ventilation to the external air is essential in bedrooms if smoking is to be allowed to take place. Rooms should only be permitted to be designated as not smoke free if the windows are capable of being fully opened by guests and staff. In such cases health and safety implications of falls from bedroom windows should also be taken into consideration.

There is need for clarity in relation to the process of designation and feel that it may be helpful if "designated" was defined in the regulations and a mechanism to regulate the designation process put in place. This may be best achieved through guidance or regulation.

Such a mechanism should ensure that room designations cannot be easily or frequently changed as complaints and confusion can arise from people who expect a smoke free hotel room and are allocated one in which smoking has earlier been allowed. There should therefore be a requirement that hotel rooms that are to be designated as not smoke free should be notified to the District Council and that these rooms are clearly marked with door signage.

Q5: NO

Q5a: Council would prefer that such premises are not exempt from being totally smoke free as all workers should be afforded the same level of protection from second hand smoke. However, where a proposed exemption will permit smoking in an enclosed area ie in a designated room there should be extra requirements to protect workers from exposure to second hand smoke eg. By effectively isolating the room from other smoke free areas; suitable ventilation systems; arrangements for cleaning and servicing rooms. Exemptions should only apply to residents or patients and not staff or visitors.

It is our view that where an exemption is available, a set of detailed requirements should be established. The requirements could be set out in a code of good practice or guidance to accompany the regulations.

Q6: YES

Q6a: The proposed exemption for research and testing facilities appears appropriate. There is however a need to ensure the protection of any person who has to work in the facility from the effects of secondhand smoke.

We believe that the department should issue guidance that sets out the standards that should be applied in protecting employees who have to work in such facilities.

Q7: YES

Q7a: Council supports the proposal that all public transport will be smoke free. In the case of vehicles for hire, these should be designated as either smoke free or not smoke free and the stated signage requirements for commercial vehicles should apply. However, it is not clear to what extent the regulation applies to an individual private car that they use for business purposes and receive expenses for the running of the vehicle from their employer. If such vehicles are covered by smoke-free requirements by virtue of the fact that they are used for work by more than one person do they then have to display no smoking signs and do they have to be smoke-free at all times? This issue needs to be clarified to ensure there is no confusion.