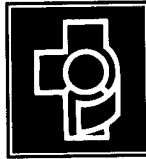


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**Southern Health and Social Services Board  
Office of the Chief Executive  
Direct Line: 028 37 414600**

2 November 2006

Investing for Health Team (Tobacco Control)  
Department of Health Social Services and Public Safety  
Room C4.22  
Castle Buildings  
BELFAST BT4 3SQ

Dear Sir/Madam

**The Draft Smoke-Free (General Provisions Regulations (Northern Ireland) 2007 and the Draft Smoke-Free (Exemptions, Vehicle, Penalties and Discounted Amount) Regulations (Northern Ireland) 2007**

Please find enclosed response on behalf of the Southern Health and Social Services Board and the Southern Area Tobacco Control Group to the above Public Consultation Document.

Yours faithfully

Sean McKeever  
Acting Chief Executive

Enc



INVESTOR IN PEOPLE

Chief Executive: Mr Colm Donaghy

Chairwoman: Mrs Fionnuala Cook, OBE

## 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 (3.26) that are used for work purposes, (staff receive travel payment while on work business.)

Are these private vehicles considered a workplace (3.29) or if used solely by the driver will they be exempt? (3.30)

**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.**

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

There is a need for clarification in relation to carers and other personnel visiting homes of smokers and their rights regarding protection from second hand smoke.

**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.**

This does not protect people working within this environment from the health risks of second hand smoke.

The health and safety of all workers is the fundamental issue. 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.**

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.

The regulation requiring that the designated smoking room be used only for smoking and no other communal function is very important.

The proposal to exempt mental health units where patients stay for more than six months is not supported. This will result in mental health patients being provided with less favourable support for health improvement than other patients and members of the public. Exemptions of long stay mental health units will also serve to stigmatise mental health patients.

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.

**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  No

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

**Q7. Draft regulation 9** sets out proposals for certain vehicles to be smoke-free (Paragraphs 3.27 – 3.32 refer).

**Do you agree with the proposals for smoke-free vehicles?**

Yes  No

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

Please see response to Question 2 – We support the proposals that all vehicles (except those for private use) to be smoke free at all times including work vehicles and public transport (including taxis).