



**Response to the Consultation on the Draft Smoking (Northern Ireland)
Order 2006**

May 2006

1. The SDLP welcomes the opportunity to contribute to this consultation on legislation to prohibit smoking in the workplace. We would like to state from the outset that we totally support the introduction of a full ban on smoking in all enclosed public places and workplaces due to the detrimental effects of Environmental Tobacco Smoke (ETS) on health and particularly due to its causal relationship to respiratory disease, strokes and cancer.
2. Closer observation of similar legislation in the Republic of Ireland leads the SDLP to the conclusion that if the prohibition of smoking is given a legislative basis as an aspect of public health then the necessary steps can be taken to meet objections and obstacles to the successful passage of such legislation considering health of people as the primary aim of any such legislation.
3. It is the view of the SDLP that any government action to restrict exposure to harmful ETS should be fully inclusive of all those potentially affected.
4. We believe the legal definition of smoking is logically worded and no comment on adjusting text can be offered.
5. The SDLP agree on the definition of smoke free premises and we believe that all public places should be smoke free to protect the health of individuals from ETS. Likewise the SDLP believe that legislation to protect employees from the harmful effects of ETS must include all workers and workplaces.
6. The SDLP believes this legislation offers the opportunity to not only protect workers but also to improve the health of residents. However, the SDLP understands the concerns around an individuals right to chose to smoke in residential premises especially as many of these premises are long term places of residence for example, residential care homes, psychiatric units, and prisons. Moreover these places are also places of work and employees here deserve the same protection from harmful ETS. The balance must therefore be struck between protecting people from harm and protecting people's freedom of choice. We therefore propose that individuals residing in such places should have access to their own designated private space where they can smoke without subjecting others to ETS. However if this is to be implemented it is vital that said areas are well ventilated and far removed from smoke free facilities. In addition it is important that entrances to buildings are not used for smoking as this would subject people to ETS when entering or exiting the premises.
7. If hotel rooms were to be made exempt from the ban there is a possibility that a hotelier could designate all of his bedrooms as smoking permitted which would ultimately negate the purpose of the regulation. We believe that a maximum percentage of bedrooms which can be designated for smoking must be set and strictly enforced if there are to be exemptions made in this area.
8. We agree with the offences and level of penalties set out in the draft order. We support the use of penalties to act as a deterrent to both people who

9. We are also in agreement with the fixed penalty notice procedures as set out in the draft order.
10. The SDLP believe that smoke free legislation should also be enforced by district councils. District councils should have responsibility for enforcing the legislation associated with a smoke free policy however it may be advisable to employ staff to provide an advisory and educational function before this is implemented. However local district councils should liaise with existing mechanisms such as environmental health officers, trading standards officers and licensing boards when enforcing the legislation. It is of course vital that adequate resources are allocated to fund this.
11. Raising the purchasing age may reduce smoking among young people. There is evidence that when adequately enforced such a law can reduce the proportion of retailers that sell tobacco to underage persons. Retailers continue to be a significant source of supply to underage people and it is essential that any increase in the legal age for sale of tobacco is accompanied by tighter implementation and enforcement mechanisms in order to have the maximum effect on reducing sales to young people. However laws prohibiting the sale of tobacco to minors requires rigorous enforcement including regular compliance checks and strong penalties for violation.
12. We believe that the proposed legislation has no detrimental effect on any of the section 75 groups in Northern Ireland and therefore does not require a full equality assessment as it affects all the groups equally. The SDLP supports the work carried out by the Regulatory Impact Assessment and agrees with its health, economic and rural proofing conclusions.