

Smoking Prohibition (Children in Motor Vehicles) Bill

The Royal Environmental Health Institute of Scotland

The Royal Environmental Health Institute of Scotland (REHIS) is pleased to present written evidence to the Health and Sport Committee regarding the Smoking Prohibition (Children in Motor Vehicles) Bill. The Institute is the professional body representing the Environmental Health profession in Scotland. Please find our written response under each question below.

1. Do you support the Bill? Please provide reasons for your position

The Environmental Health profession in Scotland has successfully enforced the requirements of the Smoking, Health and Social Care (Scotland) Act 2005 since coming into force in 2006, which prohibited smoking in enclosed public spaces in Scotland. The Institute supports the proposed Bill which would make it an offence to smoke in a private vehicle when children under the age of 18 are present. The Institute believes that this is a logical extension of the requirements of the 2005 Act.

Children are a particularly vulnerable group in society with often limited choices when considering transport. The Institute believes that the proposed prohibition will have a positive impact on childhood health and health inequalities in Scotland.

2. Do you think the Bill (if enacted) would achieve its aim of protecting children from the effects of second-hand smoke and their health? Please provide an explanation for your answer.

There is substantial documented evidence which demonstrates the impact of second hand tobacco smoke, particularly in children, and this has been presented adequately in the supporting documentation for this call for written evidence to the Health and Sports Committee.

The Institute believes that the Bill will have a positive impact on protecting children's health from the adverse health effects of second hand tobacco smoke. We believe it will protect children from inhaling tobacco smoke within the confined spaces of a vehicle, and adds to the improvements already made relating to enclosed public spaces.

3. Is there anything in the Bill you would change? If yes, please provide more details.

No comment

4. Who do you think should have responsibility for enforcing the proposed legislation and why?

The prohibition of smoking in enclosed public spaces has highlighted that the most difficult area to effectively enforce relates to smoking in commercial (moving) vehicles, as local authorities do not have powers to stop vehicles. Should this proposal to accepted, we are of the view that

Police Scotland should be given responsibility to enforce this bill. The same powers should also be given to authorised officers of local authorities, for example Environmental Health Officers, who could act where the vehicle is parked and/or support Police Scotland during enforcement operations. This will allow for the best use of available resources and powers to ensure that the requirements of the Bill are effectively and efficiently enforced.

5. What type of vehicle do you think should be exempt from the legislation and why?

The Bill highlights a number of vehicles which will be exempt from the Bill. The Institute believes that this should not be extended further.

6. What is your view on the Bill's provision for a defence that the person smoking could not have reasonably know that the other occupants of the vehicle were under 18?

The Institute believes that the focus of the offence should be on the driver of the vehicle. This principle and opinion is no different from their existing responsibilities for the control of the vehicle including parking tickets/speeding fines etc.

I trust that these comments are constructive and helpful to the consultation. The Institute would like to be kept informed of progress in relation to this consultation and looks forward to working with you in the future. Please do not hesitate to contact me if you would like to discuss any of the points raised by the Institute further.

The Royal Environmental Health Institute of Scotland

The Royal Environmental Health Institute of Scotland (the Institute) has been in existence for over 139 years and has around 1,000 members the majority of whom are Environmental Health Officers working in that capacity for Scottish local authorities. The Institute is incorporated by Royal Charter, is an independent self-financing organisation, is an independent awarding body for the profession and for a wide range of community training qualifications, and is a registered Scottish charity (No. SC009406). The Institute neither seeks nor receives grant aid and its charitable activities are funded significantly by the subscriptions received from its members.

The objects for which the Institute is established are for the benefit of the community to promote the advancement of Environmental Health by:

- stimulating interest in and disseminating knowledge concerning Environmental Health;
- promoting education and training in matters relating to Environmental Health; and
- maintaining, by examination or otherwise, high standards of professional practice and conduct on the part of Environmental Health Officers in Scotland.

Environmental Health Officers in Scotland are part of a graduate only profession and by virtue of their under-pinning academic education, professional practical training, professional qualifications and experience are well placed to apply a holistic public health approach to the education of the public and to the enforcement of a wide range of environmental and public health legislation.

The Institute is an independent awarding body for the profession and currently accredits the BSc (Hons) Environmental Health degree courses delivered at the University of Strathclyde and at the University of the West of Scotland as well as the MSc Environmental Health degree courses delivered at the University of Strathclyde and at the University of Derby (distance learning option). Environmental Health students, graduate and under-graduate, who wish to pursue a career as an Environmental Health Officer require to undertake a period of professional practical training and to successfully complete the Institute's Professional Examination which determines their professional competence to practice.

In terms of EU Directive 2005/36/EC on the recognition of Professional Qualifications within Member States and under the European Communities (Recognition of Professional Qualifications) Regulations 2007 the Royal Environmental Health Institute of Scotland is a UK Competent Authority for the Profession titles Environmental Health Officer and Chartered Environmental Health Officer.