

Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill**Stirling Council**

The Committee is seeking responses to the following questions—

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

Yes, I support the bill. Extensive research has been carried out, from a number of sources, including Ash Scotland, Tobacco Advisory Group of the Royal College of Physicians, 2012 Scottish Health Survey, The 2006 US Surgeon General's report, etc, which all indicate there are serious negative health effects associated with children and babies being exposed to second hand tobacco smoke. This combined with the smoke free legislation implemented in Scotland in 2006, and the costs which NHS Scotland will face as a result of these second hand smoke associated illnesses, reinforces the argument for this Bill being passed. This view is reinforced by NHS Forth valley, who state in the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill, explanatory notes (and other accompanying documents);

'NHS Forth Valley, in its response to the member's consultation, said "[there] may be a short term increase in smokers attending Stop Smoking services ... which would have a small cost to the service, but this cost is inconsequential to the savings to be made in the longer term ... from the reduction in treatments for diseases caused by second hand smoke'

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.

I'm not convinced that the Bill alone will achieve its aim of protecting children from the effects of second-hand smoke. The Bill will bring with it, its advantages as did the no smoking legislation implemented in 2006, and therefore we will hopefully see a reduction in the cases where children are presenting with illnesses which are a result of second hand smoking. However, it does not cover the personal responsibility aspect of smoking, where people fully understand the negative health effects and for this reason are willing to extend this practice to within their own homes for example.

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

Not at this stage.

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

I think consideration should be given to whether environmental health officers should have the power to intervene where necessary to determine whether the law is being upheld, as is the case with the smoke free Scotland legislation implemented in 2006. I appreciate however that this might need to

be broadened out to other Local Authority and Health professionals to determine and intervene where necessary.

What type of vehicles do you think should be exempt from the legislation and why?

I appreciate further consideration might have to be given to those who use modes of travel as their permanent or temporary homes, e.g holiday makers, those from travelling communities etc. However, apart from these groups, I do not think there should be any exemptions from this legislation. It should be a blanket rule, where there is no room for interpretation or scope for it to be implemented differently by different people.

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?

I strongly disagree with this. A driver has a responsibility for themselves and anyone travelling in their vehicle, and this extends to knowing the age of your passengers where they are under 18. Drivers are expected to know the age of their child passengers, when it comes to deciding whether they require a car seat or booster seat etc., or whether air bags need to be adjusted due to the age of passengers, and I do not see this as different.

Stirling Council