

ITEM No ...3.....

REPORT TO: COMMUNITY SAFETY & PUBLIC PROTECTION COMMITTEE –
12 DECEMBER 2016

REPORT ON: SMOKING PROHIBITION (CHILDREN IN MOTOR VEHICLES) (SCOTLAND)
ACT 2016 (COMMENCEMENT) REGULATIONS 2016

REPORT BY: EXECUTIVE DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT NO: 381-2016

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise Committee of the making of The Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Commencement) Regulations 2016 which came into force on 5 December 2016.

2.0 RECOMMENDATIONS

2.1 The committee are asked to approve the authorisation of officers within the Environmental Compliance Team to enforce these statutory regulations.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications from implementing enforcement arrangements for these regulations. Activity will be accommodated within the remit of Neighbourhood Services Environmental Compliance Team.

4.0 BACKGROUND

4.1 In order to limit the exposure of children and young people to second hand smoke, the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2016 (Commencement) Regulations 2016 came into force on 5 December. From that date, a person smoking in a car carrying passengers aged 18 or under is committing an offence and may be issued with a £100 fixed penalty notice.

4.2 In the run up to the introduction of the legislation, Scottish Government has run a national campaign to publicise the new law, including print and broadcast media, online and social media. The Council also promoted the national campaign on its intranet site.

4.3 Locally, officers have conducted monitoring to assess the prevalence of smoking in cars with children and taken the opportunity to speak to persons seen to be smoking in cars with children and ensure that they understood that as of 5th December they would be committing an offence.

4.4 Enforcement responsibilities will be undertaken by Neighbourhood Services Environmental Compliance Team, who already enforce the requirements of the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 including as they relate to work vehicles. Police Officers are also able to enforce these Regulations.

5.0 POLICY IMPLICATIONS

5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, Executive Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the content of this report.

7.0 BACKGROUND PAPERS

7.1 None.

Elaine Zwirlein
Executive Director of Neighbourhood Services

Tom Stirling
Head of Community Safety & Protection

30th November 2016