

**Q.1. Do the definitions of words and phrases ensure clarity of what premises are covered or exempted from the regulations? If not, how might they be improved?**

It is not clear to me what the situation is for the proprietor of B&B accommodation (which I frequently use in remoter parts of the country in connection with walking trips).

The definition of Hotel would seem to indicate that I could not complain about smoking in a B&B where just a single room is let?

It would also seem to prevent smoking by the owner in a two bed B&B, even in areas where a guest had no access. Even as a dedicated non smoker and smoke avoider on the grounds of allergy, this seems like an excessive restriction. Suggest clarification of the drafting by distinguishing more clearly between the residential, let sleeping apartments, and common areas (bathrooms, breakfast rooms etc) in a B&B.

**Regulation 2: Display of no smoking notices**

**Q2. Views are invited on this approach.**

The proposed regulation, and Section 3(1) of the Bill are insufficiently strong. More men than women are usually present in my social club. The current wording only requires conspicuous display of notices outside and inside premises. A single notice conspicuously displayed in the ladies toilets would meet the requirements, and not be seen by most of the people in the club. The regulation should correct the oversight in the bill by requiring at least one notice in each room to which the smoking ban applies.

Regarding the content of the notice, it would be helpful to include contact information for the individual at an establishment to be contacted in the event of a complaint (eg phone number, address etc) and also contact details for the local "authorised officer of a council" pursuant to section 6 of the Bill for enforcement purposes.

### **Regulation 3: "No-smoking premises"**

**Q3. Your comments are invited on the existing formula and on how it might be improved.**

Happy with this element of the current formulation. Very confused as to how the residential/hotel apartment conflict noted above in the B&B context is to be interpreted however.

### **Regulation 4: Fixed penalty time limits, amounts and payments**

"The regulations provide that an enforcement officer can only serve a fixed penalty notice up to 7 days after the event."

**Q4. Views are invited on the level of fixed penalties and time limits for payment.**

What level of proof is required to secure punishment of an offender? What if I don't know who a smoker is, but I want them to stop? How can I determine that person's identity? How would I defend a wrongful allegation that I had been smoking?

Section 6 of the Bill is splendid for an "authorised officer of a council", but in practical terms as useful as a chocolate fireguard for a member of the public. These matters could be addressed by requiring the owner of a no smoking facility to have a person on duty to take complaints, and to empower that person under section 6 of the Bill to obtain identity information from an alleged offender.

What is the purpose of the 7 day limitation within which a notice can be served? This could give rise to offenders not being pursued through bearaucratic overload. Suggest a similar time period to that allowed for NIP issue under road safety legislation.

No comment on penalty levels or time limits.

**Q5. Views are invited on the general approach outlined here.**

I wish to congratulate the Executive on a more constructive outcome than the "just buy another speed camera" approach popularly assigned to the proceeds of road related fixed penalties. Funding sufficient local enforcement officers should be stated a priority for the fines.

**Q.6 Your views are sought on whether there are any premises which fall into the definition of no-smoking premises at section 4(4) of the Bill [(a)-(d) above], but which have been omitted from the list in Schedule 1.**

One let room B&Bs.

**Schedule 2: Exemptions Adult care homes, Psychiatric hospitals and psychiatric units**

**Q.7,8 Your views are invited on: the general merits of this approach; the development of smoking policies for residential care homes; and the targeting of cessation services on these groups.**

Mandatory provision of a smoking room, or shelter in the case of care homes would balance all parties' needs.

**Hotel, guest house and B & B bedrooms**

The regulations have been drafted to include hotels, guest houses and B & Bs within the scope of the law, but to allow proprietors the ability, if required, to designate bedrooms in which smoking may be permitted.

**Q.9 Views are invited on the merits of this approach.**

Proprietors should be obliged to provide at least one no smoking bedroom (even in one room to let B&Bs).

**Omissions from Schedule 2**

**Q.10 Are there any premises which, taking into account humanitarian, practical or other considerations, are omitted from the exemptions list in Schedule 2?**

No missings I can think of. In respect of "5. Oil rigs." suggest clarifying this as designated smoking areas on drilling rigs and hydrocarbon processing facilities so this legislation can not be taken as a mandate to smoke in an unsafe area of an "oil rig".