



Subject:	Addition of legislation to Council's Scheme of Delegation
Date:	8 th February 2022
Reporting Officer:	Siobhan Toland, Director of City Services
Contact Officer:	Helen Morrissey, City Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Please see Note 1</i>	
If Yes, when will the report become unrestricted?	
<i>After Committee Decision</i>	<input type="checkbox"/>
<i>After Council Decision</i>	<input type="checkbox"/>
<i>Some time in the future</i>	<input type="checkbox"/>
<i>Never</i>	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The Committee will be aware that Part 3 of the Council's Scheme of Delegation delegates a series of functions associated with performing the Council's statutory role under specific legislation, as listed in Appendix B to the Scheme of Delegation, to the Strategic Director of City and Neighbourhood Services or their appropriate nominee. New legislation is required to be added to the Appendix to enable the authorised officers to legally enforce the provisions therein.
2.0	Recommendations
2.1	It is recommended that the Committee <ul style="list-style-type: none">Approve the addition of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 to Appendix B of the Scheme of Delegation.

3.0	Main report
3.1	<p><u>Key Issues</u></p> <p>Under the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 new Regulations have been made to prevent smoking in vehicles with children and to prevent children from purchasing nicotine inhaling products. These requirements will come into force on the 1st February 2022 and aim to protect young people.</p> <p><u>Smoking in Vehicles with Children</u></p> <p>Council Officers currently enforce legislation which prohibits smoking in certain premises, places and vehicles including on public transport and in work vehicles used by more than one person. These new regulations extend the current smoke-free provisions to private vehicles where children are present (anyone under the age of 18), when there is more than one person in the vehicle, and the vehicle is enclosed. It will also be an offence for a driver to fail to prevent smoking in a smoke-free private vehicle. The Regulations will be enforced by both district Councils and the PSNI.</p> <p>Studies have shown that children and young people are more vulnerable to the harmful effects of second-hand smoke as they have a smaller lung capacity and body weight meaning that they breathe more rapidly and inhale more pollutants per pound of body weight than adults. Smoking in a vehicle can generate high levels of airborne particulates and due to the confined space opening windows and air conditioning is not sufficient to remove these.</p> <p><u>Preventing the sale of nicotine inhaling products to people under 18</u></p> <p>Council Officers also currently enforce legislation which prevents the sale of tobacco products to anyone under the age of 18. The Act brings in a similar offence in relation to nicotine inhaling products, which includes e-cigarettes, making it an offence to sell to persons under the age of 18. A further offence in relation to the proxy purchasing of nicotine products is also being introduced. This makes it an offence for a person over the age of 18 to buy, or attempt to buy, a nicotine inhaling product, such as an e-cigarette, on behalf of someone underage.</p> <p>The long-term health impacts of using e-cigarettes is unknown and there are concerns that they may act as a gateway by some young people into smoking tobacco. Similar legislation already exists across the UK and this will bring e-cigarettes into line with other age-restricted products, such as tobacco and alcohol.</p>
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3.6	<p>It is envisaged that enforcement of these provisions will align with the existing tobacco control work undertaken by the Tobacco Control Officers. This work is funded by a grant received from the Public Health Agency.</p> <p><u>Financial & Resource Implications</u></p> <p>3.7 Financial and Human Resources There are no additional resource implications. This work will be undertaken under the existing contract between Belfast City Council and the Public Health Agency.</p> <p><u>Asset and Other Implications</u></p> <p>3.8 None – works aligns with current tobacco control work.</p> <p><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></p> <p>3.9 None</p>
4.0	Appendices – Documents Attached
	None