



Chartered  
Institute of  
Environmental  
Health

# Smoke-free (Private Vehicles) Regulations 2015

Demonstration projects using compliance  
measures in controlled locations



No SMOKING



Report of project carried out by Chartered  
Institute of Environmental Health and  
Improving Performance in Practice (iPiP)



September 2016

**Report of project commissioned by Department of Health and carried out by Chartered Institute of Environmental Health (CIEH) with Improving Performance in Practice (iPiP), 2016.**

The Chartered Institute of Environmental Health is a professional membership body dedicated to improving health and wellbeing. On behalf of our 9,500 members and the wider profession we campaign, as well as provide information and evidence, on environmental health issues to government and other key decision-makers. We also set standards, accredit courses and qualifications, as well as provide training to educate, inform and boost the skills of Environmental Health Practitioners (EHPs) and other professionals across the public and private sectors.

Improving Performance in Practice (iPiP) is an independent research and training organization working in the fields of public policy development, health improvement and public health. Its main focus is to ensure evidence is reflected in practice to improve health and wellbeing. iPiP hosts the Tobacco Control Collaborating Centre (TCCC) which is concerned with the practical implementation of tobacco control and smoking cessation measures concentrating on getting evidence into practice to reduce harm amongst the most vulnerable groups and supporting continued compliance with smokefree legislation.

Copies of this report are available to download from [www.cieh.org/policy/smokefree-legislation-in-England.html](http://www.cieh.org/policy/smokefree-legislation-in-England.html)

# Contents

<b>Summary statement</b>	<b>4</b>
<b>1 Introduction</b>	<b>5</b>
<b>2 Aims and objectives</b>	<b>6</b>
<b>3 Methodology</b>	<b>6</b>
<b>4 Results</b>	<b>8</b>
Demonstration sites	
Insights gathering	
<b>5 Discussion</b>	<b>19</b>
Demonstration sites	
Insights gathering	
<b>6 Conclusions</b>	<b>23</b>
<b>7 Recommendations</b>	<b>24</b>
<b>8 Acknowledgements</b>	<b>25</b>
<b>9 References</b>	<b>26</b>
<b>Appendices</b>	
<b>Appendix 1</b> <b>Survey areas and sites</b>	<b>27</b>
<b>Appendix 2</b> <b>Demonstration sites survey questionnaire</b>	<b>29</b>
<b>Appendix 3</b> <b>Insights gathering participants selection</b>	<b>31</b>
<b>Appendix 4</b> <b>Insights gathering topic guide</b>	<b>32</b>
<b>Appendix 5</b> <b>Insights gathering participant information</b>	<b>33</b>
<b>Appendix 6</b> <b>Summary table of results from demonstration sites</b>	<b>34</b>
<b>Appendix 7</b> <b>Photographs of demonstration site activities</b>	<b>36</b>
<b>Appendix 8</b> <b>Public Health England leaflet – updated</b>	<b>38</b>

# Summary statement

The aim of the project was to assess compliance with the requirements of the Smoke-free (Private Vehicles) Regulations 2015 by undertaking inspections of vehicles and interviews with occupants together with 'insights' gathering in two locations in England.

The results support the following statements:

- Compliance levels were high with no contraventions of the legislation found in any of the 255 vehicles inspected at 8 locations in two distinct geographical areas in England
- Awareness of the existence of the legislation prohibiting smoking in private vehicles was high
- Knowledge of the requirements of the legislation and the offences and penalties was low
- The majority of the people interviewed by the insights gathering team felt the legislation had made a difference
- Parents agreed with there being legislation but thought the punishment was not severe enough and police need a role in some capacity to add gravitas.

On the basis of these findings, the initial policy of adopting an educational, advisory and non-confrontational approach is justified and should be continued.

The project has shown that it is entirely practical to safely and effectively undertake compliance checking at controlled locations, offering advice and guidance as well as carrying out enforcement measures when required. Using the experience gained from this project, compliance checking can be initiated by local authorities using their own authorised officers with, where considered necessary, police assistance.

This project has also identified the need to support people, particularly those members of vulnerable communities, to feel confident that the law will protect their children when they are travelling in private vehicles.

The response to this identified need is not only concerned with enforcement measures. It also includes supporting people, both parents and all those responsible for the care of children, to be confident in themselves in requiring compliance from those carrying their children in private vehicles. To do this, they need to know what the law requires, understand why these measures are necessary and reasonable and be sure these messages are heard and understood in the wider community, not just amongst parents.

# 1 Introduction

From 1st October 2015 the existing smoke-free law, which requires virtually all indoor public places and work premises to be smoke-free as well as public transport and work vehicles, has been extended. The Smoke-free (Private Vehicles) Regulations 2015 additionally requires all private vehicles to be smoke-free when they are enclosed, contain more than one person and a person under 18 is present in the vehicle. It is an offence for:

- a person to smoke in a private vehicle when someone under age 18 is present; and
- a driver not to stop a person smoking when someone under age 18 is present in the vehicle.

## Enforcement arrangements

Detailed guidance<sup>1</sup> was published to accompany the introduction of the new legislation and this was revised and reissued in June 2016<sup>2</sup> to include additional information describing the arrangements for the provision of police support for enforcement actions.

The primary responsibility for detecting and dealing with offences against this legislation is intended to lie with the police. This is because they have existing powers to stop moving vehicles and are able to enforce this legislation as part of their usual road safety responsibilities, which include the proper use of child car seats, seat belts and mobile phones.

Local authorities also have responsibilities and powers to appoint authorised officers to deal with individual offences when discovered or reported to them and to generally support the building of compliance through information and advice campaigns, for example by working with local schools to raise awareness, as well as by working alongside the police in taking targeted enforcement measures.

## Compliance levels

Surveys have reported that there is popular public support for this prohibition on smoking in private cars when children are present<sup>3</sup>.

A YouGov poll in 2015<sup>4</sup> carried out before the legislation came into effect found that 85% of adults in England agreed that smoking should be banned in cars carrying children younger than 18 years of age. Among smokers, 74% supported the measure including 50% who strongly supported it.

More recently, in 2016, a YouGov poll<sup>5</sup> commissioned by the Chartered Institute of Environmental Health (CIEH) found that 83% of people do not smoke in their car when their children are present and only 13% said that they do. Furthermore, 94% stated that other people they are with never smoke when they and their children are in the car and only 6% do.

Therefore evidence shows that voluntary compliance is anticipated to be high and can be expected to be improved by the use of public information campaigns and

compliance checks with minimal need for enforcement measures. For this reason the advice issued by the National Police Chiefs' Council has been that local forces should take an "educational, advisory and non-confrontational approach". This advice was fully in accordance with the published guidance.

Although a number of warnings for non-compliance have been issued, objections to carrying out any enforcement measures have been reported by senior managers of police services<sup>6</sup> and their representative bodies<sup>7,8</sup>. These objections have been largely concerned with the practical difficulties in using paper-based fixed penalty notices as well as a reluctance to be involved in what is seen by some as a public health measure, as opposed to a vehicle safety issue, especially during the current period of increasing workloads and staff shortages.

As a result of these reported difficulties and objections, there has been a good deal of negative publicity which, if not challenged, could lead to reductions in levels of voluntary compliance.

## 2 Aims and objectives

The aim of the project was to assess actual levels of compliance with the requirements of the Smoke-free (Private Vehicles) Regulations 2015.

The objectives were:

- To demonstrate the practical application of the legislation in controlled locations
- To evaluate attitudes, behaviours and intentions regarding smoking in vehicles
- To obtain appropriate information to help to support the promotion of the effectiveness of the adoption of the legislation on the first anniversary (01 October 2016)
- To identify good practice and learning points for inclusion in future guidance and training programmes.

## 3 Methodology

The project was developed by the Chartered Institute of Environmental Health (CIEH), together with Improving Performance in Practice (iPiP) and delivered with support from the Department of Health.

It has been carried out in two geographical areas of England: County Durham and Warwickshire.

## Compliance survey areas

The selection of the compliance survey sites, identification and training of staff, support for local authority regulatory officers, liaison with police and reporting of results was organised by:

- For Durham County sites: 'Fresh' the regional tobacco control programme team for the NE of England
- For the Warwickshire sites: Warwickshire County Council Community Safety Team.

Appendix 1 contains descriptions of the survey areas and the compliance survey sites.

There are two separate but related elements to the project

### First element - Inspections and interviews at demonstration sites

Sites in County Durham and Warwickshire were selected at which private vehicles could be safely stopped and inspected and the occupants interviewed using a questionnaire developed for this purpose (Appendix 2: Demonstration sites survey questionnaire).

The procedure included:

- Identifying motor vehicles in which children are present or persons under 18 may be present
- Stopping and detaining such vehicles in a safe manner and location
- Interviewing the driver of the vehicle and/or other responsible adult to ascertain:
  - whether anyone in the vehicle is smoking or has been smoking in the vehicle
  - knowledge and understanding of the law on smoking in private vehicles when persons under 18 are present (as well as when the private vehicle is used as a work vehicle)
  - awareness of the harm to health caused by exposure to secondhand tobacco smoke, especially for children
  - willingness to maintain compliance when children are travelling in this or any other private vehicle.
- Recording and compiling a report on the demonstration activities, including identification of efficient and effective practice and learning points.

### Second element - Insights gathering

Suitable locations in the areas surrounding the demonstration sites were identified to undertake light touch insights gathering with parents to explore the levels of local knowledge and impact of the legislation.

The aim was to gather insights surrounding:

- Local compliance

- How attitudes have changed to smoking in vehicles with children
- If behaviour and intentions have changed.

Following a short piece of desk research about the areas, the insights gathering team made contact with trusted people and places (assets) to gather an understanding on where people go, and what they like to do. This list included formal assets such as children's centres and informal places such as local cafes and play areas. A team of two researchers were on the ground for two days in both areas and created a timetable of places to visit to recruit participants.

The participant recruitment criteria (see Appendix 3) comprised:

- a. Smoker with children and drives a vehicle with children present
- b. Non-smoker with children, where a significant other, family member of other smokes and drives a vehicle with their children present
- c. Smoker and drives a vehicle often with children present.

Conversations followed a topic guide (see Appendix 4). A short briefing sheet and consent form were used to ensure people were happy to continue to be involved (see Appendix 5).

A ten pounds "thank you" voucher was given to each participant.

The insights, experiences and additional information gathered was then coded and a thematic analysis undertaken based on the Braun & Clarke model.

## 4 Results

### Demonstration sites

A summary of the results of the inspections and interviews at the 8 demonstration survey sites are set out in Appendix 6 and photographs illustrating activities and personnel involved is included at Appendix 7.

In all 255 vehicles were inspected at 8 locations (3 in County Durham and 5 in Warwickshire).

The inspections were carried out at various periods of the day and on different days of the week: 195 (76.47%) were inspected between 09:00 - 12:00; 42 (16.47%) between 12:01 - 14:00 and 18 (7.06%) between 14:01 - 17:00.

The choice of locations was reflected in the reasons given by drivers as the main purpose for their journeys. These were recorded as: pleasure 163 vehicles (63.92%); shopping 61 (23.92%); school/nursery 16 (6.27%) with the remainder (5.89%) as business purposes or no reason given.

Most drivers 222 (87.06%) lived locally. Journey times reflected this with 224



(87.84%) taking less than 30 minutes; and a further 21 (8.24%) taking less than an hour. A small number of longer journey times of 1 - 2 hours and more than 2 hours were also given possibly because of the inclusion of locations in close proximity to major leisure attractions.

Almost all of the vehicles inspected (252) were private vehicles as opposed to public service and work vehicles (3). Of these private vehicles 242 (94.90%) were saloon cars and 10 (3.92%) were cabriolet construction with a retractable roof.

There were 314 adults present in the vehicles, 255 as drivers and 59 as passengers.

The total number of children present in the vehicles was 368 of which:

- 161 (43.75%) were aged between 0-4 years
- 162 (44.02%) were aged between 5-10 years
- 39 (10.60%) were aged between 11-15 years
- 6 (1.63%) were aged between 16-17 years.

Almost all adult occupants were directly related to the children present as either parent or grandparent or other relative. Other adults described themselves as carer eg. childminder, or friend.

### **Compliance with the law**

There was widespread compliance with the law.

#### **Key findings 1: Compliance with law:**

**No offences against the Smoke-free (Private Vehicles) Regulations 2015 were observed**

**Smoking was observed to be taking place in very few vehicles. In 5 vehicles (1.96%) the driver was seen to be smoking and in 2 vehicles (0.78%) a passenger was seen to be smoking. In all, only 13 vehicle occupants were observed to be or identified themselves as smokers**

**Children were not present in any vehicle in which smoking was taking place**

**No person believed to be under the age of 18 was suspected of smoking.**

### **Smoke-free vehicles**

Observations made whilst drivers were being interviewed found that smoking had been taking place recently in very few vehicles.

#### **Key findings 2: Smoke-free vehicles:**

**Observations made from outside the vehicle found that there was no evidence of smoking having recently taken place in 238 vehicles (93.33%)**

**Of the 14 vehicles (5.49%) in which evidence of smoking was seen, children were present in only 5 vehicles (26%)**

**A 'No smoking sign' was visible in only 3 vehicles (1.18%).**

The following evidence of smoking was found: the distinctive odour of tobacco was found in 3 vehicles (1.18 %); cigarette packets/smoking materials were visible in 3 vehicles (1.18 %); and there was a used ashtray in 1 vehicle (0.39 %).

No smoking signs were handed to the drivers of all vehicles inspected together with an updated version of the public information leaflet issue by Public Health England in advance of the legislation coming into effect (see Appendix 8).

### Knowledge of the law

In answer to the question “What do you know about what the law says regarding smoking in cars?” 84.71 % of respondents said that they knew there is a law prohibiting smoking in cars and 14.12 % said that they did not know there was a law. However only 32.16 % knew that the law only applies when a child is present and of those only 32.93 % were able to state the correct age for a child as 18 years.

#### **Key results 3: Knowledge and understanding of the law:**

**More than 8 out of 10 people interviewed know that there is a law prohibiting smoking in private car.**

While 30.20 % of people knew that the person smoking can be fined, only 26.27 % knew that the driver can be fined for failing to prevent smoking as well as the person smoking.

There were wide variations in the reported results between the geographical areas and between the individual sites within the geographical areas.

## Insights gathering

### Key headlines

**All of the participants interviewed agreed with there being legislation** – with many believing it had made a difference locally

**Only a small number of participants were fully aware of the requirements of the legislation**

**Many participants had not changed their behaviour because of the legislation** – the decision had been made previously for a number of different reasons

**Child health was not the primary reason for behaviour change** – driver distraction, the smell, a new car were all important reasons

**Confusion** – what it is, isn't. Especially the mixed messages heard from professionals

**The police need a role in some capacity to add gravitas**

**The punishment is not severe enough** – many believed the offence was similar to that of using a mobile phone whilst driving.

### About smoking

All of the 32 participants interviewed, with the exception of one, had an immediate

connection to smoking either via themselves (23) or their significant others or immediate family (9). It was unsurprising to hear that many were childhood smokers, starting at an early age with some having successful periods of abstinence over this time:

*“I started at 9, everyone did it”*

*“I hope the next generation is disgusted enough not to smoke”*

*“I gave up for ten years, something happened and I was back to square one, I just couldn’t cope”*

Commonly there was more than one person that could be smoking around the children, with smoking also being common amongst the wider social network. Many also felt that smoking was a common activity “to see around here” (including smoking in pregnancy):

*“my dad smokes 60 a day, I can’t even imagine that, how much would that cost ... it’s almost as much as a gram of coke”*

*“my daughter smokes in her house and her car”*

*“go to the market and sit where the fountain is, you’ll find lots there I’ll tell ya”*

This conversation gave many the opportunity to openly discuss smoking and smoke-free cars in a non-judgemental and supportive environment. For example, one young mother spoke about the distress caused by her Health Visitor who she felt was “blaming” her for the poor health of her son: “she says it’s ‘cos I smoke at home but I don’t.”

Others in this similar demographic were confused at the advice given previously by health professionals with regards to smoke-free homes, and how this related to cars:

*“for smoking she says go outside, then wait 45 minutes, wash my hands and change my top. So can we just get straight in (the car) and go?”*

The statements from those that had “come” from a smoking household, and whether a current smoker or non-smoker, were more passionate about not smoking around children. They commonly cited this as their number one reason at the start of the discussion and shared their own experiences and examples and how they had felt growing up.

There were a couple of suggestions locally where illicit or counterfeit cigarettes could be available, although exact details were not given. This was a part of the discussion in understanding smoking within the community, and how they are seen locally:

*“I think someone actually needs to die to stop them buying them (the counterfeit cigarettes), they have cyanide in and everything”*

### **Knowledge and opinion of the legislation**

All of the participants interviewed unanimously agreed with there being legislation regardless of their knowledge about it and their reasons for it. Some were passionate enough to suggest a ban for everyone. Many spoke about the lack of choice especially for children and babies, and the distraction hazard smoking could

cause. Lack of choice was especially high for those smokers and non-smokers that had come from a smoking household, and who “want something different” for their children:

*“your body and your choice, but children don’t get that”*

*“ridiculously dangerous”*

Out of the 32 people interviewed **6 people knew the exact details of the legislation**. They could confidently confirm details correctly such as when it came into force, age, describe details and talk about possible repercussions of being caught. **Eleven people did not have any knowledge** of the legislation, and were given details and explanations during the interview process so they were fully briefed and could participate in the later discussion. **Fifteen people were recorded as “part knowledge”**. Many of them self-diagnosed as “guessed” some details correctly and so were able to prove some knowledge:

*“well if I took a stab I’d say you can’t smoke with children in the car up to the age of 16... I think it came in around April?”*

Out of the partial knowledge group **the age of the child and when it came into force was the most commonly incorrect answer**. Many believed that the child was up to the age of 16 or 8 years old, and were confused if it had even come into force yet:

*“banned in cars with kids up to 8”*

*“I don’t think it can be 18 because you can get fags before that so I think it’s 16”*

*“no idea there was a law although thought there might be something coming as I think I’ve see some adverts or something”*

Others were not aware it had been in so long, and used their knowledge of public places to help inform their thoughts:

*“I think there is something but not quite sure”*

*“it’s definitely April I’m sure of that”*

*“must be illegal because of public places”*

All of the 32 participants felt that there had been little advertising both nationally and in their local area. Those who were able to recall anything spoke about an advert with a young baby and assumed the connection:

*“it’s pretty grim, have you watched it?”*

### **Safety in the car**

One area we were keen to understand was the priority parents put on car safety with their children, and where smoking in cars sits in comparison. All of the parents compared this to the seatbelt requirements, but also the latest changes to the car seat law.

This conversation developed very quickly during the first day of fieldwork where

one group suggested we asked the remaining participants the following:

*“would you rather your child goes in a smoky car with a seat belt/car seat or a smoke-free car without a seatbelt/car seat?”*

Responses people gave:

Smoky car AND seat belt 23, Smoke-free car NO seatbelt 1

The majority of people elected for the “smoky car and seat belt” as they felt this posed the most immediate danger with the effects of secondhand smoke being too long term.

*“you could go through the window right now, I know it sounds bad but smoking is not an immediate danger like that”*

*“smoky car because having an accident is more risky”*

*“no seatbelt is harmful now, smoking is your lungs that’s long term”*

*“smoking is harmful, no seatbelt is fatal”*

Those that picked the smoke-free car had other reasons:

*“I would just drive more careful, I wouldn’t want my daughter in a smoky car”*

*“I would take the risk with one journey”*

*“I’m very antismoking”*

Generally this group did not see it as an immediate danger, and so it was seen as less risky. This concept is similar to previous work conducted around smoking where we found risk as perceived by a health professional or an authority was at odds to the perception of risks that have to be taken in everyday life. Many felt that certain situations had an acceptable risk, for example a quick cigarette whilst driving, whereas no seat belt was unacceptable.

This discussion developed in our second site where participants questioned the duration and the frequency as factors for further consideration:

*“maybe it would depend how long”*

*“that’s a tough one can I pick neither... I’d go for smoky... but actually how long and how often are they smoking? It’s not simple is it?”*

### **How has the legislation made a difference?**

When asked if they thought the legislation had worked the majority of the group felt it had made some difference, as they couldn’t recall “seeing it as often” or “see it less now”. They were however very clear which areas of the community were hot spots for seeing people smoking with children in vehicles:

*“go to car parks or the school gates”*

*“get up to X you won’t be able to move for ‘em”*

*“I see parents sat there every day doing it”*

Many also questioned “if we know where it happens why do we not see them doing anything about it?”

One individual felt that the rates must still be quite high, as recently the local newspaper had celebrated the fall in smoking rates across the area. As there had been no positive communication about it he assumed there was little effect:

*“wouldn’t they celebrate that, apparently we’ve improved most (smoking rates)... shame the paper doesn’t say we had the worse rates to start. If there wasn’t something to celebrate wouldn’t it be on the front”*

Thinking about why others may still undertake this activity many were sympathetic to the smoker, naming the lack of communication and marketing, and the addictive nature of smoking as key reasons:

*“you have to remember it’s an addiction”*

*“Just do, life is stressful it’s easier to say right now but things change”*

*“I just don’t think people are aware”*

Others, a mix of non-smokers and smokers believed there was little excuse for this:

*“they don’t realise or are too thick”*

*“I don’t think they know... or maybe they are ignorant”*

*“they don’t care, it makes me sick... it’s because of them we are now lepers”*

## Changing behaviours

Very few of the participants interviewed had changed their behaviour or had asked significant others or immediate family to change behaviour because of the legislation. For many this was a decision they had “reached on my own” previously.

Child health was not the only motivating factor for a smoke-free car or agreeing with the legislation, many mentioned other motivations some of which were of a higher priority or reason why they felt the legislation was in force. Across both areas the distraction caused by smoking at the wheel was a huge concern for the majority of those we spoke with. Many felt that the danger this could cause to the safety of both children, passengers and other motorists could be just as severe as the effects of second hand smoke:

*“you have to take your hands off the wheel”*

*“I once dropped one (cigarette) we couldn’t find it and we had to stop on the motorway. I haven’t smoked in the car since it worries me too much”*

*“I’m too worried I might crash”*

*“I think it’s crazy, surely they can’t be in control of the car...the ones that are really good are more practised maybe. I just can’t see how they can light it and drive”*

Others were ashamed of the smell of smoking, and so had banned smoking in their car at all times especially if they had a new car:

*“I’d just hate it if my car smelt of smoke”*

*“I don’t do it anyway, but not for kids. I don’t want my car to smell”*

*“not so much health, but because it’s new”*

The health of children, especially younger children and babies was an added factor, especially for those non-smokers whose significant others and family smoked, or who had come from a “smoky home”. There was a mix of knowledge about the effect:

*“it must give you cancer after a while”*

*“I think it’s bad... dunno why really”*

*“they have little lungs and their tiny hearts beat faster it’s got to be worse right”*

*“it’s just disgusting and she knows not to do it around her”*

A common belief many voiced was “passive smoking is worse than fags”. We heard this many times across both areas, with the reason for this being “my lungs are used to it”, “you don’t have a filter going in like I do” and “they take in the bad stuff”.

Childhood experiences and “coming from a smoke filled house” was a high factor for both agreeing with the legislation and changing behaviour. Many recounted stories of when they were children and how it made them feel:

*“I remember driving down to Cornwall. My mum and dad smoking, my brother, my sister and me sat in the back. I don’t think my mum could see us after an hour it was just one cloud of smoke. It made me so ill I couldn’t do that to her now”*

*“I use to get into to school and stink. Mum’s windows wouldn’t even open they were stuck shut because they leaked”*

Some had implemented a complete ban on all smoking in their cars especially for the smell and new car, and commented it was often easier to do that:

*“I’ve never allowed it in my car, I think it’s easier (to ask)... No one can take offence because no one can do it”*

*“my mum’s never smoked in her car since the grandchildren ... my sister-in-law had to have that conversation!”*

Those that have changed their behaviour around children gave examples of what they do differently now:

*“I try and stop...it’s when they fight I just get out and leave ‘em to it. By the time I’m done they’ve sorted it out”*

*“I’ll have one before we go... I added sweets to the ashtray”*

*“I just don’t”*

### Asking others to change behaviour

Two thirds of those we spoke with didn't smoke, however they had partners or members of their family that did smoke and who were often around the children. Those that had to ask others to not smoke around their children had a mixed response. Many felt that it was harder with their parents, whose behaviour they felt was often "ingrained" or they were "lifers", or who were told "you were fine".

Speaking with grandparents during this study many spoke about how, when their children were young, it was more acceptable to do but had changed their behaviour for their grandchildren:

*"well we know more now"*

*"yes with my kids but not with grandkids"*

*"a generational difference, I did it with these two but I wouldn't now"*

### Case study 1

*My son has a serious health condition, it massively affects his lungs, his heart, his head - there's probably not much it doesn't. Although I smoke, since his birth I've had to be really on it, with everyone. I find it really hard especially stopping people smoking in a car with him. You see it's not so simple for me. I have to take him to the hospital in Liverpool regularly. I don't drive so to get the bus or stuff like that would take too long, would cost too much and I think be worse on him. My cousins lived near and they take us. I suppose they think they are doing me a favour. But they smoke, a lot! I've asked them so many times not to smoke around him, especially in the car because it's so small. They just say no. They don't care at all, nothing would change their minds.*

*They just say to me if you don't like it, don't get in!*

*It's not just his health condition I worry about, they also smoke other stuff you know. I really worry that he smells of weed as well as smoke. They must think I'm such an awful mother. But what can I do, I'm torn between actually getting him there and getting him help or starting a huge argument.*

### Confusion

None of the 32 participants interviewed admitted outright to smoking in their cars with children present, however during the conversation it became clear that this activity was sometimes happening. The opportunity to have an informal discussion about the topic gave time for reflection:

*"thinking about it maybe I shouldn't do it"*

*"I stopped when my son said mum that's really bad you know"*

For some this was due to confusion about what a smoke-free car is and to whom it related, whilst for others there were no clear reasons *"it just happened"*. There was



a mixed response when asked the question “*is it ever ok?*” the majority had a clear response of “*NO*”, for others it was different:

*“maybe if she’s stressed and on a long journey... but she doesn’t really go far so I’m lucky”*

*“I could see there might be some leeway if they were older 16 or 17, and the parents gave permission”*

*“did with the last car, but it’s new so not a chance”*

*“maybe stuck in traffic, if it’s dangerous you know when there’s no hard shoulder”*

*“I open the window after and spray perfume so I think its ok for the children to then get in”*

*“my mother in law isn’t allowed to smoke near them, she smokes out the window”*

Many had questions, for example the length of time you should leave before getting back into the car, which demonstrates a clear opportunity in the future around education.

#### **What happens if you are caught?**

Although all of the 32 participants agreed unanimously with the legislation, they sadly felt in reality it is an **unenforceable law**. Many felt it was unrealistic to enforce, and questioned how you would observe someone in their car smoking, a supporting factor for a blanket ban. The fact that neither areas had an example of where they had witnessed someone being “punished” fuelled this belief further:

*“little policing or consequence”*

*“How would they do it? What would they say? I think it’s unenforceable really”*

*“How could we enforce it, we couldn’t make a citizen arrest?”*

#### **Whose role is it?**

Unsurprisingly the **Police were the number one choice to enforce the legislation**. Many felt that they had to have a role in some capacity as their involvement added gravitas to the situation:

*“they must be involved because it ensures it’s taken seriously”*

They were also key as the majority felt the punishment was currently not severe enough, a theme developed further in the report.

While everyone agreed that the police were the best choice for the job no one felt it was within their gift to do so, the reasoning why was an even split.

Half of the group were sympathetic to the current political and economic environment and how that impacts on the local constabulary. Many felt, due to cuts, they lacked capacity to undertake such work or were burdened with paperwork and “non-policing stuff”:

*“not enough police on the ground really”*

*“it’s a tough one, it is serious but they don’t have the time, money or resources”*

Others had a negative view and experience on current policing standards in their local communities:

*“would be useless, they don’t do anything round here... if they even bothered to stop for insurance, they wouldn’t be interested anyway”*

*“I see lots of kids with no belt on, and that’s more visible”*

*“what’s the point in the police doing it, I’ve seen a car with a little girl kneeling on the middle bit with her hands on the front chairs”*

Both groups agreed that they didn’t believe it was a top priority for their local constabulary:

*“is it even a priority, they have other stuff to do?”*

*“not sure they’ll do much, they have better things to do”*

Other suggestions for who could support the police to enforce the legislation included Police Community Support Officers (PCSO), wardens and local communities themselves.

### **Greater punishment**

When talking about “punishment” or consequences of being caught many were shocked at how little the punishment was and felt that it didn’t support the severity of the situation and should be higher. There was also a belief that once you were caught your details would be logged with the possibility of greater punishment for repeat offenders:

*“£1000, it must be...you are joking, that’s just a mockery”*

*“probably just a fine which I know is not enough”*

*“people that smoke that are rich can afford it, others that don’t care will just say “oh well”*

*“points and fine is a good idea”*

The group measured the severity of the action at a similar level to using a mobile phone whilst driving, and fully expected the same outcome:

*“It’s as serious as a mobile phone”*

*“should be points, it’s as bad as a mobile phone it’s a distraction”*

*“Same as a mobile because you aren’t concentrating”*

This again demonstrated the fear around the **driver distraction smoking could cause**, with the possible implications of being distracted worse than the health risks of secondhand smoke:

*“is it as dangerous as the health stuff really?”*

*“Mobile phone and seatbelt it’s just the same should get more than a fine. You’ve not got proper control of vehicle, it should affect your licence”*

## 5 Discussion

The scale of this project was limited. In order for the results obtained to be as representative as possible, efforts were made to select geographical areas and localities that would be broadly representative of England as a whole.

### Demonstration sites

#### Extent of voluntary compliance

There is strong evidence that the law is being complied with in that high levels of compliance were observed and no evidence of non-compliance was found.

Even in high prevalence areas, few people admitted to smoking in their vehicles. This is supported by the observations made from outside the vehicles which found that there was no evidence of smoking having recently taken place in over 93 % of vehicles.

Few people identified themselves as smokers – far fewer than would be expected given the local smoking rates. Whether this is entirely accurate cannot be determined, however it was found that the majority of people did not want to be associated with smoking and wanted to make it clear that they did not smoke. In many cases they were making these statements in the presence and hearing of other adult occupants of the vehicle and their children.

Of those people who identified themselves as smokers, many stated that they were aware of smoking being hazardous and would not smoke in a vehicle where others were present. This was not restricted to vehicles with children present and may have been for aesthetic rather than health related reasons. For example, a family of three adults were observed leaving a leisure centre and all smoked cigarettes and extinguished them before getting into their vehicle. In another case a woman returning with shopping was seen to smoke her cigarette and extinguish it before entering her vehicle and another woman passenger left a vehicle in order to smoke whilst the driver remained in the vehicle.

#### Levels of public knowledge and understanding of the legal requirements

Knowledge of the law, its requirements and penalties varied widely. Reasons for these variations have not been established. The response from a number of people was that, as they do not smoke and/or they never allow smoking in their vehicles, they do not need to know the law. Some people stated that they believed that the law applied to all cars, regardless of who was travelling in them.

Whilst these variations may be a result of more effective information campaigns and more receptive local population groups, it may also be a result of variability in the manner in which the interviews were conducted and the effects of any unintended prompting. The results of the insights gathering clearly identifies that whilst some people have a clear and accurate understanding of the legislation, the majority do not. This is an issue to be addressed.

This lack of public knowledge may undermine compliance and increase the need for the use of enforcement measures. There is also the need for supporting people to be confident in themselves in requiring compliance from those carrying their children in their private vehicles. To do this, they need to know what the law requires, understand why these measures are necessary and reasonable and be sure these messages are heard and understood in the wider community, not just amongst parents. This is particularly an issue for supporting vulnerable groups and systematic measures could be considered such as ensuring midwives and health visitors are informing new parents of the law.

### **Collaborative working between local authority and police service staff**

In Warwickshire the County Council's Community Safety Team has a close professional working relationship with the police, including well established personal contacts at all levels. This proved invaluable in making arrangements for police assistance which were dealt with at a county level. The local police were instructed to provide cover and this happened without fail. Similar arrangements were made for Durham County Council.

On some sites the officer was able to maintain a conspicuous presence, with a marked car parked in prominent position, and to be immediately available for any issues that might arise. In other cases police officers were willing to accompany the local authority staff and even to undertake the surveys alongside local authority officers. At some sites Police Community Support Officers attended and whilst not themselves able to stop vehicles and detain people, they had immediate access to further assistance should it be required. All of the police support worked well and it is not possible to indicate any preferred arrangement.

Obtaining police support will be most readily secured when a prior connection has been made and approval has been requested and agreed at a senior level in the police hierarchy. There also needs to be an element of trust on both sides: the local authorities need to be certain of a police presence when required and the police need to be assured that the local authorities will keep their involvement to a pragmatic level (i.e. not to make unreasonable demands on police time and resources).

### **Effectiveness of enforcement measures**

Authorised officers able to issue fixed penalty notices were available at all of the survey sites. However, in the course of these inspections no contraventions of the legislation were observed. Indeed several examples were witnessed of car occupants demonstrating behaviour that confirmed compliance, for example by extinguishing smoking materials before entering their vehicles, or exiting their vehicle before lighting-up.

Whilst this is a result to be welcomed, it does mean that there were no opportunities to demonstrate the enforcement measures or assess their effectiveness. However, the opinion of an experienced Community Safety Warden was that issuing fixed penalty notices for smoking offences would be no different to the notices she routinely issued for littering and parking offences. Whilst she anticipated that there would be instances of a lack of cooperation and confrontation, this would be no more than what she already encountered and needed to deal with.

This indicates that whilst police assistance may be desirable, it may not always be considered essential particularly when a competent and confident local authority officer is able to carry out compliance checks in a controlled area.

The published guidance states that local authority officers who would be suitable to be authorised include those who are:

- familiar with dealing with enforcement measures in the street environment
- accustomed to speaking to members of the public and serving fixed penalty notices
- able to incorporate this work into their other routine activities.

Street or neighbourhood and community safety wardens wear a uniform and work independently or alongside the police and other local authority officers reducing fear of crime and tackling anti-social behaviour including issuing fixed penalty notices for litter, graffiti and dog fouling.

## Insights gathering

An opportunity to discuss the future of the legislation, and for people locally to think about possible recommendations and ideas for improvements that would work for them and their communities, was highly welcomed. The participants' ideas across both areas were very similar and have been grouped into the following headings:

### **Raise awareness**

Raising awareness of the legislation, and its details came highly recommended especially as the majority of people interviewed were unaware at the start. They felt that a good measure for this was if it could be said to be “common knowledge”, however ways to measure common knowledge were harder to think of. The number one suggestion for how to raise awareness was to have a “visible show of enforcement” or to “actually do something”. Others noted how little there was out there about the legislation and believed that was also a key reason why people didn't know about it.

### **Better communication**

The lack of any memorable marketing campaigns or information was an obvious gap for many, and an area it was felt could make the most difference. Many had very clear recommendations about what this should and shouldn't include based upon experience of what has worked previously or what would appeal to them:

The use of television and social media:

“More on TV to raise awareness”

“CBB's that's on all the time in my house”

“careful young kids don't see it”

“seen it once between Hollyoaks, it should be a storyline in Corrie... everyone watches that”

“Not everyone uses Facebook, grandparents don’t”

#### Timing is critical:

“When parents will be watching”

“At better times “use common sense, not at 7.30 that’s when I’m putting the kids to bed”

“Not when kids can see it (young)”

“see it more than once it might register more”

“Short and quick blast – “if it’s too in your face for too long people ignore it”

#### What to include:

“Smoking around the baby, baby and children more emotive than young people”

“maybe show a child passed out, or with a bad chest. Realistic like in hospital” – but debated if people would watch it”

“Hard fact campaign is needed”

“Shock factor”

“Be more graphic – first-hand experience has made me think”

#### Include children:

Many felt that if their children voiced concerns, or spoke to them about the topic they would change their behaviour immediately:

*“if my kids wanted me to stop I would”*

*“he said ‘mummy that’s really bad’ ... didn’t just make me feel guilty for smoking in the car, but questioned the need to be around, be a good role model, he was obviously worried something would happen to me”*

#### Increase the severity of the punishment

Given the fact many believe that the current punishment does not support the severity of the situation, an increase was welcomed.

#### Value the knowledge of the local community – asset

Many could clearly name areas and places that they believed had high rates of smoking in cars and felt that a mechanism in the future where you could share this information anonymously would be welcomed. Linked to this mechanism could also be a social policing model created, where if you observe someone breaking the law you could report it. One suggestion was for the social policing model to include sharing a picture of the crime on social media, with many debating how

they thought the “shame” would be worse than any punishment but realised it was unlikely to happen.

*“Put it on Facebook, shame them... I think that would work”*

*“Social shame is definitely better”*

*“I love this, but people would bang on about their human rights”*

*“Yes, but people will just come back with it’s my right”*

## 6 Conclusions

The aim of the project is to assess compliance with the requirements of the Smoke-free (Private Vehicles) Regulations 2015.

The results support the following statements:

- Compliance levels were high
  - no contraventions of the legislation were found in any of the 255 vehicles inspected at 8 locations in two distinct geographical areas in England
  - children were not present in any vehicle in which smoking was taking place
  - no person believed to be under the age of 18 was suspected of smoking in a vehicle
- Most vehicles were smokefree at the time of inspection
  - no evidence was observed of smoking having recently taken place in more than 93% of vehicles
- No smoking signs were being displayed in very few vehicles
  - ‘No smoking sign’ was visible in only 3 vehicles (1.18%)
- Awareness of the existence of the legislation prohibiting smoking in private vehicles was high
- Knowledge of the requirements of the legislation and the offences and penalties was low, limited and in some respects incorrect (eg age of child)
- Parents agreed with the legislation but thought the punishment was not severe enough
- The police need a role in some capacity to add gravitas.

On the basis of these findings, the initial policy of adopting an “educational, advisory and non-confrontational approach” is justified and could be continued, particularly if linked to and supported by initiatives to raise awareness and ensure that the public are better informed about the requirements of legislation and its purpose.

However, it has also been demonstrated that it is entirely practical to safely and effectively undertake compliance checking at controlled locations, including offering advice and guidance as well as carrying out enforcement measures when required. Using the recommendations arising from this report, compliance checking can be initiated by local authorities using their own authorised officers with, where considered necessary, police assistance.

## 7 Recommendations

### **The key recommendations from the findings of the demonstration sites work are:**

- a) Information campaigns - to raise awareness and ensure that the public are better informed about the requirements of the legislation and its purpose
- b) Compliance checking - targeted and in safe locations where children are expected to be present in private vehicles
- c) Enforcement action when justified - to demonstrate that legislation is enforceable and to continue to build on the effective collaboration between police and local authorities as demonstrated in the delivery of this project.

### **The key recommendations from the findings of insights gathering work are:**

- d) Design and delivery of a marketing and communications campaign, co-designed with people to raise awareness of the legislation
- e) Clear messages on the topic to dispel confusion for both individuals and professionals alike
- f) Enforcement – local communities to see and feel like this is an important legislation.

There are clear overlaps between these two sets of recommendations which are concerned with similar issues but were arrived at completely independently through the work of the demonstration sites and insights gathering teams.

### **Additional recommendation**

There are grounds for recommending a review of the legislation at an appropriate stage to determine if its scope should be extended to all vehicles, not just those carrying children. This would not only simplify the enforcement arrangements, it would also address the issue of driver distraction, which was an important concern to parents, and ensure protection for adults with pre-existing conditions that are made worse through breathing in tobacco smoke such as chronic obstructive pulmonary disease and cardiovascular disease. There is evidence to show that it would also improve road safety<sup>9</sup>.



# 8 Acknowledgments

## **For Improving Performance in Practice (iPIP)**

Hilary Wareing, Director, Improving Performance in Practice

Lynn Naylor, Office Administrator, Improving Performance in Practice

Jo Pullen, Co-Director, Activmob CIC

## **For County Durham**

### **Fresh**

Catherine Taylor, Head of Tobacco Regulation

Lisa Surtees, Business Manager,

### **Durham County Council**

John Benson, Occupational Safety & Health Manager

Holly Pullan, Principal Public Protection Officer

Ian Redshaw, Senior Environmental Health Officer

Karen Robertson, Senior Public Protection Officer

## **For Warwickshire**

Warwickshire County Council

Paul Hooper, Group Manager Community Safety and Substance Misuse

Sue Wild, Commissioning Lead - Health Improvement, Public Health Warwickshire

### **Rugby Borough Council**

Dean Cooke, Licensing Enforcement Officer

Nick Malbasa, Licensing Enforcement Officer

### **Warwick District Council**

Rachael Russell, Licensing Enforcement Officer

Emma Dudgeon, Licensing Enforcement Officer

### **Nuneaton and Bedworth Borough Council**

Carl Jacobs, Principal Officer, Business Regulation and Support

Ricky Casserly, Technical Officer, Business Regulation and Support

### **Warwickshire Police**

Supt. David Gardner, Chief Inspector Neil Harrison, Inspector Daff Goddard and various local officers

## 9 References

- 1 Chartered Institute of Environmental Health (2015). Guidance for enforcement officers and the public on the prohibition on smoking in private vehicles carrying children. London.
- 2 Chartered Institute of Environmental Health (2016). Guidance for enforcement officers and the public on the prohibition on smoking in private vehicles carrying children, Version 2. London.
- 3 ASH (2016). Fact Sheet, Smoking in cars. London.
- 4 YouGov survey 2015. Total sample size was 10017 adults in England. Fieldwork was undertaken between 26th February to 12th March 2015. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).
- 5 YouGov survey 2016. Total sample size was 4300 adults in GB. Fieldwork undertaken 15th – 17th August 2016. The survey was conducted online to members of the YouGov plc UK panel. The data has been weighted to provide a representative sample of all GB adults.
- 6 'No fines issued for smoking in cars with children', BBC News website, 29 June 2016 <http://www.bbc.co.uk/news/uk-england-36653291> accessed 26th September 2016.
- 7 'No power to enforce smoking in cars ban', Police Federation website, 15 March 2016 <http://www.polfed.org/newsroom/3220.aspx> accessed 26th September 2016.
- 8 'Smoking ban farce: Police vow to IGNORE new law coming into force tomorrow that makes it illegal to light up in cars with children', Daily Mail on-line, 30 September 2015 <http://www.dailymail.co.uk/news/article-3253927/Police-likely-turn-blind-eye-controversial-new-law-banning-motorists-smoking-car-travelling-children.html> accessed 26th September 2016.
- 9 Report of All Party Parliamentary Group on Smoking and Health (2011). Inquiry into smoking in private vehicles. Source ASH [www.ash.org.uk/APPGnov2011](http://www.ash.org.uk/APPGnov2011) accessed 26th September 2016.

# Appendix 1

## Survey areas and sites

### Durham

**Fresh** selected Durham County Council to work with as a suitable compliance survey area because of its strong commitment to tobacco control and its previous activities to support the introduction of the smokefree private cars legislation.

Fresh ([www.freshne.com](http://www.freshne.com)) was established in the North East of England in 2005 as the UK's first comprehensive regional tobacco control programme and is funded by all 12 local authorities in the North East. It delivers activity across eight key strands of tobacco control including reducing exposure to secondhand smoke. This approach is recognised as highly successful: when the programme was set up 29% of the adult population smoked and by 2015 this had reduced to 18.7%.

Durham County Council leads an active tobacco control alliance delivering a comprehensive plan of activity with support from the Director of Public Health and the Elected Member with responsibility for public health and involvement from regulatory services, the stop smoking service, communications colleagues and others. In Durham, 19% of the adult population smokes.

The smokefree cars legislation builds on many years of activity in the North East to normalise smokefree environments. Both Fresh and Durham County Council worked with partners to prepare for and support the introduction of the legislation in 2015, for example by deploying electronic road signs on the busy A690 and the Tyne Tunnel where they would be seen by tens of thousands of drivers each day.

**Site D1 - A nationally renowned family visitor attraction with large car park.**

It was not possible to obtain agreement from the site managers to conduct the survey.

**Site D2 - Louisa Centre Car Park, Stanley, County Durham DH9 0TE**

A council owned car park adjacent to a leisure centre and swimming pool (including a children's pool), GP surgery, and local shops.

**Site D3 - Spennymoor Leisure Centre Car Park, County Durham DL16 6DB**

Council owned car park serving a leisure centre, swimming pool, supermarket and local shops. There is a gymnastic club on site and activities at the leisure centre include 'Splash Tots', 'Baby Gym' and 'Toddler Gym'.

**Site D4 - The Broadclose Car Park, Peterlee, County Durham SR8 1AJ**

A short stay private car park operated by the local shopping centre and situated between a GP surgery and Job Centre and linked by an underpass to the local leisure centre and swimming pool.

## Warwickshire

Warwickshire is a landlocked two tier authority in the West Midlands of England. The county town is Warwick, although the largest town is Nuneaton. The county is divided into five districts and boroughs: North Warwickshire, Nuneaton and Bedworth, Rugby, Warwick and Stratford-on-Avon. Public health and other functions are delivered at a county level whereas licencing and environmental health are district level functions.

Warwickshire covers an area of 1,975 km<sup>2</sup> (763 sq mi) with a population of around 550,000. The majority of Warwickshire's population live in the north and centre of the county, the south of the county is largely rural and sparsely populated.

As a whole Warwickshire is an average county but this masks health inequalities between the relatively affluent south and the rest of the county. Nuneaton & Bedworth Borough has the highest levels of deprivation in the County indicated by the highest average LSOA Score (Indices of Deprivation at Lower-layer Super Output Areas).

Warwickshire was designated one of the original Smoke Free Alliances in 1992. The current work plan is wide ranging and includes work with businesses, education and maintaining the stop smoking services with a particular emphasis on reducing smoking in pregnancy.

Around 1 in 8 adults smoke in Warwickshire but prevalence rates vary (fewer smokers in the south and more in Nuneaton) Overall, smoking is estimated to cost Warwickshire £44.2 million per year.

### **Site W5 - Ryton Pools Country Park, Coventry CV8 3BH**

A country park, managed by Warwickshire County Council, with a visitor's centre, children's play area, fishing lakes, bird watching and numerous walks.

### **Site W6 - Queen Elizabeth Diamond Jubilee Centre, Rugby CV22 5LJ**

Managed by Rugby Borough Council. Unexpectedly the eviction of an unauthorised Gypsy and Traveller encampment from the Rugby Leisure Centre site coincided with the planned event. Use of this site was abandoned for reasons of safety and practicality.

### **Site W7 - St Nicholas Park, Warwick, Warwickshire CV34 4QY**

A pay and display car park managed by Warwick District Council and located near to Warwick Castle (a national tourist attraction), a park with children's play area, paddling pool and café.

### **Site W8 - Newbold Comyn (near Leisure Centre), Leamington Spa CV32 4EW**

A free car park shared by users of a leisure centre, golf course, woodland walk and public house.

### **Site W9 - Asda, Newtown Road, Nuneaton CV11 4FL**

A large supermarket car park busy with shoppers, many with small children.

### **Site W10 - Wembrook Primary School, Nuneaton CV11 4LU**

This site was chosen because parents can park in a free car park located adjacent to the school when collecting their children at the end of the school day. The period of time during which the survey could be conducted was very limited because parents arrived at 3:00pm for a 3.15 pick-up and had left by 3.30.

# Appendix 2

## Smoke-free Cars Legislation - Demonstration Sites Questionnaire

Team number

### Initial observations

**1. Venue (tick ALL that apply)**

Supermarket/Shopping Centre

Leisure facility

School

Other, please specify \_\_\_\_\_

**2. Time (tick one)**

Before 9:00

9:00 – 12:00

12:01 – 14:00

14:01 – 17:00

**3. Type of vehicle (tick one)**

Private car (saloon)

Private car (cabriolet)

Campervan

Commercial/work vehicle (taxi, minibus, etc.)

Other, please specify \_\_\_\_\_

**4. Signs of smoking (tick ALL that apply)**

Cigarette packet/smoking materials visible

Used ashtray

Odour of tobacco

Driver smoking

Passenger smoking

No smoking sign present

No evidence of smoking

### Introduction

Hello. I am NAME, JOB TITLE (show ID). We are talking to car drivers today because we want to find out about smoking in cars. We would like to ask you a few questions and this should only take a few minutes of your time. We just want to know a little bit about you and who is in the car before we ask those questions.

### Questions

**5. Purpose of journey today (tick one)**

Pleasure

Business

School/Nursery drop off/pick up

Shopping

Other

**6. Do you live locally?**

Yes

No

**7. How long was your journey today? (tick one)**

< 30 minutes

30 – 59 minutes

1 – 2 hours

2+ hours

8.	Number of (observe/ask):	No. of Occupants	No. who are smokers
	Adults (18+)	<input type="checkbox"/>	<input type="checkbox"/>
	Children 16 – 17	<input type="checkbox"/>	<input type="checkbox"/>
	Children 11 – 15	<input type="checkbox"/>	<input type="checkbox"/>
	Children 5 – 10	<input type="checkbox"/>	
	Children 0 – 4	<input type="checkbox"/>	
<b>9.</b>	<b>Relationship of driver to children (tick one)</b>		
	Parent/Guardian		<input type="checkbox"/>
	Grandparent		<input type="checkbox"/>
	Other relative		<input type="checkbox"/>
	Carer, e.g. child minder		<input type="checkbox"/>
	Friend		<input type="checkbox"/>
	Professional driver		<input type="checkbox"/>
	Other		<input type="checkbox"/>
<b>10.</b>	<b>Level of knowledge of the law (tick ALL that apply)</b>		
	<b>What do you know about what the law says regarding smoking in cars?</b>		
	Knows there is a law prohibiting smoking in cars		<input type="checkbox"/>
	Didn't know there was a law		<input type="checkbox"/>
	Knows the law only applies when a child is present		<input type="checkbox"/>
	If yes to knowing the law only applies when a child is present, ask to what age		<input type="checkbox"/>
<b>11.</b>	<b>Knowledge of offence (tick ALL that apply)</b>		
	<b>What do you know about who can be fined?</b>		
	The person smoking can be fined		<input type="checkbox"/>
	The driver can be fined for failing to prevent smoking		<input type="checkbox"/>
	Don't know		<input type="checkbox"/>
<b>12.</b>	<b>Usual behaviour (tick one)</b>		
	<b>Are there situations when you do and don't allow smoking in your vehicle?</b>		
	Never allow smoking in the vehicle		<input type="checkbox"/>
	Only allow smoking when children are not present in the vehicle		<input type="checkbox"/>
<b>NOTE:</b> If an offence has been observed – inform the offender/s and make decision on whether or not to issue FPN.			
<b>Action taken (record)</b>			
	FPN on driver for smoking		<input type="checkbox"/>
	FPN on driver for failing to prevent smoking		<input type="checkbox"/>
	FPN on other smoker(s) in the car		<input type="checkbox"/>
	Warning not to offend again		<input type="checkbox"/>
	Advice		<input type="checkbox"/>
	None		<input type="checkbox"/>
Thank driver for their time and give smoke-free cars information sheet.			
<b>Comments:</b>			
Record anything of interest regarding attitudes and behaviour indicating compliance/non-compliance.			

# Appendix 3

## Insights gathering participant selection

### Who did we speak to?

32 participants were interviewed across two different sites over a two-day period. The participant recruitment criteria was either:

- Smoker with children and drives a vehicle with children present
- Non smoker with children, where a significant other, family member or other smokes and drives a vehicle with their children present
- Smoker and drives a vehicle often with children present

Age	17-24	25-40	40-65	65+
Warwick	3	9	7	0
Durham	2	10	4	0
Total	6	19	7	0

	Parents	carer	Grandparent	other
Warwick	13		5	0
Durham	10	1	3	0
Total	23	1	8	0

Location	Children Centre	Soft play centre	Park	Town	Other
Warwick	4	12	2	0	0
Durham		9	0	2	2
Total	4	21	2	2	2

Relationship With tobacco	Smoker	Non smoker (Partner or immediate family connection)	Ex Smoker (Partner or immediate family connection)
Warwick	15	2	2
Durham	8	1	4
Total	23	3	6

Behaviour change	Smokes in car	Stopped due to legislation	Stopped due to health	Stopped due to safety	Other
Warwick	2	0	3	9	7
Durham	1	1	2	9	2
Total	3	1	5	18	9

# Appendix 4

## Insights gathering topic guide

### Smokefree Cars - Introduction check list

1. Introduce ActivMob
2. Briefing sheet (to cover, rationale, objectives, who is being involved and why, outcomes)
3. Clarify reasoning and use of the project and this conversation- anonymous
4. How will the discussion be structured
5. Consent form

TOPIC and PROMPTS	NOTES
<p><b>About you (to set the scene and get to know them)</b></p> <ul style="list-style-type: none"> <li>• <i>Area you live in</i></li> <li>• <i>Tell me about yourself</i></li> </ul>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Family structure</li> <li>- Connection</li> </ul>
<p><b>Current Understanding</b></p> <ul style="list-style-type: none"> <li>• <i>What do you know about the recent smokefree cars legislation?</i></li> <li>• <i>What does this mean to you?</i></li> <li>• <i>Why do you think this is important? Is it important to you?</i></li> <li>• <i>What do you know of the harm second hand smoke can cause children in cars?</i></li> <li>• <i>Do you think this legislation is a good idea?</i></li> </ul>	<ul style="list-style-type: none"> <li>- Awareness</li> <li>- Understanding</li> <li>- Knowledge</li> <li>- Agree? Disagree?</li> </ul>
<p><b>Behaviour</b></p> <ul style="list-style-type: none"> <li>• <i>How do you currently protect you child in a car? (car seats etc) Priority, reason?</i></li> <li>• <i>Has your behaviour changed around smoking in cars since the legislation? Why? Is it as important as above?</i></li> <li>• <i>Do you have any 'rules'/times where smoking in your car is ok?</i></li> <li>• <i>Do you think you know enough about the legislation rules and why this had been put into place?</i></li> </ul>	<ul style="list-style-type: none"> <li>- Big impact?</li> <li>- Does it matter?</li> <li>- Who does it?</li> <li>- Personal reasoning?</li> <li>- WHY CHANGE?</li> <li>- Health, breaking the law, fear, consequence</li> </ul>
<p><b>Impact and Consequence</b></p> <ul style="list-style-type: none"> <li>• <i>Do you think this law should be policed?</i></li> <li>• <i>Who would you expect to get information from about this?</i></li> <li>• <i>Is it being properly enforced?</i></li> <li>• <i>Who else is responsible for ensuring this is law is kept?</i></li> <li>• <i>What currently happens?</i></li> <li>• <i>What could make this better?</i></li> </ul>	<ul style="list-style-type: none"> <li>- Police?</li> <li>- Community?</li> <li>- Others?</li> <li>- Is it taken seriously?</li> <li>- How can it be policed?</li> </ul>



# Appendix 5

## Insights gathering information sheet

### Smokefree Cars

We are working with the Department of Health and the Chartered Institute of Environmental Health to look at how people are complying with the law on smoking in private vehicles.

#### What do you want me to do?

We are here to meet and chat to find out what you have to say. The only thing we will ask you to do is sign a consent form to confirm you are happy to speak to us.

#### Who will know what I have to say?

We will take notes, but only the person you speak to on the day will hear what you say. Your name will not be attached to what you say to us.

#### What if I have a question?

We hope you are happy to take part and share your stories with us. If you have any questions please call **Jo on 07876 786522** - who will be happy to help.

#### What will you ask me?

- What you know and think about the smokefree cars legislation?
- What does it mean to you?
- How has it affected you?
- How and why might it have changed your behaviour?
- What impact has it had locally?
- Thoughts on enforcement



#### I don't want to talk to you!

If you don't want to talk to us, or change your mind about talking to us, you are free to stop at any time; even after we have already talked to you.

**THANK YOU!**

activ.mob.

# Appendix 6

## Summary table of results from demonstration sites

Questions and responses	Combined results		Warwick's results		Durham's results	
Number of valid responses	255		176		79	
Number of areas	8		5		3	
W5	32	12.55%	32	18.18%		
W7	55	21.57%	55	31.25%		
W8	21	8.24%	21	11.93%		
W9	50	19.61%	50	28.41%		
W10	18	7.06%	18	10.23%		
D2	18	7.06%			18	22.78%
D3	36	14.12%			36	45.57%
D4	25	9.80%			25	31.65%
<b>1. Venue (tick ALL that apply)</b>						
Supermarket/Shopping Centre	75	29.41%	50	28.41%	25	31.65%
Leisure facility	162	63.53%	108	61.36%	54	68.35%
School	18	7.06%	18	10.23%	0	0.00%
Other	0	0.00%	0	0.00%	0	0.00%
<b>2. Time (tick one)</b>						
Before 9:00	0	0.00%	0	0.00%	0	0.00%
9:00 - 12:00	195	76.47%	141	80.11%	54	68.35%
12:01 - 14:00	42	16.47%	17	9.66%	25	31.65%
14:01 - 17:00	18	7.06%	18	10.23%	0	0.00%
<b>3. Type of vehicle (tick one)</b>						
Private car (saloon)	242	94.90%	163	92.61%	79	100.00%
Private car (cabriolet)	10	3.92%	10	5.68%	0	0.00%
Campervan	0	0.00%	0	0.00%	0	0.00%
Commercial/work vehicle (taxi, minibus, etc.)	2	0.78%	2	1.14%	0	0.00%
Other, please specify	1	0.39%	1	0.57%	0	0.00%
<b>4. Signs of smoking (tick ALL that apply)</b>						
Cigarette packet/smoking materials visible	3	1.18%	2	1.14%	1	1.27%
Used ashtray	1	0.39%	0	0.00%	1	1.27%
Odour of tobacco	3	1.18%	3	1.70%	0	0.00%
Driver smoking	5	1.96%	1	0.57%	4	5.06%
Passenger smoking	2	0.78%	1	0.57%	1	1.27%
No smoking sign present	3	1.18%	3	1.70%	0	0.00%
No evidence of smoking	238	93.33%	166	94.32%	72	91.14%
How many cars displayed any sign of smoking	14	5.49%	7	3.98%	7	8.86%
How many of those displaying signs of smoking had children in the car	5	36.00%				
How many of those smoking in the car had children in the car	0					
<b>5. Purpose of journey today (tick one)</b>						
Reason for journey - Pleasure	163	63.92%	117	66.48%	46	58.23%
Business	7	2.75%	3	1.70%	4	5.06%
School/Nursery	16	6.27%	13	7.39%	3	3.80%
Shopping	61	23.92%	41	23.30%	20	25.32%
Other	5	1.96%	1	0.57%	4	5.06%
Business and pleasure	1	0.39%	1	0.57%	0	0.00%
Not stated	2	0.78%	0	0.00%	2	2.53%
<b>6. Do you live locally?</b>						
Yes	222	87.06%	148	84.09%	74	93.67%
No	31	12.16%	27	15.34%	4	5.06%
Not stated	2	0.78%	1	0.57%	1	1.27%
<b>7. How long was your journey today? (tick one)</b>						
<30 minutes	224	87.84%	150	85.23%	74	93.67%
30 - 59 minutes	21	8.24%	20	11.36%	1	1.27%
1 - 2 hours	7	2.75%	4	2.27%	3	3.80%
2+ hours	2	0.78%	2	1.14%	0	0.00%
Not stated	1	0.39%	0	0.00%	1	1.27%
<b>8. Number of occupants (observe/ask):</b>						
<b>All occupants</b>	682		515		167	
18+ (driver plus passengers)	314	46.04%				
Drivers	255	37.39%	176	34.17%	79	47.31%
Number of adult passengers	59	8.65%	58	11.26%	1	0.60%
Total number of children in cars	368	53.96%	281	54.56%	87	52.10%
		% of all occupants		% of all occupants		% of all occupants
Number of children in car 16-17	6	0.88%	5	0.97%	1	0.60%
Number of children in car 11-15	39	5.72%	27	5.24%	12	7.19%
Number of children in car 5-10	162	23.75%	134	26.02%	28	16.77%
Number of children in car 0-4	161	23.61%	115	22.33%	46	27.54%
		% of child occupants		% of child occupants		% of child occupants
Number of children in car 16-17	6	1.63%	5	1.78%	1	1.15%
Number of children in car 11-15	39	10.60%	27	9.61%	12	13.79%
Number of children in car 5-10	162	44.02%	134	47.69%	28	32.18%
Number of children in car 0-4	161	43.75%	115	40.93%	46	52.87%
<b>8. Number of smokers (observe/ask):</b>						
Number of smokers 18+	13	4.14%	11	4.70%	2	2.50%
<b>9. Relationship of driver to children (tick one)</b>						
Parent/guardian	193	75.69%	137	77.84%	56	70.89%
Grandparent	39	15.29%	24	13.64%	15	18.99%

Questions and responses	Combined results		Warwick's results		Durham's results	
Other relative	3	1.18%	2	1.14%	1	1.27%
Carer, e.g. child minder	2	0.78%	1	0.57%	1	1.27%
Friend	1	0.39%	1	0.57%	0	0.00%
Professional driver	0	0.00%	0	0.00%	0	0.00%
Other	7	2.75%	3	1.70%	4	5.06%
Both parent AND grandparent	4	1.57%	3	1.70%	1	1.27%
Note: 2 responses = multiple adults and multiple children. 2 responses 1 driver with multiple children						
Both Parent/Guardian, Carer, e.g. child minder	2	0.78%	2	1.14%	0	0.00%
Note: 1 driver with multiple children						
Both Parent/Guardian, Friend	1	0.39%	1	0.57%	0	0.00%
Note: 1 driver with multiple children						
Both Parent/Guardian, Other relative	1	0.39%	1	0.57%	0	0.00%
1 driver with multiple children						
Not stated	2	0.78%	1	0.57%	1	1.27%
<b>10. Level of knowledge of the law (tick ALL that apply) - What do you know about what the law says regarding smoking in cars?</b>						
Knows there is a law prohibiting smoking in cars	216	84.71%	144	81.82%	72	91.14%
Didn't know there was a law	36	14.12%	30	17.05%	6	7.59%
Knows the law only applies when a child is present	82	32.16%	80	45.45%	2	2.53%
Not stated	3	1.18%	2	1.14%	1	1.27%
Number who know the law and know it applies to children	37.96%		55.56%		2.78%	
How many cars with a child (0-4) knew there was a law	67					
Of those, how many knew it applied to children:	41	61.19%				
How many cars with a child (5-10) knew there was a law	55					
Of those, how many knew it applied to children:	39	70.91%				
How many cars with a child (11-15) knew there was a law	19					
Of those, how many knew it applied to children:	12	63.16%				
How many cars with a child (16-17) knew there was a law	4					
Of those, how many knew it applied to children:	2	50.00%				
<b>If yes to knowing the law only applies when a child is present, ask to what age</b>						
How many people gave the correct age	27	32.93%	27	33.75%	0	0.00%
How many people gave the wrong answer for age (ranged from 8 to 16)	33	40.24%	33	41.25%	0	0.00%
Do not know	16	19.51%	16	20.00%	0	0.00%
Not stated	6	7.32%	4	5.00%	79	100.00%
<b>11. Knowledge of offence (tick ALL that apply)</b>						
<b>What do you know about who can be fined?</b>						
The person smoking can be fined	77	30.20%	33	18.75%	44	55.70%
The driver can be fined for failing to prevent smoking	39	15.29%	35	19.89%	4	5.06%
Don't know	68	26.67%	39	22.16%	29	36.71%
The person smoking can be fined PLUS The driver can be fined for failing to prevent smoking	67	26.27%	67	38.07%	0	0.00%
Not stated	4	1.57%	2	1.14%	2	2.53%
<b>12. Usual behaviour (tick one) - Are there situations when you do and don't allow smoking in your vehicle?</b>						
Number who NEVER allow smoking in the vehicle	226	88.63%	161	91.48%	65	82.28%
Number who only allow smoking when children not present in the vehicle	17	6.67%	9	5.11%	8	10.13%
Not stated	12	4.71%	6	3.41%	6	7.59%
<b>Action taken (record)</b>						
FPN on driver for smoking	0	0.00%	0	0.00%	0	0.00%
FPN on driver for failing to prevent smoking	0	0.00%	0	0.00%	0	0.00%
FPN on other smoker(s) in the car	0	0.00%	0	0.00%	0	0.00%
Warning not to offend again	0	0.00%	0	0.00%	0	0.00%
Advice given where children present in the vehicle	4	1.57%	2	1.14%	2	2.53%
None	251	98.43%	174	98.86%	77	97.47%

# Appendix 7

## Photographs of demonstration site activities: Compliance survey teams



Strategic positioning of marked vehicle to demonstrate police presence.



Involving the children in the process by asking: 'How old are you?'



Interviewing people on their way to or from the car park ticket machine



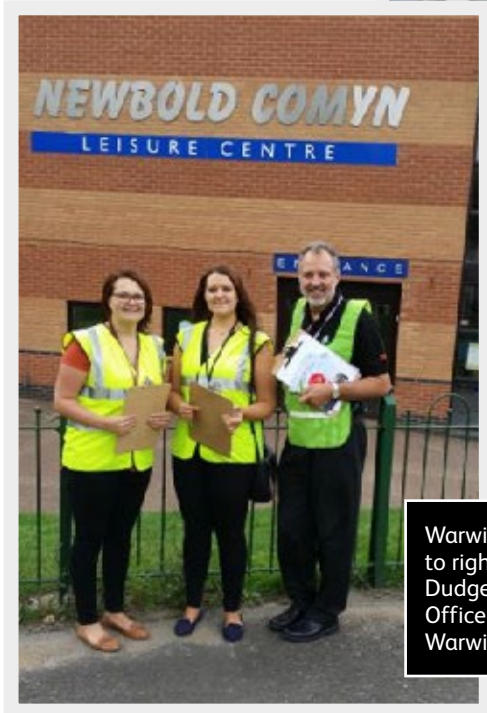
Discussing compliance requirements for a vehicle with a removable roof.



Durham County Council Team (left to right) – Catherine Taylor from Fresh, Community Safety Warden, Holly Pullen and Karen Robertson, Public Protection Officers



Rugby Borough Council Team (left to right) Dean Cooke and Nick Malbasa, Licensing Enforcement Officers.



Warwick District Council Team (left to right) Rachael Russell and Emma Dudgeon, Licensing Enforcement Officers with Paul Hooper from Warwickshire County Council.

# Appendix 8

Public Health England leaflet – updated

A colorful leaflet graphic with a light blue sky background. In the top left, there is a yellow sun with rays and a white cloud. In the top right, the text 'From Public Health England' is accompanied by the Royal Coat of Arms. The central text is in purple and teal. At the bottom, a pink car is shown from a front-facing perspective on a dark road, with two stylized figures (driver and passenger) inside. The background features green trees and a green grassy area.

From  Public Health England

## Did you know?

**It is illegal to smoke in vehicles with someone under 18 present.**

This law helps protect children from the dangers of secondhand smoke. Both the driver and the smoker can be fined £50 if anyone smokes in the vehicle.

For more information about the new legislation, visit [gov.uk/smokefreecars](http://gov.uk/smokefreecars).

  
**SMOKEFREE**



From  Public Health  
England

# Over 80% of cigarette smoke is invisible

So, no matter how careful you are, your children can still breathe in harmful poisons. This puts them at risk of conditions including meningitis, cancer, and respiratory infections such as bronchitis and pneumonia.

Opening the window does not remove the harmful effect of cigarette smoke.

For free, proven support to help you quit speak to your pharmacist or GP, or call the Smokefree helpline on 0300 123 1044 or visit [www.smokefree.nhs.uk](http://www.smokefree.nhs.uk) for free tools.





**No smoking**

**It is against the law  
to smoke in this vehicle  
when children are present**

Smokefree sign reproduced with kind permission of  
'Seton' © signs, labels and solutions for a safer workplace.



Chartered Institute of Environmental Health  
Chadwick Court, 15 Hatfields, London SE1 8DJ  
**Telephone** 020 7928 6006  
**Email** [info@cieh.org](mailto:info@cieh.org) **Web** [www.cieh.org](http://www.cieh.org)  
Registered charity no. 290350

© CIEH, 2016

ISBN 978-1-910676-09-7

POL062