

## **Smoke-free (Private Vehicles) Regulations 2015**

### **Department of Health and Social Care**

#### **RPC Rating: fit for purpose**

#### **Description of proposal**

This post-implementation review ('PIR') covers the Smoke-free (Private Vehicles) Regulations 2015 ("this Regulation") introduced to limit the proportion of children aged 11-15 years old being exposed to second-hand smoke in private vehicles.

The Department has produced a comprehensive 68-page review covering five pieces of tobacco-related legislation:

- Tobacco Advertising and Promotion (Display) (England) Regulations 2010;
- Tobacco Advertising and Promotion (Specialist Tobacconists) (England) Regulations 2010;
- Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010;
- Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015; and
- Smoke-free (Private Vehicles) Regulations 2015.

The Department has produced separate PIRs for each of these regulations.

The primary aim of this Regulation is to improve public health by reducing second-hand smoke inhaled by children; this is expected to reduce the prevalence of smoking-related conditions and associated burdens on the healthcare sector.

#### **Impacts of proposal**

This Regulation introduced a ban on smoking in private vehicles, which was intended to:

- Reduce by 5-10% the incidence of respiratory illnesses such as bronchitis and pneumonia;
- Reduce the worsening of asthma;
- Avoid loss of lung function, and;
- Reduce incidences of sudden infant death syndrome.

---

The expected impacts of this Regulation were:

- Enforcement costs of £768,000, which were expected to be offset by fines issued to offenders; and
- A reduction in demand for NHS smoking-related treatment, estimated to be equivalent to £32.6m or 540 Quality-Adjusted Life Years (QALYs).

As the expected impacts of this Regulation primarily fall on public-sector bodies – local government and the NHS – the Department expected the impacts on business to be minimal or none. Therefore, the RPC commends the Department for submitting this PIR for RPC scrutiny as part of the Department’s wider review on the effectiveness of tobacco legislation, as formal submission was not required under the Better Regulation Framework.

### **Quality of submission**

As part of its assessment of the suite of tobacco related reviews, the RPC welcomes the opportunity to comment on this set of regulations, even though it is outside its formal scope of scrutiny. The RPC therefore offers the following as informal advice to assist and improve the Department’s review of the regulations.

The review provides considerable detail on the Department’s approach to reviewing the effectiveness of these regulations, and supporting its recommendation to retain them as they are.

In carrying out its review, the Department has used multiple sources of evidence to evaluate the regulations’ effectiveness, including a public consultation, key data indicators from sources including ONS and NHS England, and findings of commissioned research.

These sources of evidence have provided considerable qualitative data on the effectiveness of the regulations.

The Department has been transparent about the limitations in some of its evidence. Also, they specifically recognise the difficulties of enforcing the Regulation by apprehending offenders in moving vehicles. The Department could seek to keep this aspect under close review as it forms the lynchpin of ensuring that the regulations are effective. Also, the Department notes that it has been difficult to quantify health benefits over a five-year period, due in part to the longer-term nature of health impacts exceeding the review period. The RPC recommends that the Department keep the Regulation under review, to continue their monitoring and evaluation of its effectiveness.

The RPC considers that the evidence the Department provided is sufficient to support recommendation to retain this Regulation in its current form.

As noted, the Department has produced a comprehensive 68-page review covering all aspects of the five regulations. The RPC understands why the Department has taken this holistic approach to the review, given the interconnected nature of these five regulations. However, for future reviews of this Regulation, the RPC recommends that the Department improve the readability of the individual PIRs by annexing the relevant content as the 'evidence base', so each PIR becomes a freestanding, standalone document.

Departmental recommendation	Retain
-----------------------------	--------

#### RPC assessment

Is the evidence in the PIR sufficiently robust to support the departmental recommendation?	Yes
--	-----

**Regulatory Policy Committee**