

2019.06.18

6 The Deputy of St. Mary of the Minister for Health and Social Services regarding the introduction of measures to restrict smoking in homes where children were in residence: (OQ.167/2019)

Having particular regard to the Government's strategic priorities of putting children first and improving Islanders' well-being and mental and physical health, will the Minister advise what consideration, if any, has been given to the introduction of measures to restrict smoking in homes where children are in residence? Will he agree to liaise with Andium Homes as to the possibility of introducing restrictions in such cases within their accommodation?

The Deputy of St. Ouen (The Minister for Health and Social Services):

I thank the Deputy for his question and recognise the fact that smoking is harmful, not only for the smoker, but also for non-smokers and children around cigarette smoke. Exposure to the smoke given out from the lit end of a cigarette, second-hand smoke, is linked to asthma and other breathing problems and middle ear infections in children. It is also harmful to the health of pregnant women and babies. However, banning people from smoking in their own homes has ethical and moral considerations, as it would restrict an individual's right to privacy to engage in a legal activity inside their own home. Introducing legislation for restrictions on smoking solely for social housing tenants, including Andium Homes, would seem discriminatory. There are, of course, restrictions to smoking within communal spaces and lifts that are part of existing legislation for all communal and workspaces in Jersey.

3.6.1 The Deputy of St. Mary:

I should, perhaps, clarify I am not in favour of introducing any discrimination to any part of society. What I am suggesting, though, is that as recently as 2016 this Assembly - and I think it was the first one to do so - introduced restrictions in relation to smoking in cars where children are present. Does it not seem to the Minister illogical that we are prepared to recognise the damage to children by passive smoking in cars, but not inside their homes? Again, would he please give consideration to introducing laws that will combat the use of smoking where children are in residence?

The Deputy of St. Ouen:

I do recall the legislation banning smoking in cars. That is, of course, a smaller space and children have no means of moving away from the smoke created in a car and perhaps that is the rationale behind that piece of legislation. I am informed that since that has been in place, the number of children exposed to smoke in cars has been reduced from 10 per cent to 5 per cent in 2018 and we would hope to see that downward trend continuing, but to extend that sort of legislation into private homes I would consider a step too far, because it remains a legal activity, although harmful. I would not support and I am not seeking to carry out any further work on legislation to ban smoking in homes.

3.6.2 Deputy M. Tadier:

Does the Minister accept that he is not putting forward a coherent view? If he uses the argument that private property and what people do inside their private property is a valid concern, that also should be extended to the private property of the motor vehicle. But he also said that one of the reasons he thought that it was introduced in cars and not in homes is because the children could move, but would he explain how, perhaps, a 9-month old baby, who has not yet learned how to walk

and is in a cot in a bedsit, perhaps a privately-owned bedsit, who is subject to passive smoking can then remove themselves from that situation?

The Deputy of St. Ouen:

In that respect, I must concede that the Deputy makes a very valid point about the 9-month-old baby, but that family is being visited by healthcare professionals and I understand health visitors are provided with carbon monoxide meters that monitor the levels of particulate matter in the air in the homes they visit. They are trained then to talk to people and address their smoking habits with the intention of reducing harmful smoke to children and the family. One would wish always to avoid harm, but there is a place where politicians and policy cannot venture and that is into the private world in family homes, I think. I am mindful that with regard to another substance that the Deputy talks greatly of, he tells us that outlawing it, banning it and criminalising it has not worked and the better way to address problems arising from it is in education. I believe that is the case also with tobacco. The better way and what we have seen over time is that the more people understand the harm caused by tobacco, the less use is made of it and, therefore, the less exposure to children and non-smokers.

3.6.3 Deputy M. Tadier:

The Minister did go on at length there. His position would be consistent if he had not supported the introduction of restricting smoking in vehicles, where babies and children might be, for a maximum of 10 minutes, or 20 minutes with the windows open, during any one drive and yet they could be sitting at home for hours on end, suffering smoke. I think the Minister may have misled the Assembly by suggesting that everybody with a 9-month-old baby will get a visit from healthcare professionals. I do not think that is true at all, or the fact that they can remove batteries from their smoke detectors if they have them. Does the Minister not agree with me that it would be very simple to do something similar to the wording in the Restriction on Smoking (Motor Vehicles) (Jersey) Regulations 2015, Article 2, where it says: "A person is prohibited from smoking tobacco in an enclosed vehicle in which another person is present, such as a person being under the age of 18"? Could we not simply replicate that article and change the words "enclosed motor vehicle" for "an enclosed unit of accommodation"?

The Deputy of St. Ouen:

Subject to any human rights challenges perhaps, it is quite possible that we could replicate that provision, so I would be interested to hear from other Members if there is a political will to ban what is a legal activity being conducted in private in people's homes. If Members do feel there is that necessity, then I would certainly consult and take the matter forward, but my present view is that it would be an imposition on people's freedom and liberties to ban a legal activity in the privacy of their own homes.

3.6.4 Deputy L.M.C. Doublet:

Is the Minister aware of the increasing amount of research into third-hand smoke, which is smoke that settles on surfaces and that babies and children are most vulnerable to this, because they are more likely to be carried by somebody with third-hand smoke on their clothes, or they are more likely to put things in their mouths, or be on carpets and furnishings that have third-hand smoke on them? Even if the Minister is not minded to change this law, or if he is in the process of changing the law at any time, would he in the meantime explore the advice that is given to parents about this and ensure that this research is shared to parents, so they are fully informed about the risks?

The Deputy of St. Ouen:

Yes, I will make enquiries of health visitors and the like as to how these risks are outlined to parents and I will revert to the Deputy on that.

3.6.5 The Deputy of St. Mary:

I thank the Minister for his replies to my question and those raised by other Members. I also thank him for agreeing to look into the matter further, should that be the will of the Assembly. In the meantime, can I revert to my original question, which does refer specifically to the strategic priorities of putting children first and improving the Island's well-being? Does he not consider that the Assembly, or the Council of Ministers, are almost negligent in not pursuing that course, when we have similar restrictions not only in relation to motor vehicles, but in the workplace as well? All I am suggesting is that to protect our children, similar provisions to those that apply elsewhere to adults, who are better capable of looking after themselves, are brought into the domestic arena. Pending legislation, would he at least take up Deputy Doublet's suggestion about further educating members of the public through the use of other departments?

The Deputy of St. Ouen:

In answer to the latter part of that question, yes, continuing education will always be part of the tobacco strategy. Again, I just say that if the Deputy feels that this is an imperative for legislation ... I know of no other place in the world that has outlawed smoking in people's own homes, but if he knows of an example I would ask him to bring that forward and he and other Members to engage with me if there is this feeling that it is imperative to do so and impose that political diktat on people in the privacy of their own homes.