



**Evidence from Fresh for the consideration of the Smoke-free Premises etc. (Wales)
(Amendment) Regulations 2012
January 2013**

This is a submission of evidence from Fresh- Smoke Free North East to the National Assembly for Wales's Enterprise and Business Committee and Health and Social Care Committee in their consideration of the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012.

Fresh leads the North East of England's comprehensive tobacco control programme, delivering activity across eight key strands with the aim of helping smokers to quit, protecting people from tobacco-related harm and preventing youth uptake of smoking. Fresh was the first dedicated regional tobacco control office to be set up in the UK and is funded by all 12 primary care organisations in the North East region.

One of the first issues that Fresh campaigned for in 2005 was the introduction of smokefree legislation in England. Exposure to secondhand smoke increases the risk of heart disease, lung cancer and respiratory disease and Fresh campaigned along with its partners in health, business, local government and civil society to ensure that the legislation in England was as comprehensive as possible.

Public support for the law remains high in the North East – 78 per cent of people support the law and 88 per cent believe that the law is good for the health of most workers¹.

Just as important as the need to protect people from secondhand smoke is the need to continue denormalising the use of tobacco, which is vital in the drive to reduce the number of young people who take up smoking. *Healthy Lives, Healthy People: A tobacco control plan for England* recognises that “the portrayal of smoking in the entertainment media can create the false impression that tobacco use is a normal, or even glamorous, activity” and commits to working to reduce the depiction of smoking in the media.

The Welsh smokefree regulations are among the strongest in the UK, with no current exemption for the television and film industry. We urge the Committee to drop the proposed amendment to the regulations. The amendment is unnecessary because alternative means exist through which smoking can be portrayed if needed, and it is dangerous because (a) workers in the television and film industry deserve the same protection from secondhand smoke as other workers and (b) it normalises smoking behaviour.

In response to the specific questions asked by the Committee:

1. We believe that there is no commercial need for the amendment. The television and film industry does not require this amendment to continue to operate in Wales. Although we would prefer the removal of all smoking-related imagery from the media, alternatives to the use of tobacco are available if absolutely necessary. Computer generated imagery, 'props' and other visual effects have already been used successfully in recent productions of *Dr Who* and *Upstairs, Downstairs*.

¹ YouGov surveys 2011 and 2012

2. We believe that the amendment will not achieve the aim of supporting the television industry in Wales. As well as the point made in the above paragraph, the amendment would in fact harm the television industry in Wales as it would create an unsafe environment for its workers. Before the smokefree legislation was introduced in England, 35 people died in our region every year from the effects of exposure to secondhand smoke. Monitoring which was carried out in pubs both pre- and post- legislation showed significant improvements in the air quality after the regulations came into effect.
3. We believe that confusion exists around the circumstances in which the proposed exemption would apply:
 - “In connection with the making of a film or television programme.” Where would be the cut-off point for this? Could media undergraduates making a film at university claim exemption? What about corporate films for businesses? Home-made films?
 - “The artistic integrity of the performance makes it appropriate for the performer to smoke.” This would undoubtedly require a judgement call and its subjectivity leaves the statement open to ambiguity. However, if this test was met, then alternative means exist as already stated.
 - “There are no members of the public viewing the making of the television programme or film.” See first bullet point. Where is the line drawn between “members of the public” and eligible film and television staff.
 - “There are no children present in the part of the premises where the performer would be smoking.” See first and third bullet point. Also, “the part of the premises” is open to interpretation. Is this a room? A section of a room?
4. We believe that these conditions would not offer adequate protection to other performers, production staff and members of the public. The US Surgeon General in his 2006 report states categorically that the only way of affording an individual protection from the effects of secondhand smoke is through eliminating smoking in indoor spaces.
5. We fear that there will be unintended consequences if these regulations are amended, not least a reduction in the safety of the working environment. If this industry is given an exemption, what about other industries that may also feel entitled? The television and film industry in Scotland and Northern Ireland, whose staff also currently benefit from protection from secondhand smoke at work, may seek an exemption.
6. The most relevant consideration for health policy would be the continued effectiveness of comprehensive tobacco control measures in Wales. Wales should be proud of the strength of its smokefree legislation as it stands: it is the most successful public health measure introduced in Wales and has been widely supported by the public with 80% of Welsh adults in favour. The legislation is vital if Wales is to achieve the ambitious target set in its Tobacco Control Action Plan of a reduction in smoking prevalence rates from 23 per cent to 16 per cent by 2020. Anything which could undermine this ambition is a real cause for concern.

We would urge the Committee to choose option 1: do nothing, retain the Smoke-Free Regulations 2007 without amendment and make a commitment to protecting people in Wales from tobacco-related harm.

We would be happy to give oral evidence if required. If you require any further information, please do not hesitate to contact us:

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