



Mark Drakeford and Nick Ramsay
Chairs, Health and Social Care Committee & Enterprise and Business Committee

11 January 2013

The Enterprise and Business Sub-Committee and the Health and Social Care Sub-Committee on the Smoke-free Premises etc. (Wales)(Amendment) Regulations 2012

Dear Sirs

We are writing in response to the above Consultation, which seeks to create and exemption under the current smoking ban in public places by permitting smoking in certain environments for artistic purposes. The Royal College of Psychiatrists in Wales is a Membership organisation, representing over 500 Consultant and Trainee Psychiatrists in Wales. Our Members are medically trained and possess a thorough understanding of the human physical and mental condition. We are dedicated to improving both the physical and mental wellbeing of our patients and we work together with a variety of other healthcare professionals with this common aim.

Below is our response to the individual questions the Sub-Committee are exploring. We would be prepared to give oral evidence to the sub-committee if requested.

Thank you for providing us with the opportunity to comment on the legislation as we feel this is a backward step in working towards the Government's goal of a smoke-free society.

Sincerely,

Professor Rob Poole
Chair, Royal College of Psychiatrists in Wales

Q1. Is there a commercial need for this amendment to exempt performers from smoke-free requirements?

We are unaware of any commercial need for this amendment. However, we believe that any possible commercial need could not override the importance of the health and wellbeing of those exposed to second-hand smoke. We also believe that any possible commercial need should not override the mounting evidence that youths in particular, and those trying to quit smoking are often inclined to take up smoking if they view celebrities smoking on TV or in film. It is well documented that people with mental illness (stress, anxiety, depression, schizophrenia etc.) have higher rates of smoking and have great difficulty quitting, which contributes to their significantly reduced life expectancy. Any relaxation of current policy has a very real consequence in our clinical practice, where premature death from smoking related diseases is distressingly common.

Q2. Will this amendment achieve its aim of supporting the television and film industry in Wales?

No. In Scotland, no such exemption exists for the television and film industry. These industries have dealt successfully with the smoking ban through innovation and adaptation. There are adequate alternatives to cigarettes that could be used, which would not compromise the shows or performers artistic integrity.

Q3. Is there sufficient clarity about the circumstances in which the exemption applies?

The exemption does outline the circumstances in which a performer can smoke. However, we believe that what qualifies as 'artistic integrity' can be broadly or narrowly defined and therefore the exemption may be exploited. We believe that a blanket ban on smoking in public places, which was the original intention of the smoke-free legislation, provides the utmost clarity on when and where the smoking ban applies.

Q. 4 Do the conditions offer adequate protection to other performers, production staff and members of the public?

Yes, in terms of legal protections, however not in terms of protecting their health. The dangers of second-hand smoke are well documented and it would be irresponsible for these risks to be ignored. Furthermore, toxins from smoke linger so, although children may not be present whilst a performer is smoking, harmful effects can be passed on long after a cigarette is extinguished.

Q5. Might there be any unintended consequences of introducing this exemption.

Yes, see our response to Q. 4.

Q.6 What health policy considerations are relevant to this amendment?

The Tobacco Control Action Plan for Wales is designed to discourage people from smoking or from taking up the habit. One of the four key areas identified to achieve the ultimate goal of a smoke-free society in Wales is to reduce the exposure to second-hand smoke. There has also been a push to control the advertising of tobacco products to discourage people from taking up smoking and to help those who are trying to quit. A ban on displaying cigarettes and tobacco in major supermarkets throughout England and Wales was enforced in 2012 as the Government has recognised the influence that displaying these products has on impressionable children and young people.

We believe that the smoke-free exemption amendment is the Welsh Government doing a U-turn on what has proven to be one of the most successful and highly supported legal contributions to public health in Wales.