

CONSULTATION ON SMOKING IN PUBLIC PLACES: REDUCING EXPOSURE TO SECOND HAND SMOKE

1. Having considered the health risks associated with passive smoking, do you think that further action needs to be taken to reduce people's exposure to second-hand smoke? (Please tick one box only).

Yes No Don't Know

Please provide any other comments here:

Aberdeenshire Council recognises that smoking tobacco can have a serious effect on the health of smokers and those subjected to passive smoking. It is also a basic tenet of occupational health and safety law in Great Britain that workers should be protected from substances which might affect their health.

It is Aberdeenshire's view, therefore, that tobacco smoking should be controlled in public areas to allow non-smokers protection from passive smoking.

2. Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport) (Please tick one box only)

Yes No Don't Know

Please provide your reasons or any other comments here:

Aberdeenshire Council calls upon the Scottish Executive to work with stakeholders to introduce effective legislative control of smoking in enclosed public areas. In addition Aberdeenshire Council supports the right of all workers to work, safely, in a tobacco smoke-free environment.

Aberdeenshire's Clean Air (No Smoking) Policy for Council employees acknowledges the rights of non-smokers in the workplace and has guaranteed, so far as reasonably practicable, a healthy working environment free from tobacco smoke. It currently restricts smoking in all enclosed Council workplaces, including residential care homes. It also applies, not only to Council vehicles, but supported public transport and school transport services.

3. If a law was introduced, do you think there should be any exemptions to it? (i.e. any enclosed public places where smoking should be allowed) (Please tick one box only)

Yes No Don't Know

Please provide any suggestions, reasons or other comments here:

It is the opinion of Aberdeenshire Council that there should be no exemptions to any legislation introduced to control smoking in enclosed public places.

Exemptions would only create confusion and make enforcement of the law more difficult.

Notwithstanding the above issues, any legislative efforts to restrict smoking are likely to reduce the incidence of smoking amongst, and thus improve the health of, the residents of Aberdeenshire. This would be in line with both the Council's Community Plan and Joint Health Improvement Strategy.

The Scottish Executive has encouraged smoke free environments in enclosed spaces in Scotland through voluntary action. As a result, smoke filled public transport and entertainment venues such as cinemas are a thing of the past. An ever increasing number of shopping and sports centres, restaurants and other public places have adopted smoking policies which prohibit smoking or which provide separate smoking areas.

The definition given in the consultation document of an enclosed public place includes a 'single space completely enclosed on all sides of any opening'. Would this include sports venues or football stadia which are in fact open to the outside air, but are considered public places?

- 4. If we decide not to introduce a law, what more could be done to encourage individual businesses to take voluntary action to become smoke-free or to provide more smoke-free provision?**

Please provide any suggestions or other comments here:

Following the introduction of the industry initiative 'The Scottish Voluntary Charter on Smoking in Public Places' in 2000, the Licensing Board (North) within Aberdeenshire, in association with the Licensing Trade body, adopted the voluntary charter which required licensed establishments to devise risk assessments and implement a smoking policy within their establishments. This was introduced in premises that provided sit down meals and required either segregation of customers or special ventilation/air cleaning equipment.

It is feasible that there could be an extension of this initiative using liquor licensing controls to cover the whole of Scotland.

- 5. What else could we do to reduce people's exposure to second hand smoke?**

There is no explicit restriction on smoking in the workplace and therefore the issue of exposure to tobacco smoke in the workplace is not fully addressed. There is reference made to protection of non-smokers from discomfort caused by tobacco smoke within the Workplace (Health, Safety and Welfare) Regulations 1992, which place a duty on employers to ensure staff are not affected by tobacco smoke in rest areas.

However, employers have a general duty to protect the health of their employees under the Health and Safety at Work Etc Act 1974, and this may include preventing exposure to tobacco smoke in the workplace.

Current guidance from the Health and Safety Executive stresses the need for employers to control exposure to tobacco smoke by developing a smoking policy and taking measures such as restricting smoking in the workplace and improving ventilation or air conditioning systems. However, when the source of tobacco smoke is customers, as is the case in bars and clubs, control of the exposure can be very difficult, if not impossible, without restricting customers smoking on the premises.

Aberdeenshire Council calls upon the Health and Safety Commission and the Government to work with stakeholders to introduce effective legislation and supporting guidance that protects workers in all industries from the health effects of passive smoking.

6. Please let us know about any other views you have about smoking in public places.

It is important to adopt a more objective and positive approach with regard to the language and terminology, by using phrases such as 'control of exposure to tobacco smoke' rather than using terms such as 'banning smoking' which engenders a more negative, victim blaming approach. It is the tobacco smoke and not the smoker that is the problem. Therefore the focus of any legislation or control should be on controlling exposure to tobacco smoke.