



Development & Regeneration Services

Our ref . tobacco/lett290904
Your ref
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Date 29 September 2004

Smoking in Public Places Consultation
Scottish Executive Health Dept
3ES
St Andrew's House
Regent Road
Edinburgh
EH1 3BR

Dear colleague

Scottish Executive consultation on smoking in public places

Please find enclosed a copy of the response by Glasgow City Council to the above consultation, which was agreed by elected members at a meeting of the Council's Policy & Resources Committee on Tuesday 28 September 2004.

I look forward to any comments which you might have on the content of this report. Please contact Duncan Booker on the direct line above if you wish to discuss this matter at greater length.

Yours sincerely

- Phil Walker
Head of Community Services



Glasgow City Council

Policy and Resources Committee

Report by Director of Development and Regeneration Services

Contact: Marie McHenry Ext: 76980

**Smoking in Public Places: A Consultation
Response from Glasgow City Council**

Purpose of Report:

To propose a Council response to the consultation by the Scottish Executive on Smoking in Public Places.

Recommendations:

To approve the attached response.

Ward No(s):

Citywide:

Local member(s)
advised: Yes

No

Consulted: Yes

No

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Smoking in Public Places: A Consultation

Response by Glasgow City Council

1. Introduction

- 1.1 The Scottish Executive is currently consulting on options to reduce exposure to second-hand smoke (SHS) in public places in Scotland. Written responses are required by 30 September 2004.
- 1.2 In January 2004, the Executive published the first ever action plan on tobacco control specifically for Scotland, '*A Breath of Fresh Air for Scotland*'. It indicated the need for :-
- more public education on the health risks involved with **second-hand smoke**, also known as '**passive smoking**' or '**environmental tobacco smoke**' (**ETS**);
 - firm action to extend smoke-free zones in enclosed public spaces; and
 - an open public debate on the dangers involved in passive smoking and how to reduce exposure.
- 1.3 The consultation paper outlines key facts in relation to second hand smoke in terms of health risks; employer responsibilities under the Health and Safety at Work Act 1974; and action taken in other countries.

2. Health Risks

- 2.1 The consultation document quotes a report from the Scientific Committee on Tobacco and Health from 1998 which concludes that:-
- exposure to second-hand smoke is a cause of lung cancer and, in those with long-term exposure, the increased risk is 20 – 30%;
 - exposure to second-hand smoke is a cause of heart disease and represents a substantial public health hazard;
 - exposure to second-hand smoke can cause asthma in children, and may increase the severity of the condition in children already affected.
- 2.2 There is an international scientific consensus on the evidence for health risks associated with passive smoking. Exhaled smoke and 'sidestream' smoke (the smoke which is given off by a burning cigarette) contain numerous recognised carcinogens and there is no safe level of exposure for either smokers or non-smokers to the health-damaging chemicals contained in cigarette smoke.

3. Health and Safety Legislation

- 3.1 Under section 2(1) of the Health and Safety at Work Act 1974, employers have a duty to ensure, so far as is reasonably practical, the health, safety and welfare at work of all their employees. The consultation paper states that smoking policies that restrict or ban smoking in the workplace can help smokers give up, as well as alleviating the short-term effects of passive smoking and improving the quality of the environment in the workplace.

3.2 The consultation document also addresses the issue of ventilation as a means of reducing exposure to second-hand smoke in workplace and leisure facilities, in that research exists which suggests that the airflows possible with current ventilation systems are not sufficient to eliminate the health risk associated with second-hand smoke. In a report to the 2nd European Conference on Tobacco and Health in 1999, Repace et al observed that to achieve minimal risk would require 'tornado-like levels of air flow'. This is because current ventilation systems do not adequately protect against the invisible chemical products of smoking, even though visible smoke may have disappeared.

4. In Other Countries

4.1 Bans on smoking have been introduced to varying degrees in Europe (Ireland, Norway, Sweden and the Netherlands), the USA (cities, states, and counties), Canada, and in Australia and New Zealand. There is therefore a body of experience on issues such as implementation timescales; compliance and enforcement; economic impact; and improvements to health.

4.2 Lead-in times for implementation of bans have varied in these countries from a few months to a few years. All have been based on the principle of establishing smoke free workplaces.

5. Issues Outwith the Consultation Document

5.1 One of the main additional issues which arises in relation to a ban on smoking in public places is the economic impact of the ban on restaurant and bars e.g in Ireland, the Vintners Association claim a 15 to 25% drop in sales in rural pubs. The impact of such laws was examined in New York City and the State of Massachusetts, comparing local tax data before and after the bans came into force. Some studies show that there is little or no impact, whilst in others, sales have increased. A report by the European Network for Smoking Prevention in 2003 found that there is 'no negative economical impact or no loss of income resulting from taking protective measures against environmental tobacco smoke.'

5.2 There will clearly need to be discussion on support for the business sector in Glasgow if a smoking ban on similar grounds to that in Ireland were to be implemented. The licensed trade is not the only area affected by such a ban, but it is one which relates particularly strongly to the issues raised in the public debates around such a proposal. In this light, the Council has proposed that it work with the new Glasgow Centre for Population Health to explore the effects of bans elsewhere on the local economy and develop an accurate picture of the process of implementation for such a measure.

6. In Glasgow

6.1 The Glasgow Tobacco Strategy, approved by the Glasgow Alliance and the Glasgow Community Planning Partnership, makes the case for action against tobacco in Glasgow. A ban on smoking in public places would assist in making smoke-free environments the social norm, as well as contributing to

reducing the number of people smoking. The following facts and figures are illustrative:-

- In Glasgow, 1 in 5 people die because they smoke.
- Total annual inpatient costs to the NHS in Greater Glasgow of illnesses due to smoking are estimated as being £14.44 million. Smoking also incurs social and economic costs, including lost productivity through absenteeism and premature death and fires.
- In the poorest households, smoking can account for up to 15% of income spent, compared to an average of 1.5% in more affluent households which smoke.

6.2 A ban on smoking in public places is an essential part of a comprehensive strategy to tackle tobacco. It would be one facet of a sustained, co-ordinated campaign which is taken forward at all levels in the city.

7. The response of Glasgow's children and young people

7.1 As a key means of supporting the city's response to the Scottish Executive's consultation, the views of children and young people have been sought. Primary and secondary schools in Glasgow were asked by the Director of Education Services to ascertain the views of young people and children from P4 through to S6 year stages. An extraordinarily high response rate from classes and schools has been achieved, engaging with 58.73% of the school population in these year stages. This consisted of:

- 13,303 children from P4 to P7
- 17,667 young people from S1 to S6.

This means that 30,970 children and young people in the city have had their say on this issue and helped to determine the Council's response to one of the most significant public health challenges facing the city.

7.2 The outcome of this exercise has produced an unequivocal response from young Glaswegians: **an average of almost 80% of children and young people have voted in support of a law that would make public places smoke-free.** This result is consistent across year stages and across primary and secondary schools. In overall terms:

- 79.5% of all pupils voted for smoke-free legislation
- 12.5% voted against
- 8% voted as 'don't know'.

7.3 A full breakdown of the responses is attached to this report as an appendix. The views expressed show a very strong awareness amongst Glasgow's children and young people of the value of good health and the need to protect health. The outcome presents clear support for action in Glasgow to restrict exposure to second hand smoke. It also represents a significant cause for optimism in terms of positive health messages getting across to children and young people in the school setting.

8. Comments from the City Council

8.1 The Council's response to the document has been informed by a number of approaches. All Council employees have been encouraged to respond to the consultation on an individual basis. Copies of the consultation document have also been made available to members of the public who access Council

venues. The consultation with children and young people noted above has been a major added component of this approach. The Council's policy position on this area is represented in the following comments, which draws on responses from Council services with regard to the questions raised in the consultation paper.

8.2 A Need for Further Action

The Council is of the view that further action needs to be taken to reduce people's exposure to second hand smoke. The information presented in the consultation paper, along with various other scientific studies, demonstrate that second hand smoking is responsible for serious illness and/or premature death. The Council is in no doubt that smoking and exposure to second hand smoke is a major factor contributing to Glasgow's record on poor health.

The November 2003 report 'The Health and Well-Being of the Greater Glasgow Population', showed that 37% of the Glasgow population smokes (higher than the Scottish average of 28%). However, when looked at more closely, this is comprised of 52% of people in SIP areas smoking, and only 29% of people in non-SIP areas smoking. The study also showed that 63% of the sample spent some or all of their day in places where others smoke; in the more deprived areas, this rose to 70%.

The Council is of the view that these levels of exposure to second hand smoke need to be urgently addressed.

8.3 Support for a Law

There has been debate around whether it is appropriate for a law to be introduced or whether a voluntary route is more appropriate. Some improvement has been secured via the Scottish Voluntary Charter on Smoking in Public Places launched in May 2000. It can be argued, however, that the pace of change under a voluntary route is not sufficient to make a significant difference to health. Businesses have had the opportunity to self regulate over the past 4 years since the introduction of the Voluntary Charter, and this has achieved only a limited increase in the numbers of premises either banning or restricting smoking.

A voluntary route has given rise to a range of measures, not all of which are necessarily effective e.g. increased ventilation, restricted smoking within single areas (neither of which have any real impact on exposure) or separate smoke-free areas. However, even smoke free areas do not prevent the exposure of employees to second hand smoke.

This is both confusing for the public and is likely to be based largely on costs of implementation, rather than the effectiveness of the measure. The allowance of smoke free rooms creates an unlevel playing field. Larger bars and restaurants, including chains, are more likely to have the resources needed to install such measures. This leaves smaller independent businesses, which may not be able to afford such large-scale investments, at a competitive disadvantage. For those businesses that choose to invest, the expenses could be significant. There would also likely be occupancy crowd control issues.

However, the Council is of the view that the legislative versus voluntary route debate is somewhat of a side issue. In drawing up its own policy on smoking in the workplace, the Council concluded that existing legislation, primarily the Health and Safety at Work Act 1974, the Workplace (Health, Safety Welfare) Regulations (1992) and possibly the Control of Substances Hazardous to Health (COSHH) Regulations (2002) were sufficient to ban smoking in Council premises. The key issue is the now broad acceptance that passive smoking is hazardous to health. Litigation by individuals against the Irish Government for failing to safeguard health was one of the reasons for the introduction of the ban in Ireland. The Council's view is that the Executive now has no choice but to implement a ban and the issues are about how this is defined and enforced. The Council would support a widely defined national ban on smoking in enclosed public places to make maximum impact on health improvement.

8.4 Other local action

The Council would emphasise that such a ban would be only one aspect of a comprehensive approach to the issue of tobacco. The Council has recently recommended to the city's Licensing Board that it re-consider the basis for awarding children's certificates to licensed premises in order to make them smoke-free. There are significant programmes within both primary and secondary schools aimed at encouraging children to see smoking as a health-damaging behaviour and one to be avoided. The Council has also allocated an additional corporate health improvement budget of £250,000 annually for the next three years to assist in tackling tobacco issues. With its partners, it is currently examining a programme of action which is likely to include action on:-

- Further developing the evidence on how tobacco impacts on different groups of people within our society and the best ways of tackling this issue;
- Promoting smoke-free eating and drinking as a pre-cursor to a ban;
- An award scheme for responsible retailing;
- Work with families to promote Smoke Free Homes;
- Support to young people in schools and less formal settings; and
- Supporting staff within the Council to both stop themselves and be able to help others to stop smoking.

8.5 A Case for Exemption

In Ireland, where a complete ban on smoking in public places has recently been introduced, residential care homes were exempted. This is because they are viewed as people's homes. If a ban was implemented in older people's care homes, there are a number of additional problems which older people face in relation to stopping smoking:-

- They may have been smoking for a much longer time;
- It can be difficult to control smoking if a person has dementia and forgets they have had a cigarette;
- There can be violence, particularly where someone has alcohol-related dementia and is deprived of either alcohol or tobacco;

- It can be difficult to persuade residents that they should view the setting as their own home, but on the other hand, tell them and their visitors that they are not allowed to smoke.
- Where a group of residents is giving up smoking, staff may need training to deal with this situation.

In terms of health and safety, issues, there are a number of conflicting demands:-

- Night workers may feel particularly vulnerable if they have to go outside during the night to smoke.
- Managers may have to balance the rights of their staff to a smoke-free environment with their right to safety from violence. There is an increased trend for alcohol-related dementia in residential settings and violence can be a characteristic of this group.
- There is a greater fire safety risk associated with older people and smoking, and some older people may have to be accompanied while they are smoking

In Glasgow, a policy of no smoking has been implemented in children's residential units.

The Council is of the view that residential care homes for older people should be considered as an exemption to the policy - however, this should be accompanied by measures to provide designated smoking areas, tailored support for individuals who wish to give up, and guidance on best practice in relation to staff accompanying smokers etc.

8.6 Other Comments

Where a smoking ban is in place, it must be enforced to have meaningful effect. There needs to be clear and widespread publicity prior to it coming into force. The public need to know how to report infringements and be confident that these are dealt with through the legal process. Careful thought therefore needs to be given to how infringements will be dealt with. The Council would favour on-the-spot fines given that the current pressures and delays in the Scottish Court system may mean that breaches of legislation would not be dealt with quickly and would, therefore, reduce its effectiveness.

9. Recommendation

Members are asked to approve the above response.

**APPENDIX
SMOKING CONSULTATION
GLASGOW SCHOOL RESULTS**

Percentage of Respondents of Total School Roll	
Form Sent to Primary Schools	
Form Sent to Secondary Schools	
Results - Glasgow Primary Schools	
Results - Glasgow Secondary Schools	
Totals	

PERCENTAGE OF RESPONDENTS OF TOTAL SCHOOL ROLL

	Current Role	Number of Respondents	% Respo nded	
	Primary 4	5776	3044	52.70%
	Primary 5	5776	3349	57.98%
	Primary 6	5782	3374	58.35%
	Primary 7	5986	3536	59.07%
	S1	5674	3818	67.29%
	S2	5957	3575	60.01%
	S3	5724	3337	58.30%
	S4	5654	3397	60.08%
	S5	4358	2405	55.19%
	S6	2050	1135	55.37%
		52737	30970	58.73%

FORM SENT TO PRIMARY SCHOOLS

Smoking in PUBLIC PLACES Consultation - Primary Schools

Name of School

Head Teacher

Year Stage - Primary 4

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - Primary 5

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - Primary 6

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - Primary 7

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

FORM SENT TO SECONDARY SCHOOLS

Smoking in PUBLIC PLACES Consultation - Secondary Schools

Name of School

Head Teacher

Year Stage - S1

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - S2

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - S3

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Year Stage - S4

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

Smoking in PUBLIC PLACES Consultation - Secondary Schools

Name of School

Head Teacher

Year Stage - S5

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

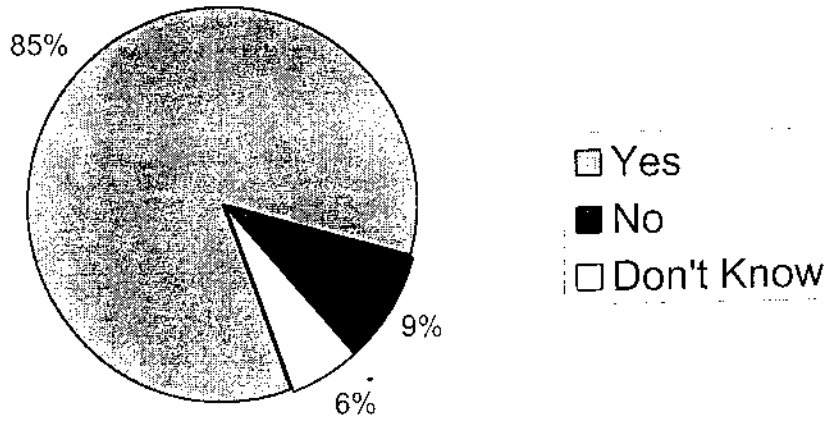
Year Stage - S6

Number of Answers

Question	YES	NO	DON'T KNOW	Total Answers
Would you support a law that would make enclosed public places smoke-free? (Public places include workplaces and public transport).	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>	<input style="width: 40px; height: 40px;" type="text"/>

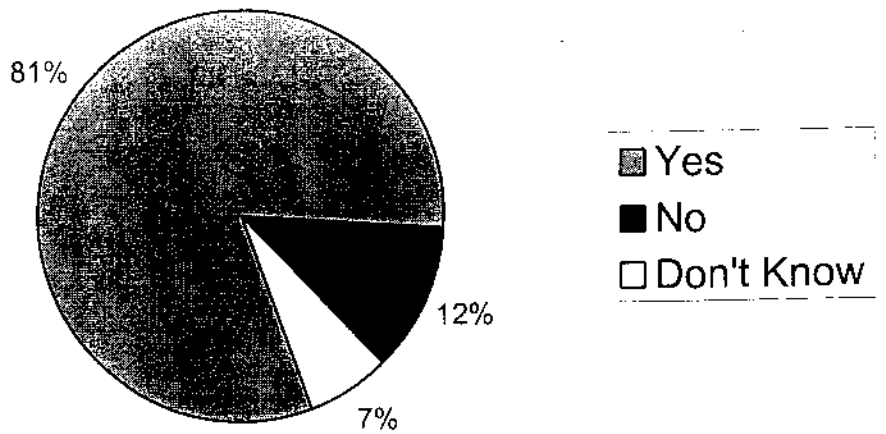
RESULTS – GLASGOW PRIMARY SCHOOLS

Primary 4 Results



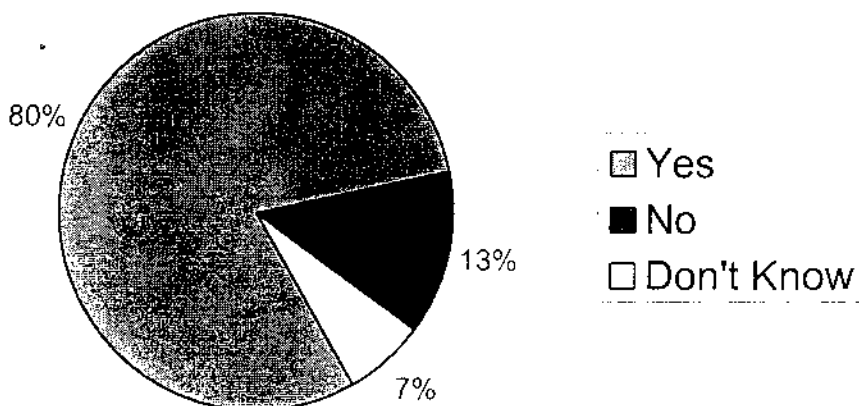
Yes	No	Don't Know	Primary 4 Total
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Primary 5 Results



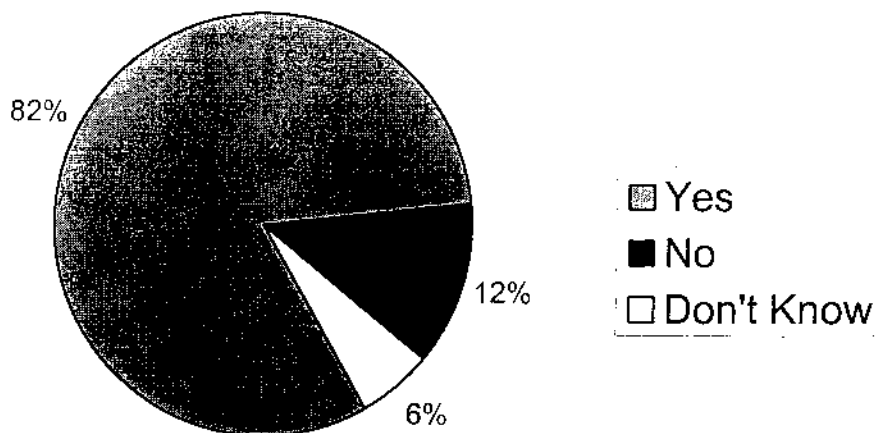
Yes	No	Don't Know	Primary 5 Total
2735	393	221	3349

Primary 6 Results



Yes	No	Don't Know	Primary 6 Total
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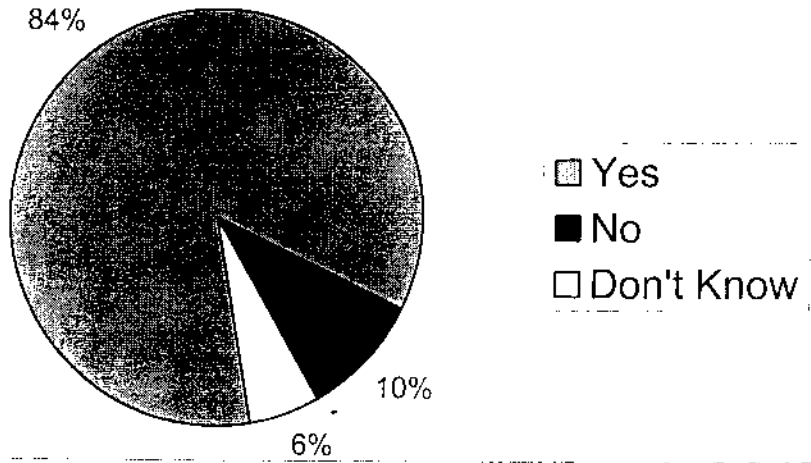
Primary 7 results



Yes	No	Don't Know	Primary 7 Total
2892	439	205	3536

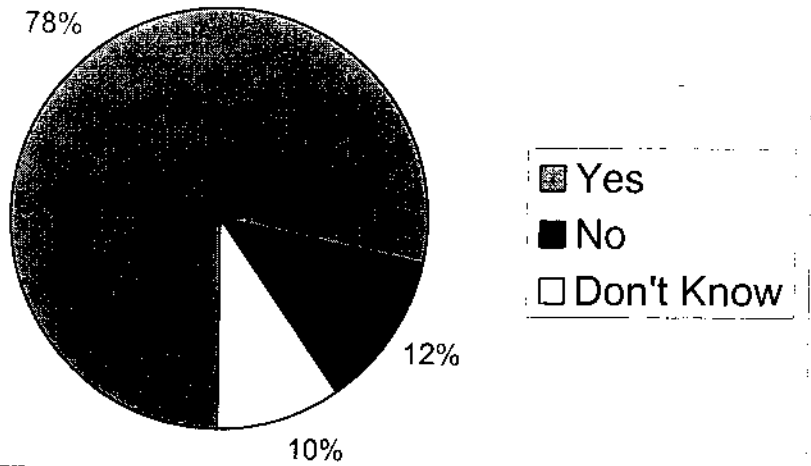
RESULTS – GLASGOW SECONDARY SCHOOLS

S1 Results



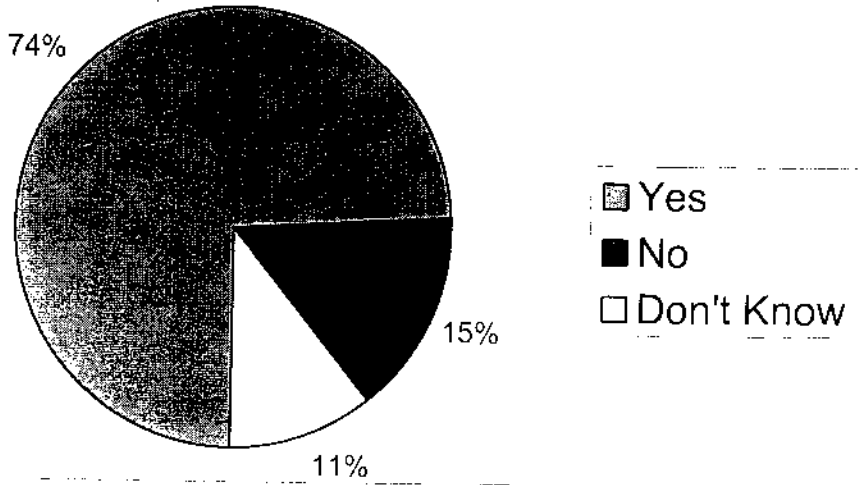
Yes	No	Don't Know	S1 Total
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S2 Results



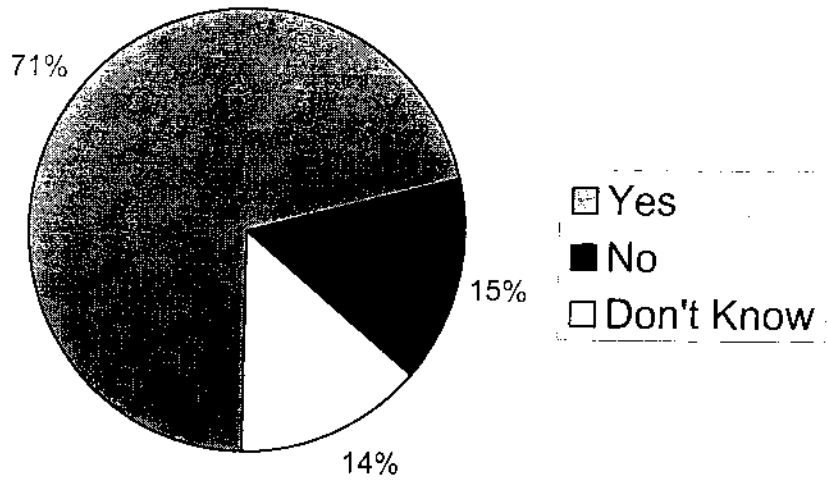
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S3 Results



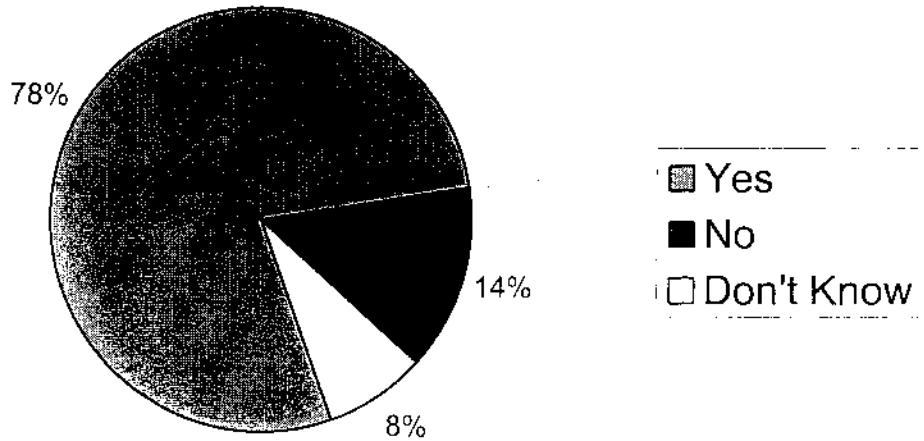
Yes 2474	No 501	Don't Know 362	S3 Total 3337
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S4 Results



Yes 2417	No 504	Don't Know 476	S2 Total 3397
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S5 Results



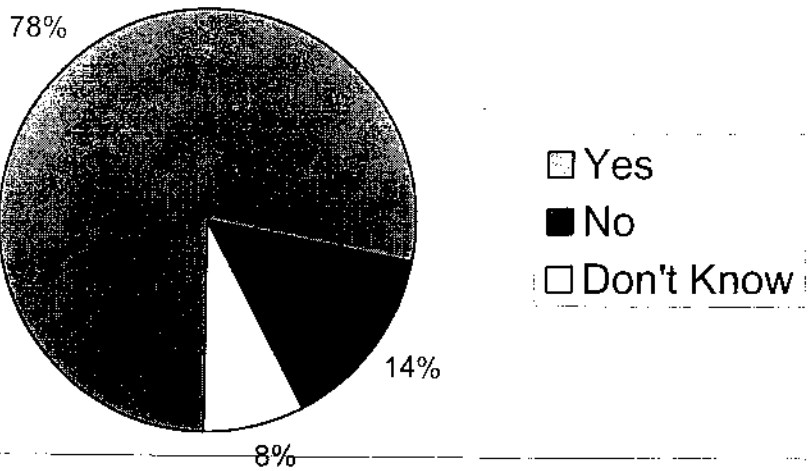
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1878

No
342

Don't Know
185

S5 Total
2405

S6 Results



Yes
886

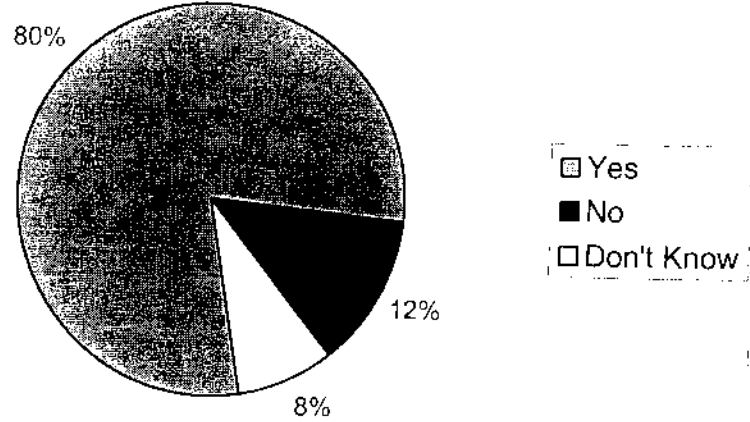
No
160

Don't Know
89

S6 Total
1135

TOTALS

All Respondents Total



Primary School Totals

	Yes	No	Don't Know	Yes %	No %	Don't Know %
Primary 4	2589	274	181	85%	9%	6%
Primary 5	2735	393	221	82%	12%	7%
Primary 6	2703	442	229	80%	13%	7%
Primary 7	2892	439	205	82%	12%	6%
Total	10919	1548	836	82%	12%	6%

Secondary School Totals

S1	3242	364	212	85%	10%	6%
S2	2801	430	344	78%	12%	10%
S3	2474	501	362	74%	15%	11%
S4	2417	504	476	71%	15%	14%
S5	1878	342	185	78%	14%	8%
S6	886	160	89	78%	14%	8%
Total	13698	2301	1668	78%	13%	9%

24617	3849	2504	79%	12%	8%
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