

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

**RESPONSE FROM EAST AYRSHIRE COUNCIL**

**27 SEPTEMBER 2003**

**1. INTRODUCTION**

- 1.1 East Ayrshire Council welcomes the opportunity to contribute to the consultation on reducing exposure to second hand-smoke, which is a significant step forward in addressing tobacco related harm in Scotland.
- 1.2 Following consideration of the key issues within the consultation at the Council's Community Services Committee on 15 September 2004, the following comments are offered for consideration.

**2. EAST AYRSHIRE COUNCILS RESPONSE TO THE CONSULTATION QUESTIONS**

**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?**

- 2.1 East Ayrshire Council is of the opinion that further action is required to reduce exposure to second hand tobacco smoke.
- 2.2 Since its inception in 1996, the Council has recognised the dangers and effects of passive smoking, and has acknowledged its duty of care to employees, through the Health and Safety at Work Act 1974, by implementing a smoking in the workplace policy designed to ensure that no Council employees are subjected to passive smoking while at work.
- 2.3 In addition, the Improving Health Thematic Action Plan of our Community Plan clearly articulates the need for partners to work together to reduce the incidence of smoking and smoking-related harm in East Ayrshire. A number of Council services are already actively involved in working towards achieving this outcome, either through prevention and education to discourage individuals from starting to smoke in the first place, and supporting those who already smoke to quit, or through protection and control measures.

**Would you support a law that would make enclosed public places smoke-free?**

- 2.4 East Ayrshire Council would support a total ban on smoking in public places with specified exemptions.
- 2.5 The Council has recently voiced its support for the principles contained within the recently proposed Bill to prohibit smoking in regulated areas in Scotland. Issues raised within that response, which are equally relevant to this debate, are as follows:
- The public has already accepted that there are certain areas where smoking is not permitted, such as houses of worship, cinemas, theatres and public transport. This highlights the positive achievements which have been made as a result of voluntary action. However, compliance with the Public Places Charter within the hospitality trade, and in particular by pubs, has been low, with less than 1% banning smoking in establishments completely in 2003.
  - The tobacco industry and its supporters advocate the use of ventilation systems and air cleaning systems, which, although often expensive to run, can remove some of the toxic component found in tobacco smoke. Air-conditioning systems, however, merely circulate the air and, even in restricted areas, do not offer protection to staff, who require to enter the area to serve patrons. Evidence, therefore, would suggest that this is not a satisfactory alternative to legislation.
  - In addition, studies, conducted by ASH and other campaigners, demonstrate that banning smoking in restaurants has either a neutral or beneficial effect and may increase tourist business. However, the effect of a total ban on the local economy requires to be carefully considered, particularly within rurally isolated villages where pubs rely on local trade to sustain their existence. It is therefore important that the views expressed by all sectors in the community are taken on board.
  - If legislation was considered to be the best way forward, and enforcement responsibility handed over to local authorities, the most likely option would be for local authority Environmental Health Officers to take on this role, in which case significant additional resources would be required to enforce the legislation.

**If a law was introduced, do you think there should be any exemptions to it?**

- 2.6 Further debate is required around exemptions to any legislation, particularly for establishments such as residential care homes and prisons, which act as an individual's place of residence.
- 2.7 Potential exemptions do however require to be balanced with the need for employers to protect staff health, particularly those who require to support members of the public in their own homes, and in residential establishments, where they could be subjected to second-hand smoke.

**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? What else could we do to reduce peoples' exposure to second-hand smoke?**

- 2.8 Legislation as the most favoured route also requires to be accompanied by additional measures such as education and awareness raising, better smoking cessation services and health protection measures, such as more effective enforcement of the Children and Young Persons (Protection from Tobacco) Act 1991, and a ban on tobacco advertising.
- 2.9 Opportunities exist to engage the business sector through the Community Planning process, and in particular through greater incentives within the Scotland's Health at Work (SHAW) scheme.
- 2.10 The Tobacco Control Action Plan recommends that local authorities and NHS Boards review their smoking policies by the end of 2004, in the light of guidance issued by Health Scotland ASH and CoSLA. As part of this review, the opportunity exists to consider for example reviewing letting policies for community-based facilities to ensure the protection of staff health.
- 2.11 As stated in paragraph 2.5, ventilation systems and air cleaning systems, although often expensive to run, can remove some of the toxic component found in tobacco smoke. A practical measure, therefore, may be for the Scottish Executive to enforce the use of these systems with the offer of grants for the upgrading of mechanical equipment in target areas.

## RESPONDEE INFORMATION FORM

**1 NAME:** WILLIAM STAFFORD, EXECUTIVE DIRECTOR OF  
NEIGHBOURHOOD SERVICES

**ADDRESS:** EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK, KA3 7BU

**CONSULTATION TITLE:** SMOKING IN PUBLIC PLACES

2. *Your name and address as respondees will be made available to the public (in the SE library and /or SE website) Are you content for your response to be made available also?*      **YES**