

City of Glasgow Licensing Board

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Mr Ferguson

15 April 2005

 22/4/05
Mr John Glen
Scottish Executive
Health Department
Tobacco Control Division , 3 E (R)
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

Dear Sir

**THE SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005
(PROHIBITION OF SMOKING IN CERTAIN PREMISES) REGULATIONS 2005**

I write on behalf of the City of Glasgow Licensing Board in response to the consultation paper issued with regard to the above.

The Board does not wish to offer comments on the specific issues highlighted in Annex B to the consultation paper. The Board would however ask that the following general issues, relative to the operation of liquor licensed premises, be given careful consideration before any regulations are brought into effect:-

- There is a concern that the absolute prohibition on smoking in licensed premises will result in considerable difficulties associated with patrons congregating immediately outside the premises. It is considered that there is likely to be an increase in noise nuisance, particularly in respect of licensed premises immediately beneath tenement buildings and also an increase in nuisance resulting from incidents of disorder. The latter is much more likely with patrons moving outwith the control of licensees and their stewards and also with pubs in the vicinity of football grounds etc. There are also the obvious potential difficulties associated with patrons occupying the public areas

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immediately outside licensed premises with large numbers of patrons congregating on pavements or other public spaces / thoroughfares causing congestion problems.

- There is a potential difficulty with nightclubs, discotheques etc., which operate charges for entry to their premises and invariably employ stewards to ensure security issues are properly addressed. If patrons are to leave such premises in order to smoke there may again be some difficulty in controlling access / egress / re-entry and also the behaviour of patrons etc hanging around outside the premises late at night / in the early hours of the morning.

The Board would also ask that some detailed evaluation of the experience in licensed premises in Ireland be carried out and published before any regulations are introduced in Scotland to affect such premises as it is understood that the above difficulties are being experienced there. The Board would also wish to re-iterate the view given in response to the consultation exercise on the Licensing (Scotland) Bill that any official action to be taken to enforce the 'no smoking' regulations in licensed premises should fall to Environmental Health Officers and not to the proposed new Liquor Licensing Standards Officers. It is considered that a consistent view should be taken on perceived breaches of the regulations between licensed and unlicensed premises and that this could not be achieved by any split in the enforcement responsibility.

Yours faithfully



Clerk

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