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From: ann.mckenzie@belhaven.co.uk [mailto:ann.mckenzie@belhaven.co.uk]

Sent: 20 May 2005 12:20

To: Glen J (John)

Subject: THE SMOKING BILL REGULATIONS AND RIA - SUBMISSION FROM BELHAVEN

This email has been received from an external party and has been swept for the presence of computer viruses.

Belhaven is Scotland's leading regional brewer operating an integrated range of activities including brewing, drinks distribution, licensed retailing and tenanted estate management. We own 270 pubs in Scotland and we are beer suppliers to over 2,000 pubs, hotels, restaurants, licensed clubs, etc, throughout Scotland. We employ 1,600 people and we have a turnover of circa £120m per annum.

Belhaven is a member of the Against an Outright Ban Group and I am the Chairman of that body. So, Belhaven endorses the AOB submission which has already been sent to you and there is no point in repeating its content. However, the matters which are of most intense interest to us now are as follows:

1. Ensuring that the Scottish parliament lays down clear and unequivocal guidelines about the division of responsibility between licensees and the police for the control of smokers who go outwith licensed premises to indulge their habit. In many of our pubs there are no facilities for smokers to go anywhere other than street pavements and this will undoubtedly cause noise and nuisance at busy times. I met with Andy Kerr recently and it is clear that there is an urgent need for this matter to be addressed. The police have already indicated that they do not wish to be involved in enforcing smoking legislation but we cannot see who else can be made responsible for dealing with nuisance complaints which arise from crowds of people standing in public pavements which are not part of licensed establishments.
2. Ensuring that the Scottish parliament lays down clear guidelines on how the smoking legislation is to be enforced. The Scottish parliament has so far sent out very contradictory messages about this crucial issue. Andy Kerr is looking to the licensee to "do his best" but the Health Committee have been much more hawkish and seem to be angling for the licensee to take a confrontational approach despite recognising that this is not feasible for environmental health officers. Clarity on this subject is essential and the drafting of guidance notes at an early stage, post the Act, is an urgent requirement.
3. Ensuring that the Scottish parliament lays down a much more comprehensive definition of an enclosed public space. As the operators of a large pub estate the Belhaven management team requires to plan and implement "unenclosed" spaces for smokers to indulge their habit (or addiction). Many of the solutions will require planning permission and many of them will be expensive to implement, particularly if sophisticated equipment such as retractable roofs are provided. It is only fair and reasonable for the Scottish Executive to address these issues now. Licensees have a great number of issues to cope with nowadays and it would be extremely remiss of Scottish politicians to introduce this legislation without making it 100% clear as to what will be allowed and what won't, before unnecessary expenditure, time and trouble are incurred.

I hope our comments are of use at this stage and Belhaven will be happy to participate in any further dialogue, should the Scottish Executive so desire.

STUART ROSS