

## Sub Committees on The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012

Response from the Royal College of Nursing

17 January 2013

Mark Drakeford AM, Nick Ramsay AM  
Chairs, Health and Social Care Committee &  
Enterprise and Business Committee  
Committee Clerk,  
Smoke-free Premises etc. (Amendment) Regulations  
Sub-Committees,  
Committee Service,  
National Assembly for Wales,  
Cardiff Bay, CF99 1NA

Dear Sirs,

Thank-you for your invitation to give evidence to this joint Committee Inquiry into the proposed exemption from the public smoking ban for performers.

The Royal College of Nursing (RCN) was surprised and disappointed to learn of the Welsh Government's proposed exemption. The National Assembly for Wales was of course the first legislative body in the UK to vote for the introduction of a public smoking ban – a move that was strongly welcomed by the Royal College of Nursing at the time.

This proposed exemption runs entirely contrary to the policy of successive Health Ministers of the Welsh Government in tackling the prevalence of smoking in Wales and is strongly opposed by the Royal College of Nursing.

**Is there a commercial need for this amendment to exempt performers from smoke-free requirements? Will this amendment achieve its aim of supporting the television and film industry in Wales?**

17 January 2013

The RCN does not believe there is a commercial need or significant economic argument for this exemption. The Wales Screen Commission estimates that film and TV companies spent more than £22m in Wales last year – Wales is chosen for many reasons not least location and talent. The BBC has invested a reported £25 million in new studios at Roath Lock, has transferred filming of major series such as Casualty

and has made major series such as Upstairs Downstairs and Dr Who in Wales since the ban has been in place. There is no suggestion it was deterred from doing so or that its ambitions will be in anyway curtailed by the ban on smoking on the film and television sets.

In the Oxford Economic report ‘The Economic Impact of the UK Film Industry’ (produced for the British Film Industry in September 2012) important factors identified as producing growth in Northern Ireland include increased investment, aggressive marketing and government support but it does not suggest that the prohibition on smoking is in any way damaging to the success or prospect of continued growth.

Smoking is a danger to Wales in increasing mortality and morbidity. The economic cost of smoking related illness and the economic inactivity they produce is significant and should be taken into account by this Inquiry.

**Is there sufficient clarity about the circumstances in which the exemption applies? Do the conditions offer adequate protection to other performers, production staff and members of the public?**

The effect of the exemption would be to allow smoking to continue throughout the production and performance which would necessarily have a negative health impact on all those watching, supporting and present.

Dramatic productions in representing human life are likely to need to convey a wide range of hazardous and risky situations to the audience including sexual abuse, drug

addiction and serious violence. The nature of art is surely reproduce the effect rather than the act.

There a wide range of technological approaches to reproducing the effect of smoking that can be seen in both UK and international live drama, film and TV productions.

17 January 2013

**Might there be any unintended consequences of introducing this exemption?  
What health policy considerations are relevant to this amendment?**

Allowing smoking on set promotes poor health behaviour especially putting young people at risk who are strongly influenced by the behaviour of celebrities and TV personalities. It also puts the health of workers in the creative industries at risk

This exemption sets a dangerous precedent for the influential tobacco lobby. It is understandable that elected representatives want to safeguard economic development. These legitimate concerns and fears could be further exploited to claim an increasing number of exemptions effectively reversing a hard won victory for public health.

The inability to regulate this exemption effectively also carries the risk of undermining the credibility and effectiveness of the overall public smoking ban.

Wales's smoke-free premises legislation is the most successful public health measure introduced in Wales and has been widely supported by the public with 80% of Welsh adults in favour. This legislation is also vital if we are to achieve the ambitious target of a reduction in smoking prevalence rates in Wales from 23% to 16% by 2020. This proposed amendment is a step backwards for Wales politically and in public health terms – Scotland and Northern Ireland have no plans to amend their smoke-free legislation.

This proposed exemption is completely contrary to the Welsh Government's commitments on tobacco control and undermines the targets set out in its Tobacco Control Delivery Plan.

The Royal College of Nursing would be happy to give further evidence if you require. Please do not hesitate to contact my office.

Kind regards

Yours sincerely

**TINA DONNELLY**  
**DIRECTOR, RCN WALES**

*ABOUT THE ROYAL COLLEGE OF NURSING (RCN)*

*The RCN is the world's largest professional union of nurses, representing over 400,000 nurses, midwives, health visitors and nursing students, including over 23,000 members in Wales. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing.*

*The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.*