

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

Response from the British Medical Association Cymru / Wales

INTRODUCTION

BMA Cymru Wales is pleased to provide evidence to the National Assembly for Wales's Enterprise and Business Committee and Health and Social Care Committee joint sub-committee on the inquiry into the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012.

The British Medical Association represents doctors from all branches of medicine all over the UK. It has a total membership of almost 150,000 including more than 3,000 members overseas and over 19,000 medical student members.

The BMA is the largest voluntary professional association of doctors in the UK, who speak for doctors at home and abroad. It is also an independent trade union. BMA Cymru Wales represents some 7,000 members in Wales from every branch of the medical profession.

RESPONSE

Is there a commercial need for this amendment to exempt performers from smoke-free requirements?

No.

We are proud of the success and strength of the various creative industries in Wales, and the role they play in representing Wales to world-wide audiences. We appreciate the large contribution these industries make to the Welsh economy.

However, we feel that an exemption for performers from Wales' flagship smoke free regulations will do nothing to contribute to this already well established industry or to the positive image of Wales as a nation that prides itself it promoting positive public health measures.

Surely the creative industries can replicate the smoking of tobacco products in their productions, to minimal costs, in the same way they do with other scenes – such as drug taking, sex, gunshot wounds or being involved in an accident / explosion - where actors are not required to actually carry out these actions or to put themselves at risk.

Under the amendment, actors and production staff smoking regularly as part of their work run the risk of becoming a regular smoker given the addictiveness of tobacco products, and should be afforded the same public health protection as all other individuals in employment.

There is also the risk that allowing this exemption will increase the incidences of smoking scenes in TV and films in Wales, this has been proven to have a significant impact on children and young people. We recommend reading the BMA 2008 report entitled 'Forever Cool: the influence of smoking imagery on young people'. **Insert reference**

Forever Cool considers the effect of smoking imagery on young people. It begins by examining trends in smoking prevalence and initiation, goes on to review the different forms of pro-smoking imagery and the evidence for how they can affect behaviours and attitudes among young people.

It concludes by exploring effective ways of reducing young people's exposure to positive images of smoking – and increasing their exposure to positive images of health.

Will this amendment achieve its aim of supporting the television and film industry in Wales?

As above, no.

We do not agree that productions / the filming of scenes containing smoking will be forced to move to be filmed in England unless this amendment is implemented. In addition, we are not aware of any evidence to show that the film and television industries will suffer as a result of this exemption not going forward.

There are other ways that the Welsh Government can seek to further support or promote this already attractive and growing industry.

We would think that other industries – such as the pub industry - could equally claim to have a commercial in this way.

Is there sufficient clarity about the circumstances in which the exemption applies?

No.

As we pointed out in our response to the Welsh Governments previous consultation - we are concerned about the interpretation of 'artistic integrity', as surely this would always be a very subjective interpretation. Whether smoking is necessary for the performance is a matter of personal opinion and would be impossible to subject to external checks or balances.

This term leaves itself open to dispute, and also no doubt to legal challenge.

How can this be adequately policed and what is the cost of attempting to do so for local authorities? We also ask what guarantee there is that smoking will only take place in the final take – this seems totally undeliverable as how can anyone predict what take will be the final one?

Do the conditions offer adequate protection to other performers, production staff and members of the public?

No.

The Welsh Governments Tobacco Control Delivery Plan has four Action Areas. A major one of these areas is 'reducing exposure to second hand smoke'. This proposed exemption represents a significant contradiction in the Welsh Governments approach and undermines Wales's reputation as a leader in bringing forward innovative tobacco control measures. On the one hand the Welsh Government seeks to reduce exposure to second hand smoke within an individual's private space, such as in the home and cars carrying children, but is proposing to exempt individuals to be exposed to second hand smoke during their working hours.

Evidence on the health risks of exposure to second hand smoke are well established, as is the BMAs position on this and on smoking more generally. We will not reiterate that here– suffice to say that a key priority for Government is to prevent exposure to second hand smoke and to protect public health and that this amendment represents a huge step backwards from that agenda.

These regulations will only apply during the smoking of the tobacco product, but toxins can be present immediately afterwards and linger in the environment for a long period of time – in the same way they do following smoking in a car.

Might there be any unintended consequences of introducing this exemption?

Yes.

This proposal goes against the Welsh Governments revered and long standing objectives for protecting and promoting the long term health and well-being of the people of Wales.

The ammendment undermines the whole direction of public health promotion and tobacco control in Wales. Fundamentally, it represents a dilution of the Smoke-Fee Premises regulations in Wales, a policy which has received a huge amount of public support.

What health policy considerations are relevant to this amendment?

This amendment contradicts the public health commitments of the Welsh Government and if taken forward will undermine Wales's position as a one-time leader in innovative tobacco control measures.

We see no justification whatsoever for bringing forward this exemption – it is wholly counterproductive.