
HEALTH SCRUTINY PANEL

A meeting of the Health Scrutiny Panel was held on 21 October 2005.

PRESENT: Councillor Mrs H Pearson (Vice-Chair) (In the Chair), Councillors Biswas, Mawston and K Walker.

OFFICIALS: J Bennington, P Clark and J Ord.

PRESENT BY INVITATION: D Woodall, Northern Ash, Tobacco Control Lead, Co.Durham & Darlington NHS Trust

S Clark, National Director of FOREST.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of the Chair, Councillor Dryden and Councillor Lancaster.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

**** MINUTES**

The minutes of the meeting of the Health Scrutiny Panel held on 28 September 2005 were submitted and approved.

TOBACCO CONTROL SCRUTINY REVIEW – ACTION ON SMOKING AND HEALTH

By way of introduction, the Scrutiny Support Officer submitted a report regarding the evidence to be sought from Northern Ash (Action on Smoking and Health) and referred to written material, which had been provided to the Panel.

The Chair introduced Dianne Woodall, Tobacco Control lead, Co Durham and Darlington NHS Trust who gave a presentation which focussed on the following aspects:-

Evidence on the Impact of Second-hand Smoke (SHS): -

- Recent Department of Health literature stated that ‘SHS kills’;
- in terms of the rationale for restricting smoking in public places it was pointed out that:-
 - protection from SHS was a human right for all workers;
 - no-one should have to breathe tobacco smoke to hold a job;
 - SHS was a Class A carcinogen, capable of causing cancer and heart disease in humans;
 - all enclosed public places were people’s workplaces;
 - an effective regulation in terms of public health was required;
 - SHS harmed children and contravened their right to grow up in a safe and healthy environment;

Public Views on Smoking in Public Places: -

- 75% of Teesside public supported smoke free workplaces for all;

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- 70% of the Teesside public would support a change in the law to make smoking at work and in public places illegal;
 - 4% of the Teesside public believed that SHS had no impact on health and the majority believed it seriously damaged health;
 - 71% of Middlesbrough residents supported option 2, blanket restrictions in the recent Government consultation on the issue;
 - 70% of the North East public wanted smoke free public places;
 - 60,000 responses to the recent Government consultation on the issue indicated that 90% wanted option 2;
 - 70 % of smokers indicated that they would like to stop smoking;
 - ASH considered that comprehensive legislation would help to achieve above;
 - 82% of smokers started in their teens and 83% of smokers indicated that if they had their time again they would not smoke;

Likely Economic Impact: -

- available resources as a result of treating less patients with smoke related illnesses;
- there was no evidence to suggest that restrictions on smoking in public places had an adverse effect on businesses;

Likely Impact on Tobacco Control Policy: -

- improved health for the population of Middlesbrough;
- additional resources in the Middlesbrough economy;
- less resources in the pockets of the tobacco industry;

Lessons from Elsewhere in the World:

- smoke free laws in New York and Ireland were considered to be good working examples;
- exposure to the carcinogens in tobacco smoke was not prevented by ventilation systems or the designation of non-smoking areas;
- not able to control the toxic and carcinogenic properties of SHS by ventilation;
- not likely to achieve smoke free areas within pubs;
- air quality examined in a range of places was shown to improve in bars with smoking restrictions.

The key points arising from the ensuing discussion were as follows:

- a) in recognition of the availability of different qualities of tobacco it was suggested that all contained high levels of chemicals;

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- b) improved health and increased productivity were seen as the main benefits to the Middlesbrough economy;
 - c) there was a concern expressed that should Middlesbrough pursue tobacco control in enclosed public places without Government supported legislation this may have a detrimental effect on the economy in terms of the leisure industry by attracting population to other nearby locations;
 - d) other health risks were referred to such as pollution from car fumes although it was felt that this involved an element of choice whereas SHS didn't;
 - e) education was acknowledged as a key element which should be focussed upon and targeted at primary level;
 - f) specific reference was made to evidence relating to damage caused from harmful smoke and in particular to a project involving GP's/surgeons which provided information regarding the links between smoke and accelerated death rate amongst such a cohort;
 - g) in terms of the Human Rights Act, a number of challenges had been made to the European Court but cases had been settled out of Court.

AGREED that Dianne Woodall be thanked for the information provided and contribution to the subsequent discussion which would be incorporated into the overall review.

TOBACCO CONTROL REVIEW – FREEDOM ORGANISATION FOR THE RIGHT TO ENJOY SMOKING TOBACCO

By way of introduction, the Scrutiny Support Officer submitted a report regarding the evidence to be sought from FOREST (Freedom Organisation for the Right to Enjoy Smoking Tobacco) and referred to written material, which had been provided to the Panel.

The Chair introduced Simon Clark the Director of FOREST who addressed the Panel and focussed on the following aspects: -

Introduction:

- FOREST was a group which defended the interests of smokers and voiced the opinion of many smokers and tolerant non-smokers;

Current Position:

- reference was made to evidence which demonstrated that since the 1950's there had been a gradual increase in the number of companies which had a policy of either restricting or banning smoking in enclosed public places and according to the Office for National Statistics 86 % UK companies;
- FOREST did not accept that 'passive smoking' was a significant risk and there was inconclusive evidence to justify a total smoking ban in enclosed public places;
- reference was made to a 1999 draft Approved Code of Practice on Smoking of the Health and Safety Commission which indicated that proving beyond reasonable doubt that passive smoking at a particular workplace was a risk to health was likely to be very difficult;

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- although a number of pubs had reported increased business since banning smoking reference was made to examples where it had affected certain businesses both in the UK and New York;
 - in response to claims made that it would reduce the number of people smoking it was pointed out that despite increasing restrictions over recent years the smoking rates had not significantly changed since 1992;
 - in terms of quality of life issues it was considered that the banning of smoking in public places was a low priority for the majority of the public in comparison with other issues such as anti-social behaviour;
 - recent evidence had shown that more than two thirds of people had indicated that smoking should continue to be allowed to some extent in pubs by means of designated smoking areas;
 - reference was made to only four Court cases in the UK none of which had successful for the plaintiff owing to the lack of evidence;

Future:

- whilst it was considered that the Government had an important role to play in educating people about health risks it was felt that they did not have the right force people not to smoke given that tobacco was a legal product;
- FOREST suggested that the emphasis should be on pursuing initiatives to support the leisure industry to introduce more designated smoking areas and to improve ventilation;
- improved ventilation was also considered beneficial to assist in removing other air pollutants;
- it was suggested that there were already significant restrictions regarding smoking which had been introduced on a voluntary basis and there was an insufficient case for legislation;
- it was felt that further restrictions on smoking may encourage an anti-smoking culture which may result in discrimination and increased smoking in the home environment and outside buildings;
- it was considered important for businesses to have the freedom to choose a policy on smoking that was most appropriate to their customers and workforce and for consumers to have a choice of environment.

Arising from the ensuing discussion Simon Clark reiterated the following points: -

- a) reference was made to the harmful effects of other air pollutants;
- b) it was not accepted that passive smoking was a significant risk to the health of non smokers;
- c) emphasis should be placed on encouraging and assisting the leisure industry to having designated smoking areas and improved ventilation;

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- d) if a total ban was introduced it was likely to result in an anti-social culture resulting in more smoking within the home environment and outside buildings.

AGREED that Simon Clark be thanked for the information provided and participation in the subsequent discussion which would be incorporated into the overall review.

OVERVIEW AND SCRUTINY BOARD UPDATE

In a report of the Chair of the Health Scrutiny Panel, Members were advised of the key matters considered and action taken arising from the meetings of the Overview and Scrutiny Board held on 21 September and 4 October 2005.

NOTED