



Children in Wales

Plant yng Nghymru

Children in Wales is the national umbrella organisation in Wales, bringing organisations and individuals from all disciplines and sectors together. Its role is to make the United Nations Convention on the Rights of the Child a reality in Wales. Children in Wales also fights for sustainable quality services for all children and young people, and special attention for children in need, as well as ensuring children and young people have a voice in issues that affect them.

Children in Wales has around 200 organisations in membership, including the major voluntary children's agencies, professional associations, local authorities and health bodies, as well as many smaller community groups. Children in Wales facilitates a variety of forums and networks across Wales and works in partnership with the National Children's Bureau in England and Children in Scotland, and internationally is active in Eurochild and the International Forum for Child welfare. Children in Wales have representation on a number of professional networks, including in the context of this response, the Wales Tobacco Control Alliance.

► Question 1: Should the Smoke-Free Premises etc. (Wales) Regulations 2007 be amended to permit smoking by performers where the artistic integrity of the performance makes it appropriate for the performer to smoke? Yes / No

Are the proposed Regulations adequate enough to avoid misuse of the exemption?

Children in Wales does not support the proposed amendment.

We have concerns on a number of levels not least that these proposals would be contrary to the Welsh Government's principle objective of

discouraging the uptake of tobacco use and the broader goal of reducing health inequalities and to drive down smoking prevalence rates in Wales.

There is a large body of research and evidence which supports the correlation between young people viewing smoking in television and film productions and then becoming smokers themselves. The Welsh Government's Tobacco Control Delivery Plan identifies the desire to reduce tobacco imagery to young people alongside additional action aimed at reducing the uptake of smoking.

The leadership from the First Minister and Chief Medical Officer for Wales has to date placed Wales at the forefront of change and on a progressive journey towards a smoke-free society in Wales which we welcome and fully support. We do not want to see the message or this journey compromised in any way by this proposal which we believe it will.

▶ Question 2: Are the conditions required by this exemption sufficient to minimise the risk of exposing others to second-hand smoke?

Children in Wales does not believe that the conditions required by this exemption are sufficient to minimise the risk of exposing others to second-hand smoke.

The Welsh Government's message around exposure to second-hand smoke to date has been clear and unambiguous. This proposed amendment will not protect others from exposure given that second hand smoke cannot be sufficiently managed or minimised however sophisticated the ventilation is. Furthermore, individual performers will not perform in complete isolation from other employees within the workplace, such as cameramen, production crew and other actors, and that smoke will linger long after in the setting.

Additional research has shown the potential correlation between performers smoking and later becoming addicted to the highly addictive substances contained within. This again threatens the consistent message from Welsh Government of the desire to reduce smoking levels in Wales.

Smoking and exposure to second hand smoke can exacerbate pre-existing medical conditions such as asthma, further undermining the Welsh Government's priorities and objectives. Further, action could and indeed has, been taken by employees as a result of the harm to health caused by smoking or the exposure of second-hand smoke.

We appreciate the concerns from the industry and would suggest that all alternatives are explored, including the use of realistic props or computerised graphics.

However, although this would address our concerns around exposure to second hand smoke and the health risks from smoking, it would not address our earlier concerns in relation to young people being exposed to smoking imagery, and the potential for this to be glamorised or normalised.

► Question 3: Are the provisions to protect children from exposure to second-hand smoke within the proposed Regulations sufficient?

Children in Wales does not believe that the provisions to protect children from exposure to second-hand smoke within the proposed Regulations are sufficient.

Though we accept that children will not be present during the act of smoking, as previously alluded to, second hand smoke will linger long after the act of smoking has taken place regardless of the safeguards put in place or the ventilation mechanisms present.

This point has been well made in respect of the Welsh Governments current campaign to stop adults smoking in cars, noting how the environment remains toxic long after the act of smoking has taken place.

► Question 4: Will the provisions in the proposed Regulations be able to be enforced effectively?

The term 'artistic integrity' is very broad, open to interpretation and therefore the Regulations would not be enforceable.

Ensuring that children are fully protected from second hand smoke after the act of smoking has taken place would be equally difficult to monitor.

We would be concerned if the industry were left to self-regulation arrangements, as clearly Trading Standards Officers or environmental health officer would not have the capacity or necessary resources to police the environments on a consistent or robust basis.

► Question 5: The Welsh Government will provide Guidance to support the implementation of the proposed exemption: will this support be sufficient to assist with the interpretation of the conditions of the exemption (for example, the requirement for 'artistic integrity')?

We have concerns as to whether it would be possible or workable to produce a robust and objective definition of 'artistic integrity' and whether

prescriptive and clear parameters could be put in place which outline when a child could re-enter a setting where the act of smoking had previously taken place. The issue of enforceability would also need to be resolved as previously discussed.

► **Question 6: Does the draft Regulatory Impact Assessment accurately reflect the costs and benefits of the proposed Regulations? If not, please provide additional information to support your answer.**

There is clearly a cost currently to performers of having to undertake part of their production in England where the regulations are more relaxed. However, the option of utilising computer technology, imagery and other props should be routinely explored to minimise any additional costs, as is considered in other parts of the UK.

Wales must be seen as an attractive environment to bring and produce TV and Film productions without having to change existing laws and compromise public health and Welsh Government priorities in the process. Other solutions must be found.

► **Question 7: Do you think there would be any negative impact on individuals or communities within Wales on the grounds of: disability; race; gender or gender reassignment; age; religion and belief and non-belief; sexual orientation; pregnancy and maternity; marriage and civil partnerships; or Human Rights as a result of the proposed Regulations?**

Should the proposals be passed, there will be negative implications on people from a human and child rights perspective, given the risk to individual health and exposure of second hand smoke to others. There would also be negative impact on pregnant women.

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