

Tobacco and Nicotine Products

The Bill includes proposals to ban the use of nicotine inhaling devices, such as e-cigarettes, in enclosed spaces like restaurants, pubs and at work. Shops will also have to join a register for retailers of tobacco and nicotine products, and it will become an offence to “hand over” tobacco and e-cigarettes to anyone under the age of 18.

Question 1

Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?

No. The BBPA is of the view that it is up to individual pub premises to decide whether or not they will permit the use of e-cigarettes, given they are a legal product with no evidence that they cause harm to either the user or others in an enclosed environment. Please see the recent report by [Public Health England](#) for further information.

On a practical level, we do recognise in some cases it can be difficult for some publicans to identify real, as opposed to e-cigarettes, and they could cause concern for other customers. A number of managed pubs have already banned their use as this is a head office-level decision, but in tenanted estates and freehouses which make up the majority of pubs) it is at the discretion of individual licensees. This freedom to decide on a premises-by-premises basis should be retained as many licensees may wish to allow the use of e-cigarettes in their premises if they so choose.

Therefore we do not support the legislation as drafted, as it add a further layer of regulation on business (in the case of the majority of pubs, small businesses), and in some cases could indeed discourage customers from visiting venues and remain at home to use e-cigarettes.

A particular proposal in the Bill which will increase bureaucracy is contained in s.11, setting out a requirement for signage to be displayed informing customers that e-cigarettes prohibited in the premises. The legislation stipulates that regulations may be made to proscribe the size, wording, colour and design of such signs. Not only is this requirement overly proscriptive, it also cuts across the

wider de-regulation agenda in respect of licensed premises – with the UK Government recently abolishing the requirement for specific no-smoking signs in premises which this Bill seeks to re-introduce for the purposes of e-cigarettes. The situation would arise where in effect two different signs (one for tobacco smoking indoors, and one for e-cigarettes) would have to be displayed inside pubs in Wales.

Question 2

Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential dis-benefits related to the use of e-cigarettes?

We would highlight again that the evidence of significant risks related to e-cigarettes is very low (either to users or the general public), as highlighted in a recent report by [Public Health England](#).

Key findings of the review include:

- the current best estimate is that e-cigarettes are around 95% less harmful than smoking;
- nearly half the population (44.8%) don't realise e-cigarettes are much less harmful than smoking;
- There is no evidence so far that e-cigarettes are acting as a route into smoking for children or non-smokers.

The comprehensive review of the evidence finds that almost all of the 2.6 million adults using e-cigarettes in Great Britain are current or ex-smokers, most of whom are using the devices to help them quit smoking or to prevent them going back to cigarettes. It also provides reassurance that very few adults and young people who have never smoked are becoming regular e-cigarette users (less than 1% in each group).

We do not believe evidence has been presented as part of this consultation to contradict the above, and therefore bring in legislation which will affect businesses. We strongly support the right for pub licensees to choose whether or not to allow e-cigarettes in their premises.

Question 3

Do you have any views on whether the use of e-cigarettes re-normalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?

Please see answer to Question 2, regarding recent PHE report.

Question 4

Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?

Please see answer to Question 2, regarding recent PHE report.

Question 5

Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?

No. Public houses can legally sell tobacco products. However many do not, and those that do decide to stock tobacco products tend to provide only limited quantities of items such as cigarettes, cigars, rolling paper etc. and is not usually part of core trade, but provides a convenient service to customers who do wish to purchase tobacco who otherwise may leave the premises.

Therefore, it would be costly and burdensome on small businesses to force pubs to pay a registration fee in this situation, especially as the suggested structure of one flat rate per registration (as proposed in the White Paper) would apply to a pub as to a retailer with a high proportion of tobacco sales. If there is to be a register it should be free (as in Scotland) and there is little evidence such a register would even be effective.

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Question 6

What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?

No comment.