

Smoke-free legislation in Scotland: 12 month briefing

The Smoking, Health and Social Care (Scotland) Act 2005 came into effect at 6am on Sunday 26th March 2006 and Scotland became the first part of the UK to end smoking in most wholly and substantially enclosed public places.

Legislation ending smoking in most public places comes into force in Wales on Monday 2nd April 2007, in Northern Ireland on 30th April 2007 and in England on 1 July 2007.

Evaluation of Scotland's legislation

A comprehensive research programme is currently being coordinated by NHS Health Scotland and in conjunction with Information Services Division (ISD) Scotland and the Scottish Executive, to examine the impact of the Scottish smoke-free legislation on 8 different outcomes:

- knowledge and attitudes
- second-hand smoke exposure
- compliance
- culture
- smoking prevalence and tobacco consumption
- tobacco-related morbidity and mortality
- economic impacts on the hospitality sector
- health inequalities.

An article outlining this research was published earlier this year¹:

It is anticipated that results from this study will be available sometime in the Autumn. Based on published data from other countries, we would expect to see good news.

Interim and anecdotal impacts of the legislation

Air quality

As part of the research programme outlined above, a team from the Department of Environmental & Occupational Medicine at the University of Aberdeen and the Institute of Occupational Medicine in Edinburgh measured the air quality in 41 bars throughout Scotland during the two months leading up to the ban and again in May/June 2006. The study published in Tobacco Control found an 86% reduction in exposure to second-hand smoke, meaning that the air quality in Scotland's pubs is comparable to average outdoor air quality.²

Health benefits

Early research that suggests a significant improvement in bar workers health and respiratory symptoms in the first two months after legislation was introduced.

Researchers assessed the health of 77 bar workers in Tayside between February and June 2006. The study, published in JAMA³, found a significant improvement in respiratory symptoms and lung function in bar workers in the first 2 months of the legislation coming into force. The proportion of bar workers showing respiratory and sensory symptoms attributable to cigarette smoke fell from 79.2% to 53.2% in two

months. Bar workers with asthma reported reduced airway inflammation and improved quality of life.

Cancer Research UK survey

A survey, published in August 2006, by Cancer Research UK⁴ found that:

- 92% Scottish bar staff said their workplaces were healthier post legislation
- 78% believed the legislation will benefit their health in the long term
- 89% of bar workers that smoked reported their workplaces were healthier post legislation
- 69% believed it will benefit their health in the long term.

Smoking cessation

Several smoking cessation services from around Scotland have released media reports on how the smoking ban has impacted on them.

- NHS Borders cessation service saw a sharp rise in the number of people trying to stop smoking in the run up to the ban. 1500 people sought help between Jan and Mar 2006, compared with 2000 for the whole of the previous 12 months⁵
- NHS Fife's smoking cessation said in July 2006 that the number of people in Fife stopping smoking had doubled since the smoking ban came in
- NHS Grampian's Smoking Advice Service saw a 59% increase in people registering with the service in April 2006 compared to April 2005.
- NHS Greater Glasgow's pharmacy-led "Starting Fresh" scheme saw its figures double over the same period in 2005 following the banning of smoking in public places on March 26 2006.⁶
- Smokeline received 5331 calls during the first 26 days of the ban – around double the number normally received.⁷
- A fourfold increase in the number of calls to the Smokeline was reported during the first 3 days after smoke-free legislation came into force. Smokeline usually receives 100 calls a day, but during these 3 days 450 calls were received.⁸

Research by Bath University⁹ found that demand for smoking cessation services rose significantly in the 3 months leading up to implementation. One service saw a four-fold increase in clients, while two services reported client numbers doubled and another saw a 43% increase in demand.

Compliance

Overall the compliance has been excellent - never less than 95% in the first nine months. Most people have welcomed and willingly complied with the legislation, and enforcement authorities have worked hard to educate and inform people ahead of implementation and to support them in complying with the legislation.

Different areas of Scotland have faced different challenges, but approaches within local authority areas have been consistent and the enforcement officers are to be congratulated on the smooth and successful implementation.

A national compliance line (0845 130 7250) is available to report breaches of the law. Data on calls to the national compliance line is available from the [Clearing the Air website](#).

*Compliance data*¹⁰

1 October and 31 December 2006

- 95.87% of all premises complied with respect to not allowing smoking
- 85.47% of all premises complied with the requirement of displaying no-smoking signs

1 July and 30 September 2006

- 96.47% of all premises complied with respect to not allowing smoking
- 79.83% of all premises complied with the requirement of displaying no-smoking signs

1 June and 30 June 2006

- 98.18% of all premises complied with respect to not allowing smoking
- 78.60% of all premises complied with the requirement of displaying no-smoking signs

1 May and 31 May 2006

- 97.1% of all premises complied with respect to not allowing smoking
- 87.2% of all premises complied with the requirement of displaying no-smoking signs

26 March and 30 April 2006

- 99.43% of all premises complied with respect to not allowing smoking
- 73.66% of all premises complied with the requirement of displaying no-smoking signs

*Fixed penalty notices*⁸

- 25 fixed penalty notices were issued to premises between 26 March and 31 December 2006.

- 385 fixed penalty notices were issued to individuals between 26 March and 31 December 2006

Public opinion

The May 2006 MRUK omnibus survey¹¹ for Scottish Executive found:

- 61% of respondents said that they supported the law, support increased from 26% in May 2005
- 100% of respondents were aware that there was a ban on smoking in enclosed public places.
- 73% of respondents thought the law had been very successful or successful. 83% of non-smokers, compared to 82% ex-smokers and 60% of smokers thought the law has been very successful or successful.
- 35% of smokers felt the law helped them to reduce the amount they smoked.
- 49% of respondents said that they did not allow smoking anywhere within their homes, 24% said they allowed smoking in certain rooms within their homes and 29% allowed smoking anywhere throughout their home.

FOREST surveys

Populus conducted a survey of 1010 adults in Scotland for FOREST between 27 October and 1 November 2006. The survey¹² found:

- 63% of the Scottish public think the current policy on smoking is about right
- 24% thought it has gone too far
- 11% think it has not gone far enough.

A poll commissioned by FOREST and carried out by Populus was published on 19 March claimed that:

- 74% of Scots think private clubs should be allowed to have ventilated smoking rooms.
- 66% believed that bingo halls should be allowed to have ventilated smoking rooms.

However ventilation does not eliminate the carcinogens present in second-hand smoke, and cannot therefore be considered an adequate solution to the health risks associated with second-hand smoke. Smoke-free public places remain the only viable way to ensure that workers, members of the public and children are fully protected from the hazardous effects of ETS.

Tobacco sales

In October 2006 Sunday Times Scotland¹³ published an article which claimed cigarette sales in Scotland had increased by 5% since the smoking in public places ban came into force, according to figures from the Scottish Grocer's Federation (SGF).

However the SGF issued a press release¹⁴ to clarify that the survey was only an internal snapshot survey across 17 stores not an accurate picture of tobacco sales in Scotland.

It was reported earlier this month that Gallaher said the smoking ban had contributed to a 3 to 4% decline in the Scottish cigarette market.¹⁵

Litter

City authorities have reported an increase in the amount of cigarette litter after the smoking ban came into effect.

Aberdeen City Council said there had been a significant increase in discarded butts, although additional litter bins had been placed at bus stops and other hotspots.¹⁶

In Edinburgh the number of fines issued for dropping cigarette litter trebled after the smoking ban came into force.¹⁷

Perth and Kinross Council launched a litter campaign in July 2006 after the problem of cigarette litter worsened in the wake of the smoking ban. Leaflets offering advice were produced and litter officers handed out £50 fines to anyone dropping litter on public streets.¹⁸

Economic impacts

These are being measured as part of a comprehensive research programme to assess the impacts of smoke free legislation in Scotland.

At the moment we have anecdotal reports based on snapshot surveys rather than on hard data and business tax receipts. Some report increased takings, particularly when food is being served, some report little change and some report a downturn in takings in the short term. We really need to know the whole picture from the research. In other countries that have introduced and measured the impacts of smoke free legislation, there has been an initial very short term downturn in trade followed by a recovery to business levels the same as or better than before.

Pubs

The Scottish Licensed Trade Association (SLTA) 19²⁰ released the results of a survey into the economic impact of the ban on their members in August 2006.

The survey found that across members, there was:

- 10.8% decrease in wet sales
- 2.6% drop in food sales.
- 46% of licensees reported a drop in number of regulars visiting
- 51% said regulars were spending less
- 17% said they had less new customers
- 5% reported an increase in visits by regulars
- 7% reported that regulars were spending more
- 20% reported more new customers
- Restaurants reported a 39 per cent increase in sale of food and 21 per cent in drinks

However, the SLTA has approximately 1700 members (Scotland has more than 5,000 licensed premises) and only 21.4% of their membership (365 licensees) responded to the survey. Therefore this survey only represented the views of 7.3% of licensed premises in Scotland.

A study published in the International Journal of Epidemiology looked at the short term impact of the ban on pubs in Scotland. The study surveyed pubs in Scotland and Northern England by telephone and collected subjective data on total sales and customer numbers at the busiest time 1 week prior to the ban and 6 weeks after the ban was implemented.

This research concludes the Scottish smoking ban, in the short term, had a negative economic impact on pubs. The research found that pub sales in Scotland were 10% lower than in Northern England as a result of the ban. This was as a result of a 9.7% increase in sales in the pubs in Northern England and a decrease in sales of 0.3% in the pubs surveyed in Scotland.

However the outcomes from this research paper and indeed the SLTA survey are in contrast to other surveys and reports conducted shortly after the ban was implemented:

Tim Clarke, Chief Executive of Mitchells and Butlers, which operates around 100 Scottish pubs said in May 2006, "*Although it's early days, with only seven weeks of trading since the smoking ban... Scotland has continued to generate good sales growth, with same-outlet like-for-like sales up 5.8% for that period.*"²¹

A spokesman for Punch Taverns "*The initial indications in terms of trading are positive as there has been no significant impact on sales since the smoking ban. There is evidence that post-ban we have attracted new customers to our pubs, with a growth in food sales*"²²

J D Wetherspoon's Finance Director Jim Clarke said in April 2006, "*We've not really seen any difference in trade. Our conclusion is – good start, but still too early to judge.*"²³

Colin Cameron, President of the Aberdeen Excise License Holders Association said, "*I have spoken to a number of people over the past few weeks and from the first day it was introduced we really haven't noticed a major, or even a minor, reduction in*

trade. If anything there's been a slight increase, probably from non-smokers who are staying longer in pubs."²⁴

George Wyatt, Chairman of the Aberdeen Excise License Holders Association said: "There has been very little change to trade so far. Takings are generally not down and staff are a lot happier."²⁵

Belhaven, the Scottish brewers recently taken over by Greene King, were one of the leading opponents of smoke-free legislation. Greene King has commented that it was pleased with Belhaven's trading since the smoking ban was introduced as there had been an increase in the sale of beer.²⁶

Bingo halls

The Bingo Association said that 5 bingo halls closed in the first three months following implementation and that operators were experiencing declines of between 17 and 27%. The Association said that the level of declines has not been envisaged.²⁷

In July 2006 the Courier reported that business in Dundee's bingo halls is recovering, although smokers would like bingo firms to provide better facilities for them to smoke in.

Legal challenges

Alan Bowes, chairman of London and Edinburgh Swallow Group withdrew his legal challenge to Scotland's smoke-free legislation from the Scottish courts in June 2006.²⁸

Pub proprietor Don Lawson, Inverness, was reported to have dropped his legal challenge on 7th June 2006.²⁹

The Publican Party

It was reported in February that the Publican Party had launched its campaign for the Scottish Parliament elections in May. Candidates are standing in four regions on the single issue of a partial lifting of the smoking ban.³⁰ The Chairman of the Publican Party is Kit Fraser, a publican from Inverness.

Smoking in the home

Opponents of smoke-free legislation often argue that an immediate consequence of introducing smoke-free public places is increased smoking in the home. This argument is used to attempt to justify a voluntary approach to reducing exposure to second-hand smoke. There is no published, peer-reviewed evidence to demonstrate that smoke-free workplaces and enclosed public places increase the exposure of children to SHS at home.³¹

An unpublished research paper by Adda and Cornaglia³² has been quoted as appearing to show that smoke-free legislation in the US led to increased exposure for children from SHS in the home. Unlike other published work in this area, this research has not been peer reviewed (Peer review is the process whereby experts in a specific research field approve a piece of work intended for publication as scientifically sound and robust work.).

The effect it claims to show of increased exposure in the home to children aged 8 and under does not reach the level of statistical significance ($p < 0.05$) generally

adhered to by social scientists and researchers. This indicates that the suggested increase in home exposure identified is extremely small, and not significant in research terms.

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