

Why Wales Needs a Smoking Ban in Outdoor Seating Areas

Background

Smoking is the biggest cause of early preventable death in Wales and it costs the Welsh NHS £320 million a year to treat patients with smoking-related conditions ¹. Smoking prevalence among young people remains stubbornly high with around 8% of 15–16-year-olds smoking weekly ² - a figure that has remained stagnant since 2013. According to a YouGov survey by ASH Wales, 81% of adult smokers tried their first cigarette aged 18 or under. The younger a person starts smoking, the more likely they are to become heavy smokers in later life and to develop smoking related conditions.

Reducing exposure to smoking behaviour is key to reducing smoking prevalence. A child with two parents who smoke is three times more likely to one day take up the habit and if one parent smokes the child is 70% more likely to become a smoker ³.

In March 2021 Wales made history by becoming the first country in the UK to ban smoking in the grounds of schools and hospitals and in children's playgrounds. Anyone caught smoking in the areas covered by the act could be subject to a £100 fine.

Under the UN Convention on the Rights of the Child, all children have the right to be kept safe from activity which harms their health and development. This includes guarding against the negative health impact of second-hand smoke and the importance of de-normalising smoking so that they are not exposed to it in their daily lives.

Why ban smoking in outdoor seating areas in Wales?

Since the indoor smoking ban came into force in pubs, cafes and restaurants in 2007, smokers have gathered in pub gardens and outdoor seating areas often sitting in close proximity to non-smokers.

These outdoor seating areas, particularly pub gardens, are also where many families choose to sit, particularly in the wake of the Covid-19 pandemic when people have been encouraged where possible to meet others outdoors where there is a lower risk of infection.

This means that children are continually being exposed to the sight of adults smoking in an everyday social setting as well as being forced to inhale second-hand smoke within a confined space.

Support for a smoking ban on smoking in outdoor seating is growing with 67% of adults in Wales in favour of the proposal according to the ASH Wales 2021 YouGov survey ⁴, an increase from 63% in 2019.

1 <https://gov.wales/sites/default/files/publications/2017-11/tobacco-control-delivery-plan-for-wales-2017-to-2020.pdf>

2 <https://www.shrn.org.uk/national-data/>

3 Passive smoking prelims (shopify.com)

4 [yougov-survey-report-2021pdf.pdf](https://www.ash.wales/sites/default/files/publications/2021-03/yougov-smoking-prelims-2021.pdf) (ash.wales)

How Wales can lead the way

The Business and Planning Act 2020 stipulates that pavement licences granted by local authorities in England can include a 'smoke-free seating condition' whereby the licence-holder must make reasonable provision for seating where smoking is not permitted.

Completely smoke-free seating areas are not required by national legislation however and it is up to individual local councils to decide whether to implement and enforce this condition. So far this year smoke-free seating has been successfully implemented by at least 9 local councils in England.

The Government has faced criticism for not providing clear rules for businesses and councils.

On Wednesday (July 14th) Lord Faulkner of Worcester won a vote regretting the Government's failure to require seating outside pubs and restaurants to be smoke-free. The motion received strong cross-party support from peers across the House. The Local Government Association is calling for a national smoke-free condition for all pavement licences.

Wales has an opportunity to lead the way in the UK by creating robust legislation banning smoking in the outdoor seating areas of pubs, bars, cafes and restaurants rather than leaving this to the discretion of individual local authorities and business owners.

This would be a significant step towards achieving its goal of becoming a smoke-free nation and to make history again with forward thinking smoke-free legislation.

The potential impact on businesses

The hospitality industry has expressed concerns that banning smoking in the outdoor seating areas of cafes, pubs and restaurants recovering from lockdown will further affect their ability to attract customers and could lead to job losses.

However, support for a smoking ban in outdoor seating areas in Wales is growing with 67% of adults in Wales now in favour of the proposal, according to the ASH Wales 2021 YouGov survey, an increase from 63% in 2019.

Meanwhile more than 80% the Welsh population are non-smokers and 45% of current smokers would like to quit ⁵ – meaning the vast majority of customers would prefer outdoor seating areas to be smoke-free.

Previous smoking bans in the UK have led to high levels of compliance and have been shown to a positive impact overall on the hospitality industry ⁶.

⁵ Smoking cessation services (gov.wales)

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/216319/dh_124959.pdf