

# Out of the ashes

With the recent change of government, Simon Clarke, director of pro-smoking lobby group Forest, hopes its Save Our Pubs & Clubs Campaign can finally gain industry support. **Phil Mellows** reports

**L**ike the green shoots that nudge their way through the ashes on the forest floor after a devastating fire, a little life is springing back into the smoking debate.

Since smoking was outlawed in public places across the UK three years ago, protest against the ban has been mainly buried in the depths of the blogosphere, but in the weeks since the coalition Government came into office the argument has surfaced once more.

Two things are encouraging the pro-smoking lobby. First, the Government shelved autumn plans to review the legislation, easing fears of extending the ban to outdoor areas. Then Brian Binley, Conservative MP for Northampton South, tabled an Early Day Motion (EDM), signed by a dozen MPs, calling for relaxation of the law to allow pubs and clubs to introduce smoking rooms.



**Compliance:** the rate is high, but many smokers who adapt are unhappy

**“It’s been frustrating. We would like to work with the pub industry, but it hasn’t been sympathetic**

No-one is lighting up a celebratory cigar just yet, though. Least of all Simon Clarke, director of tobacco lobby group Forest (Freedom Organisation for the Right to Enjoy Smoking Tobacco) and head of its spin-off campaign Save Our Pubs & Clubs, which launched last summer with the aim of amending the ban.

Clarke has the air of a man who’s trudged a lonely road over the past three years.

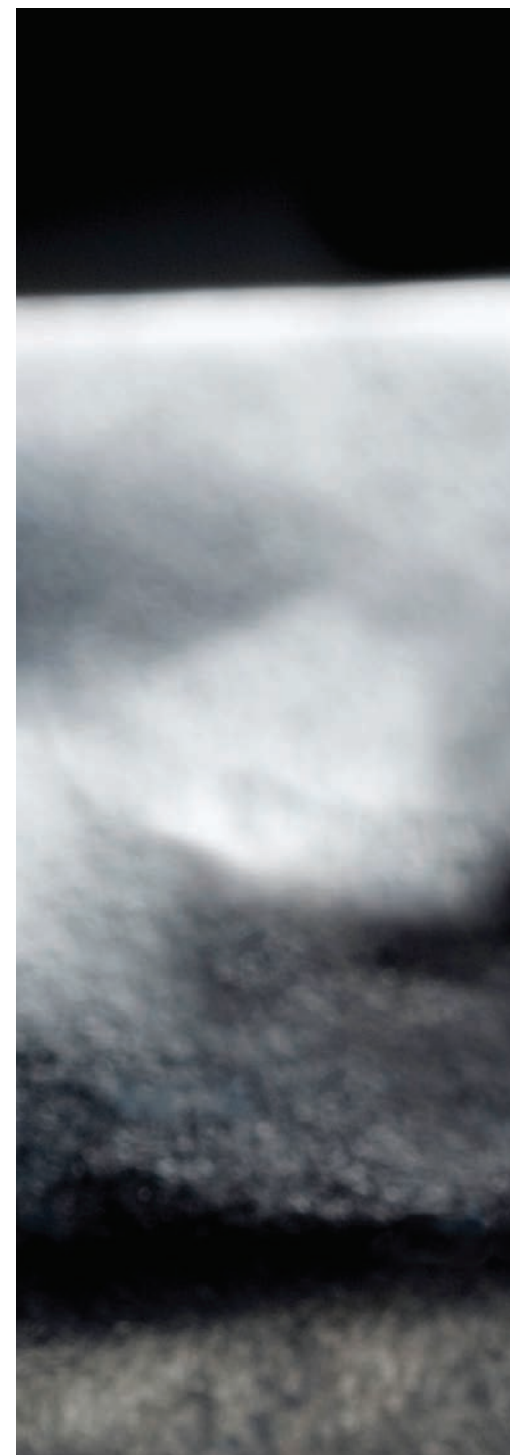
“We’ve been treading water in recent months,” he says. “It’s been frustrating. We’d like to work with the pub industry, but it hasn’t been sympathetic. We knew we wouldn’t get the support of the British Beer & Pub Association or the BII for the campaign. They argue that the smoking ban is here to stay and we have to move on, and I think that’s a pity.”

**S**ave Our Pubs & Clubs is an attempt to rebuild a movement among the trade’s grass roots, among independent community pubs, and to develop new alliances. Clarke is convinced the potential is there.

“It’s not an issue that’s going to go away. It’s destroyed people’s social lives. We’re still getting complaints from angry members of the public, and there are licensees losing thousands a week, who can’t go on like this. The new breed of pub-goer that was supposed to come along hasn’t happened. We were sold a lie.

“I’m not suggesting for a moment that every pub closure we see is caused by the smoking ban, but it’s clear that it’s had an adverse impact, and it’s outrageous to claim, as some do, that not a single pub has closed as a result of the ban.

“It’s true there’s a high compliance rate, but that’s because the penalties are so severe. Smokers have adapted,



but a significant minority of people are unhappy.

“It’s had a major impact on their social lives, and in many cases they’ve stopped going to the pub.

“And the law is unfair on landlocked pubs. If you’ve got a nice beer garden, or you run a gastropub, you might have done well out of the ban, but we don’t have a level playing field.

“We need regulations, but they should be reasonable,” Clarke continues.

“The smoking ban is unreasonable. The rules on external structures are petty and vindictive. They’re



IMAGE PHOTOS.COM

about making life unpleasant for smokers. There's no such thing as a comfortable outdoor area in January and February!

"Smokers are treated like vermin these days. It's intolerance towards a section of the population. They are trying to force people to give up by making it physically more difficult to smoke, but that's like helping an old lady across the road when she doesn't want to go.

"Politicians genuinely believe they're being helpful, but the nanny state has become the bully state rather than educating people about the risks."

**S**trong words, but will the politicians listen? Before the election Clarke was hopeful that the autumn review would be an opportunity to get reform on the agenda, despite the danger that the law would be extended.

"I had mixed feelings when I heard it wasn't going ahead," he says.

"There was a sense of relief. A Labour Government review might have been a whitewash that would have ignored pub closures and come out with junk science about the benefits of the ban, and go on about how popular it is.

**“Politicians genuinely believe they’re being helpful, but the nanny state is becoming the bully state**

“And an extension of the ban was a big fear.

“At the same time, we were disappointed. It would have been a good opportunity for us to get across the message that the smoking ban has been counter-productive, that it has been a factor in a lot of pubs that are closing down, and it has also caused other problems for pubs, such as noise and litter.

“And at the meeting we had in March with pubs minister John Healey, he was quite sympathetic. He assured us that the review would take into account the interests of all stakeholders.” ▶

## 42 Smoking

In a way, nothing has changed for Save Our Pubs & Clubs. It is targeting its lobbying at the intake of new MPs who Clarke hopes will be more open-minded. The Binley EDM is, he believes, “a sign that the issue is not dead and buried”.

“We’re not trying to remove the ban – we’re trying to amend it and separate smoking rooms will save some pubs.”

“Other European countries have diluted legislation away from a blanket ban, and many others have less draconian regulations. I’d like Britain to be on a par with France, Belgium, Germany and Spain.”

“Spain seems the perfect compromise, where bars more than 100sq m can have a smoking room; bars under 100sq m can decide whether to allow smoking. It gives the proprietor, customers and staff a choice.”

In fact, the Spanish government has expressed an intention to impose a blanket ban by 2011, so Clarke may have fewer allies than he thinks.

But there remains the prospect of tougher legislation. It was former health secretary Andy Burnham who wanted a review to extend the ban to doorways and beer gardens, taking his cue from initiatives in the United States where, for instance, the city of Seattle has imposed an 8m “exclusion zone” around public buildings.

That would, as Clarke says, have a huge impact on pubs if it was implemented in the UK.



Separate space: the lobby group claims smoking rooms will save pubs



Butt out: the ban may be extended



Impact: communities are affected

**“Damage to pubs could be 10-fold if the ban is extended outdoors. Do we want to be a nation that stays at home?”**

“They say we’ve moved on, but the Save Our Pubs & Clubs Campaign is as much as anything designed to dissuade politicians from extending the ban. If we roll over and accept things as they are, it makes it far easier for our opponents to move to the next stage. For them a ban affecting outdoor public spaces is the next logical step.

“The pub industry has to take this seriously. Momentum can build very quickly in politics and the damage to pubs could be 10-fold if the smoking ban is extended outdoors. Do we want to become a nation that stays at home all the time?”

“Our points are still completely valid. Pubs are closing and the impact on local communities, the loss of having somewhere to socialise, is a big cause for concern.

“Our campaign is in its infancy, and now we are more determined than ever.”

### ‘It’s time to embrace the new environment’

**Mark Hastings, director of communications, British Beer & Pub Association**

We do not want to see a return to smoking in pubs. It would be a backward and unwelcome step.

The ban has certainly created problems for some pubs, but there is neither public nor political appetite for a return to smoking in public places.

We have to embrace the new environment and get on with trading.

It’s important to recognise that the smoking ban is here to stay. Some 75% to 80% of the population do not smoke and do not like smoky environments.

Many pubs have embraced and even welcomed the change. People enjoy being in smoke-free pubs.

It’s created a better environment for families and

there is clearly an opportunity to get people back into pubs, though that has been blunted over the past couple of years by the downturn in the economy.

A review would not have made any difference. It was never the intention of the Department of Health to go backwards, and there was a danger it would give elements of the health community the opportunity to extend the ban into outdoor areas.

It’s not been easy and it won’t be easy for a while yet, but it’s better to have the clarity of a smoke-free environment.



### ‘Smokers won’t return if the ban is lifted’

**Nick Bish, chief executive, Association of Licensed Multiple Retailers**

I don’t think there will be a review and we should be glad of that. It would not have removed anything and it would be an opportunity to allow proximity bans – in gardens, around doors.

It would be a huge distraction, and people would be coming out with all the spurious statistics again. We’ve moved on – and on and on.

I wish them luck in the campaign to get smoking rooms, but there may be more hope of

relaxing the rules on smoking shelters – perhaps allowing 80% enclosure with ventilation equipment.

Another way we could go is to get the signs down. People know pubs are smoke-free now, so they’re not needed. That would appeal to the coalition Government’s agenda for deregulation.

But if anyone asks whether we would go back – no, we probably wouldn’t.

The theory that new customers would come back into pubs that are smoke-free hasn’t been borne out, and the reverse would be true.

Smokers won’t come back if the ban is lifted.

**80%**

shelter rules could be relaxed, allowing this level of enclosure with ventilation equipment



## 'We might get some movement on reform'

**John Madden, executive officer, Guild of Master Victuallers**

We've already been in touch with the Department of Health, asking whether it would consider introducing smoking rooms and it's given us a flat 'no'.

For them it's the recession that's causing the problem.

We are arguing that our members, and MPs, support the EDM, though. It would have had no chance under Labour – they only wanted to extend the ban to pub gardens and doorways.

But it could get a different reception now there's a change of Government.

Deregulation is a coalition thing, and if this Government wants to help our industry, allowing smoking rooms is a way to do it.

I can't see much movement on repealing the ban – that would cause such a backlash. But we might get some movement on reform.



## 'It's up to individual businesses'

**Amanda Sandford, research manager, Action on Smoking and Health**

Our surveys and the Government's show overwhelming support for smoke-free public areas. Compliance is incredibly high and attitudes have changed so much.

We are reasonably happy with the law as it stands. A review could have worked both ways. When it comes to outdoor areas the benefits of a ban are less clear.

It can be a nuisance when people smoke in doorways, but it's not life-threatening. It's up to

individual businesses to determine whether there's a problem.

Arguably there's a case to be made for the ban to be extended to children's playgrounds.

That would send out a positive health message. But perhaps we don't need a law about it.

A lot is down to common sense and courtesy.



## 'Getting rid of smokers has damaged trade'

**Martin Caffrey, operations director, Federation of Licensed Victuallers Associations**

I'm pleased the review has been shelved. The industry was anticipating a tightening of legislation, extending the ban into beer gardens and pub frontages.

But we would also welcome any relaxation in the law. The original legislation was supposed to get rid of the smoke, but it's got rid of the smoker, and that's damaged trade.

It was everybody's hope that smoke-free pubs would attract new customers, but that

doesn't appear to be the case, and rating revaluations now accept that the smoking ban is a valid reason for a pub's downturn in trade.

It would be utopian to think we could get the whole legislation removed, but we will look at anything that will help our members' trade and we would certainly actively campaign for smoking rooms.



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