



RECEIVED 18 FEB 2007

# The Scottish Parliament

(For official use only)  
PUBLIC PETITION NO.

PE 1042

Should you wish to submit a public petition for consideration by the Public Petitions Committee please refer to the guidance leaflet entitled "How to submit a public petition".

## NAME OF PRINCIPAL PETITIONER:

Belinda Cunison

## TEXT OF PETITION:

The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.

*"Petition by John Smith, on behalf of Edinburgh Community Council, calling for the Scottish Parliament to consider and debate the need for new legislation to tackle anti-social behaviour."*

Petition by Belinda Cunison, on behalf of Freedom to Choose, calling for the Scottish Parliament to review the smoking prohibition and control provisions of the Smoking, Health and Social Care (Scotland) Act 2005, and to adopt a comprehensive approach to indoor air pollution by introducing a Regulated Indoor Air Quality Standard.

## ACTION TAKEN TO RESOLVE ISSUES OF CONCERN BEFORE SUBMITTING PETITION:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please provide a summary of the action you have taken to resolve your issue of concern including details of elected representatives you have approached.

Like others involved in Freedom to Choose, I (Convener in Scotland) have been involved in correspondence with my constituency MSP (in my case Malcolm Chisholm, and through him with the office of the Health Minister).

#### **ADDITIONAL INFORMATION:**

Provide any additional information relevant to your petition and set out the reasons why you consider the action requested to be necessary. This information will be made available to Members of the Committee prior to its consideration of your petition and should be limited to no more than 4 sides of A4. If you wish to use the e-petitioner system your additional information will be posted on the web page with your petition and you may provide further sources/links to background information.

The ban on smoking has serious problems. We would like it to be reviewed with the following considerations in mind.

1. Damage to business, demonstrated in bingo hall closures and the club and pub losses demonstrated in Fife: these are serious and more closures are imminent. This means that clubs have to choose between supporting charities and laying off staff.
2. Evidence that smoking is increasing.
3. Ethical problems in requiring people to stand outside in cold weather, especially elderly, disabled and other vulnerable groups.
4. Considerable dispute about the arguments concerning damage caused by passive smoking. Contrary to government assertions this is a very controversial and disputed issue. Smoke falls well within the pollution levels set by the OSHA.
5. The health aspects of the legislation are assumed to over-rule every other consideration, including economic issues (the evidence of business failures) and social ones (the high likelihood that smokers will experience more isolation, especially those in vulnerable groups).
6. Overt government promotion of smoking cessation treatments, which have undergone a massive boost in sales. Such solutions have a failure rate exceeding 75 per cent, and public money is being spent making them available to the public.
7. Ignoring the possibility of resolving the problem of smoke using ventilation and related technology, based on the assumption that such technologies are incapable of improving. As things stand they are capable of removing 'bird flu' virus and converting nitrogen oxide to water vapour. Considering that the jury is still out on the passive smoking risk and most people are concerned only about the smell of smoke, this should be a realistic option.
8. It requires an unreasonable level of responsibility on the part of licensees for enforcing legislation, which is disruptive to the traditional relationship between hospitality staff and patrons.

**We favour a Regulated Indoor Air Quality Standard in pubs and other workplaces.** This would measure air quality according to its content, regardless of the pollution source. It would be enforced by environmental health officers, obviating the necessity for employing 'smoke police' to act against citizens and licensees for smoking offences.

**E-PETITION:**

Before submitting a petition formally to the Parliament, petitioners may wish to use the Parliament's e-petition system to promote their petition. The system allows a petition to be hosted on the parliament's website (<http://epetitions.scottish.parliament.uk/>) for an agreed period, providing an opportunity to attract a wider audience and gather more names in support of the petition. Each e-petition has its own discussion forum, where visitors and supporters can discuss and debate the petition and related issues. When the agreed period for hosting a petition on-line ends, the petition is formally submitted to the Public Petitions Committee for consideration in the usual way. Should you wish to use this system please provide the further information requested below. Please note if you wish to make use of the e-petition system, you should submit your completed template by e-mail to the address provided below.

Do you wish your petition to be hosted on the Parliament's website as an e-petition?

YES

NO

If "Yes" please enter a closing date for gathering signatures on your petition, (we would usually recommend a period of around 6 weeks; please also provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

**CLOSING DATE:**

**COMMENTS TO STIMULATE ON-LINE DISCUSSION:**

Please provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

**EMAIL ADDRESS:**