

**National Assembly for Wales
Health, Social Care and Sport Committee
consultation on the Public Health (Wales) Bill**

Consultation response from the
British Lung Foundation Cymru Wales



About us

We are the only charity in Wales campaigning for the nation's lung health, with the aim of ensuring everyone in Wales breathes clean air with healthy lungs. One in five people in Wales are affected by lung disease, and we provide help, hope and a voice for them through our range of support services, funding research into new treatments and cures, and campaigning for improvements to public services and policy.

We are responding to this consultation with the nation's respiratory health in mind, and as such will only comment on the relevant sections of the Bill as well as suggesting additions.

BLF Cymru Wales comments on existing general principles

- *re-state restrictions on smoking in enclosed and substantially enclosed public and work places, and give Welsh Ministers a regulation-making power to extend the restrictions on smoking to additional premises or vehicles;*

We would support giving a regulation-making power to Ministers to extend smoking restrictions to additional premises or vehicles. Recognising that the legislation process can be long, tiresome and burdensome in many cases, and learning lessons from the failure to pass the previous incarnation of this Bill, ensuring Ministers are able to act swiftly to respond to new evidence in the interest of public health is important.

- *place restrictions on smoking in school grounds, hospital grounds and public playgrounds;*

We would support further restrictions on smoking in some unenclosed public spaces such as those provided for in the Bill. In particular, we welcome smoking restrictions on school grounds and playgrounds, places where children are present. Children's lungs are more adversely affected by tobacco smoke than adults' lungs, and given that children are given less freedom to remove themselves from polluted

areas, ensuring legislation protects them is vital. Introducing these further restrictions would have the added effect of combating the normalisation of smoking.

- *provide for the creation of a national register of retailers of tobacco and nicotine products;*

We welcome proposals for creating a national register of tobacco retailers, which should help crack down on illegal tobacco sales and assist in communication between regulators and retailers themselves. A register would also allow Welsh Government to monitor tobacco sales, providing a useful data source to help target smoking cessation efforts more effectively.

However, we would argue that a register of retailers of nicotine products should be separate to a register of tobacco retailers. While e-cigarettes do to some extent blur the line between the two, retailers of tobacco and retailers of nicotine products can be quite different establishments. A corner shop stocking cigarettes would need to be communicated with in a very different way to a pharmacy stocking nicotine replacement therapy products. We believe creating separate registers would help aid appropriate communication with retailers regarding the different products.

- *provide Welsh Ministers with a regulation-making power to add to the offences which contribute to a Restricted Premises Order (RPO) in Wales;*

We would support this measure, which should help deter retailers from breaching any new requirements associated with a retailers' register as well as aid the enforcement of tobacco legislation and regulation.

- *prohibit the handing over of tobacco and/or nicotine products to a person under the age of 18;*

BLF Cymru Wales supports this measure to further restrict the access to tobacco products by those under the age of 18.

- *require Welsh Ministers to make regulations to require public bodies to carry out health impact assessments in specified circumstances;*

We support the concept of health impact assessments, and would welcome an expansion of their use across the work of public bodies. In particular, we believe

there is a benefit to using HIAs in areas of public policy that aren't always considered from a health standpoint, such as when dealing with the issue of air pollution. We would therefore urge any regulations to take environmental measures into particular consideration when requiring HIAs. We would also like the Committee to consider whether the requirements on public bodies would be better put on the face of the Bill rather than created through regulation.

- *change the arrangements for determining applications for entry onto the pharmaceutical list of health boards (LHBs), to a system based on the pharmaceutical needs of local communities;*

We welcome these proposals in the hope that they will improve access to pharmaceutical services in the community. People with chronic lung conditions are on average less mobile than the wider population, and it is therefore

We would only raise that the impact of these proposed measures on non-geographically-based providers of pharmaceutical services, such as the current Wales-wide oxygen service provision, is considered.

What's missing?

While we welcome the additional tobacco control measures contained within this Bill, we believe there are other public health issues not covered by the Bill which have a significant effect on lung health.

Air pollution

Research has shown that dirty air has a huge impact on all our health. For people who already have a lung condition, it worsens their conditions and increases their chance of hospitalisation. For all of us, it increases our risk of lung cancer and conditions like asthma. For children's growing lungs, pollution can do lasting damage to their development. Pollutants in the air have been linked to over 1,300 early deaths a year in Wales and 40,000 across the UK. Overall air pollution is estimated to cost the UK economy around £27 billion a year.

Recent statistics from the World Health Organisation found that levels of particulate matter (PM₁₀ and PM_{2.5}) pollution in Port Talbot, Swansea and Cardiff are unsafe. Levels of nitrogen dioxide (NO₂) also exceeded legal limits in 2013 in the Cardiff area.

Despite the recognised effect of air pollution on children's lungs, research by the British Lung Foundation Cymru Wales through Freedom of Information requests

showed that many local councils (20% of respondents) did not view schools as a priority for air quality monitoring, with a further 53% referring to following current DEFRA guidance which also doesn't prioritise schools. We are concerned about levels of pollutants in the air outside schools, which can go undetected by conventional diffusion tubes due to the nature of that method of monitoring.

To deal with this often neglected public health issue, we would like to see added to the Bill a general principle of seeking to reduce the impact of air pollution on the people of Wales, with specific legal duties for:

- local health boards and Public Health Wales to alert those most vulnerable to dirty air to forecasted high air pollution levels;
- local authorities to rigorously monitor air quality outside schools, and on active travel routes; and
- local authorities to regularly publish data on air quality monitoring in a standardised and accessible format.

We would also like the Bill to amend the existing Active Travel (Wales) Act to ensure regard is given to air quality by local authorities when recognising active travel routes.

Statutory target on smoking prevalence

We would like the committee to consider including within the Bill a statutory target on reducing the numbers of adults smoking. The current Welsh Government target within the Tobacco Control Plan is to reduce the numbers of adults smoking to 16% by 2020. This is a bold target for Wales, but at present it is simply a health board and civil service target like many others. We would like to see this target put on the face of the bill, and a requirement for Ministers to report annually to the Assembly on smoking prevalence rates.

Despite the Welsh average smoking prevalence rate decreasing, there is significant local fluctuation in the most recent available Welsh Health Survey figures. For example, smoking prevalence in Newport increased from 17% in 2014/15 to 19% in 2015/16, and in Flintshire prevalence increased from 14% to 16% over the same period. Aneurin Bevan LHB also saw an increase from 21% to 22% in that same period. We would therefore ask the Committee to consider the need for additional more localised targets, either on a health board or local authority area basis.

Not much use is made of statutory targets, but they do exist for issues like child poverty and greenhouse gas emissions. Setting a statutory target in this way would send a clear message that this is an important issue and worth releasing money for.

Physical activity and exercise

We note that the Bill doesn't currently deal with the issue of physical activity and exercise, and fear this is a missed opportunity. Ensuring adequate access to exercise services is important in improving the health of an ex-smoker, someone with a chronic respiratory or other condition, and the wider population in general. To this end, we would recommend that the Bill amends the Well-being of Future Generations (Wales) Act to ensure that plans created by local service boards adequately provide for NHS, local authority and third sector exercise provision, including specialised rehabilitation and the National Exercise Referral Scheme.

For further information please contact:

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