

# Press Release

Association of Licensed Multiple Retailers

**28 October 2005 - IMMEDIATE**

## Smoking restrictions timetable – more chaos looms.

The Government has NOT fully reinstated the John Reid proposals for smoking restrictions in public places; It has dramatically foreshortened the timetable - presumably as a sop to the health and anti-tobacco campaigners.

The original plans for pubs and bars were for “arrangements to be in place by the end of 2008”. Now we have the Health Secretary announcing that the restrictions will happen by the summer of 2007 – just 18 months from now.

The *ALMR* believes this is an impossibly short period to define the details, to debate the bill and to deliver the implementation.

Alex Salussolia, Chairman of *ALMR* and MD of Glendola Leisure says, “Licensed retailers know to their cost that 2\_ years after the Licensing Act was passed the implementation is still a shambles because the rules and regulations were not properly thought through and published in time. The Health Bill has only just been tabled and surely must not be debated until the details have been defined?”

The Bill is beset with uncertainty and *ALMR* still believes that sensible decisions can still be made on:

- Definition of food
- What is enclosed space
- Universal availability of smoking rooms
- The timetable for implementation.

*ALMR* members want the best deal for their staff, their customers and their businesses. They are delivering these solutions at the moment but are dismayed by government’s premature promises founded on confusion. They need certainty and they want to help achieve this.

## ENDS

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## Notes for Editors:

1. The Association of Licensed Multiple Retailers (*ALMR*) is the only national trade body dedicated to representing the interests of on-trade retailers – principally pub, bar, club and restaurant operators. Unlike other trade bodies it does not represent producer interests. The focus and drive of the Association is therefore the small-scale entrepreneurial and innovative operator, and we are keen to ensure that this is reflected in the way in which our audiences view us.
2. Currently, just fewer than 100 companies are in membership, between them operating more than 30,000 outlets – around half the UK pub and bar estate. Member companies include the major tenanted pub companies such as Punch Taverns and Enterprise Inns, the retail arms of regional brewers such as Fuller Smith & Turner and Charles Wells and major managed operators like Laurel However, the bulk of our membership is derived from small independent companies operating 50 outlets or less under their own branding - niche operators such as Glendola Leisure, Massive and Inventive Leisure.
3. In its submission to the Health Department’s consultation the *ALMR* called for:
  - Smoking rooms
  - Exemptions for the smallest businesses
  - No smoking at the bar

- No smoking in back-of-house working areas
  - Signage requirements only where smoking is permitted
  - Penalties for those lighting up in no-smoking areas – less so for licensees and staff
  - Gradual tightening of restrictions through to 2010
  - A single policy for England **and** Wales
4. The Association's detailed submission to the government expands on all these point – here in the **Executive Summary** and in the full submission that is available on request.
- *ALMR* supports the **intentions of the Bill** in seeking to improve public health by reducing opportunities for consumers to smoke; to improve the welfare of staff in our premises by reducing their exposure to pollutants; and to take account of public opinion and the opinion of those most directly affected by the proposed regulations.
  - In essence the Association accepts that **no-smoking should indeed be the norm** and that the legislation will deliver this. Against the background of the near universality of smoking restrictions we believe that there should be the provision of **smoking rooms** under regulated conditions, and that the smallest and most economically **marginal businesses be exempted** from a ban.
  - We are very concerned about the potential impact on employment in our industry and estimate that this could be in the region of 6% of **sector employment** of nearly 32,000 jobs. (BDO Stoy Hayward) We believe that government should support such businesses that can demonstrate severe losses attributable to the new regime.
  - We acknowledge the exemption proposed for premises not preparing or serving **food**. We believe that this exemption as it is currently formulated, however imaginative, may lead to unintended consequences. We have addressed the specific question in the response.
  - If the objective is to protect customers and staff from ETS then the government should follow the example of at least 3 European countries and consider how **smoking rooms** may be defined and operate in otherwise non-smoking premises.
  - The hospitality industry has met and exceeded public expectations in the provision of non-smoking food areas, non-smoking bar areas, genuinely effective ventilation and the opportunity for customers to make their own choices. Nevertheless we are now contemplating legislation and we urge that there be the **maximum possible timescale** to allow businesses to prepare themselves and their customers for the new regime. This would be a genuine part of the lead-in to the new regime – much as transition has been part of licensing reform – and in which the industry would expect government support to minimise the worst aspects of the downside that the industry fears. We therefore submit that the **spring of 2010** would be an appropriate implementation date in order to prepare the businesses and their customers for the new regime.
  - We consider that the proposed **exemptions for members clubs** are illogical in terms of staff protection and unfair in competition law. We recommend that all categories of clubs be treated as other licensed premises with the same restrictions, exemptions and regulations as apply universally.
  - Our members own and operate premises in England, Wales and in Scotland. We recognise that the Scottish Parliament has powers in this matter and has legislated for a ban in Scotland; we regret this. We strongly recommend that Parliament does **not devolve powers to Wales** and that the legislation and regulations are applied universally and evenly across England and Wales.
  - The *ALMR* opposes any derogation for smoking policy to **local authorities**. We believe that local smoking policies would cause confusion to customers and businesses, and increase administrative and enforcement costs. Local authorities' discretion is currently being considered in the House of Lords where we have petitioned against the 2 Private Bills there. Notwithstanding our preference for national policies, this should not be taken as any sort of support for a national, total ban.
  - We suggest that compulsory **signage** should relate only to premises and places where smoking is permitted. This is in the spirit of the new, tight restrictions and indeed could be enhanced by using the 'Smoking Allowed' signage to include appropriate public health messages. We believe that the costs of new, universal signage have been not only underestimated but absolutely ignored; these costs include development, installation and maintenance.

- We are conscious that **planning** rules vary markedly throughout the country and would welcome specific planning policy guidance (PPG) from central Government to local authorities to ensure consistency in the treatment of planning permissions for the construction of external facilities, in line with the provisions of the Bill.
- We believe that all this can best be achieved by an industry-government agreement to promote the current **voluntary change ahead of the legislation**. This will help to ensure both that the damage to small businesses and community facilities is reduced, and that some of the benefits eventually accruing from the changes can actually be achieved earlier than the legislative date.