

freedom2  
choose

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in

Scotland

**ANNUAL REPORT TO  
31 DECEMBER 2008**

## **INTRODUCTION**

Freedom to Choose (Scotland) marks its second annual general meeting with an enhanced profile. Our partnership with the UK Freedom2Choose group is vital, giving us access to an Internet discussion forum, an internationally renowned website and a close working relationship with its committee.

## **ACTING CHAIRMAN'S STATEMENT**

Welcome to the second Annual Report of Freedom to Choose (Scotland). As you will see from the Annual Report, we have been involved in many initiatives particularly in the last few months, both in Scotland and in the UK as a whole working in partnership with F2C (UK).

We have entered the political arena by becoming a member of the Cross-Party Group on Human Rights and Civil Liberties in the Scottish Parliament, have petitioned the Parliament to review the consultation 'Achieving smoke-free mental health services, as we see it as fatally flawed, while at the same time putting our own response to the Consultation.

On the UK front the CIU initiative is bearing fruit as is the lobbying of MPs and PPCs (see report below from Phil Johnson), and in the last few months' press releases from F2C have been taken up by the press together with quotes from our spokespersons.

Manchester Radio Online has also broadcast discussions on the smoking ban, and these have proved to be a valuable way of getting our message out to the public.

I would like to thank Belinda for all the work she has done as Secretary, and Michael for the often thankless but essential job of Treasurer.

Eddie Douthwaite  
Acting Chairman  
Freedom to Choose (Scotland)

## **FROM FREEDOM2CHOOSE (UK)**

Freedom2Choose is now making serious inroads into regaining our freedoms. The war against complete tobacco control is getting under way and the likes of ASH and Cancer Research UK are beginning to falter, as their extremist demands are not being met. The truth of all that lies behind the smoking ban is now emerging, much to the chagrin of these anti-smoking organisations.

Freedom2Choose (UK) has secured the full support of the Club Institute Union (CIU) with a membership of over 4.5 million members and giant strides are now being made with meetings being arranged with MPs and Prospective Parliamentary Candidates (PPCs) with a view to amending this cruel, spiteful ban that has killed more than 4,000 businesses.

It is hoped that the fruition of these meetings causes similar meetings to go ahead in Scotland even though Scotland is more advanced on the smoking ban front.

It is becoming more apparent that the actual costs of implementing smoke bans far outweigh the outcomes achieved. Nothing is clearer than the fact that people who are determined to quit smoking and have the willpower to do so, will quit. The exorbitant costs of the Nicotine Replacement Therapy programme are outrageous. Last week the Department of Health announced that at a cost of £51m there had actually been a 15 per cent *drop* in 'quitters'. No country can afford such outlandish financial wastage in the name of healthism when, at the end of the day, we are all in charge of our own destiny. 'Healthism', 'nannyism' or whatever you want to call it has gone berserk, and therefore it is up to the people to rise up in protest against these 'ism's' before our lives and lifestyles are totally dominated by 'big brother' governments.

Freedom to Choose (Scotland) is fighting the insidious tobacco control measures being brought to Holyrood by the insatiable anti tobacco groups, such as ASH, for example in responding to recent consultations on the issue of tobacco control.

Phil Johnson  
Freedom2Choose Club Liaison Officer

### **COMMITTEE**

The Committee this year has included Martin Carroll (Chairman), Eddie Douthwaite (Vice Chairman), Belinda Cunnison (Secretary) and Michael Davidson (Treasurer). Ian Robertson was nominated as fundraiser and social secretary but decided not to renew his membership during the year.

Martin Carroll has submitted his resignation as Chairman. We would like to thank him for the many very challenging meetings that he has chaired over the last two years. He will remain in touch with us.

Committee members are required to retire at the end of the second annual general meeting after their election.

### **BANK ACCOUNT**

There was a deficit of £463 to December 2008. We used £200 on TICAP membership. Other significant expenditure included 'traffic light' postcards promoting the conference and tri-fold leaflets (£300), catering for the 2008 AGM (£100) and local advertising in a magazine (£255). Income is made up of membership subscriptions/renewals (£170).

A full viewing of the accounts is available to members on request.

### **WE HAVE MOVED!**

Following 25 years at the Port O' Leith bar in Leith's Constitution Street, Mary Moriarty retired at the beginning of 2009, and we have sought a new base for our local postal address. We would like to thank Mary for looking after incoming mail, watering us after meetings, continued membership and many helpful suggestions.

Our new premises are at The Dalmeny Bar, 297 Leith Walk, Edinburgh, EH6 6SA. Christine Henderson and her staff have already made us very welcome, and we hope our involvement with them will be long and productive!

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**Freedom2Choose (Scotland) : Contact: Freedom2choose (Scotland)**  
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## **CROSS PARTY COMMITTEE ON HUMAN RIGHTS**

Freedom to Choose (Scotland) has joined The Scottish Parliament's Cross-Party Group on Human Rights. Eddie Douthwaite represented us at their meeting on 26 March 2009 and took the opportunity to introduce our group and concerns to the cross-party committee, including concerns about the extent and use of council surveillance powers and government monitoring of personal emails.

## **PETITIONS – NEW EVIDENCE**

The petitions submitted early in 2007 by Freedom to Choose (Scotland) and the Fife Smoking Action Group were closed at a meeting of the Health & Sport Committee in October 2008. The Committee undertook to keep the petitioners informed of any future 'post-legislative scrutiny', at which time the evidence we presented might be considered.

During the Glenrothes by election campaign, the SNP party leader Alex Salmond and local MSP Tricia Marwick visited the CISWO (Coal Industry Social Welfare Organisation) club in Glenrothes, Fife. They promised a meeting with SNP leaders about the smoking ban. In the event the meeting set up was with the Head of Tobacco Control at St Andrew's House. No progress was made in gaining an opportunity to put evidence before elected parliamentarians, and in spite of lengthy correspondence no further meeting has been secured.

Both the Health & Sport Committee and the Tobacco Control department have maintained that there is 'no new evidence' regarding the justification for smoking bans or their effect, since the implementation of the smoking ban in Scotland in March 2006. Examples of new evidence that do exist, however, include:

- 1, Figures presented by CISWO demonstrating losses experienced by individual clubs in the Fife area in the months following the ban's introduction in March 2006.
- 2, The publication (and subsequent withdrawal) of the Health and Safety Executive Circular<sup>1</sup> (August 2006) that declared, '*In essence, HSE cannot produce epidemiological evidence to link levels of exposure to SHS to the raised risk of contracting specific diseases.*'
- 3, ASHRAE Standard 62.1<sup>2</sup> sets minimum ventilation rates and other requirements for commercial and institutional buildings. The standard described here allows the creation of smoke-free and smoking areas in the same building

The Health & Sport Committee, backed by the department of tobacco control, has resisted frequent requests to hear evidence on the two original petitions PE1037 (to ask the Scottish government to amend the Smoking, Health and Social Care (Scotland) Act 2005) and PE1042 (to ask the Scottish Government to review the smoking prohibition and control provisions of the Smoking, Health and Social Care (Scotland) Act 2005).

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<sup>1</sup> OC 255/15 [http://wispopfsmoke.net/PDFs/255\\_15.pdf](http://wispopfsmoke.net/PDFs/255_15.pdf), replaced by OC 255/16.

<sup>2</sup> In *Ventilation for acceptable indoor quality* (2007), <http://www.ashrae.org/pressroom/detail/16298>,

## **MENTAL HEALTH CONSULTATION**

At the beginning of 2009, the Scottish government published a consultation on smoking in mental health services. The government sought to obtain public support to end the exemption from the smoking ban that has applied since the ban was implemented in March 2006.

By e-petition on the Scottish Parliament website, Freedom to Choose (Scotland) has called for a review of the consultation, a document that makes tenuous and dubious claims in support of its policy, with no supporting references. The petition<sup>3</sup> was posted on 2 April 2009 and collected signatures until 17 April, and will receive an initial hearing on 5 May. We also submitted a response to this consultation.<sup>4</sup>

Member Bill Gibson has also written to the First Minister to request an independent investigation into the mental health consultation, on the grounds that no references were presented, and that arguments were one-sided, failing to acknowledge the contentious nature of the issue at hand. In particular there is no evidence supporting a causal link between SHS and sickness. He has recommended the withdrawal of the consultation document because of its clear bias in favour of removing the smoking ban exemption and its misleading presentation of the issues. Bill has also requested an investigation into the working relationship between the Tobacco Control Division and ASH Scotland.

## **GRAMPIAN CONSULTATION**

NHS Grampian consulted the public about going smoke-free and F2C responded to this consultation also. Many hospital trusts in the UK operate smoke-free policies although Grampian NHS has admitted that it cannot enforce such policies on the public. The law does not contain provision for banning smoking in open spaces. As of 17 May 2009 the responses to this consultation had not been published.

### ***Freedom2Choose in the press***

A small working group in Freedom2Choose (UK) has been following the issue of outdoor smoking on grounds at all hospital trust sites. Local disagreement with the Trust's intention to introduce a blanket ban across its sites attracted the group's attention, and they encouraged the reporter to look into the legality of the Trust's actions. NHS Grampian told a reporter from the Evening Express that it does not have the authority to enforce an outdoor ban on the grounds of its hospital sites.<sup>5</sup>

## **TOBACCO DISPLAY CONSULTATION**

There has also been a further consultation on the Tobacco and Primary Medical Services Bill, which will ban the display of tobacco in all shops and supermarkets.

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<sup>3</sup> The petition is online at

[http://epetitions.scottish.parliament.uk/view\\_petition.asp?PetitionID=310](http://epetitions.scottish.parliament.uk/view_petition.asp?PetitionID=310).

<sup>4</sup> The Scottish consultation document is online at

<http://www.scotland.gov.uk/Publications/2008/12/22094350/0>. Responses to the consultation will be available from 8 May 2009.

<sup>5</sup> See 'Health bosses in Aberdeen can't fine smokers in NHS Grampian grounds', *Evening Express*, 17 March 2009, <http://www.eveningexpress.co.uk/Article.aspx/1124313?UserKey>.

Freedom to Choose (Scotland) responded to this consultation also. Responses can be viewed.<sup>6</sup>

### **MEMBERSHIP OF FREEDOM TO CHOOSE (SCOTLAND)**

There are three categories of membership in Freedom to Choose: full price, concessionary and associate. Rates are currently set at £10 full membership, £5 concession and £2 for associate membership. Associate membership is aimed at organisations such as working men's clubs, and allows members to join for a nominal fee without voting rights.

Ordinary/concessionary members can vote at meetings, and all are encouraged to take an active part in campaigns.

Freedom2Choose (UK) operates an influential website and active discussion forum. Because it represents a much bigger population, it has gained a higher profile in England than Freedom to Choose has in Scotland. Politically it is focussed on Westminster, while in Scotland we concentrate on Holyrood, where our smoking laws are passed.

Some of our members in Scotland, and most of our executive committee in Scotland, are also members of the UK group. Although the web site and discussion forum are effectively managed by the UK group, members of F2C (Scotland) are also included in the 'members' forum', and are entitled to participate in regular competitions.

Although we are effectively working under different governments, we aim to work with a similar ethos to the UK group.

### **FIRST ANTI-PROHIBITION CONFERENCE, BRUSSELS 2009**

Freedom to Choose in Scotland supported the first anti-prohibition conference, which was attended by Belinda Cunnison and Bill Gibson, who is also one of the directors of The International Coalition Against Prohibition. The conference, which took place in Brussels, is the first of a series of conferences planned by the organisers. It was attended by people from both sides of the Atlantic and covered many prohibition issues. Discussions in preparation for the second Anti-prohibition conference to take place at the end of this year are already under way.

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<sup>6</sup> Responses to the Tobacco and Primary Medical Services Bill are at <http://www.scottish.parliament.uk/s3/committees/hs/TGPBill/Evidence.htm>.