



# Cynulliad Cenedlaethol Cymru The National Assembly for Wales

**Cyfarfod ar yr un Pryd o Is-bwyllgorau'r Pwyllgor  
Menter a Busnes a'r Pwyllgor Iechyd a Gofal  
Cymdeithasol ar Reoliadau Mangreoedd etc Di-fwg  
(Cymru) (Diwygio) 2012**

**Concurrent Meeting of the Sub-committees of the  
Enterprise and Business Committee and the Health  
and Social Care Committee on the Smoke-free  
Premises etc (Wales) (Amendment) Regulation 2012**

**Dydd Mawrth, 22 Ionawr 2013  
Tuesday, 22 January 2013**

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynnddi. Yn y golofn  
dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were  
spoken. The right-hand column contains a transcription of the simultaneous interpretation.

**Aelodau'r Is-bwyllgor Menter a Busnes yn bresennol**  
**Enterprise and Business Sub-committee members in attendance**

Alun Ffred Jones	Plaid Cymru The Party of Wales
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Nick Ramsay	Ceidwadwyr Cymreig (Cadeirydd yr Is-bwyllgor) Welsh Conservatives (Sub-committee Chair)
David Rees	Llafur Labour
Kenneth Skates	Llafur Labour

**Aelodau'r Is-bwyllgor Iechyd a Gwasanaethau Cymdeithasol yn bresennol**  
**Health and Social Care Sub-committee members in attendance**

Mark Drakeford	Llafur (Cadeirydd yr Is-bwyllgor) Labour (Sub-committee Chair)
Elin Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Clare Hudson	Pennaeth Cynrychiadau BBC Cymru Head of BBC Cymru Wales Productions
Dr Jean King	Cyfarwyddwr Rheoli Tybaco Cancer Research UK Director of Tobacco Control, Cancer Research UK
Delyth Lloyd	Rheolwr Cysylltiadau Cyhoeddus a Chyfathrebu Sefydliad Prydeinig y Galon Public Affairs and Communications Manager, British Heart Foundation
Sion Clwyd Roberts	Arbenigwr Cyfryngau ac Eiddo Deallusol Capital Law ac Aelod o Gyngor Teledwyr Annibynnol Cymru Media and Intellectual Property Specialist, Capital Law, and a Member of the Welsh Independent Producers Council
Felicity Waters	Rheolwr y Wasg ac Ymgyrchoedd ASH Cymru Press and Campaigns Manager ASH Wales

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Lara Date	Clerc Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Marc Wyn Jones	Dirprwy Glerc Deputy Clerk
Philippa Watkins	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 9.08 a.m.*  
*The meeting began at 9.08 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introductions, Apologies and Substitutions**

[1] **Nick Ramsay:** I welcome Members, witnesses and any members of the public to today's joint meeting of the sub-committees established by the Enterprise and Business Committee and the Health and Social Care Committee. This meeting will be conducted bilingually. Headphones can be used for simultaneous translation from Welsh to English. The interpretation is available on channel 1, and amplification of the sound is available on channel 0. The meeting is being broadcast, and a transcript of the proceedings will be published. I remind Members to switch off their mobile phones, and I also remind you that there is no need to touch the microphones as they should operate automatically. In the event of a fire alarm sounding, I ask that you please follow the directions from the ushers.

[2] We have not been informed of any apologies for absence, but Darren Millar may be arriving late as he is attending the Business Committee meeting this morning. Eluned Parrott and Elin Jones are also delayed, but should be arriving during the course of the meeting. We have no substitutions.

**Rheoliadau Mangreoedd etc. Di-fwg (Cymru) (Diwygio) 2012—Sesiwn  
Dystiolaeth 1  
The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012—  
Evidence Session 1**

[3] **Nick Ramsay:** This is our first evidence session to look at the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012. I thank our witnesses for agreeing to join us today. Welcome. Thank you, also, for the papers and the evidence that you have provided. They have been very helpful to us in forming our questions to you. Unfortunately, due to the adverse weather conditions, Nia Thomas of the Producers Alliance for Cinema and Television has had to send her apologies for today's meeting, but we have PACT's written evidence to consider.

[4] Would you like to give your name and position for the record?

[5] **Mr Roberts:** Fy enw i yw Sion Clwyd Roberts. Rwyf yma ar ran Teledwyr Annibynnol Cymru. Rwy'n gyflogedig gan Capital Law ac rwy'n gweithio dan gytundeb i S4C i gynghori'r cwmnïau annibynnol ar draws Cymru.

**Mr Roberts:** My name is Sion Clwyd Roberts. I am here on behalf of Welsh Independent Producers. I am employed by Capital Law and I work under contract for S4C to advise independent companies across Wales.

[6] **Ms Hudson:** I am Clare Hudson. I am the head of productions at BBC Cymru Wales, which means that I have responsibility for all our in-house production outside news.

[7] **Nick Ramsay:** Thank you for that. I know that each organisation has nominated one representative to answer questions. I suggest, because we have a large number of questions for you, that we go straight into those rather than having any opening statements. As this is a panel session, I ask that Members indicate which organisation their question is directed at, if there is any confusion on that point. Alun Ffred Jones, I think that you wanted to ask the opening question.

[8] **Alun Ffred Jones:** Mae gennyf ddaud gwestiwn, a rwy'n meddwl mai Clare Hudson sydd mewn sefyllfa i ateb y ddaud

**Alun Ffred Jones:** I have two questions, and I believe that Clare Hudson is best placed to answer both questions, but certainly the first

gwestiwn hyn, ond yn sicr y cwestiwn cyntaf. Rydych yn dweud ar dudalen 7 o'ch tystiolaeth: question. You say on page 7 of your evidence that:

[9] 'The electronic cigarettes currently available are not a viable alternative: they are difficult to set up and don't show up well on screen.'

[10] Ydy hon yn broblem wirioneddol gyda sigarêts ffug, beth bynnag ydy'r rheiny? Is this a real problem with fake cigarettes, whatever they may be?

[11] **Ms Hudson:** It certainly is a real problem. All things are often thought to be possible in drama, but if the cornerstone of strong drama is authenticity, then that is something that is a driving principle of all of our drama production. All drama is now made in high definition, which makes these problems even more acute. When we have experimented with using the fake, electronic cigarettes, what our team has had to do, particularly for close-up shots, is to dismantle the cigarettes and create something new so that it looks more authentic. In HD, an electronic cigarette looks exactly what it is: an electronic cigarette. So, there are huge problems with using fake cigarettes. There are times when it is acceptable to do that and we can do it, but there are times when the camera will find you out. That is the issue for us with fake cigarettes. Obviously, there are a number of other options that we will probably discuss, such as computer-generated imagery, which also has huge issues, the first of which is cost and the extra—

[12] **Alun Ffred Jones:** Hoffwn ddod yn ôl at hynny wedyn. Ar y pwnc o'r sigarêts ffug, a oes cynrychiadau wedi cael eu gwneud yng Nghymru yn defnyddio'r rhain? Os oes, a allwch roi enghreifftiau i ni? **Alun Ffred Jones:** I would like to come back to that later. On the subject of fake cigarettes, have productions been made in Wales using these? If so, could you give us some examples?

[13] **Ms Hudson:** I know that we have used fake cigarettes, but, as I said, the props team has had to dismantle them and create new ones. So, when you have a large scene where many people will be required to be seen smoking, such as in a big ball in *Upstairs Downstairs*, you then have a huge additional cost.

[14] **Nick Ramsay:** I am sorry, Clare, when you say that the props team has dismantled them, what do you mean by that? Do you mean that they have tried to make them look more realistic?

[15] **Ms Hudson:** Yes, they have to make them look more realistic and they have to use the mechanism that creates smoke, but then they have to put in incense sticks and roll them up in cigarette papers. It requires a lot of extra time and the result is not as authentic as showing real smoke.

[16] **Alun Ffred Jones:** Hoffwn symud ymlaen at eich pwynt arall, sef y gost. Mae'r BBC yn cyfeirio at y gost, a chredaf fod PACT hefyd yn cyfeirio at y gost ychwanegol sylweddol. Mae cyfeiriad at '*considerable expense*'. Mae paragraff 1.10 ym mhapur PACT yn dweud: **Alun Ffred Jones:** I would like to move on to your other point, namely the cost. The BBC refers to the cost, and I believe that PACT also refers to the substantial additional cost. There is a reference to '*considerable expense*'. Paragraph 1.10 in PACT's paper states that:

[17] 'The cost of filming a 10 second close-up CGI shot of someone smoking can cost approximately £30,000.'

[18] Gyda'r dechnoleg newydd, ydy'r Gyda'r dechnoleg newydd, ydy'r With the new technology, is the £30,000 cost

gost £30,000 am shot 10 eiliad yn agos at fod yn gywir? Ai dyna'r math o swm rydym yn sôn amdano?

[19] **Mr Roberts:** Ydy. O'r hyn yr ydym yn deall oddi wrth y diwydiant, mae hynny'n eithaf cywir. Mae'r golygfeydd sy'n cynnwys ysmegu yn dueddol o ddigwydd yn eithaf rheolaidd yn ystod rhaglen neu ffilm. Yn amlwg, o'i gymryd yn ei grynsyth, nid yw'r ffigur o £30,000 yn afresymol, o'r hyn rydym yn ei ddeall gan y diwydiant.

9.15 a.m.

[20] **Alun Ffred Jones:** Rwyf eisiau pwysu arnoch ar hyn, oherwydd mae llawer o ddadleuon y diwydiant yn dibynnu ar ddau beth, sef nad yw'n edrych cweit yn iawn a'r gost ychwanegol. Rydym wedi clywed ei bod yn drafferthus iawn defnyddio sigarennau ffug, a bod y gost o dwyllo drwy roi'r mwg i mewn yn ddiweddarach ar CGI, o weld y ffigur sydd o'n blaenau yma, yn £30,000 am un *shot* 10 eiliad. Mae'r ffigur hwnnw yn anodd ei gredu. Oes gennych ffordd o awgrymu beth ydy cost defnyddio CGI ar gyfer creu'r effaith honno mewn unrhyw fath o raglen?

[21] **Mr Roberts:** Ni allaf ateb hynny'n benodol oherwydd, yn amlwg, bydd yr amgylchiadau bob amser yn wahanol—mae'n dibynnu ar y *shot* sydd ei angen ar y cyfarwyddwr ar y pryd. Yn amlwg, mae *shots* agos at wyneb unigolyn sy'n dangos manylder y sigarét yn llosgi, a'r mwg yn codi'n union ar yr adeg hynny, yn dra gwahanol i *shot* sy'n dod o bell, lle nad yw manylder y *shot* mor bwysig. Yn aml yn yr achosion hynny, mae sigaréts ffug yn gweithio yn ddigon da, ynghyd â defnydd o *dry ice* ac ati, i greu'r awyrgylch fyglyd sydd mewn ystafelloedd pan fydd unigolion yn ysmegu.

[22] **Alun Ffred Jones:** Gan ddilyn yr un thema, byddai'n fuddiol i'r pwyllgor hwn pe bawn yn cael ffigurau o ryw gynhyrchiad neu rhai cynrychiadau yn dangos beth ydy'r gost ychwanegol o ddefnyddio CGI fel modd o greu'r effaith hon. Fel arall, mae gwneud datganiadau cyffredinol yn llai defnyddiol o'n safbwynt ni.

for a 10 second shot close to the correct figure? Is that the sort of sum that we are talking about?

**Mr Roberts:** Yes. From what we understand from the industry, that is fairly accurate. The scenes that include smoking tend to happen quite regularly during programmes or films. Taking it as a whole, that figure of £30,000 is not unreasonable, based on what we understand from the industry itself.

**Alun Ffred Jones:** I want to press you on this, because many of the industry's arguments depend on two things, namely that it does not look quite right and the additional cost. We have heard that it is troublesome to use fake cigarettes and that the cost of faking it by adding the smoke later by using CGI, having seen the figure that we have before us, is £30,000 for a 10-second shot. I find that figure incredible. Is there any way that you could suggest what the cost of using CGI to create this effect is in any sort of programme?

**Mr Roberts:** I cannot answer that question specifically because, obviously, all circumstances are different—it depends on the shot that is required by the director at any given time. A close-up shot, showing great detail of the cigarette burning and the smoke going up at any particular moment, is very different to a long shot where the detail is not quite as important. Very often in those cases, fake cigarettes can work relatively well, as well as the use of dry ice and so on, to create that smoky atmosphere that exists when people smoke.

**Alun Ffred Jones:** Following the same theme, it would be beneficial for this committee to have figures from a production, or some productions, setting out the additional cost of using CGI as a means of creating this effect. Otherwise, making general statements is not as useful, from our point of view.

[23] **Mr Roberts:** Yn sicr, os ydyw o fudd i'r pwyllgor, rwy'n siŵr y gallwn fynd at gwmnïau arbenigol sy'n darparu'r math hwn o wasanaeth a rhoi enghreifftiau penodol lle fyddai'r gost o greu'r math hwnnw o awyrgylch yn berthnasol. Bydd yr amgylchiadau bob amser yn wahanol; nid oes un ddrama yn debyg i un arall. Felly, bydd angen dangos rhai enghreifftiau yn hynny o beth.

**Mr Roberts:** Certainly, if it would be of benefit to the committee, I am sure that we could approach the experts in this area that provide these kinds of services and give specific examples where the cost of creating that sort of atmosphere would be relevant. All circumstances will be different; no two dramas are the same. Therefore, we will need to give you more than one example.

[24] **Alun Ffred Jones:** Dyna'n union yr oeddwn yn gobeithio y gallech ei wneud.

**Alun Ffred Jones:** That is exactly what I was hoping that you would be able to provide us with.

[25] **Ms Hudson:** I will give you a little context about computer-generated imagery. It is easy to assume that it is a set of buttons that you can press. I know that you know this, but there may be others who do not necessarily understand this.

[26] **Nick Ramsay:** Some people might not be aware, but this is the process of creating the dinosaurs in *Jurassic Park*, is it not?

[27] **Ms Hudson:** Yes.

[28] In Wales, where we make *Doctor Who* and *Wizards vs Aliens*, we are very accustomed to using computer-generated imagery. So, we understand its limitations and its fantastic possibilities. However, it is true that you cannot just magic something out of nothing. With CGI, you have to create something real. You then have to film it and use something called a green screen. You have to go to a different area of the studio to do that aspect of it. You then need to take it to a post-production area that is able to deliver the particular effect that you require. Sometimes that is an easy move, and sometimes it has to be done at a distance. So, it is important to understand that CGI, even when it can be done and looks appropriate for the production, is a considerable disruption to that production. It is important to mention that, because that would be a factor for some people when they decide whether to make a programme involving smoking in Wales.

[29] **Nick Ramsay:** I presume that the actor would have to hold something and pretend to smoke.

[30] **Ms Hudson:** Indeed. As Sion said, in a close-up shot it is even more complex. CGI cannot just magic everything we want out of nothing. It is a fantastic tool, but it has its limitations.

[31] **Mr Roberts:** Mae hynny'n arbennig o wir o ran cynyrchiadau sy'n portreadu'r presennol. Yn achos y cynyrchiadau y mae Clare wedi cyfeirio atynt, maent yn gynyrchiadau ffantasi beth bynnag. Nid yw byd *Doctor Who* a *Wizards vs Aliens* yn bodoli, felly mae defnydd CGI yn fwy addas yng nghyd-destun y cynyrchiadau hynny. Yn amlwg, os ydych yn cynhyrchu drama sy'n gyfoes ac yn adlewyrchu bywyd caled unigolion sy'n byw mewn awyrgylch lle mae ysmegu yn gyffredin, gan geisio

**Mr Roberts:** That is especially true in relation to productions that portray the present. In the case of the productions that Clare has referred to, they are fantasy productions. The world of *Doctor Who* and *Wizards vs Aliens* does not exist, so the use of CGI is more appropriate in the context of those productions. Obviously, if you are producing a piece that is contemporary and reflects the difficult circumstances of individuals who live in an environment where smoking is common, while trying to reflect

adlewyrchu'r niwed mae ysmegu yn ei the damage that smoking does, along with  
wneud, ynghyd â chyffuriau ac alcohol, nid drugs and alcohol, then CGI is not, in all  
yw CGI yn opsiwn difrifol i'w gymryd. seriousness, an option.

[32] **Nick Ramsay:** If something is made up, you do not necessarily have anything to compare it with, so it is more difficult to make something that is realistic.

[33] **Mr Roberts:** The audience's acceptance of fantasy is more extensive in works such as *Doctor Who*.

[34] **Kenneth Skates:** May I ask the BBC, first, are you able to estimate the cost of the current situation of having to deal with the ban on smoking to the BBC production team? Are you able to do that in the independent sector? Is there any overall estimate of what it is costing productions in Wales either to relocate or to use CGI?

[35] **Ms Hudson:** I do not want to put forward figures that we cannot absolutely justify. There are some productions where this is not an issue at all, and the majority of what is currently on our drama slate is not affected by the fact that we cannot film smoking. However, in dramas such as *Upstairs Downstairs*, we had to do a considerable amount of what we would call 'working around', and there were cases in which we had to film scenes outside Wales. Where we are filming a scene that can be coupled with another scene that we are already doing in that place, that is not such a big cost, so it can be attached to another set of filming, and the cost of doing the scene somewhere else might only be £4,000 or £5,000. However, if we have to go specifically to Bristol to film a large scene involving a lot of crew, extras and so on, the cost can be as much as £25,000. So, there are real examples in *Upstairs Downstairs* of where we had to do that kind of workaround.

[36] **Kenneth Skates:** I am surprised that there is no estimate of that overall figure. If you are able to identify that it probably costs about £25,000 to relocate for one day and a further £4,000 per day subsequent to that or, alternatively, about £30,000 for CGI, I am surprised that you are not able to look at all your productions and identify all the smoking scenes and then produce an overall estimate. Would you be able to do that?

[37] **Ms Hudson:** We can have a go at it, but *Upstairs Downstairs* ran to two series, so there would be a huge amount of effort involved in calculating not just the fact that you had to move the crew from point A to point B, you had to give them overnights, and you had to cater for them somewhere different and all that, but also the logistical effort involved in planning that. Some of that is hard to quantify.

[38] **Kenneth Skates:** Yes, but an overall estimate would be beneficial, because a core issue for us is the cost—the cost to the industry and to the Welsh economy. It would be really helpful if we could get those estimates and for them to be as accurate as possible.

[39] **Ms Hudson:** We can certainly try to pin it down further. What that would not include, and it is something that concerns us greatly, is the productions that just do not come to Wales because of the additional hassle, complication and costs that an independent production company would predict that it would incur if it made that programme in Wales. That is one of our concerns; we cannot quantify that so easily.

[40] **Kenneth Skates:** I think that we will come to that question shortly. Are you able to provide any figures for the independent sector?

[41] **Mr Roberts:** I gefnogi'r hyn mae **Mr Roberts:** To support the comments that  
Clare wedi cyfeirio ato eisoes, mae'r golled i Clare has already made, the loss to the Welsh  
economi Cymru yn anodd ei mesur oherwydd economy is difficult to quantify, because it is

ei bod yn *opportunity cost*—hynny yw, dyna'r gost o golli cynyrchiadau sydd wedi eu lleoli yng Nghernyw neu yn unrhyw ardal arall yn Lloegr lle mae ysmegu yn cael ei ganiatáu. Cytunodd Llywodraeth Prydain yn y gyllideb ddiwethaf i ganiatáu *tax breaks* ar gyfer y diwydiant ffilm yn arbennig. Sefydlwyd hynny'n fwriadol er mwyn ceisio annog cwmnïau o fewn Prydain ac o'r tu allan i Brydain i ddod mewn i Gymru a Phrydain i leoli'u cynyrchiadau. Ein dymuniad ni yw galluogi'r cwmnïau hynny i ddod i Gymru heb fod unrhyw rwystredigaethau ar eu cynyrchiadau. Mae'r golled yn anodd ei mesur yn benodol, ond rydym yn ymwybodol o lefelau ariannol y ffilmiau rhyngwladol, sef £10 miliwn ac i fyny. Felly, mae'r buddsoddiad yn ein cymunedau'n sylweddol pan ddaw'r cynyrchiadau hyn i Gymru.

an opportunity cost—that is, it is the cost of losing productions that may be based in Cornwall or any other area of England where there is an exemption for smoking. The UK Government agreed in the last budget to allow tax breaks for the film industry in particular. They were deliberately put in place in order to try to encourage companies within Britain and outwith Britain to come to Wales and Britain to locate their productions. Our aspiration is to enable those companies to come to Wales without there being any barriers or restrictions to their productions. The loss is difficult to quantify specifically, but we are aware of the financial aspects involved in international films—they go up from £10 million. So, the investment in our communities is significant when these productions come to Wales.

[42] O ran y gost i ni o symud cynyrchiadau allan o Gymru a'u lleoli mewn lleoedd gwahanol, mae'n anodd mesur hynny oherwydd nid oes dwy ddrama sy'n union yr un peth: nid ydynt yn gweithredu ar yr un gyllideb ac nid oes cysondeb o ran golygfeydd sy'n cynnwys ysmegu fel rhan allweddol o'r cynhyrchiad. Oherwydd y rhesymau hynny, mae'n anodd tu hwnt i fesur y gost. Fodd bynnag, mae'n gost real ac yn golled wirioneddol i economi Cymru pan fydd neu pe bai hynny'n digwydd.

In terms of the cost to us of moving productions out of Wales and locating them elsewhere, it is difficult to quantify because no two dramas are the same: they do not operate to the same budgets and there is no consistency in terms of scenes that include smoking as a fundamental part of the production. For those reasons, it is extremely difficult to quantify the financial impact. However, it is a very real cost and a real loss to the Welsh economy when that happens or if it were to happen.

[43] **Ken Skates:** I would like to ask one more question, Chair. In budgeting for productions, do you have a contingency for accommodating the smoking ban?

[44] **Ms Hudson:** Drama budgets—like every other budget that the BBC deals with—are very much under pressure. We have to work around whatever regulatory framework within which we are trying to make that show, as best we can, but there cannot be a contingency for that.

[45] **Mr Roberts:** Yn sicr, o ran cynrychioli cwmnïau Cymru sy'n gweithio yng Nghymru ar gyfer darlledwyr yng Nghymru, nid yw'r cwmnïau hynny yn dymuno mynd y tu allan i Gymru o gwbl am resymau amlwg iawn. Buaswn yn ategu bod honno'n ffactor bellach. Mae tair ffrwd i'r ddadl ariannol o ran pam y dylai'r cynyrchiadau hyn gael eu cynnal yng Nghymru.

**Mr Roberts:** Certainly, in representing companies from Wales, working in Wales for Welsh broadcasters, those companies do not wish to leave Wales at all for very apparent reasons. I would echo that that is a further important factor. There are three aspects to the financial argument as to why these productions should be kept in Wales.

[46] **Kenneth Skates:** Finally, can you give us any examples of actual cases of production companies deciding to go to England as a consequence of this?



[47] **Ms Hudson:** I think that it is really important to understand the landscape within which a production company operates. Companies can have bases and they can decide where they are going to make their programmes. They do that on the basis of a matrix of factors, including whether there are any financial incentives coming from particular development bodies, partnerships and access to suitable crew et cetera. However, it has to be said that there will be some productions, perhaps because they are set in a particular period, in which you would expect to see a considerable number of people smoking, and there would be a lot of scenes involving smoking, and that then becomes a factor in that matrix. I am not saying that it is the only factor. It would be very difficult to pin down and say, 'That production was only shot in England because of the regulations in Wales'. However, we know that it is part of the backdrop and the matrix of issues that a company will look at.

[48] *Room at the Top*, a recent production with which BBC Wales had an association, was set in 1950s Britain and authenticity was absolutely critical to its success. Those people who saw it would recognise that it had a very gritty and very real feel to it. It involved a lot of smoking and it was simply out of the question to consider making that programme in Wales at the moment. I am not saying that that is the only reason that it was not made in Wales, but it was certainly part of the background decision-making process.

[49] **David Rees:** To follow on from that, the premise of both your papers is, effectively, the possible loss of productions due to the additional costs involved. Do you have any evidence of any production in Wales, Scotland or Northern Ireland, which all have the same regulations, that has been lost to England as a consequence of this? It is based upon that point. Do you have any evidence on any production?

[50] **Ms Hudson:** I have just described a specific case. There are a number of anecdotal stories about that. As I say, it would be part of the matrix of issues. One of our concerns is that BBC Wales is critically committed to the health of drama in Wales: not just BBC Wales in-house drama, but drama production in Wales.

9.30 a.m.

[51] We have had the most fantastic story over almost the last 10 years in terms of growth of production on the back of shows like *Doctor Who*, independent companies making programmes in Wales and so on. Our concern is that if we want the sky to be the limit for production in Wales, we need to be perceived as, and actually be, a can-do place where all things are possible in drama. The perception is as important as reality here. An independent company can go and make a show anywhere, and, with the tax breaks coming in, there will be more American production companies, which make decisions utterly ruthlessly and have no commitment to any part of Britain, let alone Wales, looking to do that. We may have a situation where our drama slate within Wales is potentially damaged by people making decisions on the basis of saying, 'They will not let us smoke. That is a key part of this drama; let's do it somewhere else'. *Mad Men*, for instance, is a show that involved smoking because of when it was set. It is not beyond the bounds of possibility that we would see a British version on the scale of something like that. However, if it involves smoking it could become a critical decision, and that is our concern. Our drama in Wales has been growing very steadily and successfully. Since *Doctor Who*, which was launched in 2004-05, there has been growth. We do not want to see that growth capped by people making a decision on the basis of the regulations. I would like to say at this point that I think that there is no interest in increasing the portrayal of smoking on television. It is simply the case that where smoking is portrayed it is more likely that a lot of those productions will be made somewhere else.

[52] **Mr Roberts:** Certainly; the decision to locate dramas in a particular location is taken extremely early in the process. It is not taken at the last minute once the script is complete and

is fully financed. It is taken, really, at the scriptwriting stage. Let us say that a producer is producing a biography of Dylan Thomas. It is then a question of which element of Dylan Thomas's life will be taken into account. Will they take account of the days in Laugharne, or the days in New York? Given the difficulties of portraying smoking in Brown's Hotel or in the boathouse in Laugharne, the company may veer towards looking in greater detail at the life in New York, for example. It is that difficult to quantify in relation to your question.

[53] **David Rees:** One of my concerns is that this is very much anecdotal at this point in time.

[54] **Mr Roberts:** It is.

[55] **Ms Hudson:** It will always be very hard to pin down. We are not in the room when a company is making the decision about where to make a production, nor are we privy to their discussions with commissioners. Obviously, we know what happens within BBC Wales with our productions, but, with other productions, we are not in the room when those decisions are made, so it would be very difficult to be able to say definitely that that production went to England because of the smoking ban. However, we know, anecdotally, from talking to people, about the difficulties that they believe they would encounter if they made a programme such as *Parade's End* in Wales.

[56] **Nick Ramsay:** You have made your point very well. I am interested in what you are saying, but I just want to move things on. I will now bring Mark Drakeford in.

[57] **Mark Drakeford:** There seem to be two or three key points in the evidence that you have provided to us, and we have now rehearsed the anecdotal nature of the economic case around all of this. The other main line in your argument is to do with artistic integrity and honesty. Over the weekend, Clare, I caught up with an episode of *Spies of Warsaw*, which is a BBC production. As an audience, we were warned before it started that there were to be some graphic parts to this production. Indeed, there is a scene in the middle of it in which someone has had their ear more or less torn off and it is being sewn on in a considerably gory close-up, and there is also someone smoking in the scene. Did that person really have their ear torn off?

[58] **Ms Hudson:** I was not on the set, but I think that we would have heard about it if they had.

[59] **Mark Drakeford:** So, they were acting.

[60] **Ms Hudson:** They were, indeed.

[61] **Mark Drakeford:** So, it was possible to do that authentically.

[62] **Ms Hudson:** Yes.

[63] **Mark Drakeford:** However, it was not possible for the person standing behind them, with a cigarette, to do that authentically.

[64] **Ms Hudson:** I can go over some of the arguments that we have already discussed. It is a fair question. As I say, authenticity is absolutely at the heart of good drama. We want to do everything possible to make authenticity the cornerstone of what we do. *Spies of Warsaw* was made largely in Poland, so they would not have encountered the difficulties that we would have encountered in making a programme like that. Actors are always desperate to give the best possible, most authentic performance—true to the character and true to the era. Smoking is one of the things that we need to look at in productions that involve smoking. I am not saying that, in every case where smoking is required, we cannot look at the script and

say, ‘Actually, do we need to see a cigarette in that scene?’, but when you have a drama set in an era when people smoked a lot of the time—and I have to say that spies, because they got so bored, probably smoked more than most people—you have to take that into account and think, ‘How are we going to render the truth of this piece and the truth of the era and the social milieu that they were in?’. That is always going to be a concern. Actually, it is not the same as cutting off someone’s ear, because one can suggest a great deal about the violence of that scene without showing it. The problem with smoking is that you do actually need to see the cigarette, and sometimes you will need to do that in close up, because of the expression and what is going on in the scene, and you do need to see the cigarette going into somebody’s mouth, and the smoke.

[65] **Nick Ramsay:** One thing that certainly is real is that your headphones are causing interference with the microphone, which should not be happening.

[66] **Ms Hudson:** I will turn them off. Does that help?

[67] **Nick Ramsay:** That is fine, yes. It should not happen, but if you could keep them away from the microphone when you are speaking, that would help. Sorry to interrupt. We will go back to Mark.

[68] **Mark Drakeford:** I do think, though, that your evidence seems to suggest that this is unique among all the things that a drama has to portray to make real things that are not actually real. For example, the Titanic going down having struck an iceberg is not really happening in the film, is it? We see it portrayed in film. Your argument seems to be that, uniquely, the one thing that cannot be portrayed is smoking. It is the one thing that cannot be acted.

[69] **Ms Hudson:** I am not saying that. When you film the Titanic going down you have a multimillion-pound budget and a huge amount of special effects expertise on that programme, and it is centred on the idea that you are going to have to create a huge amount of significant reality out of things that are not there. The problem with smoking is that it is done by individuals and becomes part of an individual’s performance in that place. It is very difficult to render it in the same way through computer-generated imagery. As I have said, in BBC Wales, we will continue to respect whatever legislation framework is in place, and work around it and do our best. Our concern is that we might miss out on other productions, and it might not be cost-effective for us to do certain kinds of productions.

[70] **Mark Drakeford:** You said earlier, Clare, that the BBC has an enduring interest in the health of drama. The Health and Social Care Committee of the Assembly has a different sort of health interest, and a different purview. It is not your position, I do not suppose, that smoking does not cause damage to health, or that the smoking ban has not had a positive impact on the health of the nation.

[71] **Ms Hudson:** Absolutely not.

[72] **Mark Drakeford:** If smoking really does take place, it is, more than potentially, likely to have a deleterious effect on the health of actors who now have to smoke in order to be authentic, and on the health of the crew.

[73] **Ms Hudson:** In drama production, we are always in the business of managing risks. There is any number of risks involved in any production, and they are all assessed very carefully. We have made a commitment in our submission that we would introduce an extra layer of process to make sure that every scene that involved smoking of real cigarettes was justified editorially. That process takes the decision outside of drama because it is actually very important to make sure that we do not film more smoking than we need to. The

management within the scene would be carefully planned and organised so that there would be no smoking in rehearsal. There would be a minimal crew on set. We would look at where the smoking is taking place and we would make sure that the risk to the individual was minimised.

[74] **Mark Drakeford:** Nevertheless, it would uniquely, in the Welsh context, be somewhere where someone is obliged to be exposed to something that we know is injurious to health.

[75] **Ms Hudson:** We would not be in the business of obliging people to smoke. It is a matter for discussion with actors at the casting stage about whether they wish to be involved in that, and we would offer them a range of options. I have to say that there are a number of things that we ask actors to do that are potentially hazardous. We ask them to ride horses and to climb buildings. We ask stuntmen to do all sorts of things. All those risks are carefully managed. I do not believe that it is possible to make great drama without risks. The important thing is how you manage them.

[76] **Mark Drakeford:** Are you seriously expecting us to accept that riding a horse and smoking a cigarette are somehow equivalent in their risk to health?

[77] **Ms Hudson:** I am not a scientist, and I have not worked on the statistics. We would never require people to smoke vast numbers of cigarettes as part of a production. We would keep the actual smoking of cigarettes to an absolute minimum.

[78] **Mark Drakeford:** The BBC has a policy on product placement.

[79] **Ms Hudson:** We do.

[80] **Mark Drakeford:** Why is that?

[81] **Ms Hudson:** To prevent our output from being used to subliminally advertise the product of commercial concerns.

[82] **Mark Drakeford:** That is based on the belief that viewers seeing something are influenced by what they see; they may be subliminally affected by seeing a particular product in a particular context.

[83] **Ms Hudson:** We should never be associated with marketing any particular product. As you know, the BBC has strict editorial guidelines around the portrayal of smoking. I think that you will agree that you do not see very much smoking in our drama nowadays; you do not see much smoking in any drama—

[84] **Nick Ramsay:** Clare, on that point, do you anticipate that if an exemption was approved, there would have to be any strengthening of the regulatory or editorial framework, or do you think that what is in place at the moment would be adequate?

[85] **Ms Hudson:** The BBC's editorial guidelines are clear in terms of not encouraging or glamorising smoking. They are absolutely clear. Nobody has an interest in doing that; it is a responsibility that we take extremely seriously.

[86] **Mark Drakeford:** However, there does not seem to be any doubt, does there, that just as you accept that a product placed onscreen has a potential effect on the audience, seeing somebody smoking onscreen is likely to have an effect on the audience, particularly young people, who may see it, for the reasons of being authentic or historically accurate and all the other reasons that you suggest, and who are likely to be influenced by what they see?

[87] **Ms Hudson:** There is a whole argument about the influence that television has on behaviour, of course. All sorts of anti-social, damaging behaviour is portrayed in television drama. If it were not, we would be talking about motherhood and apple pie, and we would not be portraying life as it is. So, all sorts of dysfunctional forms of behaviour and things that are bad for people's health are portrayed on television. However, we understand the need to not glamorise smoking or to portray it as something that is desirable and that makes people more desirable and successful. That is an incredibly important part of our thinking.

[88] **Mark Drakeford:** Finally, may I put it to you that the argument that you have used of comparing Wales with Bristol is a fundamentally morally repugnant argument? You are suggesting to us that something bad happens somewhere else and, because it is allowed to happen there, we should allow that to happen in Wales.

[89] **Ms Hudson:** I do not think that that is what we are saying. We all share the same view about smoking. Unfortunately, it has been a significant part of social life in British history and the history of other countries, and it is true that it is also part of social life in some areas of society in Wales, as elsewhere. Our interest in authentic drama is why we are saying this. As I said, we must keep the actual act of smoking to a minimum. There have recently been stories in the British press about the impact of the smoking ban in England and how it has been incredibly successful—the number of people smoking at home has gone down. That is against a backdrop where a small amount of smoking has been going on on drama sets. I do not think that there is any evidence to suggest that the smoking ban in England has been less effective because of a few people smoking on a drama set.

[90] **Darren Millar:** I want to explore with you the growth of the drama, film and tv production industry in Wales, because the BBC took the decision a few years ago to invest significant sums of capital in Wales, and there has been an increasing investment in drama productions being made here. Why would the BBC do that given this backdrop that you describe whereby it is more expensive to film these sorts of productions because of the smoking issue?

9.45 a.m.

[91] **Ms Hudson:** As I said, a vast quantity of drama is made very successfully without involving any smoking at all, and for one reason, which is that those dramas do not portray any. There is no need to portray smoking in them. The first decision to make is this: is this the kind of drama in which people smoke? Clearly, it is not. When we had one scene in *Doctor Who* that involved Winston Churchill, we were able to use computer-generated imagery, and it is absolutely right that we should do that. Our drama slate has not involved large numbers of people smoking. *Upstairs Downstairs* was a significant challenge, and that is why some of the filming had to be done elsewhere. There are certain types of drama that would be a challenge for us to make in Wales. BBC Wales will continue to make drama here—it is a very small factor, obviously, compared with the scale of what else we are doing.

[92] The point that I am most keen to make is that not all drama is made by the BBC, and where companies and large corporations have a decision to make about the most cost-effective and easiest place to make a drama, my fear is that, occasionally, they will look at the smoking regulations and say, 'Well, that's relevant; we're not going to go there.' The loss of one drama could mean the loss of anything from £0.5 million to £10 million or £12 million. That is a significant amount of money, and that is our concern.

[93] Also, my concern, as a producer of drama in Wales, is that every drama that does not come here has an impact on the creative critical mass that we have developed. We have a large number of people—most of them freelancers who can work anywhere—who have made

a commitment to being in Wales because there is plenty going on here. However, I am concerned that we continue to develop that critical mass and for there not to be any bars to the development of it.

[94] **Darren Millar:** However, you have also been unable to give us any specific examples of business that has not arrived in Wales as a direct result of the smoking ban.

[95] As for the growth of the industry, and not just the BBC investment in Wales, how does it compare with England?

[96] **Ms Hudson:** I do not have—

[97] **Nick Ramsay:** I will interject at this point, just for clarification. We are talking about the exemption in England, and I think I am right in saying that it was in 2007 that that came in—so we are talking about five years. I think it is important that we understand that this was not just last month that this came in; it was five years ago.

[98] **Darren Millar:** What I am asking is: how does the growth of the industry in Wales compare with the growth of the industry in England? Is there a significant lag as a result of the ban?

[99] **Ms Hudson:** I would not be able to give you those figures. We have built Roath Lock studios here, and we have a significant amount of returning business going there. We have indies making productions there. However, the slate might change. I do not have the figures for England, but we would be able to get the amount of spend that the BBC has put into England. It started, obviously, from a bigger base—more drama was being made in England in 2007 than was being made in Wales, and that continues to be the case. I do not believe that you would see evidence of our growth being arrested in the last five years, but, as I say, I can point to individual productions that have been part of BBC Wales's slate originally but which were not made here for a number of factors, and smoking may well be one of them.

[100] **Darren Millar:** Mr Roberts, from your experience, are you able to point to any figures that demonstrate that growth here is lagging behind that in other parts of the United Kingdom, and specifically England, as a direct result of the smoking ban?

[101] **Mr Roberts:** Nid wyf yn credu ei bod yn bosibl gwneud hynny o gwbl. Fel y mae Clare wedi'i amlinellu, mae penderfyniadau am gynrychiadau yn cael eu gwneud am resymau ac eithrio ysmegu. Mae sawl ffactor, a'r pennaf yw'r cynhyrchwyr, yr awduron a'r dalent sy'n bodoli i gynhyrchu'r gwaith yn y lle cyntaf. Felly, ni allaf honni bod perthynas uniongyrchol rhwng lefel y ddrama a gynhyrchir yng Nghymru a'r lefel a geir mewn mannau eraill.

**Mr Roberts:** I do not think it is possible to do that at all. As Clare has outlined, decisions affecting productions are taken for reasons other than smoking. There are several factors that need to be taken into account; the most important of those are the producers, the authors and the talent that exists to produce the work in the first place. I cannot therefore claim that there is a direct correlation between the level of drama production in Wales and the level produced elsewhere in the UK.

[102] **Ms Hudson:** We are very concerned that Wales is not seen as a place that cannot do quite as many different, fantastic dramas as England. I would be very concerned about a situation—it potentially goes into folklore, but perception is important, too—in which there are things that you cannot do in Wales that you can do in England. Having said that, the last thing that any of us want to do is to undermine the fantastic achievement that has come with these regulations. If we thought for a moment that it was undermining that, we would not be sitting here now.

[103] **Darren Millar:** There are many things that we cannot do in Wales that you can do in England, such as filming Big Ben, but it does not mean that we need to build Big Ben in order to achieve the end, does it?

[104] **Ms Hudson:** Indeed, but Big Ben is one building and smoking is something that runs through a number of films.

[105] **Darren Millar:** I am simply making the point that you cannot film the mountains of Wales in England, so there is an attraction there for us. I appreciate that there are many different factors at play, but what I am trying to pin down is whether the growth of the industry would be halted or stubbed out, shall we say, as a result of this particular ban remaining in force in Wales, compared with England? Do you have any evidence at the moment to show us the growth of the industry in England compared with the growth of the industry in Wales, so that we can make a direct comparison on the basis of that evidence as a committee?

[106] **Ms Hudson:** I do not think that we want to come here to shroud-wave about the potential death of drama production in Wales—it is in very good health—but there are huge challenges ahead. We want to win every drama that is possible to win.

[107] **Kenneth Skates:** Can you give us a categorical assurance that an exemption would assist in attracting more jobs to the industry in Wales?

[108] **Ms Hudson:** I am nervous about giving categorical assurances. I am very confident that without the additional burden of this regulation, we would be even more successful. We are already becoming very competitive. Independents would not be put off from making programmes here, and there would be no barrier to big tax break pieces being made here. It would be part of a suite of fantastic attractions and incentives that we could put in front of people who were thinking about filming here.

[109] **Alun Ffred Jones:** Rwy'n deall eich amharodrydd i geisio mesur effaith ariannol y sefyllfa bresennol ar y diwydiant yng Nghymru, ond byddai'n help eithriadol i mi wrth geisio asesu'r cais hwn i gael enghreifftiau penodol o gynyrchiadau lle rydych yn gallu adnabod y gost ychwanegol er mwyn creu rhyw olygfa neu gyfres o olygfeydd, a hefyd rhyw fath o fesur o'r amser ychwanegol a gymerwyd—gan mai amser yn aml iawn sy'n creu cost ychwanegol—wrth ichi geisio goresgyn y broblem hon o gael pobl yn ysmegu mewn golygfa. Rwy'n deall na allwch wneud hynny ar draws bob cynhyrchiad ac wedyn rhoi un ffigwr i ni, ond byddai'n ddiddorol iawn gweld enghreifftiau penodol o gynyrchiadau penodol, neu enghreifftiau o olygfeydd yn cael eu symud i Fryste neu rywle arall mewn cyfres. Byddai hynny hefyd yn help i ni geisio asesu effaith y sefyllfa bresennol ar y diwydiant.

**Alun Ffred Jones:** I understand your reluctance to try to measure the effect of the current situation on the industry in Wales in financial terms, but it would be of assistance to me in trying to assess this request to have specific examples of productions where you can recognise the additional cost of creating a scene or a series of scenes, and also some assessment of the extra time taken—because it is very often time that creates additional cost—as you try to overcome this problem of portraying people smoking in a scene. I understand that you cannot do that across every production and then provide us with one figure, but it would be very interesting to hear specific examples from specific productions, or examples of scenes being moved to Bristol or elsewhere in a series. That would also be of assistance to us to try to assess the effect of the current situation on the industry.

[110] **Ms Hudson:** I understand the desirability of that, and we will do our best on it.

Anecdotally, there were a couple of scenes in *Upstairs Downstairs* that were particularly problematic. One was a boxing match and the other was a large social event, and those had to be filmed in Bristol. The additional cost and effort was significant.

[111] **Nick Ramsay:** I think that you included an example in your paper of a scene or a story from *Casualty* regarding a hotel blaze that could not be filmed.

[112] **Ms Hudson:** There is a kind of irony about the situation in which we find ourselves, where it can sometimes prove difficult to introduce a storyline that would be appealing to some members of the public because it would demonstrate the dangers of smoking. There was a storyline in *Casualty* about someone smoking in a hotel room and causing a fire. *Casualty* is an all-the-year-round show with relatively low cost per hour, but in the end, because of the difficulties of reproducing those scenes, it had to go for a different storyline because it was just not possible within the very tight budgets that they were working within. [1]

[113] **Mr Roberts:** Yr enghraifft amlwg a welsom oedd drama *Ryan a Ronnie*, yn gynnar yn y 1970au, ac roedd gofyn mynd â'r cynhyrchiad i Lerpwl i'w ffilmio yn rhannol oherwydd y cyfyngiadau ar y gallu i ysmegu yn y gweithle yng Nghymru.

**Mr Roberts:** The clear example that we have seen is in the context of the *Ryan a Ronnie* drama, in the early 1970s, and the production had to be moved to Liverpool to be filmed in part due to the restrictions on the ability to smoke in the workplace in Wales.

[114] **David Rees:** Coming back to the issue in Northern Ireland and Scotland, what discussions have you had with colleagues from those areas? Clearly, they do not have the exemptions, and there are no plans to have them. It has been reported by the Chartered Institute of Environmental Health that the industry in Northern Ireland in particular is growing. So, what discussions have you had on how they manage and how they operate within a smoking ban situation?

[115] **Mr Roberts:** Mae sefyllfa Gogledd Iwerddon yn eithaf unigryw. Mae'r twf yn economi'r diwydiannau creadigol yno yn rhannol o ganlyniad i gytundeb Gwener y Groglith, ac mae llawer o arian cyhoeddus yn dod ar gael i ddenu cynyrchiadau i Ogledd Iwerddon o ganlyniad. Yn ffordd cynhyrchwyr teledu, fe ddilynant yr arian. Dyna yw realiti'r sefyllfa. Nid oes gennyf wybodaeth benodol am y sefyllfa yn yr Alban.

**Mr Roberts:** The situation in Northern Ireland is quite unique. The growth in the creative industries economy there is partly a consequence of the Good Friday agreement, and a great deal of public money is becoming available to attract productions to Northern Ireland as a result. As is their way, television producers follow the money. That is the reality of the situation. I do not have any specific information about the situation in Scotland.

[116] **Ms Hudson:** Anecdotally, in Scotland, it is quite an issue for producers. They are clearly not sitting before a committee in the Scottish Parliament on this matter at the moment, but it has been raised as an issue by a number of the people who I have spoken to. Currently, our drama slate overall is probably on a par with, or greater than, Scotland's drama slate—*[Interruption.]* If I take the headset off, will the noise stop? So, it is anecdotal, but it is a talking point among drama producers, and people are increasingly becoming aware of the differences in different parts of the UK.

[117] **David Rees:** Alternative techniques need to reflect aspects of smoking, CGI being one. With advances in technology, and greater expertise in CGI development becoming available, the expectation, I would have thought, is that the cost of CGI would therefore come down.

[118] **Ms Hudson:** One would hope so.



[119] **David Rees:** In that sense, are we looking at the possible cost implications of using CGI not being a major argument anymore?

[120] **Ms Hudson:** I think that we are a way off that. Clearly, we are extremely well versed in what CGI can and cannot do, and the relative cost of it. It would require a significant breakthrough, and one that is not anywhere in sight at the moment, to make it equivalent to the cost of simply introducing one cigarette into a scene and filming it there and then, rather than requiring a particular location to do it—the green screen, in which you have to go somewhere else to do that filming—and without requiring the same kind of post-production, computerised effort. We are a long way from a position in which the costs would be on a par.

[121] **David Rees:** Anecdotally, that could be within 12 months as well.

[122] **Ms Hudson:** I do not believe so. I think it is also about the authenticity of it. It is just nowhere near as authentic-looking as doing it for real.

[123] **Nick Ramsay:** And if a CGI cigarette looks authentic and realistic, you still have the arguments about whether or not you are glamorising it. That is the argument that was raised earlier.

[124] **Ms Hudson:** What, that the more realistic it is, the more glamorous it looks?

[125] **Nick Ramsay:** There have been two arguments going on, one of which was whether you should portray smoking at all. Whether it is CGI or not, if it looks real, that argument would still be there.

[126] **Ms Hudson:** But those arguments will continue, and as I say, portrayal is very much one of our concerns, and we would always think very carefully about that, regardless of what method we are using to deliver it.

[127] **Nick Ramsay:** Okay. I have a question from Mark Drakeford.

[128] **Mark Drakeford:** Just to be absolutely clear, this is an issue that is talked about in Scotland and is of concern in Scotland, but the BBC in Scotland is not proposing to solve that problem by asking for the regulations to be amended.

[129] **Ms Hudson:** This is not currently on its agenda. There are quite a lot of things on its agenda, as you can imagine, but—

[130] **Mark Drakeford:** I just wanted to be clear that they are not asking in Scotland what you are asking for in Wales.

[131] **Ms Hudson:** We are supporting a proposal.

[132] **Nick Ramsay:** I am just going to bring Lynne Neagle in with a supplementary question and then Ken Skates.

[133] **Lynne Neagle:** Briefly, you said earlier, Clare, that a discussion takes place with actors at the casting stage about their feelings on the issue of smoking. To what extent is that taken into account? If this exemption would come in in Wales, and actors did not particularly want to smoke, would it mean that they would not then get the job? How does it all work in practical terms?

10.00 a.m.

[134] **Ms Hudson:** Casting is a complex process. Often, you are looking at people with the potential to perform a number of different parts within a drama. So, if someone says that they feel very strongly opposed to the idea of smoking at all during a production, and it is someone who we felt absolutely had merit for the piece and that we wanted them to be part of it, we would be looking at characters for which they would not be required to smoke.

[135] **Nick Ramsay:** For the record, with regard to the Scottish situation, as I understand it, the Act does not apply to Scotland, so, an exemption could not be applied in any case. Scotland would have to come forward with its own primary legislation in order to have an exemption. I think that I have got that right.

[136] **Kenneth Skates:** Presumably, they are required to smoke but not necessarily required to inhale—I say that just in case Bill Clinton decides to come here and take up an acting career. You talked earlier about the entire matrix consideration. Surely, factors such as costs, health and safety requirements and workers' rights are just as important, if not more important, in the consideration. If we allowed or agreed to the exemption, you would not come back here and say, 'Actually, now we need to relax workers' rights in Wales in order to make us more competitive', 'We need to relax health and safety', or 'We need to relax a commitment to equal pay'. How far do we go to make Wales competitive? Is this the end point?

[137] **Mr Roberts:** We are discussing this specific matter. In that regard, we are not seeking any amendments to any other provisions. This is a specific matter about which the industry has had concerns throughout the past seven or eight years or so. We wish it to be amended to enable productions to continue as directors would—

[138] **Nick Ramsay:** So, it is not the thin edge of the wedge, in that you would be asking increasingly for exemptions.

[139] **Mr Roberts:** Absolutely not.

[140] **Nick Ramsay:** Okay. I will just point out to Members that we are in the last couple of minutes of this session, but I have a few pressing questions, the first of which is from Darren Millar.

[141] **Darren Millar:** It is just a very brief question. I just want to understand the cost difference between computer-generated imagery and potentially having to uproot and go across to England. In the papers, we have a figure of around £30,000 for a 10-second close-up shot of CGI. I think that that was in your paper.

[142] **Mr Roberts:** It was in the PACT paper.

[143] **Darren Millar:** Pardon me; it was in the PACT paper. That is more expensive than the relocation figure of £25,000 that you mentioned earlier, Clare. Why, therefore, did you choose to do the CGI for the Winston Churchill shot, as opposed to just uprooting and relocating?

[144] **Ms Hudson:** I do not know how PACT arrived at that figure.

[145] **Darren Millar:** So, you do not recognise it.

[146] **Ms Hudson:** Well, I just do not know how it arrived at that figure, because it does depend on what the scene is and what is required. You would have to do a proper costing of that particular scene and what is needed. I do not think that we provided a specific figure for

that reason. It is all about working out a realistic hypothesis and then working out what the figures would be. There may be other reasons as to why you cannot move a scene to Bristol—you may have to be in Cardiff the next day and you do not have time in the schedule to do it.

[147] **Darren Millar:** However, the decision about that particular scene—

[148] **Ms Hudson:** The Winston Churchill scene?

[149] **Darren Millar:** Yes, the Winston Churchill scene. On what basis was that made? Did you think about costs and say, 'It is cheaper to do with CGI', rather than—

[150] **Ms Hudson:** I was not in the room at the time, but I imagine that it was to do with needing the production schedule to continue in studio in Wales, and that moving somewhere else would disrupt the schedule and potentially cost more. I imagine that that was the reason. We can find out how much the CGI cost for that particular scene. In terms of the delivery and the execution of it—if people remember the episode—*Doctor Who* is a fantasy world, and Churchill was even larger in it than he actually was. It is a different kind of requirement from filming a close-up in a scene in a Cardiff pub set in the 1950s. It is very different to have Churchill in *Doctor Who* smoking a cigar. CGI is acceptable for that.

[151] **Nick Ramsay:** So, there is a difference between Churchill in *Doctor Who* and someone in a hotel room in *Casualty* who starts a fire, is there? The answer is pretty obvious in the question that I have asked you.

[152] **Ms Hudson:** Absolutely.

[153] **Mr Roberts:** The audience's acceptance of fiction and this fictional world is far greater—

[154] **Nick Ramsay:** They are more willing to suspend reality in the case of something like *Doctor Who* than they would be in *Casualty*. I think that—

[155] **Darren Millar:** The issue is that you are not able to give us a specific cost as to what you think the CGI might cost for any particular scene. We have this one estimate of cost. I do not know what it is based upon. Unfortunately, PACT cannot be here to answer.

[156] **Ms Hudson:** I do not know what it is based on either.

[157] **Nick Ramsay:** Could you provide us with that information, if possible?

[158] **Ms Hudson:** We would have to provide you with information about a specific scene and work it out from there.

[159] **Nick Ramsay:** That would be helpful.

[160] **Ms Hudson:** As I say, the result might not be as acceptable as we would want it to be in terms of our reputation for making things as brilliant as they possibly can be.

[161] **Nick Ramsay:** Are there any other questions from Members? I see that there are not. I thank Sion Clwyd Roberts and Clare Hudson for being with us today. Thank you for your paper and for answering our questions fully. That has been a really helpful opening evidence session for the two sub-committees. Diolch.

10.06 a.m.

**Rheoliadau Mangreoedd etc. Di-fwg (Cymru) (Diwygio) 2012—Sesiwn  
Dystiolaeth 2  
Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012—Evidence  
Session 2**

[162] **Nick Ramsay:** I thank the three witnesses for being with us today. Thank you as well for the written evidence that you have provided in advance. I know that you have been sitting at the back of the room, so you will know that this is our ongoing evidence session on the smoke-free premises regulations. Would you like to give your name, organisation and position for the record?

[163] **Ms Waters:** I am Felicity Waters, and I am the press and campaigns manager for Action on Smoking and Health in Wales.

[164] **Dr King:** I am Jean King, director of tobacco control at Cancer Research UK.

[165] **Ms Lloyd:** Bore da. Delyth Lloyd, **Ms Lloyd:** Good morning. Delyth Lloyd, rheolwr materion cyhoeddus, British Heart public affairs manager, British Heart Foundation Cymru. Foundation Cymru.

[166] **Nick Ramsay:** We have a number of questions for you, so I suggest that we go straight into those. Any points that you wish to make, do so during the course of the questions. This is a panel session, as I said in the previous session, so, if Members would indicate to whom they are directing the question, that would be helpful.

[167] I will ask the first question. Do you believe that this exemption will provide more benefits to the television and film industry in Wales than disadvantages? That is to Felicity Waters.

[168] **Ms Waters:** No, we do not. For us, this issue is quite a simple one. The legislation was designed to protect workers in Wales, and all workers have the right to be protected from the dangers of second-hand smoke. When the Committee on Smoking in Public Places considered this in 2004, it considered all of the commercial arguments and accepted that there would be some costs to the legislation, but public health was elevated above all other considerations, and that is still true today.

[169] **Dr King:** Bore da, good morning. I would agree with that. We fought a long fight across the UK to get smoke-free legislation. Wales brought this in before England. It was exemplary legislation and is very popular and successful. There is very good evidence that it has protected bar workers' health almost immediately, and I am sure that Delyth will tell you about the big drop in admissions for heart attacks, and so on. So, this legislation is about protecting workers. Second-hand smoke is classified as a human carcinogen and there is no known safe level of exposure, so we are concerned about the health of the actors and crew who would be exposed to that, as well as the actors who would be required to smoke. If they are non-smokers, this is a highly addictive substance; we do not ask people to partake of a highly addictive substance lightly.

[170] **Ms Lloyd:** Wrth gwrs, rydym yn cytuno'n wir. Nid ydym yn credu mewn gwanhau deddfwriaeth a ddaeth i mewn i arbed bywydau yng Nghymru. Mae her fawr yng Nghymru wrth ymladd y problemau iechedd sydd gennym. Mae clefyd y galon yn lladd mwy o bobl nag unrhyw glefyd arall **Ms Lloyd:** Of course, we agree. We do not believe in weakening legislation that was brought in to save lives in Wales. There is a big challenge in Wales in fighting the health problems that we have. Heart disease kills more people than any other disease in Wales. It is a challenge. It is a country with serious

yng Nghymru. Mae'n her. Mae'n wlad gyda phroblemau iechyd sylweddol, ac mae'n her i ni i gyd, ac i'r Llywodraeth yn benodol.

health problems, and it is a challenge for all of us, and for the Government in particular.

10.10 a.m.

[171] Mae'r ddeddfwriaeth hon yn glamp o ddeddfwriaeth. Fel y dywedodd Jean, mae'r ddeddfwriaeth i'w glodfori ac mae Cymru wedi bod ar flaen y gad yn y mater hwn. Felly, credwn fod gwanhau ar sail fasnachol yng Nghymru yn andros o gam yn ôl. Mae'n ddeddfwriaeth sydd wedi dod i mewn i arbed iechyd pobl yn y gweithle. Credwn y dylai pob gweithiwr gael yr hawl hwn o dan y ddeddfwriaeth hon.

This legislation is a massive piece of legislation. As Jean said, the legislation is to be praised and Wales has led on this matter. Therefore, we believe that weakening it for commercial reasons in Wales is a big step back. It is legislation that has been introduced to protect people's health in the workplace. We believe that every worker should have this right under this legislation.

[172] Soniodd Jean yn gynharach am y lleihad yn y nifer o bobl sy'n mynd i mewn i ysbytai wedi i'r ddeddfwriaeth ddod i rym. Nid oes modelau cadarnhaol yng Nghymru i ddangos effeithiau'r ddeddfwriaeth, ond rydym yn gwybod, wedi i'r ddeddfwriaeth ddod i rym yn Lloegr, cafwyd gostyngiad o tua 3% yn nifer y bobl yn mynd i mewn i ysbytai oherwydd trawiad ar y galon. Mae'n bosibl tybio bod hynny oherwydd bod deddfwriaeth.

Jean mentioned earlier the reduction in the number of people being admitted to hospital following the commencement of the legislation. There are no positive models in Wales to demonstrate the impact of the legislation, but we know that, when the legislation came into force in England, there was a reduction of around 3% in the number of people entering hospitals after suffering heart attacks. It is possible to deduce that that is because of the existence of legislation.

[173] **Nick Ramsay:** You have all focused on the health impacts; I do not think that there is any doubt at all about the health impacts of smoking and the improvements in health following the ban on smoking in public places. The BBC talked about the use of CGI or electronic cigarettes. Are you, Felicity Waters, opposed to the portrayal of smoking in any way in dramas, or do you accept that there is an argument for artistic licence and making something realistic, even if you are just making it look that way?

[174] **Ms Waters:** In an ideal world, we do not want to see smoking portrayed in modern-day productions. We want to see a smoke-free Wales in which people are protected from the dangers of tobacco. We do not want it to be glamorised or promoted. However, we accept that there is a need in the creative industries to produce period dramas and to reflect that time. There is no problem with doing that because we have very effective alternatives to portray smoking in Wales. I have brought in some props that are used effectively in Wales. One of them is a visual prop, while the other produces a vapour that looks like smoke, but it is nicotine and tobacco free. CGI is usually used on top of that to create the effect, and the research that we have done has shown that the cost is nowhere near what has been mentioned in previous evidence. We spoke to one special effects company that said that it could do CGI for a cost of £250 per day.

[175] We accept that there is a slight cost to this legislation; no-one is denying that, but times have changed. This legislation is about protecting public health. Productions have already been done in Wales. I have stills here of scenes from *Doctor Who* and *Upstairs Downstairs* showing smoking very effectively. In fact, nobody could tell the difference at all. We have also heard from a company that has said that many of these scenes were shot in Wales; they did not have to go to Bristol to shoot them. So, it has been shown that it can be done in Wales and it is being done in Wales. We would argue that this is a matter of

convenience for the television industry, and health legislation should not be amended on commercial grounds. What industry will come next? We are in difficult economic times; which industry will come forward next to challenge this legislation and ask for an exemption of its own? What will we say to those industries if we have allowed one?

[176] **Nick Ramsay:** I realise now why you have brought in the cigarette; it is a prop. Alun Ffred Jones has the next question.

[177] **Alun Ffred Jones:** Bu ichi ddweud nad ydych yn dymuno gweld ysmegu yn cael ei bortreadu ar raglenni teledu a ffilmiau o gwbl; dyna yw eich nod chi. Gan gymryd bod alcohol yn gwneud cymaint o niwed ag ysmegu, neu o leiaf yn ddrwg iawn i'ch iechyd, cymeraf mai eich bwriad a'ch nod chi fyddai dileu unrhyw bortread o rywun yn yfed mewn unrhyw raglen deledu.

**Alun Ffred Jones:** You said that you would not wish to see smoking portrayed in television programmes or films at all; that is your aim. Bearing in mind that alcohol does as much damage as smoking, or at least is very bad for your health, I take it that your intention and your aim is to see the abolition of any portrayal of drinking in any television programme.

[178] **Ms Waters:** We are not in a position to answer about drinking. There are bodies who work particularly on that. Any harmful behaviour portrayed in television programmes has an effect, particularly on young people. Yes, we would argue that drinking, taking drugs or any kind of harmful behaviour is not good to see on television, but we accept that there is a need to portray everyday real life. However, we do not ask actors to drink real alcohol when they are on set, and we do not ask them to—

10.15 a.m.

[179] **Alun Ffred Jones:** Fy nghwestiwn i oedd: ai eich nod felly fyddai peidio â dangos unrhyw un yn cymryd arnynt eu bod yn yfed alcohol ar set er mwyn stopio pobl rhag eu dynwared?

**Alun Ffred Jones:** My question was: would your aim be to not have any portrayal of anyone pretending to drink alcohol on set so that people would not be encouraged to emulate that behaviour?

[180] **Ms Waters:** That is not an issue that we are discussing today. I think that we would have—

[181] **Alun Ffred Jones:** Na, ond— **Alun Ffred Jones:** No, but—

[182] **Ms Waters:** May I just finish?

[183] **Alun Ffred Jones:** I fod yn deg, roeddwn yn gofyn yn benodol achos eich bod yn dweud mai dyna yw eich nod er mwyn stopio pobl rhag ysmegu. Felly, roeddwn eisiau gwybod eich barn ar hynny.

**Alun Ffred Jones:** To be fair, I was asking specifically because you said that that was your aspiration in order to stop people from smoking. So, I just wanted to know your opinion on that.

[184] Mae gennyf gwestiwn pellach ynglŷn â'r dystiolaeth a roddoch chi ynglŷn â'r lleihad yn y niferoedd o bobl sy'n mynd i'r ysbyty yn dioddef o glefydau'r galon neu drawiad ar y galon yn dilyn y ddeddfwriaeth hon. Beth yw'r dystiolaeth am y lleihad mewn ysmegu yn gyffredinol yng Nghymru yn dilyn y ddeddfwriaeth hon?

I have a further question on the evidence that you provided regarding the reduction in the number of hospital admissions of people suffering from heart disease or heart attacks following the introduction of this legislation. What is the evidence regarding the reduction in smoking in general in Wales as a result of this legislation?

[185] **Ms Waters:** This legislation has had an enormous impact on the health of workers in particular, such as pub workers, bar workers and restaurant workers. We have also seen figures that show a 2% to 3% drop in smoking prevalence rates. This legislation was designed to protect workers. There is no specific evidence in Wales of asthma admissions; I am not sure if any Member saw the BBC story yesterday about admissions to hospital of children suffering asthma attacks, but they have reduced by 12% since the smoking ban was introduced.

[186] The significant aspect of that news was that the smoking ban has also brought about significant changes in people's behaviour. There were concerns that people would smoke more in their homes, but the opposite is true. Smoke-free homes are becoming more of a priority for people, so it is not only impacting on people's health, but it is also having an important impact on people's behaviour in the way they view smoking and how they are prepared to protect children. We are moving in the right direction—we do not need to take a step backwards.

[187] **Alun Ffred Jones:** I mi gael hyn yn glir gan eich bod wedi gwneud y pwynt, yn dilyn y ddeddfwriaeth hon mae tua 2% neu 3% o leihad wedi bod yn y nifer o bobl sy'n ysmegu, ond mae gwaharddiad eithaf llym wedi bod hefyd ar hysbysebu yn y cyfnod hwnnw.

**Alun Ffred Jones:** To get this clear as you did make this point, as a result of this legislation there has been a reduction of some 2% to 3% in the number of smokers, but there has also been quite a strict ban on advertising in that period.

[188] **Ms Lloyd:** Wrth gwrs, mae cynnydd yn y nifer o bobl sydd eisiau stopio ysmegu hefyd oherwydd y ddeddfwriaeth. Mae'r ddeddfwriaeth wedi gwneud i bobl sylweddoli pa mor niweidiol yw ysmegu. Mae cynnydd hefyd yn y nifer o bobl sy'n chwilio am help i stopio smocio.

**Ms Lloyd:** Of course, there has been an increase in the number of people who want to stop smoking because of the legislation. The legislation has made people realise how damaging it is. There is also an increase in the number of people looking for help to stop smoking.

[189] **Dr King:** We know that a comprehensive set of measures, which includes restrictions on advertising and restrictions on where people can smoke, is the most effective way to see declines in smoking rates. Going back to your question about alcohol and tobacco, we have to remember that tobacco is a very special case—it is a historical quirk that it is a consumer good available in shops. It would not be so if it was introduced to the market today. It is the only consumer product that kills one in two long-term users when used exactly as intended. We have to remember that this is a unique product, and that we want to make smoking history for our children. As we say, we want to see a smoke-free Wales and UK. Making sure that world-class legislation is not weakened has to be one of those steps.

[190] We were talking about whether this is the first step on a slippery slope, as I think that you were suggesting. As Felicity mentioned, our concern would be that other industries would put forward cases and that very powerful vested interests would support those industries in doing so. In Europe, several countries are fighting hard to maintain legislation that is not as good as the Welsh legislation, because the tobacco industry has a very long track record of trying to prevent, block, amend or delay legislation. We had a big fight to get smoke-free in the first place, against a lot of misinformation, scientific untruths and front groups trying to make cases for economic impacts that were not real. One of our concerns is to protect the actors and the crew. The poster that I have here is the one that we did for the Welsh smoke-free legislation, which shows real bar workers, and we were saying that these people would be healthier as a result of the legislation. However, we would be very concerned that all kinds of other groups would come forward to try to seek exemptions for their particular commercial interests.

[191] **Nick Ramsay:** I will bring Ken Skates in, as he is dying to ask a supplementary question on something that you said.

[192] **Kenneth Skates:** On the thin end of the wedge argument; I am not convinced by it. The reason that creative industries—tv and film production companies—seek exemptions is because there is an inconsistency in the approach of this law in England and Wales. I am not aware of any other sector or industry that has an exemption in England, but does not in Wales. Your argument seems to be based on a presumption that an industry is going to come to the Welsh or UK Government to seek exemption. There is no indication that either Government would be willing to entertain any argument from any sector.

[193] **Dr King:** Hopefully, that is the case. As I said, for example, in the Netherlands, they have unravelled some of their smoke-free legislation because the tobacco industry is very powerful there. What you have is first-class, world-standard legislation in Wales and less than that in England. In preparation for this meeting, I was talking to a senior colleague at the Chartered Institute of Environmental Health in England about why this exemption was introduced in the English legislation. We think that it came in very late in the day and we were so focused on what was a very long, hard-fought campaign to get this through in England—buoyed on by Wales and Scotland, which led the way—that it felt like a fight that we could not fight at that time. Mr Ian Gray, who is on one of our committees, explained to me that, actually, it is unenforceable, because which local authority would challenge a director or a producer on the grounds of artistic integrity? What does that mean? They would not feel that they had the competence to challenge them. Are they going to know when the final shot will have taken place? There will also be various takes before they get the right shot. Are they going to know where this is taking place and do they have the resources to enforce it? He told me that, initially, he had a few enquiries from some local authorities about what it meant, but he has no knowledge of any cases being brought and he considers this to be pretty much unenforceable.

[194] **Kenneth Skates:** Sorry, we have digressed from my actual question. Are you aware of any discussions or approaches to either the Welsh or UK Governments by any other industry seeking an exemption in England or Wales? Have any discussions at all taken place?

[195] **Dr King:** Yes, there are campaigns.

[196] **Ms Waters:** To add to that, there is evidence that there are attempts to nibble away at the legislation in other countries. In Scotland, for instance—I believe that it was last October—a pressure group was pushing the case for the ventilation technology industry. It is trying to overturn the Scottish indoor smoking ban, because of developments in ventilation technology. It now says that it can filter out the air in tobacco smoke, which means that we need to move forward with the smoking ban and make exemptions, so that it could possibly be used in pubs and clubs.

[197] **Darren Millar:** Do you know which group that is, Felicity?

[198] **Ms Waters:** I believe that it is called Freedom2Choose.

[199] **Darren Millar:** Thank you.

[200] **Ms Waters:** That is based in Scotland. So, already we are seeing attempts to nibble away at the legislation and all the tobacco industry needs is an in here to try to tackle and challenge the legislation, because all these tobacco control measures are threatening their profits.



[201] **Kenneth Skates:** How do you square the argument over protecting workers' rights, when actually it is BECTU—the Broadcasting, Entertainment, Cinematograph and Theatre Union—which represents many of the workers that is in favour of—

[202] **Ms Waters:** I am as puzzled as you are.

[203] **Kenneth Skates:** Surely, it has the interests of its workers at heart.

[204] **Ms Lloyd:** I just do not see what health evidence there is to show that its workers would be more protected. There are no safe levels of second-hand smoke; there is no such thing.

[205] **Kenneth Skates:** On that, are you able to give any evidence to suggest that there is a quantifiable increase in the risk of developing lung cancer or heart disease as a result of having a cigarette on set?

[206] **Dr King:** As I mentioned, there is no known safe level of exposure and we know that regular exposure to second-hand smoke increases the risk of lung cancer by 24%.

[207] **Kenneth Skates:** That relates to regular exposure, does it not?

[208] **Dr King:** Yes, but it is a human carcinogen and we do not know what the effect will be. You may have vulnerable people on the set, including pregnant women and people who have existing heart conditions, asthma and so on. There is a question of equity here as well. Those people might have to exclude themselves from the set, and possibly from that job.

[209] **Ms Waters:** It is worth remembering that 80% of tobacco smoke is invisible and odourless, so whether you are lighting up one, two or 10 cigarettes, the effect is the same, especially if you are in a restricted space.

[210] **Ms Lloyd:** Our evidence shows that the effect of passive smoking on the risk of heart disease has been underestimated in the past. Recent evidence published in the *British Medical Journal* found that blood clotting levels among non-smokers exposed to passive smoke is associated with a 50% to 60% increased risk of developing heart disease, which is significant.

[211] **Kenneth Skates:** However, that is regular exposure. We need to be clear whether this is regular exposure or a one-off cigarette, or two cigarettes, on set.

[212] **Ms Lloyd:** I am not sure if that refers to regular exposure, but I assume that the evidence is well documented as even sporadic exposure to second-hand smoke is harmful. There are no safe levels in terms of exposure to smoke.

[213] **Kenneth Skates:** So, it is not possible to categorically say that an exemption would lead to a noticeable and quantifiable increase in the risk.

[214] **Ms Lloyd:** I would suggest that it is, because there are no safe levels of second-hand smoke.

[215] **Nick Ramsay:** I think that you have made that point very well.

[216] **Eluned Parrott:** I would like to follow up on that exact point, because, Delyth, you said that there is no safe level, and one of the papers says that. However, Dr King said that there is no known safe level, and that is a very different proposition. It is either a question of absolute zero being the only safe level, or you do not actually know what the safe level is. You seem to have merged those two things, and they are actually very different. Can you

clarify whether you do not know what the safe level is or that you know that any exposure to tobacco is categorically hazardous?

[217] **Dr King:** Yes. I apologise for the lack of clarity. Any exposure is potentially hazardous. It is especially hazardous to people who are vulnerable in terms of their health. It is hazardous. An analogy was given once that if the carcinogens that are in second-hand smoke were leaking from a pipe in a factory, you would want to close the factory, because these are human carcinogens.

[218] **Eluned Parrot:** How does the level of exposure to one or two cigarettes on set, in terms of exposure to carcinogens, compare to the level of exposure to carcinogens from filming a news scene at a roadside about traffic, for example?

[219] **Dr King:** You would have to ask an epidemiologist that question. However, my understanding is that cigarette smoke is far more harmful in terms of its constituents and the sorts of levels of exposure that you get at the roadside.

[220] **Ms Waters:** To add to your point, the concern that we have is that what the BBC and the creative industries are proposing is not just the odd one or two cigarettes. That is what we thought their evidence would be at the start. What they are actually proposing is extensively filming period drama. That is what they want to bring to Wales. They mentioned the boxing ring in *Upstairs Downstairs*. They are mentioning large scenes in which there is a lot of smoking. What if children are present in those scenes? What if under-18s are expected to take part in those scenes? We are not looking at the actor lighting up—

[221] **Nick Ramsay:** Felicity, may I just point out for the record that what is proposed is that children under 18 would not be allowed on set?

[222] **Ms Waters:** We go back to our point that that is completely unenforceable. The Chartered Institute of Environmental Health, which I am sure you will hear evidence from, will say that it is not enforceable. It has neither the finance nor the logistical capacity to enforce that. It would be at the discretion of every individual producer and director.

[223] **Eluned Parrott:** Do you have evidence that that is causing a problem in England, and that children are routinely on set when smoking is filmed?

[224] **Dr King:** There are certainly films where children are present. We do not know because it is not being enforced because nobody has the capacity to check what is happening.

[225] **Kenneth Skates:** You would be able to see it, because the whole point is to film a scene.

[226] **Ms Waters:** Yes, but the problem and question is, who is policing and enforcing that? If the director decides that that is the artistic integrity that he wants to portray, who is to say, 'No, I am sorry, but you cannot film that because of the children'?

[227] **Kenneth Skates:** Put another way, have you sat and watched any productions where there are children present in a scene where there is smoking?

[228] **Ms Waters:** Not yet, but who is to say that that will not happen in the future?

[229] **Kenneth Skates:** So, actually, there is no evidence to suggest that it is happening.

[230] **Ms Waters:** We have a real concern that that could happen in the future.

[231] **Nick Ramsay:** Are you saying that a producer or a director would willingly flout the law because it is not being policed and so they could get away with it?

10.30 a.m.

[232] **Ms Waters:** Not at all. I am saying that there is potential for this legislation to be flouted. In some of the original consultation responses to this whole exercise, a producer actually asked for an indemnity when doing a production because he or she did not want to take the responsibility for members of the public being present. That to me suggests that this area will create difficult problems in enforcing the law. Another producer said during the consultation exercise that they may well have to use smoking for rehearsals, when the guidelines state clearly that it will not be used for rehearsals, only for a final take. Who can say whether it is a final take? It would be the director's word against everybody else's. It is totally unenforceable.

[233] **Nick Ramsay:** Eluned Parrott, have you finished?

[234] **Eluned Parrott:** Yes.

[235] **Mark Drakeford:** The change to the regulations that is being sought is not one about whether smoking should be portrayed, but about how smoking should be portrayed. So, Felicity, I would like to go back to some of your very early evidence. We were told during our first session that, in order to make this authentic and realistic, there were very significant costs that fall on the industry in Wales that do not fall on the industry in England and that that could potentially make a difference to a decision about where a production might be located. Could you take us back to what you began to say earlier about the evidence that you have that those costs are not at the level that was being suggested to us earlier? Are there specific companies, and so on, that could give us that specific detail?

[236] **Ms Waters:** We just did a general search for special effects companies in Wales. I do not want to mention them in evidence because I do not want to put them in a difficult position. However, we asked them for quotes because we wanted to portray smoking as realistically as possible, and one came back with a quote of £250 per day for CGI. We also got the props that I have here. One is from Swansea—

[237] **Mark Drakeford:** I cannot see them from here.

[238] **Ms Waters:** I will hold them up. The first one is from a company in Swansea. It costs less than £30 and it produces a vapour that looks like smoke. However, I understand that there are difficulties in filming close-up shots using this. We accept that, but it is used as a prop with the CGI and it gives you the effect of a cigar or a cigarette. The second is, perhaps, the latest one. Once again, this costs less than £30.

[239] We live in the real world and we accept that there will be productions where we need to portray smoking, particularly in period dramas. Where it is absolutely necessary to portray those scenes, it can be done effectively in Wales. It will not be a huge cost. It is certainly nowhere near the cost of going to Bristol to film scenes. There is also no evidence at all that allowing smoking will create jobs. In Wales, we should be putting a premium on innovation. To boost jobs, we believe that the Welsh film industry needs to invest in the latest special effects technology. It needs to innovate, putting itself at the forefront of the industry, not sending Wales back in time.

[240] **Nick Ramsay:** The picture that you have there is of Churchill in *Dr Who*, is it not? That has come up a lot in today's evidence. I think that is actually CGI, is it not; it is not an electric cigarette.

[241] **Ms Waters:** Yes, they are both CGI, but they are visual effect cigars, which were filmed in Cardiff. We know that many of the scenes from *Upstairs Downstairs* were filmed in Cardiff with no problems at all.

[242] **Mark Drakeford:** I have a second, slightly separate, question for Dr King. I put it to our last set of witnesses that if we were to amend the legislation in the way that they suggest, it would expose those involved in these productions to a unique risk. I think that you said something similar earlier. The answer we were offered was that there are many risks that actors are exposed to during production, such as being required to go horse-riding. Are you aware of any secondary effects from horse-riding?

[243] **Dr King:** No, I am not. We have to recognise that we are in the twenty-first century and we are reaching a point where we are starting to talk about a smoke-free and tobacco-free society, and it is exciting that we can imagine children who do not know what this thing is. We are looking at a couple of decades in the future, but we should not go back and start exposing workers when we have exemplary legislation protecting our workers. I do not know of any secondary risks from horse-riding, but I know of some from smoking.

[244] **Mark Drakeford:** So, do you think that we should place any reliance on the argument that to reintroduce smoking in the workplace for actors and other people involved in film production is just to expose them to one other risk alongside many other risks that their profession involves?

[245] **Dr King:** Let us be clear, tobacco is the major cause of avoidable disease and death across the UK. It kills 100,000 people through active smoking. We know that, before the legislation, several hundred workers exposed in the workplace were dying from second-hand smoke. It is unique in the composition of harmful constituents of up to 70 carcinogens. Why would we want to go back and start exposing people to this risk? I am not an expert on health and safety in the film industry in terms of other things, but I believe that the stunt people that do the leaps from buildings and so on are high risk, certainly. This is something that is not necessary; it is disproportionate and it is unenforceable.

[246] **Nick Ramsay:** Okay. I think that you have made the point well about the health risks. I have a very long list of speakers. You have obviously stirred the imagination. I ask Members and panellists to be as succinct as possible. I call on Eluned Parrott first.

[247] **Eluned Parrott:** The main objection that you have to smoking, obviously, is that the use of tobacco is a danger to actors and the set crew. Might you be amenable to a compromise position where herbal cigarettes were used?

[248] **Ms Waters:** Herbal cigarettes are not as dangerous as tobacco, but they contain some of the toxins. So, no; we would like to stick to the legislation as it stands. As I said, we have very effective props that are nicotine-free and tobacco-free and cause absolutely no danger to workers—to the film crew or to the actors themselves. That would be our position.

[249] **Eluned Parrott:** You stated earlier that your aim would be to remove the portrayal of cigarettes and smoking from television and that you want to see a smoke-free society but, of course, this is not illegal behaviour that we are talking about here. We would not want to be seen to vilify people who do make an adult, informed choice to smoke. Do you believe that portrayals of smoking on television inevitably glamorise smoking?

[250] **Dr King:** To come back to the point about an informed, adult choice, the vast majority of people start smoking as teenagers. They certainly have not made an adult choice and, arguably, it was not an informed choice because they had been marketed to by tobacco

companies.

[251] **Eluned Parrott:** They have also been marketed to very effectively by organisations such as yours, which are far more openly able to advertise to the public.

[252] **Dr King:** That is a whole separate set of discussions around whether the cigarette package and displays in shops are still a form of marketing that is working very effectively on our children. We still have, across the UK, 157,000 children starting to smoke each year. So, it is not an insignificant problem. I am sorry to sound like a stuck record, but the prime issue here is the health of workers. Certainly, the portrayal of smoking in programmes that children are going to see—as we know from research evidence—is one of the factors that encourages those 157,000 children to start smoking. We would prefer that there was no smoking in films and programmes that children see, but the prime issue here is about protecting workers.

[253] **Eluned Parrott:** Smoking is rarely portrayed in modern-day television and film productions that children see. Productions set in the present day that show people smoking include ones like *Shameless*. Are you suggesting that that is an aspirational programme and that people watch it and think, ‘Do you know what? I need to drink more. I need to smoke more, and turn my life around’?

[254] **Ms Water:** I think that they still smoke quite a bit in *Eastenders*. I have not watched it for a while, but they still smoke on it. That is shown at 7 p.m. or 8 p.m. when children and young people are up. I am not sure whether it still glamorises it in the way it is portrayed in some tv programmes like soap operas, but it certainly normalises it for children. That is one of our aims at ASH Wales; all of our campaigns are aimed at de-normalising smoking in front of young people. So, we are trying to get smoke-free playgrounds so that children do not see adults doing it as a normal everyday behaviour in their areas, such as playgrounds and on the television. If they see it, they are more likely to do it themselves.

[255] **Eluned Parrott:** It is legal behaviour and adults do have a right to smoke in open places and in their own homes.

[256] **Ms Waters:** Of course, but it also kills more than 5,000 people a year in Wales and in excess of 27,000 hospital admissions a year are due to smoking-related illnesses. We have to remember that; it is legal, but it is also a lethal activity.

[257] **Dr King:** The vast majority of smokers wish that they had not started and would like to quit. We know that it is hard to quit; we have very good stop-smoking services. We have not talked about the general context of the tobacco control plan in Wales, which is an exemplary and comprehensive set of measures. What sort of message are we sending out if, with this world-class, smoke-free legislation, we then wind back? There is an ambition within that plan to be smoke-free and for children not to smoke.

[258] **Nick Ramsay:** We only have an hour for questions. There was a reason why I did not expand it into a general discussion about tobacco regulations. Very briefly, Eluned is next, and then I will bring in Darren Millar.

[259] **Eluned Parrott:** There is a difference in the legislation between England and Wales. What active steps have your organisations taken to plug that loophole and to prevent smoking on sets in England?

[260] **Dr King:** At the moment, we are totally focused on trying to plug a loophole in tobacco marketing to children by getting standardised packaging. I mentioned that we had a very big fight to get smoke-free legislation. That looks like a small skirmish compared with the opposition that we are now confronted with from the tobacco companies, which have

vested interests. That is our first focus, but this is certainly something that we would like to see. Let us get standardised packaging through first, to protect children from marketing.

[261] **Eluned Parrott:** So, it is not a priority for you at this time.

[262] **Dr King:** We cannot fight too many battles at once. We are putting enormous resource into standardised packaging.

[263] **Darren Millar:** Picking up on Eluned's point that drinking alcohol is legal behaviour, people are not being forced to drink real alcohol on screen and that is easy to portray in other ways.

[264] We have talked about the health risks of smoking, and everybody accepts that it is harmful. The World Health Organization has said that there is no safe level of exposure; I think that you quoted that organisation earlier. May I just check with you, in terms of the prevalence of diseases among those who work in the tv and film industry, compared with those who do not, is there a higher prevalence of diseases related to smoking? Is there any evidence of that?

[265] **Ms Waters:** I do not think so, but I can try to find out for you.

[266] **Darren Millar:** I would be interested in seeing whether there are any statistics, particularly if they showed a higher incidence of disease, which could mean that we are not being draconian enough. It would also be interesting to see whether there is a difference between the prevalence of disease among people who work in the industry in England and Wales, given the difference in approach. If you can provide us with information, that would be useful.

[267] **Nick Ramsay:** Could you do that?

[268] **Ms Lloyd:** It is important to remember the inequalities in health in Wales in relation to the prevalence of disease. The Government has ambitious targets to reduce that—it is currently 23% in Wales—to 16% by 2020. That is hugely ambitious and we do not want to see this as nibbling away at the legislation to protect that.

[269] **Darren Millar:** We have a situation here where all of our witnesses, no matter which side of the fence they sit on, accept that smoking is harmful and that we have to minimise the exposure to children, et cetera. We all accept that there are costs involved to the industry—we might disagree about the extent of those—by having this regulation in place. It is the other evidence that we do not have, which the committee needs in order to form its view. This could be interesting information on the disease prevalence among those who work in the industry; it would be fascinating to know the difference in Wales compared with other parts of the UK where the ban is not in place. On the costs issue, you said that you had taken a number of quotes; I assume that you have just quoted us the lowest one in terms of CGI technology—

[270] **Ms Waters:** No, I only got one quote.

[271] **Darren Millar:** It was just the one quote. Was it from a firm used by the BBC in order to produce the images that you have shown us?

[272] **Ms Waters:** No, it was a different one.

10.45 a.m.

[273] **Elin Jones:** Hoffwn eich holi ynglŷn â'r ffaith y gall golygfeydd gael eu ffilmio y tu fas yn ogystal â'r tu fewn. Os caiff golygfa ei ffilmio tu fas a bod actorion yn gorfod ysmegu ar adegau, mae'r criw ffilmio'n cael ei effeithio gan y mwg o'r ysmegu hynny. Rydym ond yn siarad yma am y tu mewn, wrth gwrs. A oes gennych chi unrhyw dystiolaeth neu farn ynglŷn â maint y risg i actorion a staff os oes ysmegu y tu mewn i'r set, a'r effaith arnynt, o'i gymharu â'r hyn y maent yn agored iddo y tu allan i'r set?

**Elin Jones:** I want to ask about the fact that scenes can be filmed outside as well as inside. If a scene is filmed outside and actors sometimes have to smoke, the film crew is exposed to that smoke. We are only talking here about inside, of course. Do you have any evidence or opinion regarding how much more of a risk there is for actors and staff from the effect of smoking on set in comparison with what they are exposed to outside the set?

[274] **Dr King:** I do not think that we have specific evidence on that. What I would say is that, if this amendment went through, you could potentially have actors who are non-smokers having to smoke, who could then be exposed to the risk of becoming addicted to smoking. Clearly, when you are outside the concentration is less, and I know that there is growing evidence about, for example, the concentration of cigarette smoke in cars. It is obvious, is it not, that the smaller the space, or the more the smoking, the greater the exposure? I do not think that we have evidence on what the levels of exposure would be inside and outside the set, but we would remain concerned, especially about actors being made to smoke.

[275] **David Rees:** I want to follow up on a couple of points. I will be succinct here. On the issue about smoking and addiction, what evidence do you have that actors will become addicted if they take part in a single production?

[276] **Dr King:** We know that Leonardo DiCaprio, for example, said that he became addicted through having to smoke on set. Ray Winstone, who had quit, went back to smoking through having to smoke for a film. Obviously that is anecdotal, but clearly the risks are there. We know that tobacco is a highly addictive substance.

[277] **David Rees:** I have two other quick points. First, on the issue of herbal cigarettes, you mentioned toxins, but has there been any research into the impact of smoking herbal cigarettes on health?

[278] **Dr King:** All I could tell you is that if a respiratory physician was here, they would be saying that it is harmful to ingest anything in your lungs that has tar and so on in it, and herbal cigarettes do. They are not something that are used so much that there are good epidemiological studies on it.

[279] **David Rees:** Secondly, going back to the point on the cost of CGI, the quote you received was obviously per day. Was it indicated how many days would be required to produce a scene?

[280] **Ms Waters:** They said that they could do a number of scenes. Could I just take us back? I am not an expert in CGI. We are not experts in special effects technology. There are experts in Wales on that. What we are concerned about is that the creative industries are saying that allowing smoking in Wales will create jobs, and that is simply not true. We heard evidence just now at the end that it could not categorically be said that jobs would come to Wales because they were going to allow smoking. There is no evidence at all that production companies have chosen England over Wales to shoot a film because we do not offer smoking on sets. In Wales, £22 million was spent last year by the film industry. Wales is a fantastic place to shoot films. We have had *Harry Potter*, *Snow White and the Huntsman*, *Robin Hood*—we are known in Wales for our fantastic landscapes and our state-of-the-art studios. We have Roath Lock, creative technologies, special effects—

- [281] **David Rees:** I do not dispute that.
- [282] **Ms Waters:** This is the crux of the issue, though. We should be investing—
- [283] **David Rees:** No. That is not the question I asked. The question I asked was: did they tell you how many days it would take to produce a CGI scene? That is the crucial aspect of it.
- [284] **Ms Waters:** No, they did not say that specifically because they would need to know the details of the actual scene. I am not a producer. I used to be one, but I am not any more.
- [285] **Nick Ramsay:** We do not expect you to know the ins and outs of modern technology.
- [286] **Kenneth Skates:** In terms of technology, why is it that California, which is probably the leading area of the world for innovation in technology in terms of television and film, does not have a ban on smoking on set for filming, and yet it introduced the ban on smoking in public places before Wales? It is probably one of the most progressive states in the US, and globally.
- [287] **Dr King:** You also have a very powerful tobacco industry—
- [288] **Kenneth Skates:** There is a very powerful film industry in Hollywood, and if anyone could get away with imposing a ban on smoking on set, I am sure Hollywood could.
- [289] **Dr King:** Our colleagues in tobacco control in the States are campaigning for that. There is good research evidence published in peer-reviewed journals that shows the influence that smoking in movies has on young people.
- [290] **Kenneth Skates:** But, again, my point is about innovation and technology. If Hollywood cannot do it, why should we believe that Roath Lock can?
- [291] **Dr King:** Frankly, the US generally is quite far behind Europe and the UK—
- [292] **Kenneth Skates:** Is it behind Europe on CGI?
- [293] **Dr King:** In terms of tobacco control.
- [294] **Kenneth Skates:** We are talking about technology and innovation.
- [295] **Dr King:** It is about having the desire to protect children and so on.
- [296] **Kenneth Skates:** I appreciate that, but my question is: do you really believe that Wales can achieve in terms of technology and innovation in filming what Hollywood cannot?
- [297] **Ms Waters:** I do not think that it is that Hollywood cannot. As Jean said, there are very powerful vested interests at work.
- [298] **Kenneth Skates:** Not in California, though. Not in Hollywood.
- [299] **Ms Waters:** Different states in America have different measures on tobacco control. In New York, for instance, they are very progressive, and they are about to ban smoking in all of their 22 campuses. It is moving in the right direction and it is a matter of time. It is not that they cannot. It is just one of a number of measures that needs to be tackled. It will be done.
- [300] **Alun Ffred Jones:** Mae gennyf ddau **Alun Ffred Jones:** I have two questions. To



gwestiwn. I fynd yn ôl at y pwynt a wnaethoch ar y dechrau, sef bod yr eithriad hwn yn gallu agor y drws i'r lobi bwerus iawn yr ydych wedi cyfeirio ati o'r diwydiant tybaco i chwilio am ragor o eithriadau. Mae'r eithriad hwn, fel y deallaf, wedi bodoli yn Lloegr ers 2007 ar gyfer y diwydiant teledu. Felly, a oes enghreifftiau yn Lloegr lle mae diwydiant—unrhyw ddiwydiant—wedi ymofyn eithriadau pellach?

return to the point that you made at the beginning of this session, namely that this exemption would open the door to the very powerful lobby that you have referred to in the tobacco industry to seek further exemptions. This exemption, as I understand it, has existed in England from 2007 for the television industry. Are there any examples in England where any industry has sought further exemptions?

[301] **Dr King:** Certainly the Save Our Pubs and Clubs campaign has not gone away—it is very quiet because public support for this legislation is so strong. However, every now and then something pops up via Forest or another group that is working on behalf of the tobacco companies to say that we should allow smoking in private members' clubs again. However, because we have moved so far and because the legislation is so popular and understood by the public it does not really get anywhere, although the rumblings are still there. As I mentioned, across the water in Europe there are groups that are trying to unravel what legislation there is, and there are groups looking to us and wishing that they had what we have. There are also groups such as Save Our Shops, and Hands Off Our Packs!, which are all funded by tobacco companies. If I may come back to a point that was made about unions, one of the tobacco industry's tactics is clearly to generate fear about jobs and so on, and, unfortunately, I think that it has been able to persuade unions on this point in a climate of general concern about the economy. However, there is no evidence around the economic impact of these policy measures that we have talked about up till now.

[302] **Alun Ffred Jones:** Os caf i fynd yn ôl i'm cwestiwn, a oes unrhyw ymdrech wedi ei wneud yn y Senedd trwy Fil Aelod preifat yn San Steffan i ymofyn eithriadau pellach?

**Alun Ffred Jones:** If I could return to my question, have any attempts been made in Parliament through an individual private Member's Bill to seek further exemptions?

[303] **Dr King:** Not through Bills, no.

[304] **Alun Ffred Jones:** Efallai fod Darren Millar wedi gofyn y cwestiwn hwn, ond fe'i gofynnaf eto. Rwy'n derbyn bod y dystiolaeth yn anodd iawn i'w mesur, ond a oes ymchwil neu dystiolaeth bod yr eithriad yn Lloegr wedi creu niwed i iechyd gweithwyr yn y diwydiant? A oes ymchwil neu dystiolaeth yn y maes?

**Alun Ffred Jones:** Darren Millar has perhaps already asked this question, but I will re-pose it. I accept that the evidence is difficult to assess, but is there any evidence that the exemption in England has done any damage to workers in the industry? Is there any evidence of such damage to health?

[305] **Ms Waters:** We are not aware of any evidence coming out of England as yet on that, but evidence is quite thin on the ground anyway with regard to that across the UK.

[306] **Kenneth Skates:** I was a smoker, and I know how difficult it is to quit smoking. One of the reasons that I quit, I remember, was that I watched a drama that did not portray smoking in the best way, showing the impact on a character's health. Would you be content to allow an exemption where drama portrayed the impact of smoking very negatively? I am concerned that not having an exemption is counter-productive to some degree, so that you cannot have drama, or there is a resistance or a cost implication to having a drama where smoking is portrayed negatively.

[307] **Ms Waters:** I think allowing an exemption of any kind is dangerous, because it sets the tone, and if you can do it for one thing, you can do it for another. You are pushing the

boundaries. As was said in the last consultation response, as you know, it could happen with rehearsals, or perhaps people would look to fit it into a certain scene. An exemption of any kind will open the floodgates to others.

[308] **Dr King:** Just to follow up on that, there is very good evidence about what encourages people to quit. Anecdotally, some people might be influenced by a film, but we do not have clear evidence on that, whereas we do know that mass-media campaigns really support people to want to quit. That is where we would want to put our evidence-based measures.

[309] **Kenneth Skates:** Would you agree that smoking in dramas can sometimes assist in this?

[310] **Dr King:** I do not think that we know, because as many people that it might assist, there might be other people who were trying to quit, and just seeing that cigarette is a cue for them to start smoking again. So, we do not have evidence on that, but we do have evidence on what helps people to quit.

[311] **Ms Waters:** Once again, why could they not use a prop, given that it would simulate smoking perfectly well? You could have the same messages but with simulated smoking. So, I think that that is a way around that.

[312] **Kenneth Skates:** Not all portrayal of smoking glamorises smoking, does it?

[313] **Dr King:** True, but again I am not sure that there is evidence about whether it really helps people to quit or whether it is a cue for people who are trying to quit. We do not have evidence for any depiction of smoking.

[314] **Nick Ramsay:** I hear your argument about it nibbling away at legislation. Is saying that this exemption would open the floodgates not a bit over-emotive? The note I have here states that the exemption to the legislation in England does not include children, so you can have children on set in England, I believe. What is proposed here is much more restricted than is the case in England. It does not seem that the English exemption has opened the floodgates—it seems that what is proposed here is much more specific.

[315] **Ms Waters:** We would argue that it is still not acceptable and that it is a matter for England to close its loophole, rather than for Wales to set this in motion. If Wales goes ahead with this exemption, the BBC in Scotland and Northern Ireland will lobby to have the exemption in those areas as well. The Northern Ireland film industry is doing perfectly well without an exemption, the same as Wales. A report published last year cited that it was aggressive marketing of Belfast and sustained Government investment that boosted the film industry, not the fact that it could offer smoking; there was no evidence whatsoever of that.

[316] **Nick Ramsay:** I think that we clarified in the previous evidence session that an exemption would not be possible in the case of Scotland, as with Wales, because they would have to have a whole new smoking Act to allow for an exemption, which still might be on the cards.

[317] **Ms Waters:** Lobbying would go ahead there.

[318] **Nick Ramsay:** Are there any other questions from Members? I see not. I will ask the final question. In terms of what you said earlier about the unenforceability—if that is the right word—of this exemption if it went ahead, I am thinking about the proposed legislation on banning smoking in cars with children. I am sure that you would think that that was a good thing, and many people would agree with that. However, there have been issues about how

enforceable that is, particularly in border areas where a car might be going across the border. Arguments about unenforceability are not deterring people from saying that it is a good thing, so would you accept that if this exemption could be enforced or was adhered to, it would be a bad thing if directors were given that choice to stick within the law?

[319] **Dr King:** Yes, because if we were to go back to the first principles of the legislation, we would see that it is about protecting workers; it would be a retrograde step. We are very much hoping that banning smoking in cars will encourage people not to smoke in cars, because it will be difficult to enforce that. Our case is predicated on protecting workers wherever they are. As we have protected the bar workers of Wales, so we want to protect the actors and so on.

[320] **Ms Lloyd:** That is part of behavioural change in parents. People do not realise the dangers of second-hand passive smoking, because people still smoke in cars with children present, which is shocking for me, as it is for probably most of you around the table. It is those messages and behavioural changes that we need, and if it takes legislative changes to get there, so be it. We should not be diluting flagship public health legislation in Wales—we have come this far—on commercial grounds. It is astounding that this has ever come to the table.

[321] **Dr King:** Someone gave me a timeline for the legislation coming through, and on this day 10 years ago—exactly on 22 January 2003—the National Assembly for Wales voted in favour of an all-party motion calling upon the UK Government to bring forward a Bill giving Wales the powers to introduce a smoking ban in public places. With that foresight and this excellent legislation, our plea would be ‘Don’t go down the England route; it is not good enough in England’.

[322] **Nick Ramsay:** We have a minute left, and I think that Ken Skates wanted to ask a quick final question.

[323] **Kenneth Skates:** I am going to read out a quote that I think goes to the crux of the matter here. It is from Machine Productions Ltd, and I was wondering what your response to it is:

11.00 a.m.

[324] ‘I would suggest that the health impact on people in Wales from poverty and unemployment is a very much more major problem than one actor with one cigarette in a studio or interior location.’

[325] How do you address that—in a minute?

[326] **Ms Waters:** I will also end on a quotation. I think that you have had two statements from actors—

[327] **Nick Ramsay:** These are not auditions by the way; you do not have to feel that quotations are essential. [*Laughter.*]

[328] **Ms Waters:** These are the words of an actor whom we spoke to from Ebbw Vale. He says that he was once involved in a production where he had to smoke because it was set in a particular era in a pub in the east end of London. He was scripted to have lines asking for cigarettes because it was vital to his character. He does not smoke in the slightest, but, because he wanted the job and in the name of theatre, he went ahead. He says:

[329] ‘I disagree that smoking should be allowed on set. It puts actors who are non-smokers

under pressure and it puts other actors at risk from second hand smoke. Technology is becoming more and more advanced...we need to move forward not backwards’.

[330] **Nick Ramsay:** I am tempted to say, ‘To smoke or not to smoke on set, that is the question’, but that would probably be inappropriate, so I will not. Well, I did. [*Laughter.*] I thank our witnesses—Felicity Waters, Dr Jean King and Delyth Lloyd—for being with us today. Thank you for your paper. That was a really helpful evidence session and we will feed that into our inquiry into smoke-free premises regulations. Thank you.

*Daeth y cyfarfod i ben am 11.01 a.m.*

*The meeting ended at 11.01 a.m.*

[1] Cyhoeddwyd cywiriad i’r rhan hon o’r dystiolaeth gan y tystion drwy lythyr at Gadeirydd y pwyllgor.

*The witnesses have issued a correction to this part of the evidence by means of a letter to the committee Chair.*