



By: *Harvey Morris*

Are Britain's beleaguered smokers headed for their last gasp?



UK government plans to toughen restrictions on smokers managed to grab the domestic headlines in a summer news lull as public health campaigners vied for attention with critics of the so-called 'nanny state'.

The level of controversy over what may appear, at first sight, to be a relatively minor matter may not survive the silly season and this week's resumption of parliament.

The proposed measures do nevertheless raise important questions about how far a democracy should go in limiting personal freedoms.

Should the rule of law be restricted to protecting citizens from the deprivations of others or should it extend to protecting them from themselves?

The first principle was applied in 2007 when smoking was **banned** in workplaces and enclosed venues such as pubs. From that point, Britain's dwindling cohort of smokers, around one-in-six adults, was banished to pub gardens or the street.

The policy, widely mirrored in other countries, aimed at protecting non-smokers from a proven health threat from the second-hand smoke puffed out by workmates and pub-goers in indoor spaces.

New measures would extend the ban to many outdoor public settings, despite little evidence of a significant health threat to others. Even the UK's National Health Service, urging parents not to risk their children's health by smoking at home, urges the nicotine-dependent to "find somewhere comfortable to smoke outside".

Now the government is considering a new penalty for which many would argue there is no crime.

An inevitable backlash

Confirming the substance of a press leak, Prime Minister Keir Starmer **acknowledged**

that the government was looking at rules to ban smoking in public outside spaces.

Any contribution to the debate on the smoking issue necessarily requires a health warning and Starmer was happy to oblige. "My starting point on this is to remind everyone that over 80,000 people lose their lives every year to smoking." He said that represented a huge burden on the National Health Service and the taxpayer.

He avoided mentioning that exorbitant tobacco taxes, ostensibly introduced to deter smoking, will this year raise £8.8 billion for the treasury, more than two-thirds of the income from alcohol duties. The price of a single cigarette is now approaching £1.

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The prime minister faced an inevitable backlash from a pub and hospitality sector that, having investing significantly in outdoor space since 2007, protested that new restrictions could sound their death knell.

Emma McClarkin, chief executive of the British Beer and Pub Association, **said**: "It is deeply concerning and difficult to understand why government would bring forward proposals that will be yet another blow to the viability of our nation's vital community assets."

The official account of the opposition Conservative party joined the fray, posting on X that the mooted restrictions were further evidence that Labour hated freedom. "This isn't about people's health. It's about social control."

The Conservatives are on shaky ground, however, since their outgoing government overcame a backbench revolt to advance much more draconian measures on smoking in the dying days of the last parliament.

With Labour support, former prime minister Rishi Sunak won a vote to totally outlaw

smoking over a generation by making it illegal for anyone born in 2009 or later to buy tobacco products in the UK. His calling of an early election meant there was no time to bring in the new law.

The pub garden debate

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With the Conservatives divided, it has been left to right-wing Reform leader Nigel Farage to jump on the libertarian bandwagon.



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Farage, whose carefully crafted 'man of the people' image involves invariably being pictured with a pint of beer in one hand and a cigarette in the other, declared he would boycott pubs if outdoor restrictions went ahead.

The prohibitionists can argue that democratic governments have long outlawed harmful addictive substances, including drugs such as heroin and cocaine, with the downside that such bans have spurred a widespread illegal trade.

For the most part, other potentially harmful activities, such as excessive alcohol consumption and gambling, and until now smoking, have largely avoided the legislators' gaze, despite the personal and societal damage they might cause.

A triumph for majoritarianism

Compared to the violent drunk or the gambler who bankrupts his family, the outdoor smoker potentially damages no one but himself.

The anti-smoking lobby point to polls that indicate a comfortable majority of adults would support an outdoor smoking ban. Some would even extend the ban to private homes. However, to introduce legislation on that basis would be a triumph for majoritarianism rather than for democracy.

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In a democracy, there are many minority activities that others find irritating or anti-social - rush-hour urban joggers spring to mind. But democracy is as much about accomodating the rights of such irritating eccentrics as about imposing the will of the majority.

Non-smokers might argue that tobacco serves absolutely no purpose. Its consumption is a pernicious habit that can kill. A revival of Sunak's step-by-step moves to a total smoking ban may now be inevitable under Labour.

But, in the meantime, there should surely be a corner of some pub garden that a dying generation of inveterate smokers can for the time being call their own.