

Pubs push against patio changes

By Rick Stiebel
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Pub owners have hired a consultant to help fight proposed changes to patio smoking regulations.

In September, the Capital Regional District attempted to redefine the definition of a patio without public consultation, said Michael Geoghegan, who's been hired by a group of pub owners to plead their case.

Although the proposed changes - which would more clearly define open-air smoking patios from enclosed, heated and sheltered areas - were shelved to allow CRD staff time to come up with a public consultation process, Geoghegan's concerned that CRD inspectors have been stepping up inspections of patios.

"In lieu of a public consultation process, CRD bylaw officers have recently undertaken a campaign of harassment against businesses that allow smoking on their patio areas," Geoghegan said in a Feb. 1 letter to Langford council.

Ma Miller's Pub owner Tony Piga confirmed CRD bylaw officers have been in on a regular basis recently, adding that it's good to have one voice representing pub owners' concerns.

"We all share common ground on this," he said.

Station House Pub owner Bill Beadle said he's involved because of his concerns over the patio issue.

"We need to take progressive steps, because the issue is not being handled properly by the CRD," Beadle said.

The current situation has been effective in protecting staff and separating smokers from non-smokers, Geoghegan said.

"We have a system that works, the number of smokers is dropping and we're winning the war," he said.

"Having the CRD come along and change the rules is beyond cute," Geoghegan said. "It's reprehensible."

Jeremy Tate, manager of CRD health facilities planning, confirmed that he has put together a suggestion on how a public process should be structured.

The issue was to be discussed at the Feb. 22 CRD planning and protective services committee meeting.

Pub owners have already spent many thousands of dollars to comply with CRD and Worksafe BC requirements and local government ordinances, only to find out the CRD wants to change the rules established with the implementation of the 1999 smoking ban, Geoghegan said.

"The law of unintended consequences is that this may create more public safety issues than intended," he said. "It's getting to the point of overkill."

If people can't smoke on the patio, it increases the risk of non-smokers having to pass through "a cloud of blue smoke" from smokers congregating outside an establishment, said Geoghegan, a nonsmoker.

It's not hard to see the potential for an accident with people going out to darkened parking lots for a smoke, he said.

There's also concern from pub owners who rely more heavily on income from beer and wine stores that they'll need to lay off staff because of a reduction in clientele.

Geoghegan declined to identify which pub owners are part of the effort, other than to say they are geographically widespread throughout the CRD, and more have indicated they're coming on board.

Langford Mayor Stew Young pointed out at the Feb. 6 council meeting that he hasn't received a single complaint about smoking on pub patios and fears it could become another case of CRD overkill.

Vancouver Island Health Authority chief medical officer Dr. Richard Stanwick referred calls from the News Gazette to the CRD.

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Following the 1999 implementation of a CRD bylaw that banned smoking in all public spaces, many pub owners created patio spaces for their smoking clientele. But VIHA's chief medical health officer Dr. Richard Stanwick said last fall that what started out as open-air smoking areas frequently evolved into enclosed, sheltered, gas-heated refuges and as such, should be deemed smoke-free interior space.

At the time, Stanwick said the proposed changes "simply define what distinguishes an interior space from an outdoor patio."

Regulations for smoking patios in Manitoba allow for free circulation of air, and Stanwick questioned why people in relatively temperate Greater Victoria can't handle the same definitions for an open-air patio. The current walled-in, roofed, gas-heated patios are little more than interior space, he argued, and pose the same risk to health: risks better known now than six years ago when the CRD's smoking bylaws went into effect.

Stanwick said that there's sufficient impetus to continue improving air quality in public areas, citing an Ipsos-Ried poll that indicated 94 per cent support for the current clean-air bylaw.



A lunch-hour client at the Waterwheel Pub's smoking patio.