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Your Ref:

My Ref: I:\S_admin\SM 2007\GWletter\J Green Consultation on the Draft Smoking, Health and Social Care (Scotland) Act 2005

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Renfrewshire
Council

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Mr J Glen
Scottish Executive
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Dear Colleague

**Consultation on the Draft Smoking, Health and Social Care (Scotland) Act 2005
(Variation of Age Limit for Sale of Tobacco Purchase and Consequential
Modifications) Order 2007**

I refer to the letter sent to interested parties relative to the above proposed draft Order under the 2005 Act, to raise the age of purchase of tobacco products in Scotland from 16 to 18.

The Smoking Prevention Working Group (SPWG), a sub group of the Scottish Ministerial Group on Tobacco Control, was set up to assist with the development of a new long-term smoking prevention strategy. Part of the task that was assigned to the SPWG was to advise on the evidence for raising the age of sale of tobacco products from the current age of 16 years. The report of the SPWG "Towards a Future Without Tobacco, published in November 2006, amongst other things, has concluded that raising the age of purchase will help to reduce tobacco consumption among young people, reinforcing the message that tobacco is a highly dangerous substance which should be avoided and they have recommended that the age of purchase of tobacco products should be raised from 16 to 18.

The first question which you pose in relation to the consultation is whether respondents agree with the proposal to raise the age of purchase to 18. We agree that the age of purchase of tobacco products should be raised to 18 as is provided for in the draft order and with the assumptions made in the partial Regulatory Impact Assessment. There is a persistent problem with young people smoking despite ongoing health promotion efforts and that more needs to be done to prevent young people from starting and then continuing to smoke.



We think it is reasonable to have a 6-12 month period of time between the announcement of the change and its implementation, to allow all necessary preparatory work to be undertaken.

In terms of support, it is important that provision is made by the Executive for the following resource requirements that will arise as a result of these changes:

- Resources for retailers in order to ensure that they replace existing signage with new materials with the revised age limits.
- Resources for Local Authorities who will also have to update and revise a range of information and promotional materials that have already been produced and which carry the existing age limits.
- Resources aimed at promoting and supporting the development of smoking cessation services which are specifically targeted and ringfenced for use with young people, particularly those from the most deprived areas and from vulnerable groups such as looked after, accommodated children and young people in contact with homelessness and housing support services. It is important that this requirement is built into the accountability arrangements used by the Executive to monitor the performance of Community Health Partnerships.

While the proposal is welcomed, it is recognised that this will only be one element of a wider strategy aimed at reducing smoking uptake and rates. It is important that the provisions proposed are complemented by a range of other initiatives if the overall aims and outcomes underpinning the Act are to be achieved. It is recognised that such additional actions are included in the Report of the Smoking Prevention Working Group and separate comments on this will be made as part of the consultation exercise on their report "Towards a Future Without Tobacco".

The second question concerns issues around the implementation of the proposed change and the interval that there ought to be between its announcement and implementation. Enforcement of age restricted sales legislation in relation to tobacco products would in the long run be easier for agencies such as Trading Standards, as the 18 age limit would fall into line with other age limits on similarly dangerous products, such as alcohol, fireworks and solvents, and enforcement initiatives could be drawn together accordingly. Education of retailers and young consumers could be undertaken in terms of our rolling service delivery plan and should not impact significantly on the work commitments of staff.

Additionally, we would no longer have to put vulnerable minors into the position of test purchase volunteers, and could instead co-ordinate test purchase exercises with Strathclyde Police, by using Police cadets over the age of 16 for these exercises.

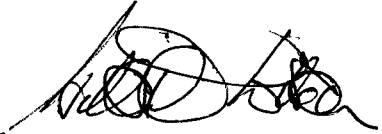
Enforcement agencies such as the Police, Her Majesty's Revenue and Customs (HMRC) and Trading Standards would need to take into consideration the possible effects such a change in legislation could engender. Raising the legal age of purchase to 18 may well result in an increase in black market tobacco sales, both of contraband and counterfeit tobacco. The only way to remove this black market would be to remove the financial incentive for criminals by setting a lower tax levy, in line with mainland Europe.

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Finally we would recommend a period of no more than six months between the announcement of the change and its implementation. It would seem sensible to try to ensure that the change came into effect on 1st October, in accordance with the date set for England and Wales.

I trust that you find these comments of assistance and I will be pleased to discuss them further with you if need be. Please do not hesitate to contact this office if you need more information.

Yours sincerely



Gilbert Wilson
Head of Regulatory Services