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THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

Rec'd 28/02

COMMUNITY SAFETY

John Glen
Scottish Executive Health Department
Tobacco Control Division
3 E(R) St Andrew's House
Regent House
EDINBURGH
EH1 3DG

Date 27 February 2007

Your ref

Our ref ind.feb.agelimit.dmcg.ts

Dear Sir

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

The City of Edinburgh Council welcomes the opportunity to respond to this consultation. A separate response to the larger report of the Smoking Prevention Working Group has also been submitted by this Council.

'Sale' of tobacco

The draft regulations provided are straightforward in amending existing legislation. However, this authority would strongly urge the Scottish Executive to consider substituting the term 'selling' in the Children and Young Persons etc (Scotland) Act 1937 for the term 'supplying'.

Under existing consumer protection legislation there is wide definition of the term 'supply', which includes offer to supply and agreement to supply. This would cover supply of tobacco outwith retail premises, such as when young people give money to an older person and ask them buy tobacco for them. No 'sale' takes place but it is not right that this should not constitute an offence. Any new legislation on tobacco should target 'supply' and not 'sale'.

Implementation period

With regards to the implementation period, we would support a period of 6-12 months. However, there are issues to be addressed through this implementation and it is clear that it must be done carefully.

There will arise a situation where a 16 year olds can go into a shop on one day and legally buy tobacco, but not be able to do so the next day. There is the likelihood that some 16 year olds will be regular smokers and therefore addicted to nicotine, and they will be denied legal access to it. Smoking cessation services need to be promoted and available, particularly to the age group 15-17 during the implementation period. If it is not felt that these can be provided adequately over the shorter timescale then the 12-18 month implementation should be used instead.

GORDON GREENHILL

HEAD OF SERVICE, COMMUNITY SAFETY

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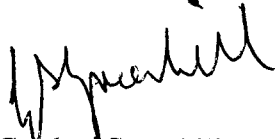
Enforcement

It is important that local authorities are consulted with regards to trader education about the new law if it is implemented. Each retailer will require a new A3 notice to display. The anticipated publicity over the implementation of this new law will increase expectation on local authorities to regulate effectively, which could result in higher incidence of client contact.

This authority would also like to see any publicity about raising the age to include use of the PASS logo. This is printed on the National Entitlement card and will be available as a proof of age card to school pupils over the coming years. The Scottish Executive should advocate the National Entitlement card to promote responsible use of identification amongst young people and retailers alike. An important message is that a card with the PASS logo provides assurance for the retailer requesting ID that he can rely on the card presented to him, without dubiety over its authenticity.

A knock on effect of raising the age of tobacco to 18 would be that those age restricted products that can have serious detrimental effects on the users – tobacco; alcohol; fireworks and solvents – will all have an age restriction of 18. This is a positive move which will benefit enforcement authorities looking to undertake test purchase exercise and ultimately aid the proper enforcement of the age restrictions. The Scottish Executive should consider making funding available in order to reinforce this message through publicity and enforcement.

Yours faithfully



Gordon Greenhill
Head of Community Safety