

**Smith L (Lee-Anne)**

01-S2

**From:** Glen J (John)  
**Sent:** 01 March 2007 09:56  
**To:** Smith L (Lee-Anne)  
**Subject:** FW: 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

Raising Age

**JOHN GLEN**  
**Tobacco Control Team**  
**Public Health & Substance Misuse Division**  
**Area 3 E**  
**St Andrew's House**  
**EDINBURGH**  
**EH1 3DG**

-----Original Message-----

**From:** Jenny Brown [mailto:Jenny.Brown@acs.org.uk]  
**Sent:** 28 February 2007 15:55  
**To:** Glen J (John)  
**Subject:** 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

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Dear Mr Glen,

Please find attached the Association of Convenience Stores submission for the consultation of the variation of age limit for the sale of tobacco.  
 If you have any queries, please let me know

**Jennifer Brown**

Public Affairs Assistant  
 Association of Convenience Stores

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Association of Convenience Stores Ltd registered number 3987067  
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Association of News Retailing Ltd registered number 2918300

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## Submission of the Association of Convenience Stores

**Consultation on the Draft Smoking, Health and Social Care (Scotland) Act 2005 (Variation of age limit for the sale of tobacco purchase and consequential modifications) Order**

The Association of Convenience Stores (ACS- Annex 1) welcomes the opportunity to respond to this important consultation. ACS supports measures that prevent under-age people from smoking. We are in favour of increasing the legal purchasing age for tobacco to 18 in Scotland. Therefore, our response shall focus on our concerns about the Scottish Executive would implement the change, in particular their plans for the transition period leading up to increasing the minimum age.

ACS takes our role as a representative of responsible retail businesses very seriously and support fair and reasonable enforcement action to ensure retailers are complying with the law. ACS was a founding member and remains on the Board of CitizenCard, the leading voluntary proof of age scheme. CitizenCard was one of the first card schemes to have been accredited under the PASS accreditation scheme and has issued over 1½million cards. The scheme is supported by the No ID No Sale campaign which makes point of sale materials available free to all retailers. For the past three years a mass communication and distribution campaign has ensured support for this message throughout the trade.

Question 1: Do you agree that the age of purchasing tobacco products should be raised to 18 and with the assumptions made in the partial Regulatory Impact Assessment.

ACS believes that the minimum age for buying tobacco should be raised to 18. This would be easier for retailers as it would provide a level legal purchasing age for both tobacco and alcohol.

Question 2: We would welcome views on:

- Issues you feel need to be addressed in preparation for the proposed legal age change for purchasing.
- Period of time required between announcement of change and implementation.

ACS strongly believes that the changeover should occur on the 1<sup>st</sup> October 2007, so as to be in-line with regulations in England and Wales. This would benefit retailers who have business operating in both countries, as well as cause less confusion among consumers. Therefore ACS believes option 2 (raising the age limit to 18, with an implementation period until 1<sup>st</sup> October 2007) to be the most appropriate.

## Submission of the Association of Convenience Stores

However, ACS does feel there are a number of issues that need to be addressed in this 6-12 month period. We believe that in their current form these proposals omit a major opportunity to tackle underage tobacco purchase and in particular to rectify an imbalance in the law. It should be an offence to attempt to buy tobacco if underage, and this should carry sanctions, such as an on-the-spot fine. Currently, young people are free to attempt to deceive retailers into committing an offence with the security of knowing that they face no consequences. This must be addressed as a part of the SPWG aim to reduce smoking among young children.

Although ACS supports the increase in age to 18, it should be remembered that convenience stores staff will be the front line enforcers of the change in the law. There are likely to be 16 and 17 year olds who are already addicted and will be unhappy at having the right to buy tobacco taken away from them. This will result in resentment and possible conflict that retailers will have to manage. Research by trade union USDAW has shown that refusing underage sales is the most common reason for abuse of violence against shop workers (USDAW, Freedom from Fear).

The only way to mitigate conflict at store level is for the Scottish Executive to fund a high profile campaign, both for consumers and retailers. ACS feels the estimate provided in the RIA of a budget (£200,000- £250, 000 to raise public awareness and £100, 000 to communicate change to retailers) is too limited.

ACS would argue for an increase in the budget to raise public awareness. The campaign would have to be sustained over the whole period, and ensure that all customers are aware and understand the reason behind the age change. That is the only way to help alleviate possible conflict. We do welcome the SPWG suggestion that the 'Young Scot' passcard will be rolled out across the country, but feel for this initiative to have maximum effect the message of No ID/ No Sale must be incorporated into the communication campaign.

We welcome further discussion and expert opinion on how best to approach this, and ACS would wish to play a leading role in working with the Scottish Executive on this communication strategy.

## Submission of the Association of Convenience Stores

### **Further Information:**

ACS will provide whatever further information and assistance is possible. Please contact Shane Brennan, Public Affairs and Communications Manager on 01252 515001 or email [shane.brennan@acs.org.uk](mailto:shane.brennan@acs.org.uk).

Annexe 1

### THE ASSOCIATION OF CONVENIENCE STORES

ACS is the trade body representing the interests of over 32,500 convenience stores operating in city centres as well as rural and suburban areas. Members include familiar names such as TM Retail, Spar and Thresher, as well as independent stores operating under their own fascia. Our members operate small grocers, off-licence or petrol forecourt shops with between 500 and 3,000 square feet of selling space.