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Smith L (Lee-Anne)

From: Glen J (John)
Sent: 02 March 2007 11:13
To: Smith L (Lee-Anne)
Subject: FW: Consultation on Draft Smoking



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

From: Jan Croy [mailto:jan.croy@falkirk.gov.uk]
Sent: 02 March 2007 11:14
To: Glen J (John)
Subject: Consultation on Draft Smoking

This email has been received from an external party and has been swept for the presence of computer viruses.

Please find attached Falkirk's Children's Commission response to the consultation on the Draft Smoking, Health & Social Care (Scotland) Act 2005

Thanks.
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FALKIRK'S CHILDREN'S COMMISSION

**Draft Response to Consultation on
The Draft Smoking, Health & Social Care (Scotland) Act 2005
(variation of the age limit for the sale of tobacco purchase
and consequential modifications) order 2007**

1. **Introduction**

We applaud the Scottish Executives commitment to tobacco control and to reducing the health and social impact of tobacco in Scotland. The most significant step in terms of effective tobacco control measures has been the implementation of legislation in relation to smoke free public places. This measure, as part of a comprehensive approach to tobacco control that includes stop smoking services, public education campaigns and high taxation is the most effective way to impact on smoking rates.

With these tobacco control measures in place there is considerable merit now in reviewing additional tobacco control measures, one of which is the legal age for the purchase of tobacco. A range of other measures is covered in the consultation on "Towards a Future without Tobacco" currently underway and therefore out with the scope of this paper.

2. **Responses to questions raised in the consultation document**

Q1: *Do you agree that the age of purchase to tobacco products should be raised to 18 as provided for in the draft Order, and with the assumptions made in the partial RIA*

We agree that the age of tobacco products should be raised to 18 as provided for the in the draft order.

Whilst the objective of the measure as stated on page 7 of the consultation is to reduce smoking prevalence, there is little evidence that this measure alone will have a significant impact on smoking rates among teenagers. However, there is merit in taking this action as part of a comprehensive approach to tobacco control. We appreciate that the consultation on "Towards a Future without Tobacco" focuses on such additional measures to reduce smoking prevalence but felt it was important to reinforce this within this paper.

Whilst it may not have an impact upon teenage smoking prevalence rates, we still believe that this is an appropriate measure for the following reasons:

- It would bring the law on tobacco sales into line with that on alcohol sales
- Importantly, it would send out the message that society views smoking as a dangerous activity and that children and young people should be given legal protection to discourage the use of tobacco. This would help to contribute to the desired change in social norms in relation to tobacco use.
- It would make it harder for young people to buy cigarettes thus limiting their access to tobacco
- It may delay uptake in smoking. This is an important health measure in itself, as we know that the earlier a person starts smoking the greater the chance of suffering from a smoking related disease.

- In combination with the range of tobacco control measures that are highlighted in the "Towards a smoke free society" report this measure may impact upon teenage prevalence levels

Q2: *With this in mind, we would welcome views on:*

a) *Issues which you think require to be addressed in preparation for the proposed change in the legal age of purchase*

- **Communications campaign to the general public**
We welcome the proposal to conduct a communications campaign to raise the profile of this change in legislation. An ongoing mass media campaign drawing attention to the fact that it is illegal to sell tobacco products to minors would help to build public support for the measure and help enforcement of the law. A Cochrane review of interventions to prevent the sale of tobacco to minors found that to be effective the interventions require enforcement and community support.
- **Communications campaign to the retailers**
It is important that the legislation is also backed by a communications campaign targeting retailers. This campaign should raise awareness of the rationale for raising the age of sale from 16 to 18
- **Enforcement of the legislation**
For the law to have maximum impact it must be properly enforced, with appropriate sanctions. We believe that prior to the implementation of the legislation a positive licensing system should be implemented, with the ultimate penalty for selling tobacco to minors being the removal of the licence. This would make monitoring and enforcement of the legislation easier (a benefit to Trading Standards Departments which are already over stretched) and would make the implementation and enforcement of further conditions on the sale of tobacco easier.

Negative licensing provides weaker sanctions and therefore would be less of a deterrent to retailers. This is backed by evidence from Australia where the implementation of a negative licensing system was found to lack the advantages of the positive system. We appreciate that there is a considerable cost implication in relation to this approach but believe it is vitally important for the legislation to be effectively implemented for it to have any impact.

In addition, we believe that to ensure high awareness of the legislation, public support and compliance it is important that Trading Standards Officers work in partnership with other relevant agencies and departments, particularly health promotion, education, community and the voluntary sector.

b) *The period of time between the announcement of the change and its implementation*

We think that the time period between the announcement of the change and its implementation should be as short as possible to take advantage of public awareness of the issue. We agree with the statement on page 16 the "*the longer timeframe is too long and may result in the dilution of the impact of the communications campaign at a higher cost.*" Clearly this is dependent upon the time that it takes to put an effective licensing scheme in place.