

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

Dear Mr. Glen,

THE SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005 (PROHIBITION OF SMOKING IN CERTAIN PREMISES) REGULATIONS 2005: DRAFT

Thank you for the opportunity to comment on these draft regulations. There are only two specific points which we wish to raise in response, although we have noted the issues raised in individual Councils' responses and we commend those to your attention.

Annex A

Application by councils of fixed penalties and account keeping. s.5 para (6)

We do not see the need for a separate reporting arrangement for fixed penalties and the expenditure incurred in implementation of the legislation. Councils prepare an annual statement of their income and expenditure each financial year and this process is sufficient to incorporate any income and expenditure issues. There is no case for introducing the bureaucratic burden of this additional reporting requirement, particularly as, in the draft Regulatory Impact Assessment in Annex C, s.4, under 'Costs to Local Authorities', the "income generated from fines has been assumed to be minimal".

If, as is foreseeable, the full expenditure costs of implementing the legislation are not provided to councils by the Scottish Executive, then the scale of the underfunding will be evidenced to Ministers through existing mechanisms such as the Spending Review process.

Annex B

Schedule 2: Exemptions Omissions from Schedule 2 Q10

We note that a minority of Councils have identified the need to extend the exemptions on humanitarian grounds to cover adult day care centres. We believe that the issues raised by those councils deserve Ministers' most careful attention.

We are happy for our response to be made public.

Yours sincerely,



Bob Christie
Corporate Adviser

WHEN CALLING PLEASE ASK FOR:

2005-05-26 draft regs response 8
Bob Christie