

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services)

Community Safety and Environmental Services committee: 7 February 2006

Subject: Raising the age limit for sale of tobacco from 16 to 18

1. Purpose

- 1.1** To seek Committee approval of the draft response to the Scottish Executive's consultation on raising the age of person to whom retailers can sell tobacco products legally from 16 to 18 contained within this report.

2. Background

- 2.1** The Smoking Prevention Working Group (SPWG) was set up by the Scottish Executive in 2005 to make recommendations to assist the development of a new long term smoking prevention strategy. The group's report entitled 'Towards a Future Without Tobacco' was published in November 2006.
- 2.2** This report is concerned solely with one aspect of the SPWG's work, namely consideration of the age of person to whom tobacco products can be sold legally. The group has recommended that the age be raised from 16 to 18.
- 2.3** Trading Standards currently enforces the law prohibiting the sale of tobacco products to persons under the age of 16. Retailers who sell to children younger than that age commit a criminal offence and could be prosecuted. The SPWG recommends that the age limit be raised to 18. Young people who buy tobacco products do not commit any criminal offence and that position will not change.

3. Main Issues

- 3.1** According to the Scottish Executive, smoking has long been recognised as the most important preventable cause of ill health and premature death in Scotland. The younger people start smoking, the more likely they are to smoke longer and die early from smoking. Research shows that 82% of adult smokers start smoking in their teens. In 2004, 14% of boys and 24% of girls were regular smokers by the age of 15. Among regular smokers 86% of 15 year olds and 62% of 13 year olds reported buying cigarettes from shops.
- 3.2** The Scottish Executive considers that raising the age of person to whom cigarettes can be sold should contribute to a reduction in the consumption of tobacco by young people. They estimate that raising the age limit could result in a drop in consumption by as much as 9.6 million cigarettes per year.

- 3.3** The Scottish Executive considers that such a change should be part of a wider package of tobacco control measures including rollout of the Young Scot branded proof of age card; effective enforcement by Trading Standards officers; and education and communication with retailers and young people. The Scottish Executive estimates that a communications campaign could cost £200,000 to £250,000 to raise public awareness and £100,000 to educate retailers. The Scottish Executive accepts that additional smoking cessation services should be available for young people to help them quit and they say that part of an additional £2 million being given to services in 2007/08 could be used for this purpose.
- 3.4** The Scottish Executive is considering consulting separately on a negative licensing scheme for tobacco retailers so that shops which repeatedly sell cigarettes to underage customers can be prohibited from selling tobacco.
- 3.5** The Committee is asked to approve the draft response to the Scottish Executive consultation attached to this report. In particular, the committee is asked to agree that raising the age limit from 16 to 18 would be effective in reducing the number of young people who take up smoking provided that it is accompanied by an effective campaign of education and enforcement by Trading Standards.
- 3.6** An age limit of 18 for tobacco products would be in line with many other age-restricted goods such as alcohol, fireworks and solvents. This consistency should help retailers to understand the law.
- 3.7** Enforcement by Trading Standards depends on working with volunteer young people to find out whether shops are selling to underage persons. When test purchasing products with an age limit of 16, guidance recommends that volunteers should ideally be at least 13 years old but no older than 14½. Trading Standards has experienced difficulty in finding suitable volunteers in that age range. Raising the age limit would therefore make it easier to take enforcement action and would also avoid the need to involve younger, more vulnerable children in enforcement campaigns.
- 3.8** Retailers and young people will need time to learn about the proposed changes before they become law. The Scottish Executive has asked for views on how long a lead-in time there should be. The draft response agrees with the Scottish Executive that a short lead-in time of 6-12 months would be preferable to a longer lead-in time of 12-18 months. This is because a shorter focused campaign is likely to be just as effective and would not risk diluting the message.

4. Personnel Issues

- 4.1** There are no personnel issues.

5. Financial Implications

- 5.1** The response asks the Scottish Executive to consider providing funding to help local authorities to promote the changes locally.

6. Risk Analysis

- 6.1** There are no risks associated with the content of this report.

7. Conclusion

- 7.1** The Scottish Executive proposals are considered to be worthy of support.

8. Recommendation

- 8.1** **The Committee is asked to approve the draft response to the consultation attached to this report.**

Ronald M. Dinnie

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Appendix:

Background Papers:

Draft response to the Scottish Executive.
Consultation on the Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications Order 2007 [Scottish Executive, 7 December 2006].
Towards a Future Without Tobacco [Scottish Executive, November 2006].
Scottish Test Purchasing Protocol for Age-Restricted Products [Society of Chief Officers of Trading Standards in Scotland].

Wards Affected:

All