

# NORTH LANARKSHIRE COUNCIL

## REPORT

AGENDA ITEM No. 23

To: PLANNING & ENVIRONMENT COMMITTEE	Subject:	
From: DIRECTOR OF PLANNING AND ENVIRONMENT	CONSULTATION ON RAISING THE AGE LIMIT FOR THE PURCHASE OF TOBACCO PRODUCTS	
Date: 31 JANUARY 2007	Ref: DR/TS	

### 1. Introduction

- 1.1 The Scottish Executive have published a consultation document on a proposal to introduce legislation that would raise the minimum age of purchase of tobacco products from 16 years to 18 years. This report seeks approval for the Council's response to the consultation.

### 2. Background

- 2.1 It has been illegal to sell tobacco products in Scotland to purchasers under the age of 16 since 1937. In its report "Towards a Future Without Tobacco", the Smoking Prevention Working Group (SPWG) has recommended to the Scottish Executive that the age of purchase should be raised to 18 years, as one of a number of measures intended to protect and dissuade young people from starting to smoke.
- 2.2 A draft statutory instrument has been prepared by the Scottish Executive under the Smoking, Health and Social Care (Scotland) Act 2005, which would amend the Children & Young Persons (Scotland) Act 1937 by raising the age limit specified for the purchase of tobacco products from 16 to 18 years. The order would also subsequently amend the provisions of the Children & Young Persons (Protection from Tobacco) Act 1991 relating to the age of purchase displayed in warning notices on retail premises and vending machines.

### 3.0 Considerations

- 3.1 The SPWG report cites many potential benefits of raising the age to 18 years, including a reduced uptake of smoking amongst young people, and reduced number of cigarettes smoked by under age smokers. It is also thought that raising the age of purchase will reinforce the message to the population in general and young people in particular that tobacco is a highly dangerous substance which should be avoided.
- 3.2 The consultation asks if raising the age limit is supported and if so, also seeks views on when the new age limit should come into effect, either within a 6 –12 month period or a 12 – 18 month period. A copy of the proposed response indicating support for raising the age within a 6 – 12 month period and comments on other issues is appended to this report.

### 4.0 Sustainability Implications

- 4.1 The recommendations are consistent with policy and there are no sustainability implications in this report.

### 5.0 Corporate Considerations

- 5.1 The recommendations are consistent with policy and there are no personnel, financial or legal implications in this report.

## 6.0 Recommendations

- 6.1 The Committee are asked to agree the response to the Scottish Executive 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.

*C. Morgan*

*AD* David M. Porch  
**DIRECTOR OF PLANNING AND ENVIRONMENT**

For further information please contact David Roderick, Trading Standards Manager on 01236 616415.

# **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**

## **Q1 Do you agree that the age of purchase of tobacco products should be raised to 18 as provided in the draft Order.**

North Lanarkshire's Trading Standards service agrees with raising the age of purchase of tobacco products from 16 to 18.

- Consultations with local retailers and trade bodies (Scottish Retail Consortium, Federation of Small Businesses Scotland etc.) has shown that retailers see legislation in the area of age-restricted products as confusing and complex and they would like to see "one age" for a whole raft of products - typically 18 years.
- It would make the responsibility of retailer in spotting those under age much easier as they claim 18 years is easier to estimate (guess?) than 16 years - notwithstanding that we in Trading Standards advocate that retailers seek proof of age and promote the use of PASS accredited proof of age cards, such as the Young Scot card, in aiding due diligence for retailers.
- Research has shown that the majority of smokers begin the habit between 13 and 15 years. If we can help extend the lower age by 2 years then more young persons may not take up smoking. The health benefits to the nation will in the long term be profound (\*Ref. Salsus 2004).

## **Q2 we would welcome views on**

- **Issues which you think require to be addressed in preparation for the proposed change in the legal age for purchase: and**
- **The period of time between the announcement of the change and its implementation.**

Issues to be addressed include.

- Getting new information and advice out to retail sector, which may require up to 6 months to fully address, e.g. updating previously distributed information and advice packs, getting new statutory notices printed and distributed.
- The position of those currently over 16 years and who can currently legitimately purchase tobacco products but who will be unable to should legislation change - the health message impact may be lost if the transition from statute to implementation is overly long.
- We would recommend a 6-12 month implementation delay in order to address areas over which we have some influence.(Option 2 as outlined in the consultation paper)
- Whilst recognising the Salsus report of 2004 as a source of relevant and useful baseline information this Trading Standards service has found, during the roll out of our recent test purchase exercise, that supply to under age persons was as likely in national retailers as in independent local shops.
- At 6.9 (Cost Options) it is intimated that signage change costs would be negligible. We do not see overlaying ages with sticky labels on current statements as a good alternative to re-issuing new signs; the informational impact of the latter on the trade sector would be greater. North Lanarkshire Trading Standards will also need to send out updates for "*It's Your Call*", our trade information and advice pack which will involve reprinting of a number of loose-leaf inserts. We would also anticipate our officers visiting the 400 or so known tobacco outlets in North Lanarkshire to reinforce the message and make the transition more effective. "*It's Your Call*" has been disseminated free to over 600 outlets and is currently being offered to mobile vendors of age-restricted products.