

REPORT

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB-COMMITTEE	Subject:
From: DIRECTOR OF PLANNING AND ENVIRONMENT	The Children & Young Persons (Protection from Tobacco) Act 1991
Date: 9 August 2005	Ref: DR/PF

**1. Purpose of Report/Introduction**

To advise members on the level of enforcement activities relating to the Children & Young Persons (Protection from Tobacco) Act 1991 and to seek approval of an enforcement strategy in relation to the activity.

**2. Background**

2.1 The Children & Young Persons (Protection from Tobacco) Act seeks to prevent the supply of cigarettes to young persons under the age of 16 years by:

- Making it an offence to sell cigarettes to young people
- Prohibiting the supply of single or loose cigarettes
- Requiring warning notices to be displayed in shops
- Controlling sales of cigarettes by vending machine

The North Lanarkshire Council has a duty under section 6 of the Children & Young Persons (Protection from Tobacco) Act 1991 to carry out an appropriate enforcement programme and to review this programme at least once a year.

2.2 The enforcement programme is carried out by the Trading Standards Service of the Protective Services Division.

2.3 This report details the department's Enforcement Strategy in relation to the sale of tobacco products and records the level of enforcement activity carried out by the department during the period 1 April 2004 and 31 March 2005.

2.4 The standard return on activities under the Act, as required by the Scottish Executive, will be submitted based on the information contained in this report.

**3. Considerations**

3.1 The Enforcement Strategy shall be:-

- The Trading Standards Service will provide literature to retailers of tobacco, advising them of the law and confirming North Lanarkshire Council's commitment to enforcing its provisions.
- The Service will carry out, as part of the normal pattern of enforcement visits, checks on retailers to ensure compliance with the law.
- Complaints from members of the public about sales to under age persons will be investigated.

- Vending machines will be monitored to ensure compliance and action will be taken to have the courts order their removal when appropriate.
- Written warnings will be issued to specific retailers where illegal sales are suspected to have taken place.
- The Service will report breaches of the legislation to the Procurator Fiscal for consideration of proceedings.
- The Service will seek to work in partnership with other departments and organisations to raise public awareness and to issue publicity material and other information.
- A covert test purchasing programme will be run in conjunction with Dialogue Youth.

### 3.2 Enforcement Activities

The statistics detailed below relate to the period 1 April 2004 – 31 March 2005

Visits to retail outlets:-

	<u>Number</u>
Total visits	189

Trader compliance levels with requirements to display warning notices:-

Notices displayed	161
Notices not displayed	28

Actions:-

Complaints received	5
Written warnings	5
Reports to Procurator Fiscal	0
Information to traders	33

Impact

As a result of the Service enforcement activities there is still a clear understanding and awareness by traders in North Lanarkshire of the provisions prohibiting the sale of tobacco products to persons under the age of 16 years.

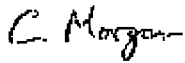
- 3.3 Three seminars were held in conjunction with Police and on-sales traders with regard to restricting the supply of tobacco (and alcohol) to minors. Over 100 business attended.
- 3.4 A business training pack will be devised in conjunction with the trade, police and NHS Lanarkshire in order to further the education of all with regard to age-restricted products.

## 4. Corporate Considerations

- 4.1 The recommendations are consistent with policy and there are no personnel, legal or property implications.

**5. Recommendations**

- 5.1 That the Sub Committee note the activities carried out by the Trading Standards Service to protect young persons from tobacco and tobacco products.
- 5.2 That the Sub Committee endorses the enforcement strategy as set out in paragraph 3.1



for  
**David M. Porch**  
**DIRECTOR OF PLANNING AND ENVIRONMENT**  
(30 June, 2005)

Local Government Access to Information Act: for further information about this report, please contact Peter Fergie, Team Leader Trading Standards, on 01698 302007