

**Ronald M. Dinnie**

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

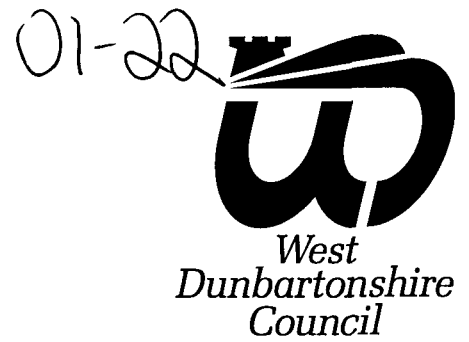
Council Offices, Garshake Road, Dumbaron G82 3PU

Tel. No:- 01389-737601 Fax No:- 01389-737363

Our Ref: RMD/ag

Your Ref:

Date: 13 February 2007



*Recd 19/2*

John Glen ✓  
Scottish Executive Health Department  
Tobacco Control Division  
3 E(R) St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Mr Glen

**Consultation on Smoking Prevention Working Group Report:  
Towards a Future Without Tobacco**

I refer to your letter dated 7 December 2006 seeking comments about a proposal to raise the age of person to whom tobacco products can be sold legally.

The attached consultation response was prepared by the following officer to whom any queries should be addressed:

David McCulloch  
Section Head (Trading Standards)  
West Dunbartonshire Council  
Council Offices  
Clydebank  
G81 1TG  
Tel (01389) 738286  
[david.mcculloch@west-dunbarton.gov.uk](mailto:david.mcculloch@west-dunbarton.gov.uk)

The attached response was approved by our Community Safety and Environmental Services committee on 7 February 2006.

Thank you for giving us the opportunity to comment on these proposals.

Yours sincerely



**Ronald M Dinnie**  
**Acting Director**

Encl.

*West Dunbartonshire ~ from the banks of Loch Lomond to the shores of the Clyde*

**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 for in the draft Order, and with the assumptions made in the partial Regulatory Impact Assessment?**

Yes, we agree that the age limit should be raised from 16 to 18. Bearing in mind the high proportion of young people who obtain their cigarettes from shops (according to the statistics quoted in the consultation), we believe that raising the age limit is likely to reduce the number of young people who start smoking by making it harder for them to obtain cigarettes. This will also have the effect of making enforcement easier by allowing Trading Standards to work with more mature young people in test purchasing exercises. Experience has shown that it can be hard to find suitable volunteers aged 13 to 14½ and the proposed change in the law would allow us to work with volunteers aged 15 to 16½ as we do when test purchasing fireworks.

[In passing, we would point out that it would be more appropriate to describe it as the age of 'sale' rather than 'purchase' as the law applies only to sellers, not to purchasers].

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

- **issues which you think require to be addressed in preparation for the proposed change in the legal age for purchase; and**

A change in the law is not of itself going to have much impact. As your consultation makes clear, the change must be accompanied by adequate enforcement activity by Trading Standards so that retailers know that they could be prosecuted if they sell to an underage person. The change to the guidance from the Crown Office in the last few years has resulted in many local authorities (including West Dunbartonshire Council) increasing their activity in this area, however not all local authorities do so.

We also believe that education of retailers and young people is vital. Enforcement must go hand in hand with support for shopkeepers so that they know what they need to do, and they also know what practical steps they can take to avoid breaching the law. We produced a guidance pack for retailers in 2005<sup>1</sup> funded by our Community Safety Partnership and this will need to be amended before the new law comes into force. We note that the Scottish Executive estimates that a publicity campaign may cost up to £350,000 and we would ask that you consider providing funding direct to local authorities to help us to promote the new law locally.

<sup>1</sup>Available to view at:

<http://www.wdcweb.info/environmentalservices/documents/Underagesales%2Epdf>

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If this proposal is implemented, young people aged 16 or 17 who are able to buy tobacco legally at present will hopefully find it much more difficult to obtain a supply. This of course should be to their long-term health benefit but in the short-term they may well have great difficulty coping with their cravings for nicotine. We would therefore urge the Scottish Executive to make special provision to support and target this age group in smoking cessation programmes.

- **the period of time required between the announcement of the change and its implementation.**

In general we would agree that a shorter lead-in time of 6-12 months would be preferable to a longer lead-in time of 12-18 months. This is likely to have a greater impact in the minds of retailers and the public by focusing minds on the impending change. However we would ask you to bear in mind that Trading Standards will need sufficient time to contact all tobacco retailers to let them know of the changes to the previously-issued guidance referred to above. In consequence, a lead-in time of around nine months would be preferable to one of six months.