



Smoking and the Bandits – consultation response

Alcohol Focus Scotland (AFS) welcomes the opportunity to comment on the consultation “Smoking and the Bandits – tackling rogue traders and under-age tobacco sales”.

Whilst AFS agrees that the positive licensing system for alcohol has more advantages than a negative licensing system we would not totally support a positive licensing system for retail outlets that wish to sell tobacco.

AFS believes that the current system could be enhanced to provide a rigorous enforcement of the law around tobacco sales, perhaps through a **national register** of those who sell cigarettes. However, we feel that the parallels made with alcohol licensing throughout the consultation document are too complex to be used in this way.

The Licensing (Scotland) Act 2005 has set criteria for those who can sell/serve alcohol. The new legislation will now see licensees submitting operating plans as part of their applications, training of staff, licensing forums established etc., it is now not just a case of applying for a licence.

There is a considerable cost attached to applying for a licence to sell alcohol and the introduction of a scheme to licence those who sell tobacco would require a substantial amount of funding. A question that should be asked is who would pay for the overall administration of such a scheme? There would of course be the presumption that part of the cost would be borne by the applicant but is there a responsibility on the tobacco industry?

Sales of tobacco already have a degree of ‘control’ e.g. only available from kiosks/separate tills in supermarkets. Traders having licences will not necessarily result in more responsible sales; however a greater enforcement of the law might bring a sense of realisation that it is not acceptable to sell to those under 18. This could be done through:

- **High profile campaign to highlight the change in the law, to both members of the public and traders of tobacco (age change from 16-18 years old).**
- **Working with existing Enforcement Group to run campaigns for Enforcement Officers on the LACORS Code of Practice.**
- **Strengthening Test Purchasing.**

One area that should be further investigated is the sale of cigarettes from vending machines where the level of supervision of the person buying the cigarettes cannot totally be controlled.

AFS trust that the comments above will further inform the debate on tobacco sales.