Background

The Scottish Schools Adolescent and Lifestyle and Substance Use Survey (SALSUS) provides information on smoking prevalence both at a national and local level. This survey is conducted biennially, with the last report produced in 2014 reporting on the survey conducted in 2013. The survey is conducted in a sample of secondary schools and in Ayrshire and Arran with 2580 pupils participating.

The smoking prevalence classification is:
Regular smokers – defined as usually smoking at least one cigarette a week
Occasional smokers – defined as currently smoking but less than one cigarette
Non-smokers – defined as having never smoked or who were not current smokers.

The overall trend nationally for regular smoking prevalence for young people is downward. In Ayrshire and Arran, the trend for regular smokers, in 2013, is more than the national average for 13 year olds: 3% as compared with 2% nationally. For 15 year olds the figure of 11% is the 3% more than the national figure.

An area of particular concern in North Ayrshire is that 67% of regular smokers stated that they ask someone else to buy them tobacco which is up 9% from 2010 and is 14% more than the national average. This is a particularly risky behaviour as it can involve approaching strangers in the street, 21% of 13 year olds used this strategy.

Nationally 42% of regularly smoking 15 year olds reported being able to purchase cigarettes from local retailers, while this is a drop from the 2010 figures (55%) it is still remarkably high. North Ayrshire fares better than the national average with only 31% stating that they were successful when buying tobacco from a shop.

In April 2015 it became a requirement for all retailers to cease displaying tobacco. The need for this legislation is perfectly illustrated in the SALSUS figures. In 2013 65% of regular smokers could identify at least 4 brand of tobacco. Even more concerning is the figure of 41% of non-smokers who could also identify 4 tobacco brands.

Enforcement Plan

The Scottish Government requires that local authorities carry out a set number of tobacco visits and test purchases every year. 20% of tobacco premises should be visited and 10% of premises should have a test purchase carried out. In order to be proportionate test purchases should be carried out in areas of particular concern or where intelligence indicates there is a problem.

In the first instance a project will be carried out to ensure compliance with the April display ban. This will give officers an opportunity to speak to tobacco retailers about their responsibilities and assess compliance. It will also indicate any retailers of concern and signpost premises that could be targeted for test purchasing.

A multi-agency approach will be utilised to tackle the problem of proxy sales. As shown above proxy sales are a problem within North Ayrshire. Most teenage smokers use other people to obtain tobacco. It is anticipated that we will work with officers from Police Scotland to challenge adults willing to purchase tobacco for under-age smokers. Police intelligence and antisocial behaviour trends will be used to identify hotspots where this problem is most prevalent. North Ayrshire Council’s Wardens Service will be consulted to ensure that we are targeting the areas of most concern and that resources are directed in the correct way. The Wardens Service will also be instrumental in the gathering of intelligence in relation to under age sales of tobacco.
One of the benefits of the ban on displaying tobacco is that it also prohibits the display of tobacco products and other smoking related products. With this in mind it is an ideal opportunity to tackle the display and sale of items that could be used to smoke substances other than tobacco. Many retailers not only sell tobacco but products that could be classed as drugs paraphernalia. Under the Tobacco and Primary Medical Services (Scotland) Act 2010 fixed penalty notices could be issued unless retailers agree to remove these items from open sale. Visits will be carried out with officers from Police Scotland to ensure compliance.

In 2011 Trading Standards Officers began issuing fixed penalty notices for breaches of tobacco legislation. Since this came in North Ayrshire have issued ***** notices. Test purchasing using under 18s will be carried out to ensure that North Ayrshire retailers are complying with their duties under tobacco legislation. A fixed penalty notice will be issued if needs be with repeat visits being used to ensure the message is being received. Each further breach of legislation from a tobacco retailer will result in the fixed penalty amount being doubled until a retailer can be barred from selling tobacco entirely. If a retailer breaches a tobacco banning order a court can impose a fine of up to £20,000. Again, intelligence from previous activities and anti-social behaviour hotspots will be used to ensure that resources are targeted where they will be most effective.