Finance Committee

Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

Submission from South Lanarkshire Council

Response

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

South Lanarkshire Council Environmental Services participated in the previous consultation but did not comment on any detail to the financial assumptions made in relation to the changes concerning NVP’s and smoking in hospital grounds.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

N/A.

3. Did you have sufficient time to contribute to the consultation exercise?

South Lanarkshire Council Environmental Services had sufficient time to respond to the consultation.

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

South Lanarkshire Council Environmental Services believes the additional costs in respect of enforcing the provisions relating to NVP and smoking in hospital grounds have been accurately reflected.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

South Lanarkshire Council Environmental Services believes the additional costs in respect of enforcing the provisions relating to NVP and smoking in hospital grounds are reasonably accurate.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

South Lanarkshire Council Environmental Services recognises that these provisions will increase the workload for both trading standards and environmental health. It is hoped that the level of compliance will be good and this will limit the ongoing workload associated with these changes. Previous experience has demonstrated that highly visible and rigorous enforcement could be required initially in order to establish good levels of compliance. Currently, there are insufficient staff resources available to enhance enforcement in these new areas without having an impact on other statutory functions.
South Lanarkshire Council Environmental Services welcomes the indication that workload in relation to test purchases and premises visits for NVP’s can be less than that for tobacco products. However, we would suggest that local authorities should be basing their enforcement activity on a risk basis and therefore this would be a suitable time to review the expected enforcement activity in relation to tobacco products. This could allow the integration of new duties in relation to NVP’s into the existing tobacco enforcement activity whilst minimising the additional costs. Moving to a risk based enforcement regime would also be in keeping with better regulation principles.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

South Lanarkshire Council Environmental Services believes these have been accurately reflected.

**Wider Issues**

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

South Lanarkshire Council Environmental Services believes the FM has captured the costs associated with NVP and smoking in hospital grounds.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

South Lanarkshire Council Environmental Services is not aware of any future costs that may arise.