NVPs and smoking in hospital grounds

1. Do you support the Bill’s provisions in relation to NVPs?

Yes, bringing NVPs into line with tobacco is a positive step.

However, the increase in the number of criminal offences we have the duty to enforce means additional work for local authorities to undertake. There are an increasing number of businesses selling NVPs in the city and they don’t necessarily sell tobacco as well. We will also have to advise tobacco retailers on the new requirement to have an Age Verification Policy in place.

Questions remain as to whether the Tobacco Register is sufficiently robust to cope with the demands being made of it. Multiple entries for the same business premises, for example, is an ongoing problem. Adding NVPs to the Register may result in the same issues.

2. Do you support the proposal to ban smoking in hospital grounds?

Yes

3. Is there anything you would add/remove/change in the Bill with regards to NVPs or smoking in hospital grounds?

The Scottish Government could consider adding convictions for Trade Marks Act 1994 offences to those for which a tobacco retailer could be the subject of a Retail Tobacco Banning Order under the 3 offences in 2 years rule. Currently, a tobacco retailer could be banned from selling tobacco because of sales to those under 18, failing to display a tobacco notice, or proxy sales, etc. but not for supplying or possessing for supply counterfeit tobacco products.

Provisions for the enforcement of the ban on smoking in hospital grounds require further consideration. This may become a difficult and contentious issue to enforce and may require a disproportionate resource from Local Authority Environmental Health teams. The ban may also cause increased issues relating to littering and discarded cigarette stubs at the boundary of hospital grounds. Further detail is required regarding the specified distance from hospital buildings that would be considered in relation to the ban.

Aberdeen City Council