



Briefing for the Public Petitions Committee

Petition Number: [PE01456](#)

Main Petitioner: Scott Anderson

Subject: Licence to purchase tobacco products

Calls on the Parliament to urge the Scottish Government to take a further step towards a smoking-free Scotland by introducing a requirement for individuals to obtain a renewable licence to allow them to purchase tobacco products.

Background

The Scottish Government¹ notes that each year smoking: kills around 13,500 Scots (one in five of all deaths); is responsible for around 33,500 hospital admissions; and costs the NHS in Scotland around £400 million to treat smoking-related illness.

A key plank of recent policy in this area has been to seek to reduce the attractiveness, availability and affordability of tobacco products – from the ban on smoking in public places², to a range of other actions that follow from the Scottish Government's [smoking prevention action plan](#) (May 2008). In legislative terms this has included the Tobacco and Primary Medical Services (Scotland) Act 2010, which contained a number of measures aimed at reducing tobacco use, including:

- a ban on the display of tobacco and smoking related products in shops
- a ban on the sale of tobacco from vending machines
- a tobacco sales registration scheme, which will be free for retailers to join
- making it an offence for under 18s to purchase tobacco
- making it an offence for adults to buy tobacco for under 18s (proxy purchase)
- giving trading standards officers powers to issue fixed penalty notices
- giving courts the power to ban retailers from selling tobacco where they have continually broken the law

The provisions on the display ban and the ban on vending machines have been delayed due to industry legal challenges.

In addition, the Scottish Government Health Directorate has been working with UK Department of Health and the health departments in Wales and

¹ Scottish Government (Online) [Smoking](#)

² This was introduced by provisions in the Smoking, Health and Social Care (Scotland) Act 2005 and associated regulations, and came into force in 2006

Northern Ireland to consult on the [standardised packaging of tobacco](#). The consultation ended in August 2012, and the Scottish Government has advised³ that it will consider all the relevant responses alongside any other information before making a decision on the best approach for Scotland.

A smoker's licence

Tobacco control schemes across the world tend to focus on the retailer and the selling of tobacco, with provisions setting out a minimum age for tobacco purchase.

However, the petitioner proposes to introduce an individual licence to purchase tobacco products. The licence would cost £50 covering a three-year period, but to obtain one an individual would be required to undergo a health check and counselling. The licensing scheme would initially be open to anyone aged 18 or over before rising to 21 over time. In addition, retailers would not be allowed to sell more than five packets of cigarettes at any one time and there would be provisions made for temporary visitors to Scotland.

An online search has found no evidence of a scheme such as that proposed by the petitioner. However, recently, Professor Simon Chapman, from the University of Sydney, set out the [case for a smoker's license](#)⁴ in the PLOS Journal. Professor Chapman proposes the introduction of a smart card licence which is designed to encourage cessation and limit access to tobacco products. Key elements of the proposal include smokers setting daily limits, financial incentives for permanent licence surrender, and a test of health risk knowledge for commencing smokers. Whilst similar in some elements to what the petitioner is proposing, Prof Chapman does predicate the granting of a licence on a health check and counseling. In the same edition of the PLOS Journal, Prof Jeff Collin from the University of Edinburgh argued against a licence scheme, saying that it would shift focus away from the tobacco industry, and by focusing on individuals it would censure victims, increase stigmatisation of smokers, and marginalise the poor.

As noted below, this is not a proposal that has been considered by the Scottish Government, or by the Scottish Parliament, thus apart from the information accompanying the petition, there are no sources available to illustrate how such a scheme would work in practice, or what the costs of operating it would be. The factors that would need to be considered include, but are not limited to:

- Would there need to be a national agency created to oversee the scheme?
- Would the three-yearly £50 charge be sufficient to cover the costs of running the scheme?
- NHS Scotland and the Scottish Government accept a range of medical and scientific advice that states that there is no safe level of smoking

³ Personal communication 13 November 2012

⁴ PLOS Medicine, November 2012, Volume 9, Issue 11.

(including passive smoking). How would such a scheme fit in with the current Scottish strategies for reducing smoking?

- It may be surmised that a health check would be required to be undertaken by a doctor, and it could be argued the most appropriate doctors would be GPs. However, under the current GP contract, GP practices are encouraged to promote smoking cessation and this is part of the current Quality Outcomes Framework⁵. It may be seen as contradictory for them to do this work but at the same time carry out health checks which would then determine if an individual could have a licence to buy tobacco.
- It is recognised that there is a need to reduce waiting times for access to NHS counselling and psychotherapy services, and there is currently a NHS [HEAT target](#)⁶ in place to tackle this. If such a scheme were to be introduced, how would it impact on the provision of such services and the waiting times target?

Scottish Government Action

The Scottish Government has advised that it has no plans to introduce a licensing scheme for tobacco products. However, it is due to publish a new smoking strategy early in the New Year.⁷

Scottish Parliament Action

Whilst the Scottish Parliament and its Committees have debated policy on tobacco control on a number of occasions, there has been no deliberation on a licensing scheme for tobacco.

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13 November 2012

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Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

⁵ The Quality & Outcomes Framework (QOF) is one of the main sources of potential income for general practices across the UK. It is a major part of the General Medical Services contract, introduced on 1st April 2004. Participation by practices in the QOF is voluntary. For those that do participate, the QOF measures achievement against a range of evidence-based indicators, with points and payments awarded according to the level of achievement.

⁶ The current HEAT target in this area is to achieve a target of 18 weeks referral to treatment for Psychological Therapies from December 2014.

⁷ Personal communication 13 November 2012.