

Regulatory and Audit Committee

Title:	Annual Enforcement of the Children and Young People (Protection From Tobacco) Act Update
Date:	Wednesday 9 November 2016
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Local members affected:	All

For press enquiries concerning this report, please contact the media office on 01296 382444

Summary

This Committee has historically considered activity undertaken to prevent underage sales of cigarettes and nicotine delivery systems under a statutory requirement to consider enforcement activity in this area.

Following the implementation of the Joint Trading Standards Service with Surrey County, the Joint Committee which oversees the Joint Service (which comprises of the relevant Cabinet Member from Buckinghamshire County Council, Cllr Martin Phillips, and the relevant Cabinet Member from Surrey County Council, Cllr Richard Walsh) now considers activity in this area to comply with the Statutory Requirement.

This report is being brought for information at the request of the Regulatory and Audit Committee and covers the work of the Service in relation to tobacco in Buckinghamshire from April 2015 to March 2016.

Recommendation

It is recommended that the committee note this report. No decision is required.

Supporting information

There has been little change in the approach of the Service to this work in the past year. The work to protect young people from tobacco continues to support the Public Health strategy of the authority, and continues to use intelligence to target the Service's interventions and work. The Service continues to work with partners on this work in support of achieving our aim to improve the health and wellbeing of people and communities.

Smoking rates in under 18's are broadly falling, and complaints to the Service regarding under age sales of cigarettes also continue to fall with 6 'under age sale' complaints received between April 2015 and March 2016.

Therefore the Service's work in this area reflects the changing threats. Illicit tobacco is considered a notable threat because, in addition to the wider issues of fairness to other retailers and the impact on the exchequer of lost duty, its lower cost makes smoking more accessible to young people and therefore it might encourage smoking where a higher cost would usually make it prohibitively expensive.

Illicit tobacco may be counterfeit and/or illegally imported. Usually no duty has been paid, and warning messages are not correctly presented. The lack of the correct warnings might also contribute to illicit tobacco appealing to under age smokers.

As with the previous year, in February 2016 the Service worked with Her Majesty's Revenue and Customs and Wagtail UK Ltd on an operation to identify sellers of illicit tobacco. Wagtail UK Ltd provide specialist detection dogs, including Buster below, who are able to sniff out hidden tobacco.



Officers visit premises identified through intelligence as being at higher risk of selling illicit tobacco with a sniffer dog, which then indicates where tobacco is hidden. In the most recent operation of this kind, 10 premises were visited and illicit tobacco was found at two premises; in a filing cabinet in a storage room and under and by the counter. In previous similar operations illicit tobacco has been found in a light fitting and behind a panel of a wall.



Following investigation by the Service one of these cases, where the value of the illicit tobacco found was estimated at £1350, was considered by Court in October 2016. The shop keeper was found guilty of two offences and was fined £600.

The second of these cases is still going through the judicial process.

Separate to the judicial process, licence reviews are often carried out where it has been shown that a trader has sold illicit tobacco.

Other work carried out in 2015/16 included carrying out visits to a small sample of shops to assess compliance with tobacco related legislation, including the display of statutory warning notices and the requirements for tobacco to be kept hidden from view. No problems with compliance with either of these provisions were found and no concerns were raised by traders. These visits also provided an opportunity to discuss under age sales, and appropriate advice was given (such as how to use refusals logs) to help traders to comply with the law in this respect.

Local Member implications

Data and intelligence collected by the Service over the last twelve months continues to indicate that no particular geographical areas within the County present particular cause for concern. Should this change, the local Members will be advised appropriately.

Background Papers

Children and Young Persons (Protection from Tobacco) Act 1991

Better Regulation Delivery Office Code of Practice for Regulatory Delivery on Age Restricted Products and Services Health Act 2006

The Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regulations 2007

Criminal Justice and Immigration Act 2008

Health Act 2009

Regulation of Investigatory Powers Act 2000 Revised Codes of Practice

The Children and Family Act 2014

The Nicotine Inhaling Products (Age of Sale and Proxy purchasing) Regulations 2015/895

The Smoke Free (Private Vehicles) Regulations 2015

Standardised Packaging of Tobacco Products regulations 2015

The Tobacco Advertising and Promotion (Display)(England) Regulations 2010

Healthy Lives, healthy people: a tobacco control plan for England [9 March 2011]

Buckinghamshire Health and Wellbeing Strategy 2013-16

(Copies may be obtained from Contact Officer.)
