

TOBACCO CONTROL SURVEY

ENGLAND 2019/20

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Summary

This report presents results from a survey of trading standards activities carried out by councils in England during the financial year April 2019 to March 2020.

An online survey was emailed to all councils undertaking tobacco control activities in England on 15 April 2020 (151 councils in total). The deadline for completion of the survey was 20 May 2020. The survey was completed by 135 councils, which is a response rate of 90%.

Grateful thanks are extended to council officers who have made every effort to respond to the survey. This has been a challenging time of national lockdown in accordance with Government requirements to tackle COVID-19.



Introduction

This is the eighth Tobacco Control Survey report produced by the Chartered Trading Standards Institute (CTSI). It presents the findings of a survey of tobacco control activities carried out by trading standards services between April 2019 and March 2020.

The survey has been supported by the Department of Health and Social Care (DHSC) and includes questions made at the request of HM Revenue and Customs (HMRC) in relation to the nature of the illegal tobacco market at the local level in England.

The core areas of trading standards activity remain largely those associated with the enforcement of tobacco control legislation, namely:

- testing the supply of both tobacco and nicotine inhaling products to young people under the age of 18 by the conduct of test purchase operations with underage young persons at retail premises
- tackling the supply of illegal tobacco products - that is, brands that are not for legitimate supply in the UK, counterfeit / smuggled tobacco products
- assessment of compliance with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015 (SPoT) across a variety of business settings

This year the survey asks respondents to identify the priority given to tobacco control activities by their council and to identify what might enhance this priority; this data is to be used to help identify where additional effort is required to promote activities.

Whilst this survey presents data for English councils, it should be noted that there are a number of joint services now operating - that is, two or more council areas with one trading standards service. Where this structure exists, data has been requested for each separate council area.



CONTEXT

Trading standards is responsible for the enforcement of much of the tobacco control legislation in the UK; this survey provides a unique collection of data illustrating the enforcement activities that have been undertaken during the last 12 months by local trading standards services. The most recent data for adult smoking habits.

Tobacco control remains a core area of activity for local trading standards services; it is seen as a priority area of activity by almost two thirds of responding councils. The most recent data for adult smoking habits in the UK (2019, published by the Office for National Statistics¹) reveals that in England, 13.9% of adults (5.7 million people) smoke. This represents a statistically significant decline from 2011 when smoking prevalence was 19.8%.

To continue this downward trend in smoking prevalence, the DHSC published a five-year plan *Towards a Smokefree Generation: a Tobacco Control Plan for England*² in 2017.

This plan describes the overall vision of the Government and the ambitions designed to deliver it:

...create a smokefree generation. We will have achieved this when smoking prevalence is at 5% or below. To deliver this, the Government sets out the following national ambitions which will help focus tobacco control across the whole system:

1. The first smokefree generation...	2. A smokefree pregnancy for all...	3. Parity of esteem for those with mental health conditions...	4. Backing evidence-based innovations to support quitting.

1. **Adult Smoking Habits in the UK: 2019** (2020) available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsinbritain/2019#:~:text=The%20proportion%20of%20current%20smokers,of%20adults%20in%20Northern%20Ireland.> [accessed online 13 August 2020]

2. **Towards a Smokefree Generation: a Tobacco Control Plan for England** (2017) available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630217/Towards_a_Smoke_free_Generation_-_A_Tobacco_Control_Plan_for_England_2017-2022_2.pdf [accessed online 17 June 2020]



Methodology

The 2019/20 survey questionnaire was developed jointly by the DHSC and CTSI.

Tobacco control lead officers within councils were advised of the survey in advance to increase the response rate. Towards the end of the survey period, trading standards services that had not completed the survey were contacted individually and encouraged to do so.

The link to the 2019/20 online questionnaire was emailed to all Tobacco Focus Group³ members to be distributed to all councils on 15 April 2020, and by the end of fieldwork on 20 May 2020 it had been completed by 135 councils, which is a response rate of 90%. Although the vast majority of councils responded the base does vary, as not every question is applicable to every respondent.

The tables below show the response rate to the survey by both council type and region.

TABLE 1: RESPONSE RATE BY COUNCIL TYPE

COUNCIL TYPE	TOTAL NUMBER IN EACH TYPE	NUMBER OF RESPONDENTS	RESPONSE RATE
County	26	25	96%
London Borough	33	25	76%
Metropolitan District	36	33	92%
Unitary	55	52	95%
Base	150	135	90%

TABLE 2: RESPONSE RATE BY REGION

REGION	TOTAL NUMBER IN REGION	NUMBER OF RESPONDENTS	RESPONSE RATE
Central England	14	13	93%
East of England	11	11	100%
London	33	25	76%
North East	12	10	83%
East Midlands	8	7	88%
North West	23	21	91%
South East	19	18	95%
South West	15	15	100%
Yorkshire & Humber	15	15	100%
Base	150	135	90%

3. Tobacco Focus Group is comprised of a trading standards representative from each English region. The group is hosted by CTSI and supported by the DHSC



All figures provided in the main report are with reference to tobacco control activity conducted in England between 1 April 2019 and 31 March 2020, unless otherwise stated.

Figures are reported as a percentage of the total number of respondents to this survey (135), unless otherwise stated.

All percentages included in the report have been rounded to the nearest whole percentage.

Where figures are grossed for England, calculations have been made on the basis that those answering would be representative of non-responding councils throughout England. Please note that non-responding councils include those that stated that they did not know. Grossed figures have been rounded to the nearest 100 unless otherwise stated.

Results are directly compared to previous surveys only where time series data is available and there are statistically significant differences. Two types of tests to check for statistically significant difference were run: chi-squared tests to compare differences between proportions and paired T-tests to provide comparison to mean averages between years. Please note the 2018/19 survey achieved 143 respondents (a 95% response rate at the time).



Tobacco control activities

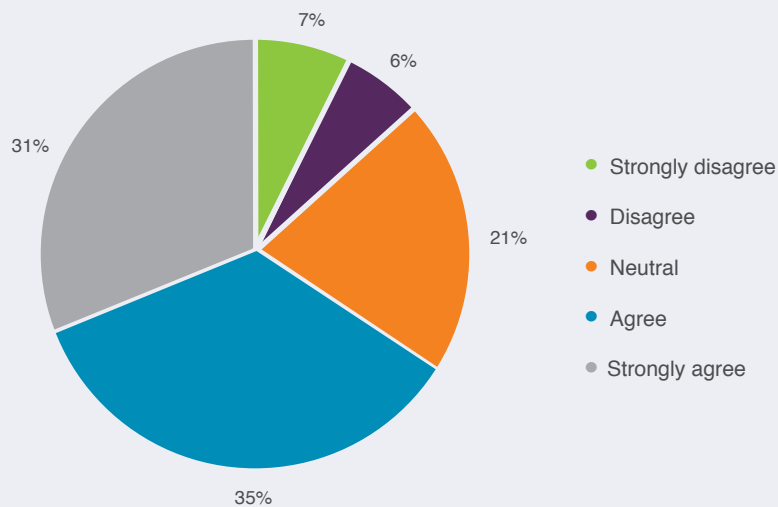
PRIORITY GIVEN TO TOBACCO CONTROL ACTIVITIES

There are more than 250 pieces of legislation assigning separate statutory duties to trading standards - a number that continues to rise with the addition of new legislation, including most recently the legislation related to the coronavirus (COVID-19) pandemic.

The primary role of trading standards services is to protect consumers from unfair trading and support business growth by enforcing national legislation at a local and regional level. The activities of trading standards services range from food and product safety labelling and testing, weights and measures, prevention of doorstep crime and scams, and animal health and welfare. Against this backdrop of competing priorities, respondents were asked in their opinion to rank the statement 'My council prioritises tobacco control activity'.

Two thirds (66%) of respondents agreed with the statement, saying they either strongly agree or agree, 21% responded neutral and 13% said they disagree or strongly disagree.

FIGURE 1: MY COUNCIL PRIORITISES TOBACCO CONTROL ACTIVITY



Respondents were asked in their opinion what would encourage / assist their council to give a higher priority to tobacco control activities in 2020-21?

The overwhelming response was an increase to funding and resources.

TABLE 3: WHAT IN YOUR OPINION WOULD ENCOURAGE / ASSIST YOUR COUNCIL TO GIVE A HIGHER PRIORITY TO TOBACCO CONTROL ACTIVITIES IN 2020-21?

RESPONSE	PROPORTION (%)
Increased funding and resources	78%
Greater publicity both internal and external	5%
Increased intelligence gathering	5%
Greater collaboration with HMRC	1%
Already a priority / not a serious issue	5%
Other	5%

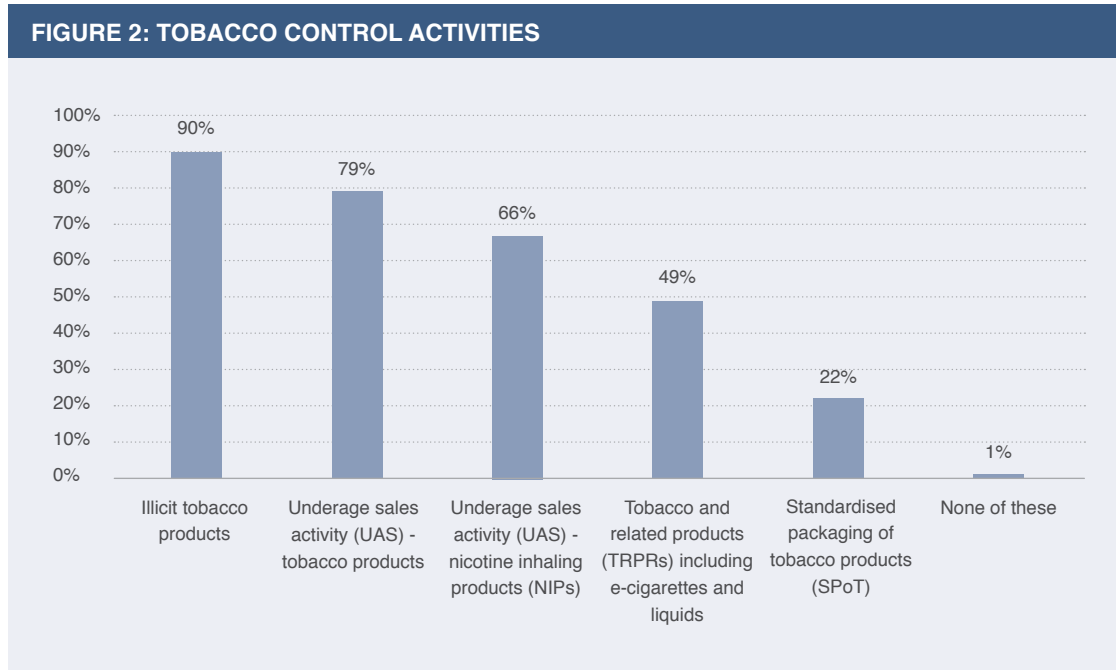


TOBACCO CONTROL ACTIVITIES

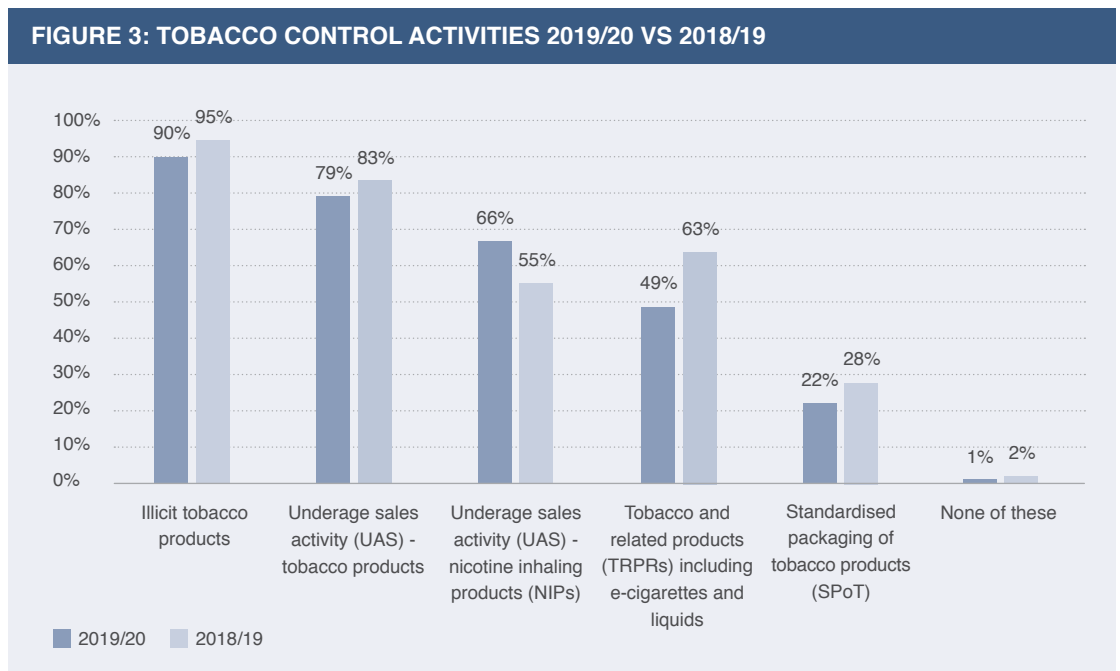
Respondents were asked which core tobacco control activities (from a list of seven) their council undertook in the financial year 2019/20.

99% of councils undertook at least one type of activity. One council replied no to all the activities outlined.

The activity most frequently undertaken was work related to illicit tobacco products (90%), with the least common activity (22%) being activities in relation to SPoT.



Apart from activities related to nicotine inhaling products, which have shown an 11% increase from the previous survey, there has been a slight reduction in activities undertaken across the other categories. Most notably a significant reduction from 63% to 49% in councils undertaking activities relating to TRPRs.



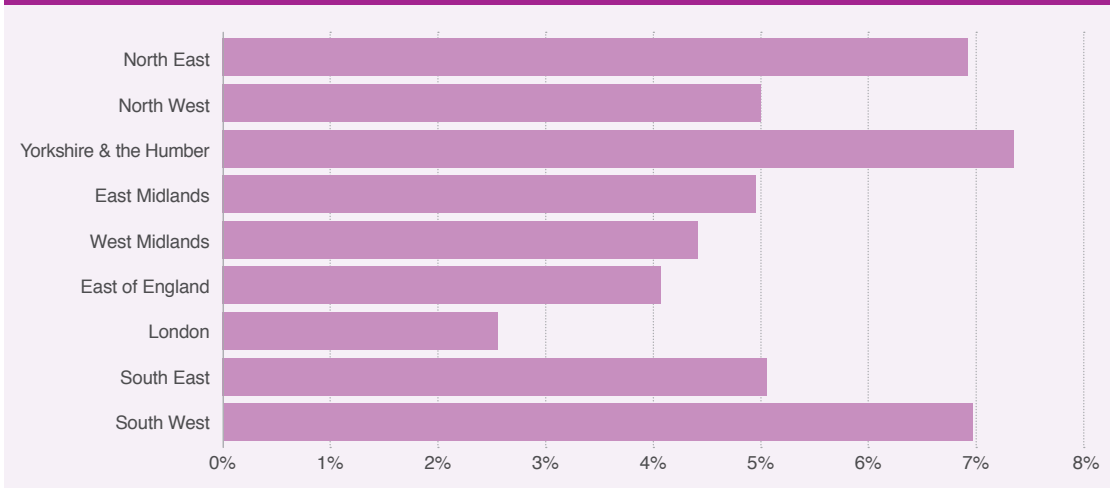


Underage Sales

This section of the report details activities undertaken in relation to the supply of tobacco and nicotine inhaling products to young people under the age of 18.

There is a commitment by the Government to reduce the prevalence of 15-year-olds who regularly smoke to 3% or less by the end of 2022⁴. This remains an ambitious target given that 11% of boys and girls aged 15 describe themselves as current smokers⁵. It is interesting to note that there is regional variation in the percentage of young people who smoke regularly, with the Yorkshire and the Humber region reporting highest prevalence at over 7% and London the lowest at less than 3%.

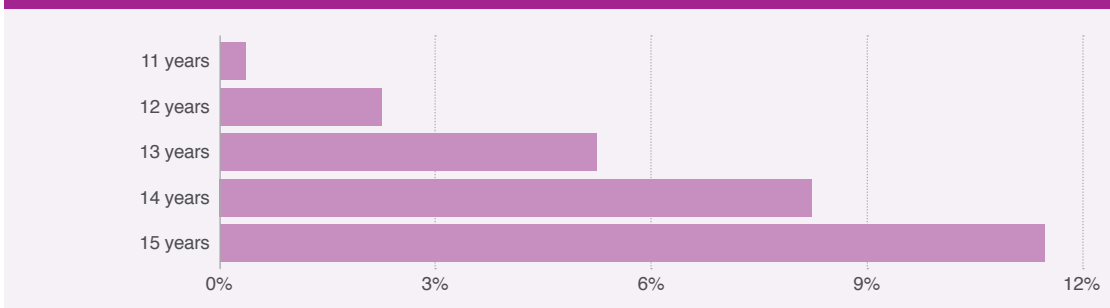
FIGURE 4: SMOKING PREVALENCE OF YOUNG PEOPLE ACROSS THE REGIONS⁶



It is illegal to supply cigarettes to young people under the age of 18; however, when questioned, 23% of regular smokers (young) stated that they obtained their cigarettes from shops, with 57% stating that they have been given the cigarettes by friends⁶. This is a decline in young people stating they obtained their cigarettes from retail premises and an increase from friends. The supply of tobacco from a retail premises to an under 18-year-old is a criminal offence and thus continued effort by trading standards to reduce the supply of tobacco to under-18s is desirable.

Although current and regular use of e-cigarettes is reported as low by young people – at 6% and 2% respectively⁷ – the following chart shows how use of e-cigarettes changes with age; note, however, that the data includes 11-15 years old and does not capture the use by 16-17 year olds.

FIGURE 5: CURRENT E-CIGARETTE USE BY AGE OF YOUNG PERSON⁹



4. DHSC Op.Cit
 5. Smoking, Drinking and Drug Use Among Young people in England 2018 [published 2019] available at: <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2018/part-2-young-people-who-smoke> [accessed online 17 June 2020]
 6. NHS ibid
 7. NHS ibid



The prevention and detection of illegal sales of nicotine inhaling products to young people remains an area of concern for trading standards. It is illegal to supply nicotine inhaling products to young people under the age of 18; however, approximately a third of all regular users reported buying their e-cigarettes from retail premises and a similar proportion via online suppliers⁸.

Previous surveys have reported high levels of illegal sales with for example 40% of all tests carried out by trading standards resulted in an illegal sale to an underage person in 2018-19⁹.

TOBACCO PRODUCTS

79% of all councils conducted activities in relation to underage sales of tobacco; a decrease of 4% over the results of last year.

COMPLAINTS AND ENQUIRIES RECEIVED

92% of all councils reported they had dealt with complaints and enquiries in relation to underage sales at premises. Where respondents were able to provide detail (103 councils), they had received a total of 1,004 complaints and enquiries. Similar to last year's survey, six councils stated that they had received zero complaints; the maximum received by a single council was 146.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 1,500 complaints and enquiries about underage sales from retail premises were received in England in 2019/20.

COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type. Analysis has only been conducted where councils received complaints and enquiries, and were able to provide an accurate breakdown across all premises types; 97 councils were able to provide this detail.

TABLE 4: PROPORTION OF COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

TYPE OF PREMISES	COMPLAINTS AND ENQUIRIES RECEIVED
Large retailer	2%
Convenience store / grocer	71%
National newsagent	1%
Independent newsagent	6%
Off-licence	13%
Petrol station kiosk	1%
Market / car boot sale	1%
Pub / club	1%
Private home	4%
Base number of complaints and enquiries	1004
Number of councils providing data	97

In total 1,004 complaints and enquiries were received by these councils, with the largest proportion being received for convenience stores (71%), followed by off-licences (13%); the smallest proportion were received about markets / car boot sales (0.7%).

TEST PURCHASE OPERATIONS FOR TOBACCO

74% of all councils reported that they undertook test purchase operations at premises by trading standards officers in relation to underage sales. In total in 2019/20, 1,068 tests were undertaken by trading standards officers from 78 councils.

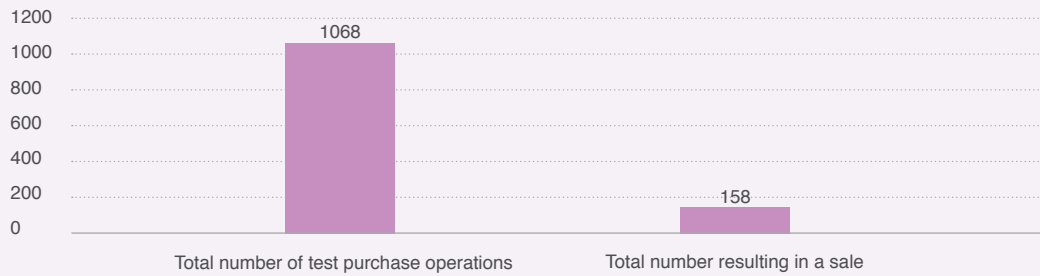
If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 1,500 tests in relation to underage sales from retail premises were made by trading standards officers in England in 2019/20.

8. NHS ibid

9. Tobacco Control Survey 2018-19 Published by CTSI 2019 <https://www.tradingstandards.uk/media/documents/news-policy/tobacco-control/ctsi-tobaccoreport-201819-final-version.pdf> [accessed online 17 June 2020]



FIGURE 6: NUMBER OF TEST PURCHASE OPERATIONS AND THE NUMBER RESULTING IN A SALE BEING MADE



Base: All councils undertaking test purchase operations to premises that stated the number of tests conducted and the total number of sales.

NUMBER OF TEST PURCHASE OPERATIONS RESULTING IN ILLEGAL SALE

All 78 councils were also able to report the number of test purchase attempts where sales had occurred. Of those, 50% reported that cigarettes or tobacco products were sold in at least one premises. Where cigarettes were sold to underage persons in 2019/20, they were sold in a median of two premises and a total of 158 premises.

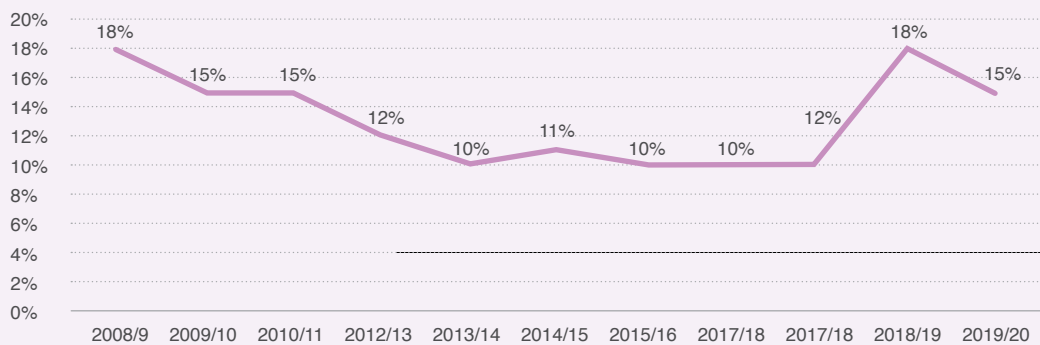
If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 200 premises across England were detected making illegal sales of tobacco products to underage young persons in 2019/20.

PROPORTION OF VISITS TO PREMISES RESULTING IN A SALE

For the 78 councils that provided data on both the number of premises visited and the number at which cigarettes were sold to underage young persons, illegal sales of cigarettes occurred in 15% of test purchases attempted at premises.

The sales rate has decreased slightly from 18% - as seen in the last survey - to the current rate of 15% in 2019/20.

FIGURE 7: PERCENTAGE OF TEST PURCHASE OPERATIONS RESULTING IN ILLEGAL SALES BETWEEN 2008/09 AND 2019/20



Base: Total number of visits made in 2008/09 (4,679); total number of visits made in 2009/2010 (5,240); total number of visits made in 2010/2011 (6,955); total number of visits made in 2012/2013 (4,381); total number of visits made in 2013/2014 (2,880), total number of visits made in 2014/2015 (2,838), total number of visits made in 2015/16 (2,275), total number of visits made in 2016/17(2,155), total number of visits made in 2017/18 (1,716), total number of visits made in 2018/19 (854), total number of visits made in 2019/20 (1,068)



TYPE OF PREMISES

Councils were asked to provide a breakdown of test purchase operations undertaken by trading standards officers by premises type.

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types; all 78 councils that undertook test purchase operations were able to provide this detail.

In total 1,124 test purchase operations were undertaken by these councils, with the largest proportion of visits being undertaken at convenience stores (57%), followed by off-licences (17%); the smallest proportion were undertaken at markets / car boot sales and pubs / clubs (<0.5%). No test purchase operations were carried out at private homes.

FIGURE 8: UNDERAGE SALES: TOBACCO - PROPORTION OF TEST PURCHASE OPERATIONS BY TYPE OF PREMISES

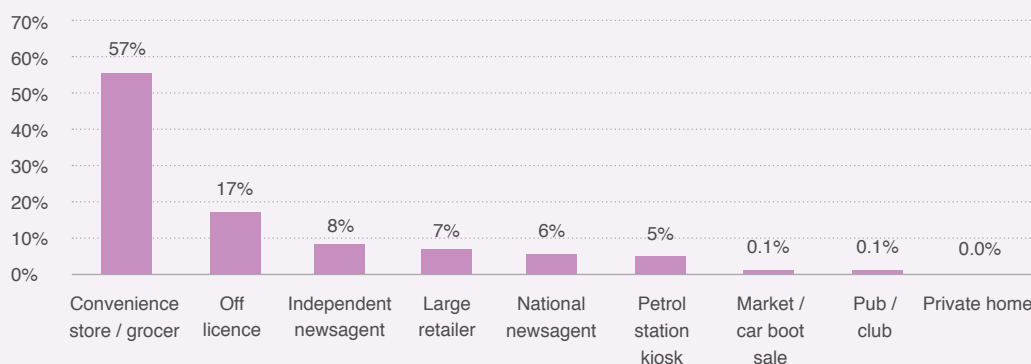


TABLE 5: PROPORTION OF TEST OPERATIONS RESULTING IN ILLEGAL SALES BY PREMISES TYPE

TYPE OF PREMISES	NUMBER OF SALES	NUMBER OF TESTS	PERCENTAGE SALES
Large retailer	12	83	14%
Convenience store / grocer	79	639	12%
National newsagent	10	68	15%
Independent newsagent	20	89	22%
Off-licence	9	186	5%
Petrol station kiosk	9	57	16%
Market / car boot sale	0	1	0%
Pub / club	0	1	0%
Private home	0	0	N/A
Number of councils providing data		78	

NICOTINE INHALING PRODUCTS (NIPS)

66% of all councils conducted activities in relation to underage sales for NIPs; an increase of 11% over 2018/19 results.

It is noted that an enforcement project commissioned by the DHSC was carried out by trading standards during 2019-20.



COMPLAINTS AND ENQUIRIES RECEIVED

87 out of the 89 councils conducting activities in relation to underage sales of NIPs could provide detail on the complaints and enquiries received about them.

72% of all councils reported dealing with complaints and enquiries in relation to underage sales of NIPs; where respondents were able to provide detail, they had received a total of 218 complaints and enquiries.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 225 complaints and enquiries about underage sales from retail premises were received in England in 2019/20.

COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type.

Analysis has only been conducted where councils received complaints and enquiries, and were able to provide an accurate breakdown across all premises types for complaints and enquiries. All 87 councils that had received complaints and enquiries were able to provide this detail.

TABLE 6: PROPORTION OF COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

TYPE OF PREMISES	COMPLAINTS AND ENQUIRIES RECEIVED
Specialist e-cigarette supplier	50%
Large retailer	5%
Convenience store / grocer	15%
National newsagent	1%
Independent newsagent	10%
Pharmacy national chain	1%
Pharmacy independent	0%
Market stall / car boot sale	4%
Discount shop	6%
Petrol station kiosk	1%
Mobile phone shop	5%
Online retailer	2%
Base number of complaints and enquiries	218
Number of councils providing data	87

Of the 218 complaints and enquiries received by these councils, the largest proportion were received about specialist e-cigarette suppliers (50%), followed by convenience stores / grocers (15%); no complaints or enquiries were received about independent pharmacies.

TEST PURCHASE OPERATIONS FOR NICOTINE INHALING PRODUCTS

54% of all councils carried out test purchase operations with volunteer young persons for NIPs. This is a slight increase on the 51% of councils that carried out test purchase operations for NIPs in 2018/19.

The following section of the report provides a detailed breakdown of enforcement work for underage test purchase operations by volunteer young persons and the resulting illegal sales. The following charts provide a summary of the number of test purchase operations and sales of NIPs made at retail premises.



FIGURE 9: UNDERAGE SALES: NICOTINE INHALING PRODUCTS - TOTAL NUMBER OF TEST PURCHASE OPERATIONS AND SALES MADE



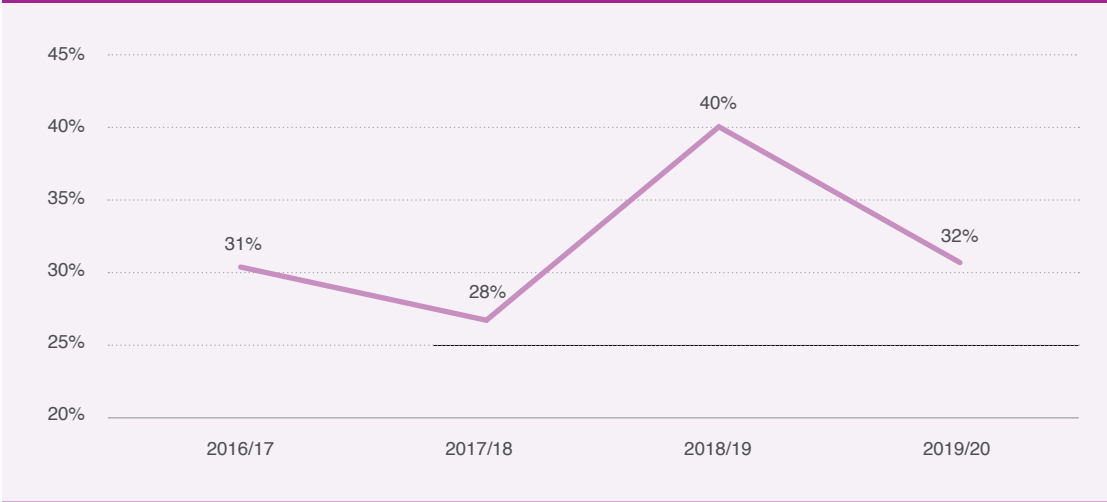
88 councils that conducted test purchase operations reported the number of tests conducted; this was a total of 548.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 580 test purchase operations for nicotine inhaling products across England in 2019/20.

PROPORTION OF VISITS TO PREMISES RESULTING IN ILLEGAL SALES

73 councils were able to report the number of visits with volunteer young people where sales had occurred. 176 test purchase attempts resulted in an underage sale being made. This results in a 32% test-purchase-to-sale rate, which is lower than last year at 40%.

FIGURE 10: UNDERAGE SALES: NICOTINE INHALING PRODUCTS - PERCENTAGE VISITS RESULTING IN ILLEGAL SALE





TYPE OF PREMISES

Councils were asked to provide a breakdown of test purchase operations undertaken by trading standards officers by premises type.

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types; 73 councils that undertook test purchase operations were able to provide this detail.

In total 621 test purchase operations were undertaken by these councils, with the largest proportion of visits being undertaken at specialist e-cigarette suppliers (43%), followed by convenience stores / grocers (19%); the smallest proportion were undertaken at independent pharmacies (<0.5%). No test purchase operations were carried out on online retailers.

FIGURE 11: UNDERAGE SALES: NICOTINE INHALING PRODUCTS - PROPORTION OF TEST PURCHASE OPERATIONS BY TYPE OF PREMISES

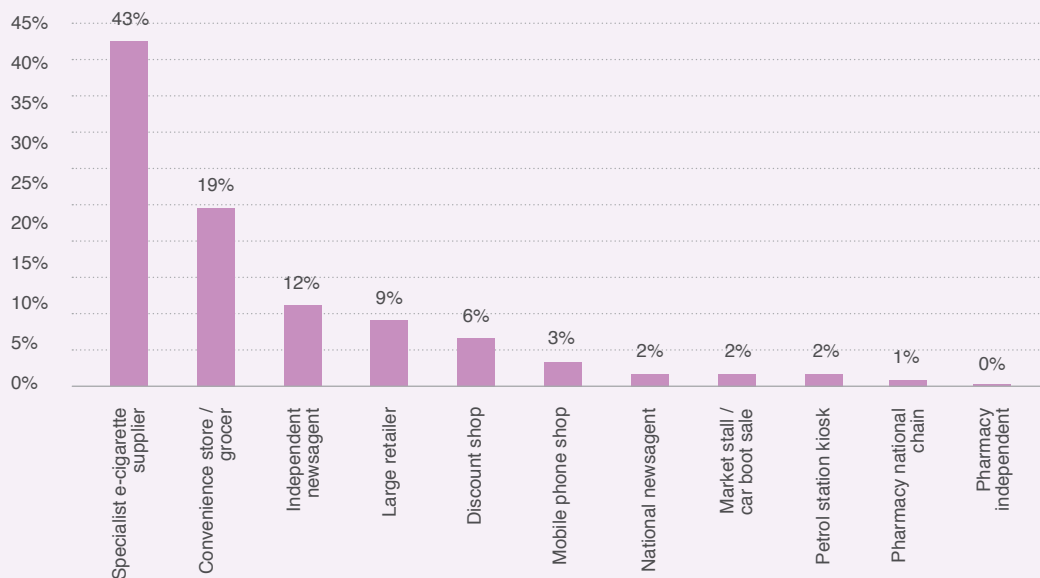


TABLE 7: PROPORTION OF TEST OPERATIONS RESULTING IN ILLEGAL SALES BY PREMISES TYPE

TYPE OF PREMISES	NUMBER OF SALES	NUMBER OF TESTS	PERCENTAGE SALES
Specialist e-cigarette supplier	85	264	32%
Large retailer	11	58	19%
Convenience store / grocer	31	120	26%
National newsagent	2	15	13%
Independent newsagent	15	73	21%
Pharmacy national chain	1	4	25%
Pharmacy independent	0	2	0%
Market stall / car boot sale	8	13	62%
Discount shop	11	39	28%
Petrol station kiosk	2	12	17%
Mobile phone shop	13	21	62%
Online retailer	0	0	N/A
Number of councils providing data		73	



Illicit tobacco products

90% of all councils conducted activities in relation to illicit tobacco products.

At a national level, CTSI and National Trading Standards continue to work with HMRC to develop new ways of sharing information in a bid to facilitate enhanced collaboration between trading standards and HMRC officers. The provision of data produced in this report relating to illicit tobacco brands seized at local level enhances the intelligence picture available to HMRC.

Locally, trading standards services play a key role within their communities and across their regions in tackling the supply of illicit tobacco. This activity remains the most frequently reported by respondents to this survey. It is, however, an intensive and resource-heavy activity and thus the recent announcement in the 2020 budget¹⁰ is welcomed by CTSI:

2.248 Preventing the illicit trade of tobacco – The Government is announcing increased resources for trading standards and HMRC to combat the illicit tobacco trade, including the creation of a UK-wide HMRC intelligence sharing hub. The Government will also consult on proposals for stronger penalties for tobacco tax evasion.”

COMPLAINTS AND ENQUIRIES

118 out of 122 councils that undertook activities in relation to illicit tobacco were able to provide detail on the number of complaints and enquiries received. 95% of all councils had dealt with complaints and enquiries in relation to the supply of illicit tobacco products.

In total 5,046 complaints and enquiries were received, with a median average of 19 per authority. If these figures are used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 5,100 complaints and enquiries about illicit tobacco products were received in England in 2019/20.

COMPLAINTS AND ENQUIRIES RECEIVED BY PREMISES TYPE

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type.

Analysis has only been conducted where councils received complaints and enquiries, and were able to provide an accurate breakdown across all premises types for the number of complaints and enquiries; 116 councils that undertook visits were able to provide this detail.

In total 5,046 complaints and enquiries were received by these councils, with the largest proportion of complaints and enquiries being received about small retailers (61%), followed by private homes and off-licences (11%); the smallest proportion were received about markets / car boot sales (<0.5%).

TABLE 8: ILLICIT TOBACCO: COMPLAINTS AND ENQUIRIES

TYPE OF PREMISES	COMPLAINTS AND ENQUIRIES RECEIVED
Large retailer	1%
Small retailer	61%
National newsagent	1%
Independent newsagent	8%
Off-licence	11%
Petrol station kiosk	1%
Market / car boot sale	0%
Pub / club	2%
Private home	11%
Other	5%

10. Budget 2020: Delivering on our promises to the British People published by HM Treasury 2020 available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/871799/Budget_2020_Web_Accessible_Complete.pdf [accessed 28 June 2020]



Examples of other premises include:

- social media, including Facebook
- takeaways
- shisha lounges
- café and coffee shops
- street sellers
- travel agent

VISITS BY TRADING STANDARDS OFFICERS

117 councils were able to provide detail on the number of visits undertaken by trading standards officers. 99% of these councils had visited premises in relation to illicit tobacco products; a total of 4,208 visits were undertaken.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 4,400 premises were visited across England in 2019/20 in relation to illicit tobacco products.

VISITS BY TRADING STANDARDS OFFICERS BY PREMISES TYPE

Councils were asked to provide a breakdown of the visits undertaken by premises type.

Analysis has only been conducted where councils undertook visits and were able to provide an accurate breakdown across all premises types for visits by trading standards officers; all 117 councils were able to provide this detail.

The largest proportion of visits by trading standards officers was directed at small retailers (60%), followed by off-licences (20%); the smallest proportion were undertaken at national newsagents, petrol station kiosks and markets / car boot sales (<0.5%).

TABLE 9: ILLICIT TOBACCO: VISITS BY PREMISES TYPE

TYPE OF PREMISES	VISITS UNDERTAKEN (%)
Large retailer	1%
Small retailer	60%
National newsagent	0%
Independent newsagent	10%
Off-licence	20%
Petrol station kiosk	0%
Market / car boot sale	0%
Pub / club	2%
Private home	2%
Other	5%

SEIZURE OF ILLICIT TOBACCO PRODUCTS

87% of all councils that undertook work in relation to illicit tobacco products had seized illicit tobacco products.

93 out of the 119 councils that seized illicit tobacco products were able to provide detail of the amount seized; the three most frequently seized illicit tobacco products were:

- cigarette brands that are not for legitimate sale in the UK; these were seized by 76% of councils, with a median of 25,000 sticks per council
- counterfeit cigarettes; these were seized by 72% of councils, with a median of 16,000 sticks per council
- counterfeit hand-rolling tobacco; this was seized by 62% of councils, with a median average of 17.05 kg per council

Seized by the smallest proportion of councils (5%) were counterfeit tobacco packaging / pouches.



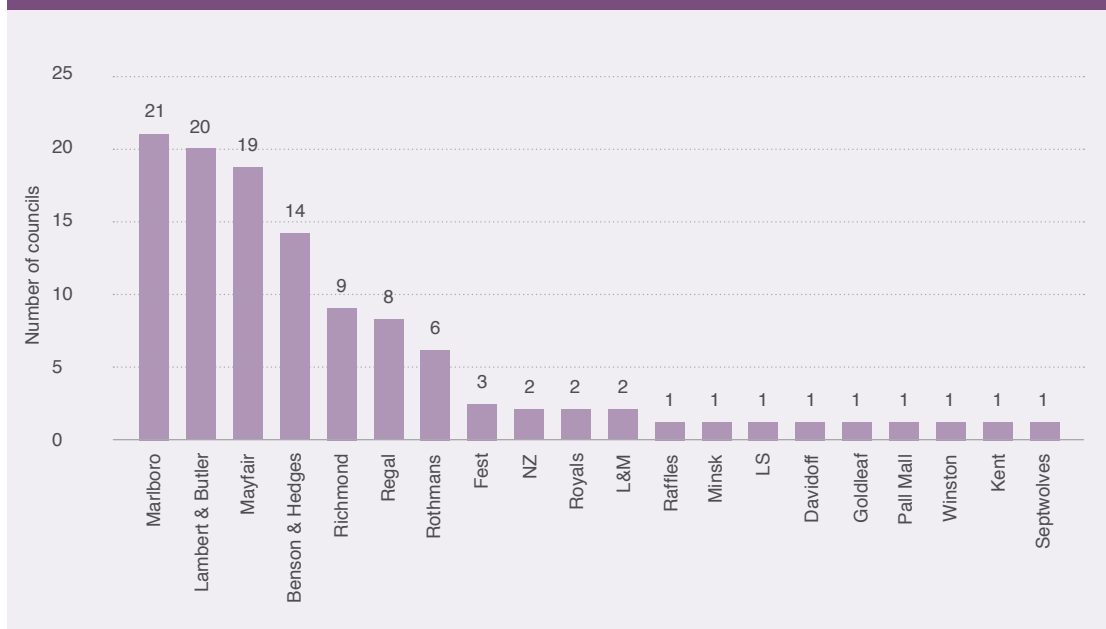
TABLE 10: ILLICIT TOBACCO: SEIZED PRODUCTS

TYPE OF PRODUCT	PERCENTAGE SEIZING PRODUCTS (%)	MEDIAN NUMBER PER COUNCIL (IN COUNCILS SEIZING ONLY)	BASE
Cigarette brands not for legitimate retail in the UK	76%	25,000 sticks	93
Counterfeit cigarettes	72%	16,000 sticks	
Genuine non-UK duty paid cigarettes	48%	10,018 sticks	
Counterfeit hand-rolling tobacco	62%	17.05 kg	
Genuine non-UK duty paid hand-rolling tobacco	46%	10.3 kg	
Raw tobacco	6%	3 kg	
Counterfeit tobacco packaging / pouches	5%	six packages / pouches	
Shisha	27%	16.97 kg	
Smokeless tobacco	13%	17.2075 kg	
Other	11%		

PROPORTION OF ILLICIT CIGARETTES SEIZED IN SPOT PACKAGING

73 councils stated that they had seized either counterfeit cigarettes or genuine non-UK duty paid cigarettes and provided detail on the proportion of illicit cigarettes seized that were in SPoT packaging. 48 councils reported such seizures; for those that reported the seizures the median proportion was 10%.

FIGURE 12: ILLICIT TOBACCO - CIGARETTE BRANDS MOST FREQUENTLY FOUND IN SPOT PACKAGING

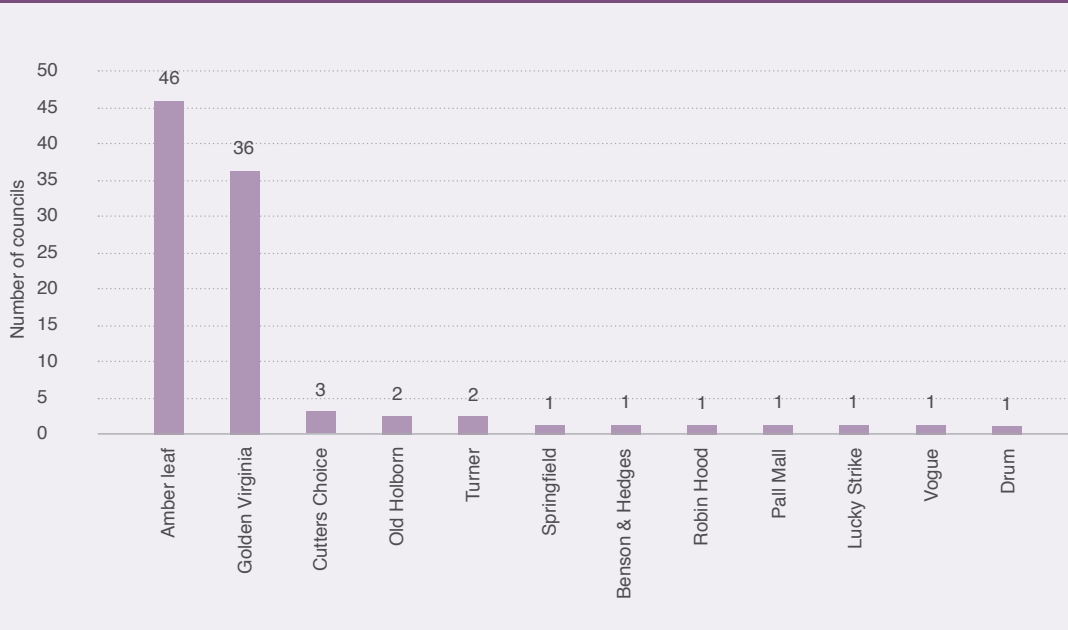


PROPORTION OF ILLICIT HAND-ROLLING TOBACCO SEIZED IN SPOT PACKAGING

72 councils stated that they had seized counterfeit hand-rolling tobacco or genuine non-UK duty paid hand-rolling tobacco and provided detail on the proportion of illicit hand-rolling tobacco seized that was in SPoT packaging. 44 councils reported such seizures; for those that reported the seizures the median proportion was 10%.



FIGURE 13: ILLICIT TOBACCO - HRT BRANDS MOST FREQUENTLY FOUND IN SPOT PACKAGING

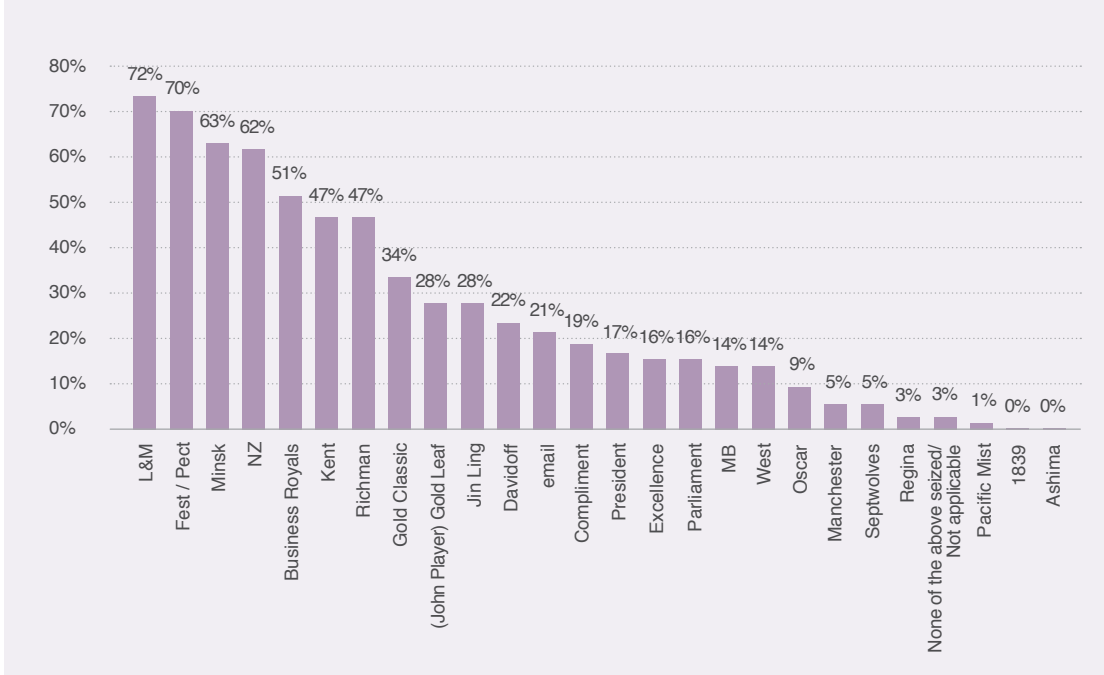


CIGARETTE BRANDS THAT ARE NOT FOR LEGITIMATE SALE IN THE UK

94 councils stated which cigarette brands not for legitimate sale in the UK they had seized; the three brands that were most frequently reported being seized were:

- L&M (72% of councils)
- Fest / Pect (70% of councils)
- Minsk (63% of councils)

FIGURE 14: ILLICIT TOBACCO: CIGARETTE BRANDS NOT FOR LEGITIMATE SALE IN THE UK



31% of councils stated other brands; see Appendix A for details.



ILLICIT CIGARETTE SEIZURES: GENERAL INTENDED SALES PRICE

94 respondents that reported seizures of any illicit cigarettes (cigarettes not for legitimate sale in the UK, counterfeit cigarettes or genuine non-uk duty paid cigarettes) were asked to select the general intended sale price of the cigarettes seized.

32% of councils reported that the general intended sales price was £3.01 to £4, whilst 26% of councils reported that the general intended sales price was £4.01 to £5.

0% of councils reported that the general intended sales price of cigarettes was £3 or less, 16% of councils did not know the general intended sales price of the seized illicit cigarettes.



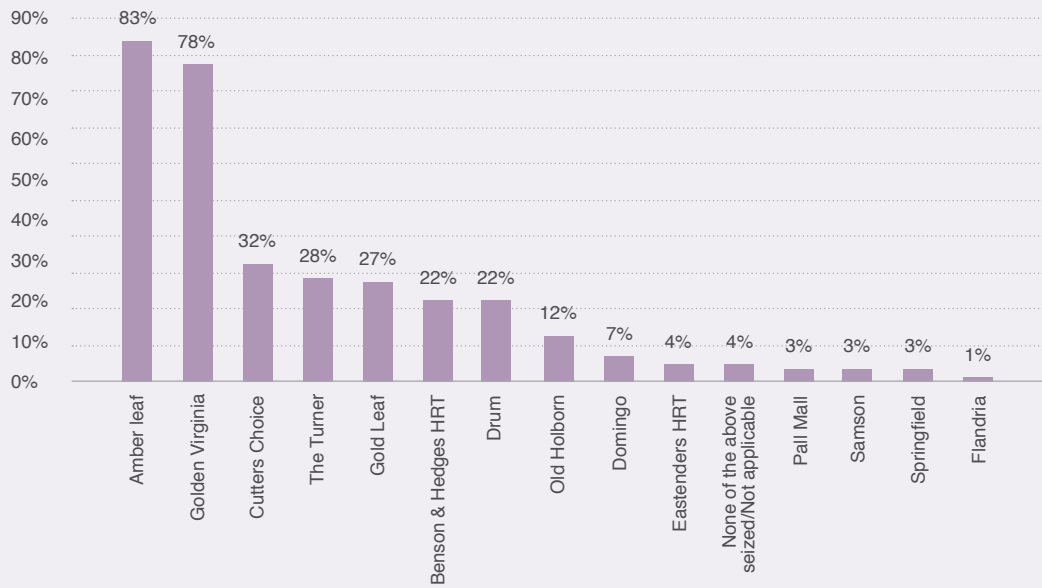
ILLICIT HAND-ROLLING TOBACCO BRANDS

94 councils stated which hand-rolling tobacco brands not for legitimate sale in the UK they had seized, the three brands that were most frequently reported being seized were:

- Amber Leaf (83% of councils)
- Golden Virginia (78% of councils)
- Cutters Choice (32% of councils)



FIGURE 16: ILLICIT TOBACCO: HRT BRANDS NOT FOR LEGITIMATE SALE IN THE UK



11% of councils stated other brands; see Appendix B for details.

ILLICIT HAND-ROLLING TOBACCO SEIZURES: GENERAL INTENDED SALES PRICE

All respondents that reported seizures of non-UK duty paid hand-rolling tobacco and counterfeit hand-rolling tobacco were asked to select the general intended sale price of the hand-rolling tobacco seized.

13% of councils selected £10 or more, 13% selected £5 or less, and 22% of councils said that they did not know the general intended sales price of the seized hand-rolling tobacco.

The smallest proportion of councils (7%) reported that the general intended sales price was £7.01 to £8.00.

FIGURE 17: ILLICIT TOBACCO: GENERAL INTENDED SALES PRICE - ILLICIT HAND-ROLLING TOBACCO





Tobacco and Related Products Regulations 2016

49% of all councils undertook activities in relation to Tobacco and Related Products Regulations including e-cigarettes and liquids.

These Regulations apply to both tobacco and nicotine inhaling products and set out the requirements for product compliance. The Government Tobacco Control Delivery Plan 2017-2022¹¹ includes a commitment to review the impact of the Tobacco and Related Products Regulations 2016¹² by March 2020. This has not been carried out and was overtaken by the demands of COVID-19. The data provided in this report does, however, provide an overview of product compliance.

CHECKS UNDERTAKEN TO ASSESS TOBACCO PRODUCT COMPLIANCE WITH THE TRPRS

64% (of the 66 councils) provided detail on the number of visits undertaken to assess tobacco product compliance; where respondents were able to provide detail, they had undertaken a total of 2,918 visits.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 3,100 visits were undertaken to assess tobacco product compliance in England in 2019/20.

VISITS UNDERTAKEN TO ASSESS PRODUCT COMPLIANCE WITH THE TRPRS

Councils were asked to provide details of the number of visits made to check for compliance for both tobacco products and nicotine inhaling products and provide the number of non-compliant visits.

- 2,918 visits were made by 42 councils to assess tobacco product compliance
 - 9% of visits found non-compliant tobacco products
- 889 visits were made by 63 councils to assess nicotine inhaling product compliance
 - 18% of visits found non-compliant nicotine inhaling products

PREMISES WHERE NON-COMPLIANT TOBACCO PRODUCTS WERE FOUND

Councils were asked to provide detail on which premises type tobacco products were found to be non-compliant. 42 councils were able to provide detail.

No non-compliant tobacco products were found at large retailers or online.

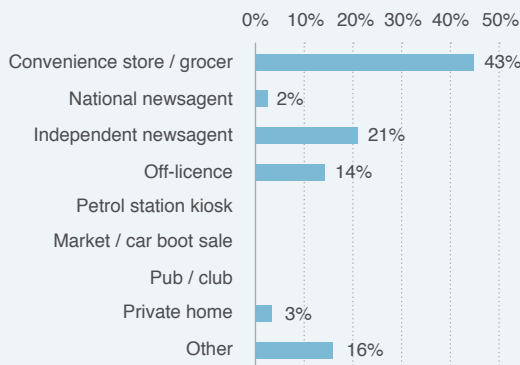
11. DHSC Op. Cit

12. Tobacco and Related Products Regulations 2016. Available at: <http://www.legislation.gov.uk/ukSI/2016/507/contents/made> [accessed online 28 June 2020]

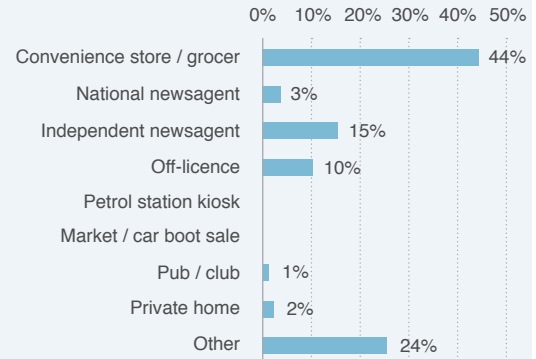


FIGURE 18: TRPRS: PERCENTAGE OF PREMISES WHERE NON-COMPLIANT TOBACCO PRODUCTS WERE FOUND

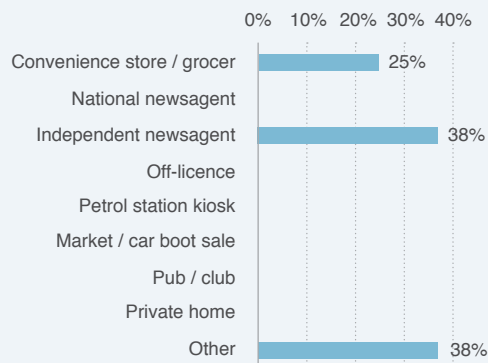
CIGARETTES



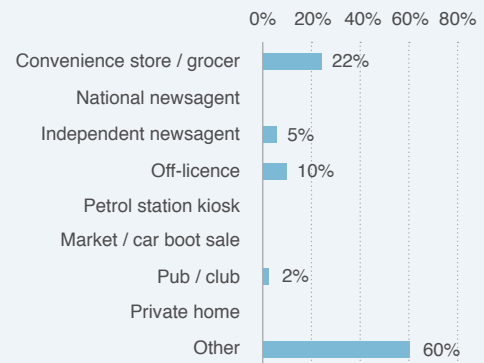
HRT



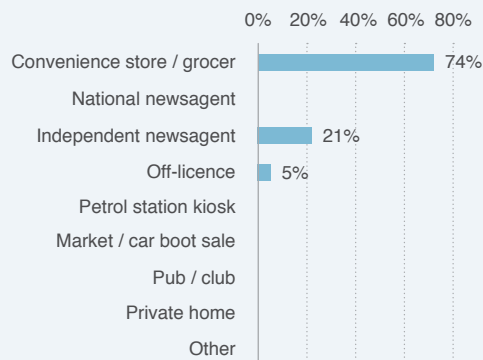
CIGARS



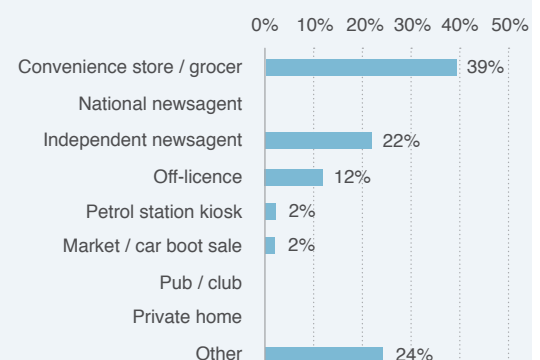
SHISHA



SMOKELESS TOBACCO



TOBACCO BLUNTS



Other includes small retailers, shipping container, car, street, charity shop, specialist tobacconist, second-hand shop, shisha café, mobile phone shop, and vape shop.

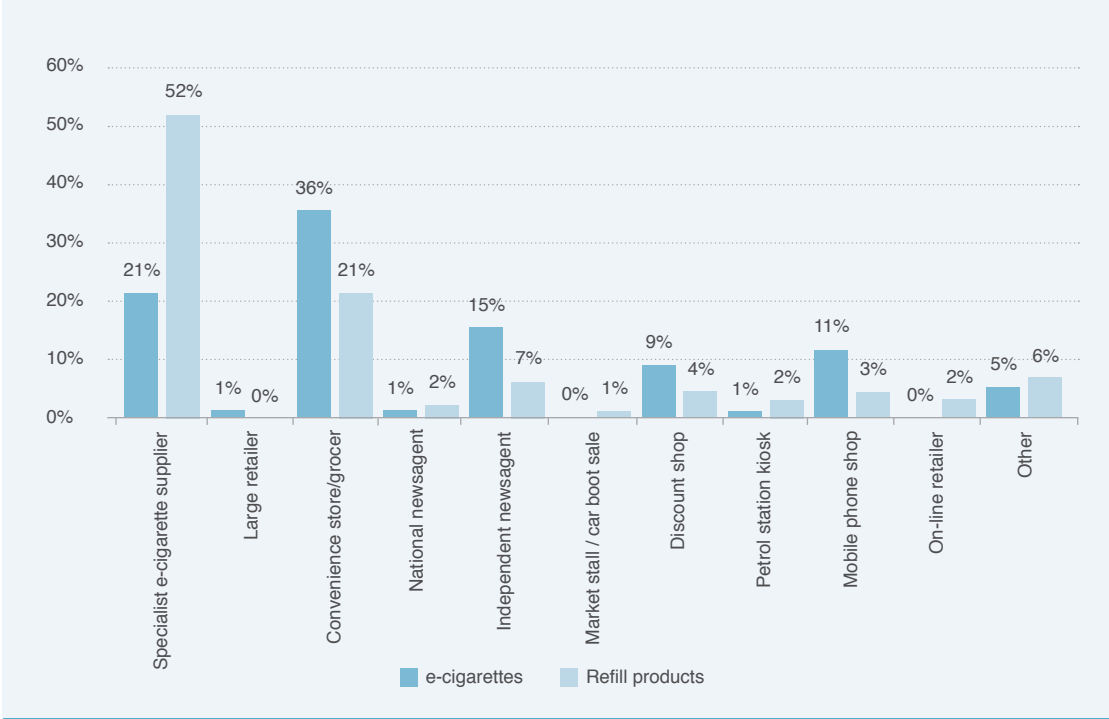
PREMISES WHERE NICOTINE INHALING PRODUCTS WERE NON-COMPLIANT

Councils were asked to provide detail on where non-compliant nicotine inhaling products were found. 50 councils were able to provide detail.

No non-compliant nicotine inhaling products were found at newsagents both national and independent.



FIGURE 19: TRPRS: PROPORTION OF PREMISES WHERE NON-COMPLIANT NICOTINE INHALING PRODUCTS WERE FOUND



Other includes wholesaler, discount store and primary authority partner.

STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015

22% of all councils undertook tobacco control activities in relation to the Standardised Packaging of Tobacco Products Regulations 2015 (SPoT).

CHECKS UNDERTAKEN TO ASSESS TOBACCO PRODUCT COMPLIANCE WITH SPOT REQUIREMENTS

26 councils provided detail on the number of visits undertaken to assess compliance with SPoT; where respondents were able to provide detail, they had undertaken a total of 2,260 visits.

If this figure is used as an indication of the likely picture in non-responding councils, it would mean that an estimated total of around 2,300 visits were undertaken to assess tobacco product compliance with SPoT requirements in England in 2019/20.

8% of visits to assess tobacco product compliance with the SPoT (2015) requirements found noncompliant products.

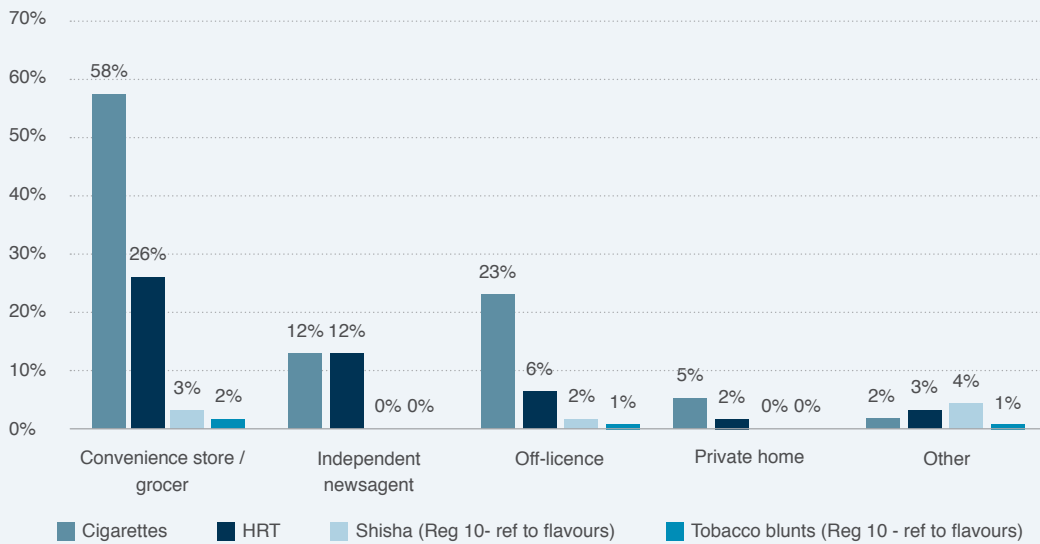


PREMISES WHERE PRODUCTS WERE NON-COMPLIANT WITH SPOT

Councils were asked to provide detail on which premises type tobacco products were found to be non-compliant. 27 councils were able to provide detail.

No non-compliant tobacco products were found at large retailers, national newsagents, petrol station kiosks, markets / car boot sales, pubs / clubs and online.

FIGURE 20: PREMISES WHERE PRODUCTS WERE NON-COMPLIANT WITH SPOT





Actions taken

Respondents were asked to indicate the actions taken where breaches of the legislation were found. The types of action taken range from warnings through to prosecutions.

- 134 councils were able to provide information on the number of actions taken regarding the underage sale of tobacco and NIPs
- for illicit tobacco offences, 131 councils could provide information regarding warnings, 134 regarding prosecutions and 133 stated other actions
- for actions taken in relation to the TRPRs, 132 councils could provide information regarding warnings, 134 for prosecutions and 133 for other action
- for actions taken in relation to SPoT 131 councils provided information regarding warnings, 133 for prosecutions and other actions.

TABLE 11: PROPORTION OF COUNCIL TAKING EACH ACTION

	Warning (verbal or written)	Restricted Sales order	Restricted premises order	Prosecution	Other
UAS tobacco	29%	0%	0%	6%	8%
UAS NIPs	37%	0%	0%	4%	10%
Illicit tobacco - trade marks	48%	N/A	N/A	35%	17%
TRPRs any	31%	N/A	N/A	19%	9%
SPoT any	24%	N/A	N/A	17%	8%

TABLE 12: TOTAL NUMBER OF ACTIONS TAKEN BY COUNCILS

	Warning (verbal or written)	Restricted Sales order	Restricted premises order	Prosecution	Other
UAS tobacco	213	0%	0%	21	22
UAS NIPs	134	0%	0%	6	34
Illicit tobacco - trade marks	526	N/A	N/A	195	71
TRPRs any	328	N/A	N/A	127	34
SPoT any	290	N/A	N/A	81	38

Other actions include simple cautions, advice visits, license reviews, license objection, closure orders, eviction and warnings.

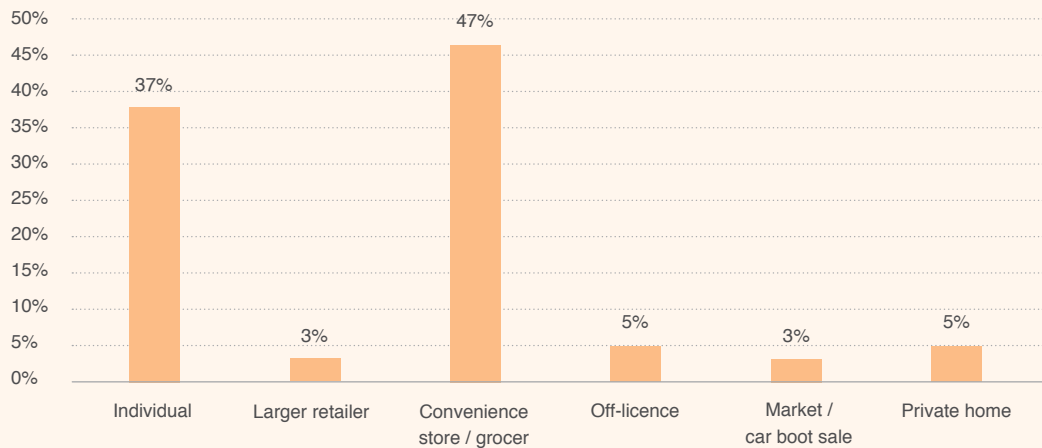


ACTIONS TAKEN UAS TOBACCO

38 councils identified either individual or the business type for actions taken in respect of the underage sale of tobacco.

From the 38 respondents none had taken actions against national newsagents, petrol station kiosks or pubs / clubs.

FIGURE 21: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE UAS TOBACCO

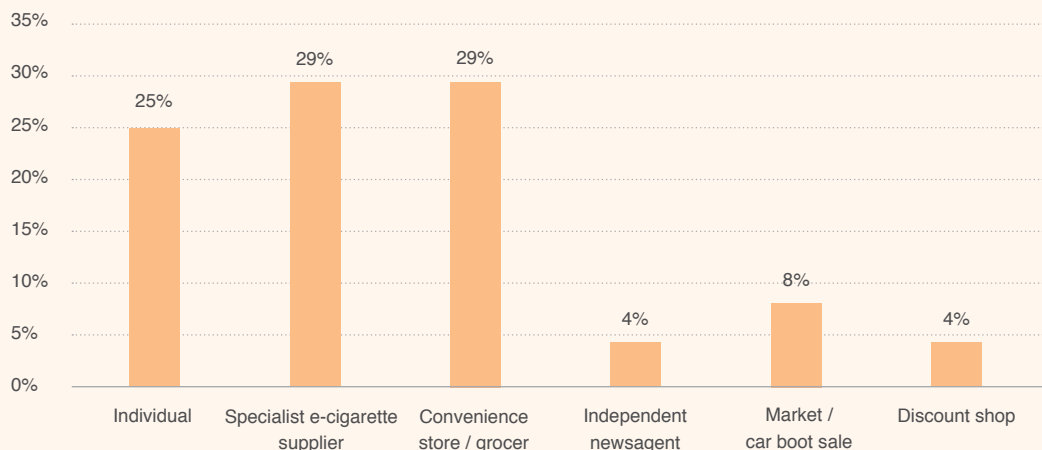


ACTIONS TAKEN UAS NIPS

24 councils identified either individual or the business type for actions taken in respect of the underage sale of nicotine inhaling products.

From the 24 respondents none had taken actions against large retailers, national newsagents, pharmacies, petrol station kiosks, mobile phone shops and online retailers.

FIGURE 22: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE UAS NIPS



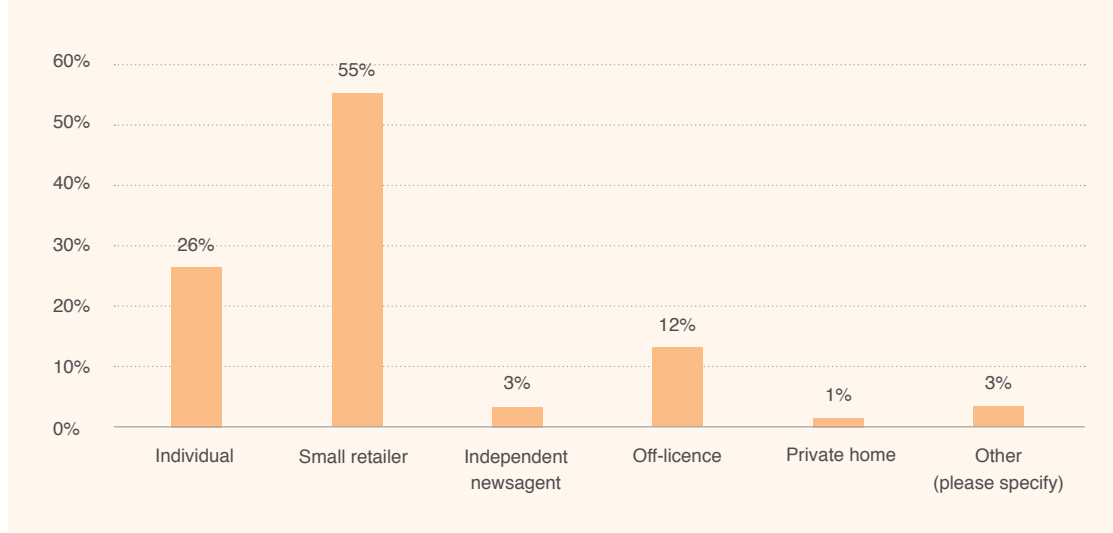


ACTIONS TAKEN ILLICIT TOBACCO

69 councils identified either individual or the business type for actions taken in respect of illicit tobacco.

From the 69 respondents none had taken actions against large retailers, national newsagents, petrol station kiosks, markets / car boot sales and pubs / clubs.

FIGURE 23: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE ILLICIT TOBACCO

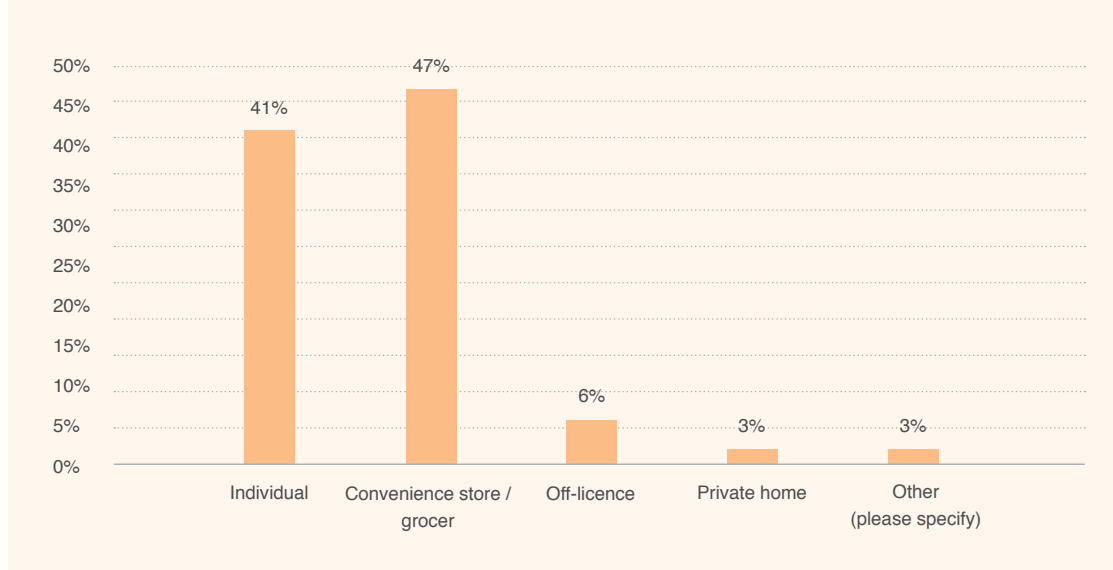


ACTIONS TAKEN TRPRS TOBACCO

34 councils identified either individual or the business type for actions taken in respect of TRPRS tobacco.

From the 34 respondents none had taken actions against large retailers, newsagents, petrol station kiosks, market / car boot sales, pub / clubs and online.

FIGURE 24: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE TRPRS TOBACCO

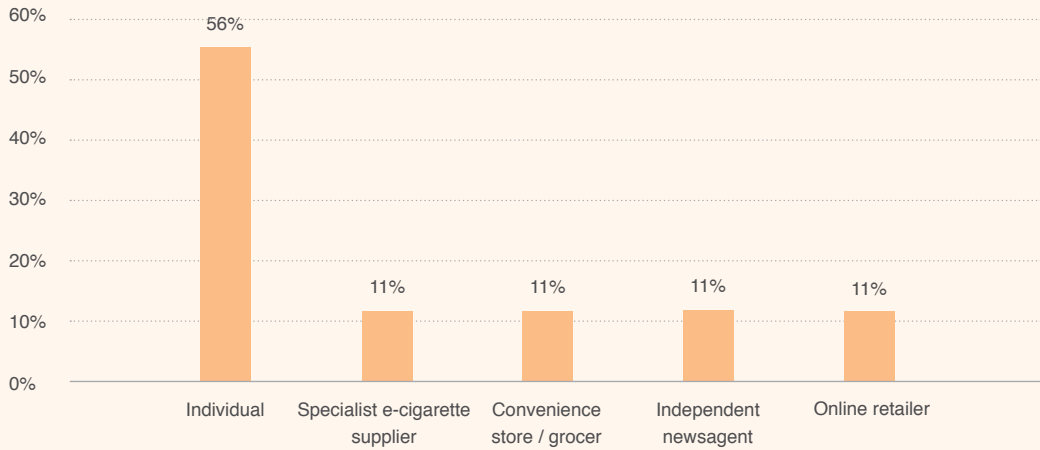




ACTIONS TAKEN TRPRS NIPS

Nine councils identified either individual or the business type for actions taken in respect of TRPRS NIPs.

FIGURE 25: PROPORTION OF ACTIONS TAKEN AGAINST INDIVIDUAL OR BUSINESS TYPE TRPRS NIPS



ACTIONS TAKEN SPOT

35 councils identified either individual or the business type for actions taken in respect of SPoT.



Conclusion

The types of tobacco control activity undertaken by trading standards services in 2019/20 remain broadly the same as 2018/19. Apart from activities relating to illicit tobacco products and underage sales activities related to nicotine inhaling products, which have shown an 11% increase from the previous survey, there has been a slight reduction in activities undertaken across the other categories. Most notably there is a significant reduction from 63% to 49% in councils undertaking activities relating to TRPRs.

It is encouraging to note that 66% of respondents stated that their council prioritised tobacco control as an activity despite the resourcing pressures that most trading standards services are under. However, this is a drop from 2018/19 where 75% said their council prioritised tobacco control activity. Tobacco control competes for resources and priority alongside other trading standards activities - for example, product safety, food safety, doorstep crime and intellectual property crime.

Whilst the continued support of the Department of Health and Social Care is welcomed, it should be noted that the level of support has reduced since the last survey was completed. This has had an effect on the coordinated project work undertaken by trading standards.

UNDERAGE SALES: TOBACCO PRODUCTS

Levels of activity in relation to underage sales of tobacco products decreased by 4% compared to 2018/19. A similar proportion of councils received complaints and enquiries as in 2018/19.

The number of councils undertaking test purchase operations increased from 66% in 2018/19 to 74%. The sales rate has decreased slightly from 18% as seen in the last three surveys to the current rate of 15% in 2019/20.

UNDERAGE SALES: NIPS

66% of all councils conducted activities in relation to underage sales for NIPs, an increase of 11% over 2018/19 results. However, a lower proportion of councils received complaints and enquiries, a reduction from 79% in 2018/19 to 72% in 2019/20.

The sales levels for test purchases decreased from 40% in 2018/19 to 32% in 2019/20.

ILLICIT TOBACCO PRODUCTS

In 2019/20 illicit tobacco control activity decreased slightly over the previous year from 94% to 90%. There was an increase in the number of complaints and enquiries received with the median complaints per council increasing from 18 to 19.

Brands not for legitimate supply in the UK continued to be the product most likely to be seized, as in previous years; L&M remained the brand that was the most frequently seized.



TOBACCO AND RELATED PRODUCTS REGULATIONS 2016

Levels of activity in relation to TRPR were significantly reduced to 2018/19, with a 14% decrease in the number of councils that undertook this activity.

As in 2018/19 convenience stores / small retailers were the premises type where non-compliant tobacco products were most likely to be found. Specialist e-cigarette suppliers were the premises type where non-compliant nicotine inhaling products were most likely to be found.

STANDARDISED PACKAGING FOR TOBACCO PRODUCTS REGULATIONS 2015

Levels of activity in relation to SPoT continued to fall; however, the fall is not as sharp as in 2018/19, with a 6% decrease in the number of councils that undertook this activity from 28% to 22%.

As in 2018/19, convenience store / grocer was the premises type where non-compliant products were most likely to be found (50% of councils reporting non-compliant products at this premises type).

APPENDIX A: ILLICIT TOBACCO: OTHER CIGARETTE BRANDS NOT FOR LEGITIMATE SALE IN THE UK
A

Aura

B

Benson & Hedges
Berkeley
Blue Business
Brass

C

Camel Silkcut
Carleton Superkings

D

Dunhill
Dunhill Blue / Black

E

Emke Crush
Excellence

F

Flandria

G

Gold Mount

H

Hamiltons
Heritage

I

Icons
Impulse
International Heritage

K

Karelia
Kopoha

L

LD Club
LD Impulse
Lifa
Lifa Menthol
Liggit Ducat

M

Marlboro
Marlboro Gold
Marlboro Gold/ Red
Marlboro White
Marvel
Marvel Demi
Marvel & Blue
Mayfair
Miami
Milano
MM Slims
Mohawk
Moro

N

Napoli
Napolini
New Line
NS Gold

O

Officials
Omega
Oris

P

Pall Mall
Mall Mall Marvel
Parker & Simpson
Philip Morris Red
Philip Morris
Primary

Q

Queen
Queen Menthol
Queen Super Slims

R

Rahrpbha
Raquel
Red Alert
Richmond Cigaretted
Ropoha
Rothmans
Rothmans Demi
Royals

S

Sobranie
St Moritz
Sterling Dual

T

The King
Turner Amber leaf HRT

V

Victory
Vogue

W

Win
Windsor Avenue
Winston

APPENDIX B: ILLICIT TOBACCO: OTHER HRT BRANDS NOT FOR LEGITIMATE SALE IN THE UK

- ✘ Flandria
- ✘ Fosters
- ✘ Golden Duchess
- ✘ Marlboro HRT
- ✘ Old H
- ✘ Originelle Virginia
- ✘ Red Bull
- ✘ Riverstone
- ✘ Robin Hood
- ✘ Virginia Gold



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