



Chartered Trading  
Standards Institute

# TOBACCO CONTROL SURVEY, ENGLAND 2015/16

A report of council trading standards service activity

By Jane MacGregor, MacGregor Consulting Limited  
and Liz Spratt for the Chartered Trading Standards Institute



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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 2015 to March 2016.

An online survey was emailed to all councils undertaking tobacco control activities in England in April 2016 (151 councils in total). The deadline for completion of the survey was Friday 20 May 2016. The survey was completed by 148 councils, which is a response rate of 98%. Although this response rate is high, the base for some findings does vary as not every respondent answered every question.

### Tobacco control activities

- 98% of councils were undertaking at least one type of tobacco control activity.
- Of all councils:
  - 91% had undertaken activities related to illicit tobacco products.
  - 79% had undertaken activities related to the display and pricing of tobacco products.
  - 74% had undertaken activities related to underage sales for tobacco products only.
  - 72% had undertaken activities related to underage sales for nicotine inhaling products (NIPs) only.
  - 40% had undertaken activity related to niche tobacco supply.
  - 1% had undertaken activities relating to the proxy purchasing of tobacco or NIPs.

### Underage sales: tobacco products

- 74% of all councils had conducted tobacco control activities in relation to underage sales.
- 68% of all councils had dealt with complaints and enquiries about underage sales of tobacco concerning retail premises, receiving 883 complaints and enquiries in total. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 900 complaints and enquiries about underage sales from retail premises were received in England in 2015/16.
- 103 out of the 110 councils that had received complaints and enquiries concerning retail premises were able to provide detail on the types of premises complaints and enquiries had been received about. The greatest proportion of complaints and enquiries were received regarding small retailers (42%).
- 65% of all councils had undertaken visits by trading standards officers, with 3,974 visits in total. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 4,200 visits by trading standards officers were undertaken in England in 2015/16 concerning underage sales.
- 91 out of the 96 councils that had undertaken visits by trading standards officers were able to provide detail on the types of premises visited. The greatest proportion of visits were to small retailers (42%).

56% of all councils (which is 79% of those who conduct activities related to underage sales) had carried out visits to retail premises with volunteer young persons (aged under 18) to test compliance with the legislation on the sale of tobacco products to under-18s. Of these:

- 86 out of 87 councils had supplied the number of premises visited; the total number was 2,275. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 2,500 premises across England were visited by volunteer young persons conducting test purchase operations in 2015/16.

- 67% reported that cigarettes or tobacco products had been sold to the volunteer young persons in at least one premises; cigarettes were sold to underage persons at a total of 230 premises. If this figure is used as an indication of the likely picture in non-responding councils, this would mean that an estimated total of around 240 premises across England were detected making illegal sales of tobacco products to underage persons in 2015/16.
- Where data was provided on the number of premises and number of sales, illegal sales of cigarettes occurred in 10% of test purchase operations; this is broadly the same as in 2014/15 when 11% of test purchase operations resulted in illegal sales of cigarettes.
- 82 councils out of 86 were able to provide detail on both the types of premises visited and where sales occurred. The greatest proportion of visits were to small retailers (46%). The smallest proportion of sales occurred at national newsagents (14%).

### **Underage sales: actions taken in relation to the Children and Young Persons Act 1933 (as amended)**

43% of all councils (which is 58% of those who conducted activities related to underage sales) stated that action had been taken as a result of breaches of the Children and Young Persons Act 1933 (as amended). Of these:

- Verbal or written warnings were the most common type of action to be taken by councils (69%).
- 30% had undertaken formal legal action (prosecution cases).
- 8 councils stated that one or more of their prosecution cases against a business had ended in a conviction (resulting in a total of 14 convictions). 4 business convictions were for 'repeat offenders'.
- 10 councils stated that one or more of their prosecution cases had ended in conviction of an individual (resulting in a total of 16 individual convictions). 4 convictions of individuals were for 'repeat offenders'.
- 11 councils reported that magistrates had imposed a fine as a result of one or more of these convictions. The majority (80%) of fines imposed were £500 or less.
- 1 council applied for a restricted sales order. This was not approved.
- 2 councils applied for restricted premises orders. 1 order was approved for a small retailer for a period of 12 months.

### **Underage sales: nicotine inhaling products (NIPs)**

- 74% of all councils had conducted tobacco control activities in relation to underage sales of NIPs.
- 47% of all councils had dealt with complaints and enquiries about underage sales of NIPs, receiving 210 complaints and enquiries in total. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 220 complaints and enquiries about underage sales of NIPs were received in England in 2015/16.
- 70 out of the 103 councils that had received complaints and enquiries concerning underage sales of NIPs were able to provide detail on the types of premises that complaints and enquiries had been received about. The greatest proportion of complaints and enquiries were received regarding specialist e-cigarette suppliers (42%).
- 58% of all councils had undertaken visits by trading standards officers about NIPs; there were 1,301 visits in total. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 1,400 visits by trading standards officers about underage sales of NIPs were undertaken in England in 2015/16.
- 85 out of the 102 councils that had undertaken visits by trading standards officers for NIPs were able to provide detail on the types of premises visited. The greatest proportion of visits were to convenience store/grocers (25%).





59% of all councils (which is 82% of those who conduct activities related to underage sales) had carried out visits to retail premises with volunteer young persons (aged under 18) to conduct test purchase operations for NIPs:

- 87 councils supplied the number of premises visited; the total number was 877. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 900 premises across England were visited by volunteer young person's conducting test purchase operations for NIPs in 2015/16.
- 87% reported that NIPs had been sold to the volunteer young persons in at least one premises; NIPs were sold to underage persons at a total of 317 premises. If this figure is used as an indication of the likely picture in non-responding councils, this would mean that an estimated total of around 330 premises across England made sales of NIPs to underage young persons in 2015/16.
- Illegal sales of NIPs occurred in 36% of test purchase operations.
- 87 councils were able to provide detail on both the types of premises visited and where sales occurred. The greatest proportion of visits were undertaken to e-cigarette providers (24%). The greatest proportion of sales occurred at market stall/car boot sales (61%).

### **Underage sales NIPs: Actions taken in relation to a breach to the Children and Families Act 2014**

35% of all councils (which is 49% of those who conducted activities related to underage sales) stated that action had been taken as a result of breaches of the Children and Families Act 2014. Of these:

- Verbal or written warnings were the most common type of action to be taken by the majority of councils (92%).
- 1 council had undertaken formal legal action (prosecution case).
- This prosecution did not result in a conviction.

### **Proxy purchasing of tobacco and/or NIPs**

- 1% of all councils had undertaken work in relation to proxy purchasing of tobacco and/or NIPs.
- 1 council had undertaken proxy purchases in relation to tobacco.
- 1 council had undertaken proxy purchases in relation to NIPs.

### **Illicit tobacco products**

- 91% of all councils had undertaken work in relation to illicit tobacco products.
- 76% of all councils stated that there was a strategy in place in their region to tackle illicit tobacco products.
- 47% of all councils had undertaken joint operations with Her Majesty's Revenue and Customs (HMRC).
- 48% of all councils that had undertaken actions in relation to illicit tobacco products stated that their activity levels had increased in the 2015/16 financial year.
- 82% of all councils had dealt with complaints and enquiries about illicit tobacco products, receiving 2,968 complaints and enquiries in total. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 3,200 complaints and enquiries about illicit tobacco products were received in England in 2015/16.
- 115 out of the 121 councils that had received complaints and enquiries concerning illicit tobacco products were able to provide detail on the types of premises that complaints and enquiries had been received about. The greatest proportion of complaints and enquiries were received regarding small retailers (37%).

- 85% of all councils had visited premises in relation to illicit tobacco products, undertaking a total of 5,489 visits. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 5,700 premises were visited across England in 2015/16 in relation to illicit tobacco products.
- 121 out of the 126 councils that had undertaken visits in relation to illicit tobacco products were able to provide detail on the types of premises visited. The greatest proportion of visits were undertaken to small retailers (53%).

87% of all councils stated that they had seized illicit tobacco products; 107 councils out of 116 were able to provide a breakdown of how much, if any, of each product was seized:

- The greatest proportion of councils (78%) stated that visits had resulted in the seizure of genuine non-UK duty paid cigarettes.
- The brand of cheap white cigarettes most frequently seized was Fest/Pect (by 80% of councils that reported seizing cheap white cigarettes).
- 44% of councils reported that the average intended sales price of illicit cigarettes seized was £3.01 to £4.00. It was most frequently stated that illicit cigarettes seized originated from Poland (48 councils) and Russia (21 councils).
- 100 councils stated that hand rolling tobacco was seized. The brand of hand rolling tobacco most frequently seized was Golden Virginia (with 88% of councils that had seized hand rolling tobacco stating they had seized this brand).
- The greatest proportion (29%) of councils seizing hand rolling tobacco did not know the average intended sales price of seized hand rolling tobacco. It was most frequently stated that illicit hand rolling tobacco seized originated from Belgium (26 councils) and Holland (18 councils).

### Illicit tobacco products: actions taken

134 councils had taken action in relation to illicit tobacco products. Of these:

- Verbal or written warnings were the most common type of action taken by councils (56%).
- 28% had issued simple cautions.
- 61% of councils had undertaken legal actions (prosecutions).
- 17 councils stated that one or more of their prosecution cases against a business had ended in a conviction (resulting in a total of 66 convictions). 20 convictions were for repeat offenders.
- 54 councils stated that one or more of their prosecution cases had ended in a conviction of an individual (resulting in a total of 256 convictions of individuals). 52 convictions were for repeat offenders.

### Niche tobacco products

- 40% of all councils had conducted tobacco control activities in relation to niche tobacco supply.

Of these:

- 90% stated that they had detected niche tobacco products without appropriate labelling (health warnings) between 1 April 2015 and 31 March 2016.
- Most frequently respondents stated that they had detected shisha (61% of councils).



### Niche tobacco products: actions taken

47 out of the 59 councils that detected niche tobacco stated they had taken action in relation to these products. Of these:

- Verbal or written warnings were the most common type of action taken by councils (51%).
- 9% had issued simple cautions.
- 10% had undertaken legal actions (prosecutions).
- 4 councils stated that a prosecution had ended in a business conviction, with 16 businesses prosecuted in total. 2 convictions were for repeat offenders.
- 5 councils stated that a prosecution had ended in the conviction of an individual with 20 convictions of individuals in total. 2 convictions were for repeat offenders.

### Display and pricing of tobacco products

- 79% of all councils had conducted tobacco control activities in relation to the display and pricing of tobacco products.

Of these:

- 97% of all councils had carried out compliance visits at retail premises; 93% of visits were compliant with display requirements and 98% compliant with pricing requirements.
- 7% of all councils had carried out compliance visits at wholesale/cash and carry businesses; 17 out of 18 of the visits were compliant with both display and pricing requirements.

### Display and pricing of tobacco products: actions taken

38 out of the 117 councils that conducted tobacco control activities in relation to the display and pricing of tobacco products stated they had taken action; 36 provided detail on the action taken; of these:

- Verbal or written warnings were the most common type of action taken by councils (89%).
- 5% had issued simple cautions.
- 8% had undertaken legal actions (prosecutions).
- 1 council stated that 1 prosecution had ended in a business conviction.
- 1 council stated that 1 prosecution had ended in the conviction of an individual.

### Article 5.3 of the Framework Convention on Tobacco Control (FCTC)

- 47% of all councils had a written policy in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC).



# 1 Introduction

This is the fourth report produced by the Chartered Trading Standards Institute (CTSI). It presents the findings of a survey of all tobacco control activities carried out by trading standards services (TSS) between April 2015 and March 2016; the survey has been supported by the Department of Health (DH). It includes questions made at the request of Her Majesties Revenue and Customs (HMRC) and Action on Smoking and Health (ASH) specifically around illicit tobacco and the status of Article 5.3 of the Framework Convention on Tobacco Control (FCTC) and the tobacco industry.

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

- Conduct of test purchase operations with underage persons at retail premises; for the first time this now includes testing the supply of nicotine inhaling products to young people under the age of 18 years, as well as tobacco;
- Tackling the supply of illicit tobacco products i.e. cheap white cigarettes, counterfeit/smuggled tobacco products;
- Monitoring business compliance with the display and pricing of tobacco regulations; and
- Monitoring the supply of niche tobacco products.

Where specific coordinated activities have been carried out by TSS, the data has been included in this complete annual survey of tobacco control activity. This is indicated in each section where relevant. For example, between July and August 2015 a rapid review of compliance with tobacco display regulations in small business premises was carried out; the data is included in this report.

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

## Context

Smoking is the leading cause of preventable death in Great Britain. In 2013, almost 80,000 deaths were attributable to smoking in England<sup>1</sup>. Smoking also has economic costs, adding significantly to the burden on the NHS. It is estimated that in 2013/14, approximately 4% of all hospital admissions in England for those aged 35 and over were attributable to smoking<sup>2</sup>.

1 <http://www.hscic.gov.uk/catalogue/PUB17526/stat-smok-eng-2015-rep.pdf> accessed online 27 June 2016

2 *ibid*

The table below shows the percentage of smokers by age and sex in 2014.

**Figure 1: Percentage of smokers by age and sex in Great Britain, 2014<sup>3</sup>**



At the time of writing, a new tobacco strategy for England is being developed and is expected to be published by the DH in the latter part of 2016.

During 2015/16 there have been three focussed tobacco control activities carried out by trading standards services across England:

- A review of compliance with the tobacco display and pricing requirements in small business premises.
- A review of compliance with the age of sale requirements for nicotine inhaling products.
- Operation Henry 2, designed to tackle the supply of illicit tobacco at a local level.

This report indicates where the data arising from these focussed activities is included in this survey.

The data collected and reported here helps to inform the DH about regulatory tobacco control matters that are of interest to policy makers and practitioners alike.

<sup>3</sup> Office for National Statistics – Adult Smoking habits in Great Britain 2014 available online at: <http://tinyurl.com/hpjtrg6> accessed 27 June 2016

## 2 Methodology

The 2015/16 survey questionnaire was developed jointly by the DH 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 2015/16 online questionnaire was emailed to all single tier councils on 4 April 2016<sup>4</sup>, and by the end of fieldwork on 20 May 2016 it had been completed by 148 councils, which was a response rate of 98%. Although the vast majority of councils responded, the base does vary, as not every respondent answered every question.

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	27	27	100
London borough	33	31	94
Metropolitan district	36	36	100
Unitary authority	55	54	98
<b>Base</b>	<b>151</b>	<b>148</b>	<b>98</b>

Table 2: Response rate by region

Region	Total number in region	Number of respondents	Response rate (%)
East Midlands	9	9	100
East of England	11	11	100
London	33	31	94
North East	12	12	100
North West	23	23	100
South East	19	18	95
South West	15	15	100
West Midlands	14	14	100
Yorkshire and the Humber	15	15	100
<b>Base</b>	<b>151</b>	<b>148</b>	<b>98</b>

All figures provided in the main report are with reference to tobacco control activity conducted in England between 1 April 2015 and 31 March 2016, unless otherwise stated.

Figures are reported as a percentage of the total number of respondents to this survey (148) unless otherwise stated.

Throughout the report some tables and figures may not sum to 100% due to rounding. 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 who stated that they did not know. Grossed figures have been rounded to the nearest 100 unless otherwise stated.

<sup>4</sup> This survey was not sent to the Isles of Scilly as there is currently no trading standards service operating on the Islands, due to temporary resourcing issues within the local authority.

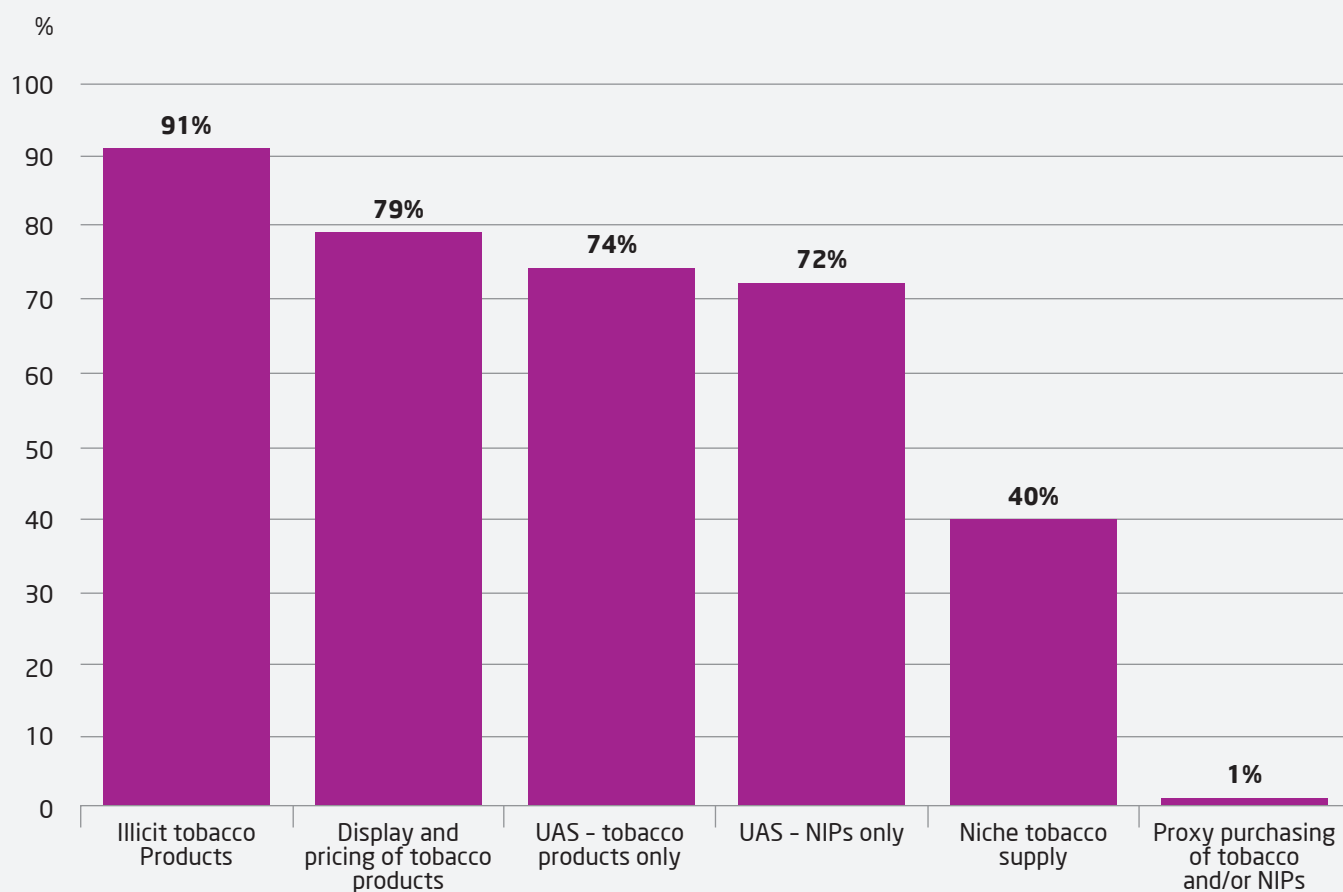
Results are directly compared to the 2014/15 survey only where time series data is available and there are statistically significant differences. Two types of tests to check for statistically significant difference were run: chi squared tests to compare differences between proportions and paired T-tests to provide comparison to mean averages between years. Please note the 2014/15 survey achieved 150 respondents (a 99% response rate).

### 3 Tobacco control activities

Respondents were asked which core tobacco control activities, from a list of four, their council had undertaken in the financial year 2015/16.

98% of councils were undertaking at least one type of activity. The activity most frequently undertaken was work related to illicit tobacco (91%), with fewest (2%) being involved in proxy purchasing of tobacco and/or nicotine inhaling products (NIPs).

**Figure 2: Which, if any, of the following tobacco control activities has your council undertaken in the financial year 2015/16?**



**Base: all councils (148)**

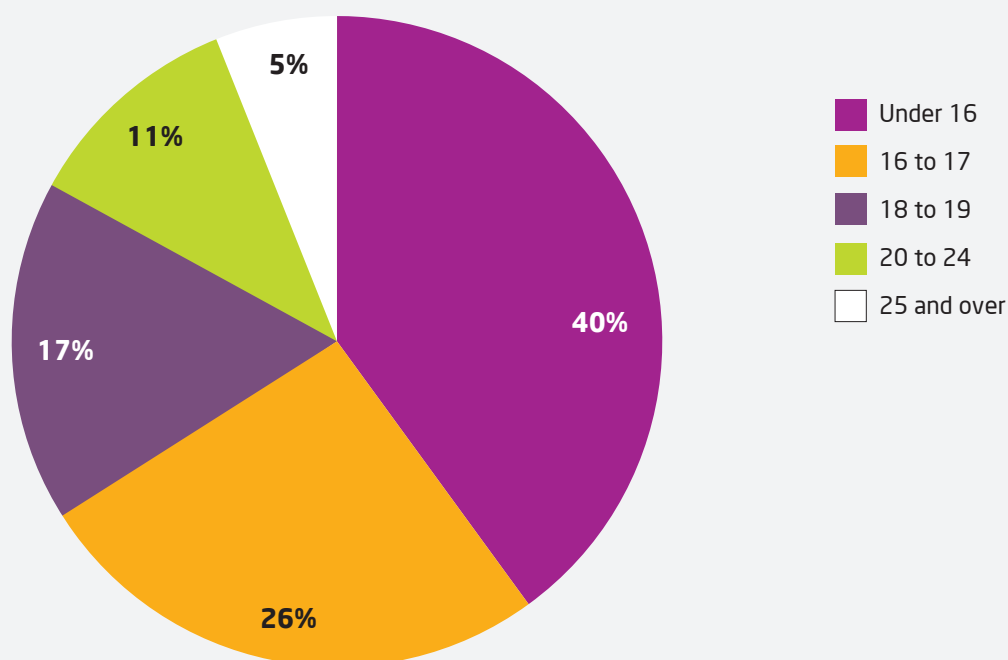
Those not undertaking any activity (3 councils) generally stated that this was because there was a lack of intelligence to direct this work.

## 4 Underage sales activity

The General Lifestyle Survey 2011<sup>5</sup> report found that in England two-thirds (66%) of adults who were either current smokers or who had smoked regularly at some time in their lives had started smoking before they were 18 years of age. Two-fifths (40%) had started smoking regularly before the age of 16.

The chart below shows the age at which adults in England started smoking regularly.

**Figure 3: Age at which adult smokers in England first started smoking<sup>6</sup>**



It has been illegal to supply tobacco products to people under the age of 18 since 2007 and prior to that (since 1908) illegal to sell to under-16s.

**Figure 4: Under-16s and smoking in the UK<sup>7</sup>**



<sup>5</sup> Smoking (General Lifestyle Survey Overview – a report on the 2011 General Lifestyle Survey) available at <http://tinyurl.com/jm84d8y> accessed 9 August 2016

<sup>6</sup> Health and Social Care information Centre: Statistics on Smoking England 2015 available at <http://www.hscic.gov.uk/catalogue/PUB17526/stat-smok-eng-2015-rep.pdf> accessed 27 June 2016

<sup>7</sup> Cancer Research UK Childhood Smoking Statistics (2016): <http://www.cancerresearchuk.org/health-professional/cancer-statistics/risk/childhood-smoking#heading-One> accessed online 27 June 2016





Young people that smoke regularly smoke on average 31 cigarettes per week<sup>8</sup>. Although young people cite “other people” as a major source of their cigarettes, just under half (46%) of young people report buying their cigarettes from shops<sup>9</sup>. This points to the important role that TSS have in maintaining a focus in this area and the protection of young people.

## Findings

74% of all councils conducted activities in relation to underage sales. This is a significant fall from the 91% of councils that reported conducting activities in relation to underage sales in 2014/15.

### Complaints and enquiries received

68% of all councils had dealt with complaints and enquiries in relation to underage sales at premises. Where respondents were able to provide detail (100 councils), they received a total of 883 complaints and enquiries.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 900 complaints and enquiries about underage sales from retail premises were received in England in 2015/16.

Among councils reporting levels of activity in 2014/15 and 2015/16, matched sample analysis indicated there was a statistically significant decrease in the mean average number of complaints and enquiries received from 14 in 2014/15 to 9 in 2015/16<sup>10</sup>.

### Complaints and enquiries received by premises type

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type<sup>11</sup>.

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; 103 out of 110 councils were able to provide this detail.

In total 838 complaints and enquiries were received by these councils, with the largest proportion of complaints and enquiries being received about small retailers (42%), followed by independent newsagents (19%); the smallest proportion were received about petrol station kiosks (1%).

In comparison to 2014/15 there were:

- Significantly more complaints and enquiries received about private homes (9% compared to 6% of all complaints and enquiries).
- Significantly fewer complaints and enquiries received about petrol station kiosks (1% compared to 2% of all complaints and enquiries).

8 Smoking, Drinking and Drug Use Among Young People in England – 2014 (published July 2015) available at: <http://digital.nhs.uk/catalogue/PUB17879/smok-drin-drug-youn-peop-eng-2014-rep.pdf> accessed online 9 August 2016  
9 ibid

10 A paired samples t test revealed a statistically reliable difference between the mean average number of complaints and enquiries received in 2014/15 (mean = 13.92, standard deviation = 18.7) and 2015/16 (mean = 8.74, standard deviation = 8.9);  $t(94) = -2.65$ ,  $p < 0.05$ .

11 For guidance on definitions of premises type please see annex 1. Please note that where ‘other’ types of premises are referred to throughout this report this could include café, leisure facilities and any other type of premises not covered by the main categories.

Table 3: Proportion of complaints and enquiries received by premises type

Type of premises	Complaints and enquiries received (%)
Small retailer	42
Independent newsagent	19
Off licence	16
Private homes	9
Large retailer	3
Market/car boot sale	2
Pub/club	2
National newsagent	2
Petrol station kiosk	1
Other	5
<b>Base number of complaints and enquiries</b>	<b>838</b>
<i>Number of councils providing data</i>	<i>103</i>

### Visits by trading standards officers to premises

65% of all councils had undertaken visits to premises by trading standards officers in relation to underage sales. This is a significant decrease on the 76% of councils who undertook visits by trading standards officers in 2014/15. In total in 2015/16 3,974 visits were undertaken by trading standards officers.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 4,200 visits in relation to underage sales from retail premises were made by trading standards officers in England in 2015/16.

Among councils reporting levels of activity in 2014/15 and 2015/16, matched sample analysis indicated there was a statistically significant decrease in the mean average number of visits undertaken by trading standards officers from 60 in 2014/15 to 38 in 2015/16<sup>12</sup>.

### Visits by trading standard officers by premises type

Councils were asked to provide a breakdown of visits 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 for visits by trading standards officers; 91 out of 96 councils were able to provide this detail.

In total 3,511 visits were undertaken by these councils, with the largest proportion of visits being undertaken at small retailers (42%), followed by off-licences (23%); the smallest proportion were undertaken at private homes (<0.5%).

In comparison to 2014/15 there were:

- Significantly more visits undertaken to independent newsagents (21% compared to 16% of all visits by trading standards officers).
- Significantly more visits undertaken to national newsagents (3% compared to 2% of all visits by trading standards officers).
- Significantly more visits undertaken to other types of premises (3% compared to 2% of all visits by trading standards officers).

<sup>12</sup> A paired samples t test revealed a statistically reliable difference between the mean average number of visits by trading standards officers in 2014/15 (mean = 59.97, standard deviation = 90.1) and 2015/16 (mean = 37.61, standard deviation = 61.9);  $t(96) = -2.59$ ,  $p < 0.5$ ).



- Significantly fewer visits undertaken to large retailers (2% compared to 4% of all visits by trading standards officers).
- Significantly fewer visits undertaken to petrol station kiosks (3% compared to 5% of all visits by trading standards officers).
- Significantly fewer visits undertaken to pubs and clubs (<0.5% compared to 2% of all visits by trading standards officers).
- Significantly fewer visits undertaken to market/car boot sales (<0.5% compared to 1% of all visits by trading standards officers).
- Significantly fewer visits undertaken to private homes (<0.5% compared to 1% of all visits by trading standards officers).

Table 4: Proportion of visits by trading standards officers by premises type

Type of premises	Visits undertaken (%)
Small retailer	42
Off licence	23
Independent newsagent	21
Large retailer	4
Petrol station kiosk	3
National newsagent	3
Pub/club	<0.5
Market/car boot sale	<0.5
Private homes	<0.5
Other	3
<b>Base number of complaints and enquiries</b>	<b>3,511</b>
<i>Number of councils providing data</i>	<i>91</i>

### Conducting test purchase operations with volunteer young persons

59% of all councils carried out test purchase operations at retail premises with volunteer young persons. This is a significant decrease on the 76% of councils that were carrying out test purchase operations at retail premises in 2014/15.

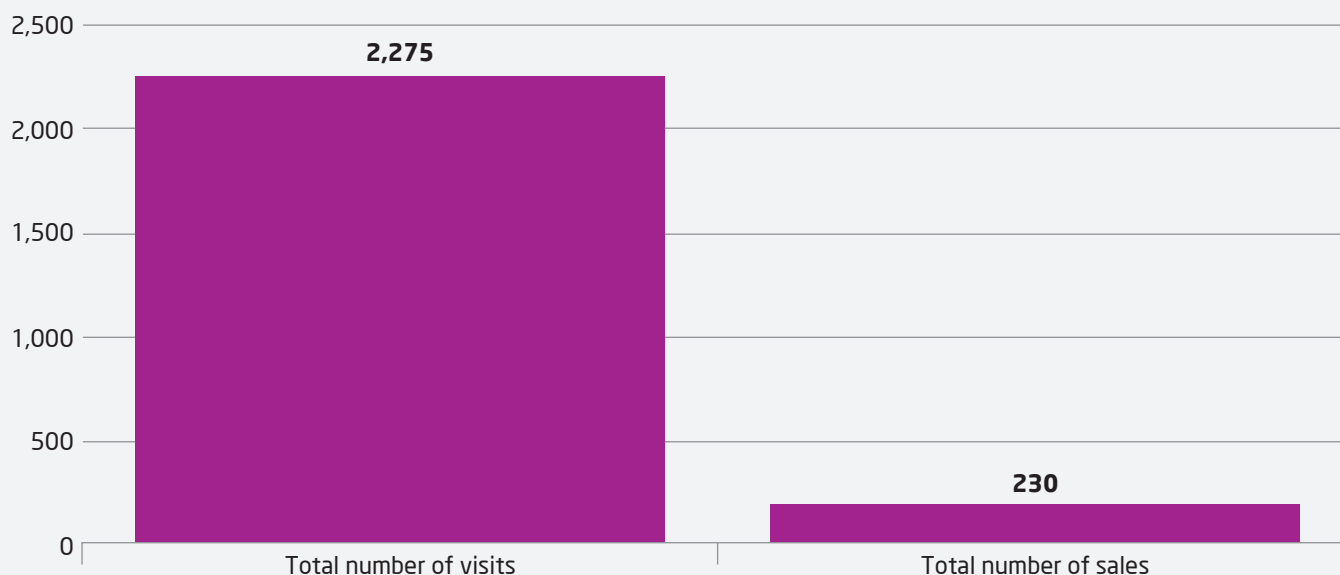
Of those conducting work around underage sales, 16% of councils were engaged in underage sales activities but not carrying out surveys with volunteer young persons in test purchase operations in premises. For these (23 councils) the most frequently cited reason was lack of intelligence (stated spontaneously by 12 councils), followed by staff resource being directed at other underage sales activities (11 councils). The following reasons were stated by at least 1 council:

- Lack of intelligence.
- Financial resource was directed at other underage sales activities.
- Lack of financial resource overall.

### Test purchasing of tobacco: summary of visits and illegal sales to volunteer young persons at premises

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

**Figure 5: Number visited by volunteer young persons and number at which underage sales of cigarettes were made to volunteer young persons**



**Base: All councils conducting visits with young persons to premises who stated the number of visits conducted and the total number of sales (86)**

## Outcome of visits to retail premises with volunteer young persons

### Visits conducted

86 out of the 87 councils that had conducted visits to premises with volunteer young persons supplied the number of premises visited; this was a total of 2,275.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 2,500 premises across England were visited by volunteer young persons in the conduct of test purchase operations in 2015/16.

### Number of visits to premises resulting in illegal sales

86 out of 87 councils were able to report the number of visits with volunteer young people where sales had occurred. Of those able to provide detail, 67% reported that cigarettes or tobacco products had been sold in at least one premises.

Where cigarettes were sold to underage persons in 2015/16, they were sold at a median of three premises and a total of 230 premises.

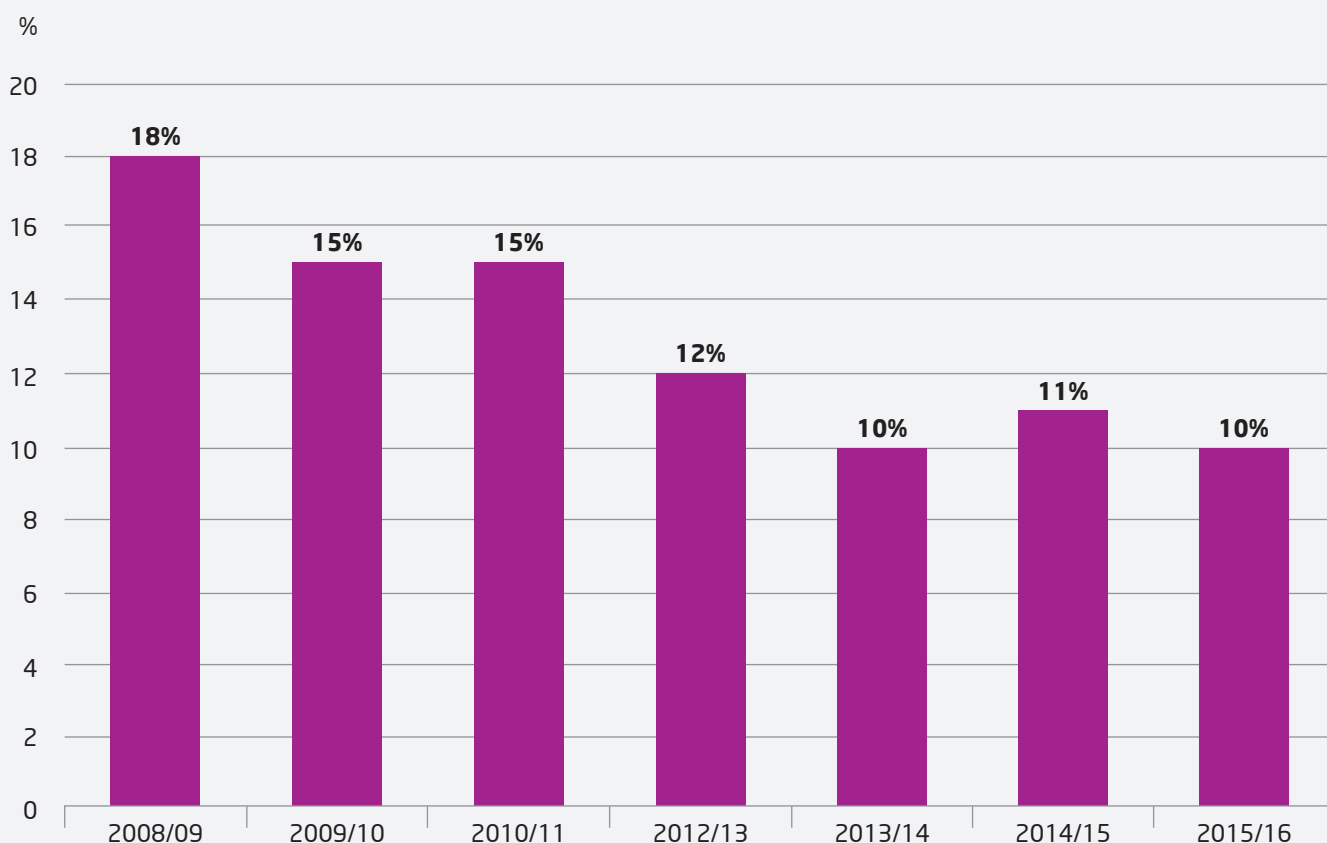
If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 240 premises across England were detected making illegal sales of tobacco products to underage young persons in 2015/16.

### Proportion of visits to premises resulting in illegal sales

86 councils 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 10% of test purchases at premises.

The sales rate has significantly decreased from a high of 18% in 2008/09 to the current rate in 2015/16 of 10%.

**Figure 6: Percentage of visits to premises by volunteer young persons resulting in illegal sales, in 2008/09, 2009/10, 2010/11, 2012/13, 2013/14, 2014/15 and 2015/16**



**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)

### Types of premises

Councils were asked to provide a breakdown of the types of premises<sup>13</sup> visited with volunteer young persons and the number of premises where tobacco was sold.

Analysis has only been conducted where councils were able to provide an accurate breakdown across all premises for both visits and sales; 82 councils out of 86 were able to provide this detail.

<sup>13</sup> For guidance on definitions of premises type please see annex 1.



For these councils, in total 2,113 visits were undertaken by volunteer young persons, with the largest proportion of visits being conducted at small retailers (42%) and no visits undertaken to private homes.

In comparison to 2014/15 there were:

- Significantly more visits undertaken to small retailers (46% compared to 42% of all visits by volunteer young persons).
- Significantly more visits undertaken to off licences (23% compared to 20% of all visits by volunteer young persons).
- Significantly more visits undertaken to other types of premises (3% compared to 2% of all visits by volunteer young persons).
- Significantly fewer visits undertaken to independent newsagents (19% compared to 21% of all visits by volunteer young persons).
- Significantly fewer visits undertaken to petrol station kiosks (3% compared to 5% of all visits by volunteer young persons).
- Significantly fewer visits undertaken to national newsagents (2% compared to 3% of all visits by volunteer young persons).

Table 5: Percentage of visits undertaken by volunteer young persons by premises type

Type of premises	Visits undertaken (%)
Small retailer	46
Off licence	23
Independent newsagent	19
Large retailer	5
Petrol station kiosk	3
National newsagent	2
Market/car boot sale	<0.5
Pub/club	0
Private homes	0
Other	3
<b>Base number of visits</b>	<b>2,213</b>
<i>Number of councils providing data</i>	<i>82</i>

Where more than one visit had been undertaken, national newsagents had the greatest proportion of sales (14%), whilst large retailers had the smallest proportion of sales (8%).

As no visits were undertaken to pubs and clubs and private homes, no sales were made at these premises.

In comparison to 2014/15 there were:

- Significantly fewer visits resulting in illegal sales at independent newsagents (10% compared to 15% of all sales at independent newsagents).

Table 6: Proportion of visits resulting in illegal sales by premise type

Type of premises	Number of sales	Number of visits undertaken	Sales (%)
National newsagent	7	51	14
Petrol station kiosk	8	68	12
Small retailer	104	962	11
Off licence	51	484	11
Independent newsagent	40	391	10
Large retailer	8	97	8
Market/car boot sale	0	1	0
Pub/club	0	0	0
Private homes	0	0	0
Other	3	59	5
<i>Number of councils providing data</i>		<i>82</i>	

## 5 Actions taken in relation to the Children and Young Persons Act 1933 (as amended)

### Breaches of the Children and Young Persons Act 1933 (as amended)

All councils who had undertaken activity in relation to underage sales were asked about actions taken as a result of underage sales activity.

Of councils who had undertaken activity in relation to underage sales, 58% stated that action had been taken as a result of a breach to the Children's and Young Persons Act 1933 (as amended) between 1 April 2015 and 31 March 2016. This equates to 43% of all councils.

### Actions taken in relation to breaches of the Children and Young Persons Act 1933 (as amended)

Respondents that had taken action were asked to provide details of the types of actions that had been taken. Of those who had taken action, and could provide detail on actions taken (55 out of 64 councils), verbal or written warnings were the most common type of action to be taken (69%).

Table 7: In relation to all underage tobacco sale activity, how many of the following actions did you take?

Type of action	Those taking action (%)	Median number per council (in councils taking action only)	Base
Verbal or written warnings	69	2	55
Simple cautions issued	39	1	55

### Prosecutions relating to the 1933 Act (as amended)

Of the councils that had undertaken action (55 councils), 30% had taken formal legal action. The median number of prosecutions was 1 per council, with 36 prosecutions in total.

15 councils were able to provide detail on the outcomes of prosecutions. 8 councils stated that one or more of their prosecution cases against a business had ended in a conviction (a total of 14 convictions, with a median average of 2 per council).

10 councils provided detail on the number of convictions of individuals resulting from prosecution cases – with 16 convictions of individuals and a median average of 2 convictions per council.

4 councils convicted one business each as a repeat offender. 4 councils convicted one individual each as a repeat offender.

### Fines as a result of legal proceedings in relation to the 1933 Act (as amended)

11 councils, out of the 13 who reported a prosecution, stated that magistrates had imposed a fine as a result of one or more of these convictions. The majority of fines imposed were £500 or less (80%). Table 8 below depicts the findings.

**Table 8: Level of fine, as a result of fine being imposed by the Magistrate's Court**

Level of fine	Fines (%)
Up to £500	80
£501 - £1,000	10
£1,001 - £1,500	10
£1,501 - £2,000	0
£2,001 - £2,500	0
<b>Total number of fines</b>	<b>20</b>

**Base: all authorities that knew the level of fines for some of their convictions (11)**

### Restricted sales and premises orders

1 council applied for a restricted sales order. This was not approved.

2 councils applied for restricted premises orders. 1 order was approved for a small retailer for a period of 12 months.

### Alternative sanctions

13% of councils imposed 'alternative sanctions' – for example, mandatory attendance on a training course – with a median average of 4 per council and a total of 64.

## 6 Underage sales activity – Nicotine Inhaling Products (NIPs)

The Children and Families Act 2014<sup>14</sup> brought forward the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015<sup>15</sup>.

The regulations define a NIP as:

*“a device which is intended to enable nicotine to be inhaled through a mouthpiece (regardless of whether the device is also intended to enable any other substance to be inhaled through a mouthpiece)”.*

The regulations therefore cover nicotine inhaling devices such as e-cigarettes, certain component parts and e-liquids that contain nicotine.

It is illegal to supply such products to people under the age of 18. These regulations came into force on 1 October 2015.

**Figure 7: Examples of NIPs purchased by young people under the age of 18**



<sup>14</sup> Children and Families Act 2014 available at: <http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted> accessed online 27 June 2016

<sup>15</sup> Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015 available at: <http://www.legislation.gov.uk/uksi/2015/895/contents/made> accessed online 27 June 2016

This section includes data resulting from the Rapid Review of compliance with the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015, carried out by TSS between January and March 2016.

## Findings

72% of all councils conducted activities in relation to underage sales for NIPs.

### Complaints and enquiries received

103 out of the 107 councils conducting activities in relation to underage sales for NIPs could provide detail on the complaints and enquiries received about NIPs.

47% of all councils reported dealing with complaints and enquiries in relation to underage sales for NIPs; where respondents were able to provide detail they received a total of 210 complaints and enquiries.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 220 complaints and enquiries about underage sales from retail premises were received in England in 2015/16.

### Complaints and enquiries received by premises type

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type<sup>16</sup>.

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 70 councils who had received complaints and enquiries were able to provide this detail.

Of the 210 complaints and enquiries received by these councils, the largest proportion of complaints and enquiries were received about specialist e-cigarette suppliers (42%), followed by market stalls/car boot sales (12%); no complaints and enquiries were received about large retailers.

Table 9: Proportion of complaints and enquiries received by premise type

Type of premises	Complaints and enquiries received (%)
Specialist e-cigarette supplier	46
Market stall/car boot sale	12
Convenience store/grocer	10
Discount shop	7
Independent newsagent	6
Mobile phone shop	4
Pharmacy independent	2
National newsagent	1
Pharmacy national chain	>0.5
Petrol station kiosk	>0.5
Large retailer	0
Other	11
<b>Base number of complaints and enquiries</b>	<b>210</b>
<i>Number of councils providing data</i>	<i>70</i>

<sup>16</sup> For guidance on definitions of premises type please see annex 2.





### Visits by trading standards officers to premises

102 out of the 107 councils conducting activities in relation to underage sales for NIPs could provide detail on the number of visits by trading standards officers to premises.

58% of all councils had undertaken visits to premises by trading standards officers in relation to underage sales for NIPs; in total 1,301 visits were undertaken by councils in 2015/16.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 1,400 visits in relation to underage sales from retail premises were made by trading standards officers in England in 2015/16.

### Visits by trading standards officers by premises type

Councils were asked to provide a breakdown of visits 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 for visits by trading standards officers; 85 out of the 102 councils that had undertaken visits were able to provide this detail.

In total 1,160 visits were undertaken by these councils, with the largest proportion of visits being undertaken at a convenience store/grocer (25%), followed by specialist e-cigarette providers (20%); the smallest proportion were undertaken at mobile phone shops (1%).

Table 10: Proportion of visits by trading standards officers by premise type

Type of premises	Visits undertaken (%)
Convenience store/grocer	25
Specialist e-cigarette supplier	20
Independent newsagent	16
Large retailer	9
Discount shop	6
National newsagent	5
Market stall/car boot sale	4
Petrol station kiosk	4
Pharmacy national chain	3
Pharmacy independent	3
Mobile phone shop	1
Other	4
<b>Base number of complaints and enquiries</b>	<b>1,160</b>
<i>Number of councils providing data</i>	<i>85</i>

### Conducting test purchase operations with volunteer young persons

59% of all councils carried out test purchase operations at retail premises with volunteer young persons for NIPs.

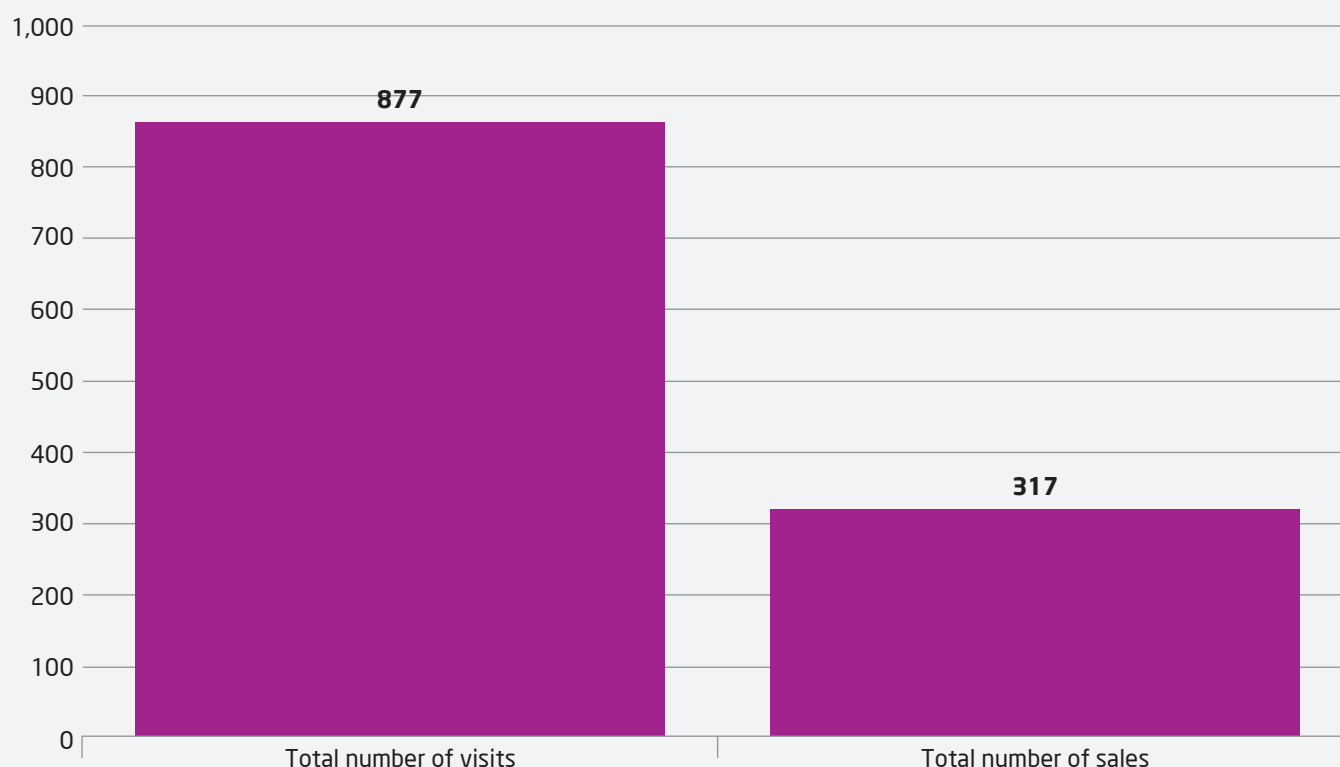
Of those conducting work around underage sales of NIPs, 18% of councils were engaged in underage sales activities, but not carrying out surveys with volunteer young persons in test purchase operations in premises. For these (19 councils), the most frequently cited reason was lack of intelligence (stated spontaneously by eight councils), followed by staff resource being directed at other underage sales activities (seven councils). The following reasons were stated by at least one council:

- Staff resource was directed at other underage sales activities.
- Financial resource was directed at other underage sales activities.
- Lack of staff resource overall.

### Test purchasing of NIPs: summary of visits and illegal sales to volunteer young persons at premises

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

**Figure 8: Number visited by volunteer young persons and number at which underage sales of NIPs were made to volunteer young persons**



**Base: All councils conducting visits with young persons to premises who stated the number of visits conducted and the total number of sales (87)**



## Outcome of visits to retail premises with volunteer young persons

### Visits conducted

87 out of 88 councils who had conducted visits to premises with volunteer young persons supplied the number of premises visited; this was a total of 877.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 900 premises across England were visited by volunteer young persons in the conduct of test purchase operations in 2015/16.

### Number of visits to premises resulting in illegal sales

87 out of 88 councils were able to report the number of visits with volunteer young people where sales had occurred. Of those able to provide detail, 87% reported that NIPs had been sold in at least one premises.

Where NIPs were sold to underage persons in 2015/16, they were sold at a median of three premises and a total of 317 premises.

If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 330 premises across England were detected making selling NIPs to underage persons in 2015/16.

### Proportion of visits to premises resulting in illegal sales

87 councils provided data on both the number of premises visited and the number at which NIPs were sold to underage persons. Sales of NIPs occurred in 36% of test purchases at premises.

### Types of premises

Councils were asked to provide a breakdown of the types of premises<sup>17</sup> visited with volunteer young persons and the number of premises where NIPs were sold.

Analysis has only been conducted where councils were able to provide an accurate breakdown across all premises for both visits and sales; 87 councils were able to provide this detail.

Of the 877 visits that were undertaken by volunteer young persons, the largest proportion of visits were conducted at specialist e-cigarette providers (24%) and the smallest proportion at national pharmacies, independent pharmacies and mobile phone shops (2% for each type of premises).

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<sup>17</sup> For guidance on definitions of premises type please see annex 1

Table 11: Percentage of visits undertaken by volunteer young persons by premises type

Type of premises	Visits undertaken (%)
Specialist e-cigarette supplier	24
Convenience store/grocer	20
Independent newsagent	13
Large retailer	11
Discount shop	7
Petrol station kiosk	5
National newsagent	5
Market stall/car boot sale	4
Pharmacy national chain	2
Pharmacy independent	2
Mobile phone shop	2
Other	6
<b>Base number of visits</b>	<b>877</b>
<i>Number of councils providing data</i>	<i>87</i>

Where more than one visit had been undertaken, market stall/car boot sales had the greatest proportion of sales (61%) whilst national newsagents had the smallest proportion (16%).

“Other” types of premises also had a sale rate of 51%.

Table 12: Proportion of visits resulting in illegal sales by type of premises

Type of premises	Number of sales	Number of visits undertaken	Sales (%)
Market stall/car boot sale	22	36	61
Discount shop	31	61	51
Pharmacy national chain	9	18	50
Pharmacy independent	8	16	50
Specialist e-cigarette supplier	95	209	45
Convenience store/grocer	52	176	30
Independent newsagent	31	110	28
Mobile phone shop	4	16	25
Large retailer	21	95	22
Petrol station kiosk	10	46	22
National newsagent	7	43	16
Other	26	51	51
<i>Number of councils providing data</i>		<i>87</i>	

## 7 Actions taken in relation to a breach to the Children and Families Act 2014

### Breaches of the Children and Families Act 2014

All councils that had undertaken activity in relation to underage sales for NIPs were asked about actions taken as a result of underage sales for NIPs activity.

Of councils that had undertaken activity in relation to underage sales, 49% stated that action had been taken as a result of a breach of the Children and Families Act 2014 between 1 April 2015 and 31 March 2016. This equates to 35% of all councils.

### Actions taken in relation to breaches to the Children and Families Act 2014

Respondents that had taken action were asked to provide details of the types of actions that had been taken. Of those who had taken action, and could provide detail on actions taken (51 out of 52 councils), verbal or written warnings were the most common type of action to be taken (92%).

Table 13: In relation to all underage NIPs activity, how many of the following actions did you take?

Type of action	Those taking action (%)	Median number per council (in councils taking action only)	Base
Verbal or written warnings	92	4	51
Simple cautions issued	10	1	51

### Prosecutions relating to the Children and Families Act 2014

Of the councils that had undertaken action (52 councils), 1 had taken formal legal action and 1 prosecution was undertaken by this council. This did not result in a conviction and as a result no fines were awarded.

### Restricted sales and premises orders

No restricted sales or premises orders were applied for.

### Alternative sanctions

8% of councils imposed 'alternative sanctions' – for example, mandatory attendance on a training course – with a median average of 4 per council and a total of 15.



## 8 Proxy purchasing of tobacco and/or NIPs

The Children and Families Act 2014<sup>18</sup> Section 91 creates an offence for an adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under the age of 18. It is the buyer and not the business who commits an offence under these circumstances. This is called 'proxy purchasing'; the new law came into effect on 1 October 2015.

### Findings

1% of all councils (just one council) had undertaken tobacco control activities in relation to proxy purchasing of tobacco and/or NIPs.

### Proxy purchasing activity

The council that had undertaken activities in relation to proxy purchasing, had undertaken proxy purchasing at a small retailer; this did not result in a prosecution.

1 council had undertaken activity in relation to the proxy purchasing of NIPs. Proxy purchasing had been conducted at 4 small retailers, with advice being the outcome of 3 of the proxy purchases and intelligence the outcome at the 4th.

## 9 Illicit tobacco products

After a continuing downward trend in the illicit market (since 2001/02), with market share for both cigarettes and hand rolling tobacco being at their lowest ever level in 2011/12, the last 2 years have seen increases in the tobacco tax gap. However, this increase is associated with changes in the duty rates and changes in tobacco consumption<sup>19</sup>.

The composition of the tax gap estimated at £2.1 billion has also changed. The share of the tax gap which can be associated with hand-rolling tobacco was approximately one third in 2005/06, but is nearly half of the tax gap in 2013/14. This is because the long-term illicit market share of cigarettes is declining more rapidly than that of hand-rolling tobacco.

In 2015, HMRC and Border Force published a new strategy, *Tackling Illicit Tobacco from Leaf to Light*<sup>20</sup>. The new strategy sets out not only how HMRC and UK Border Force will continue to target, catch and punish those in the illicit tobacco trade, but also how an environment that is hostile to the fraud will be created.

There is a commitment to work closely with TSS:

*"We work closely with UK law enforcement agencies, such as Trading Standards, the police and licensing authorities, sharing and developing intelligence to support joint activity in the UK."*

The strategy also acknowledges that tobacco smuggling seriously undermines legitimate business and is dominated by internationally organised criminal groups, often involved in other crimes such as drug smuggling and people trafficking.

18 Children and Families Act 2014 op. cit.

19 Measuring Tax Gaps 2015 edition available online: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/470540/HMRC-measuring-tax-gaps-2015-1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470540/HMRC-measuring-tax-gaps-2015-1.pdf) accessed 24 April 2016

20 Tackling Illicit tobacco from Leaf to Light (2015) The HMRC and Border Force strategy to tackle illicit tobacco available online: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418732/Tackling\\_illicit\\_tobacco\\_-\\_From\\_leaf\\_to\\_light\\_\\_2015\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418732/Tackling_illicit_tobacco_-_From_leaf_to_light__2015_.pdf) accessed 24 April 2016

**Figure 9: Examples of the storage locations of illicit tobacco**



This section includes data resulting from Operation Henry 2 carried out by TSS between December 2015 and March 2016.

## Findings

91% of all councils conducted activities in relation to illicit tobacco products<sup>21</sup>.

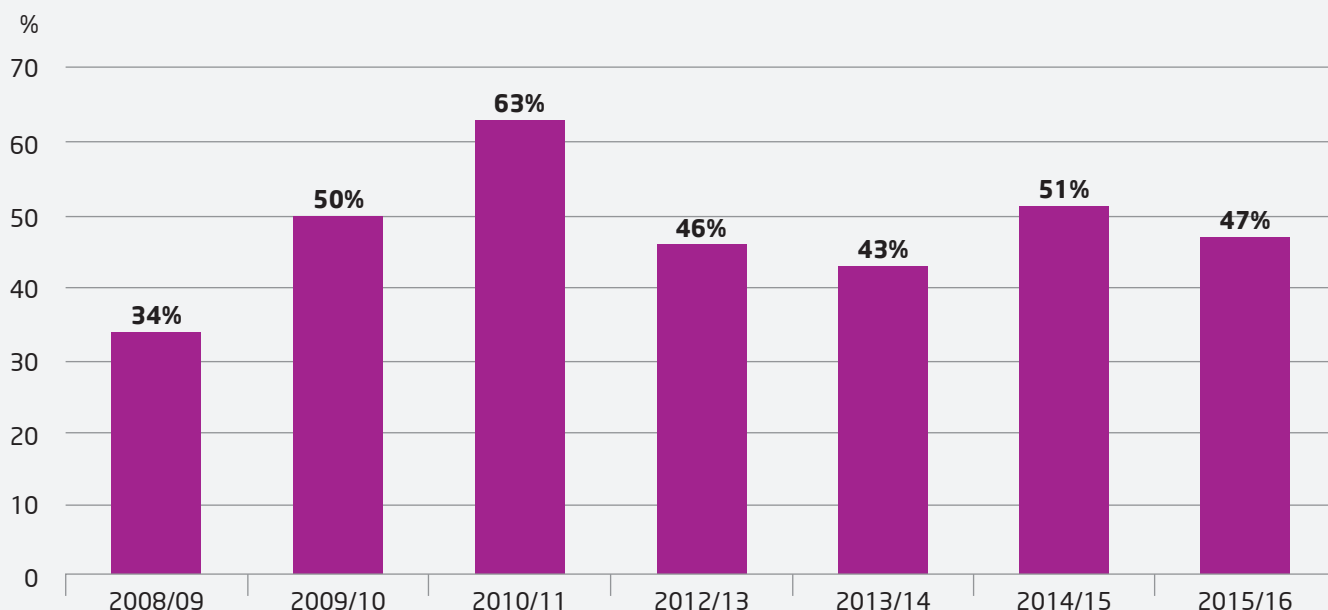
### Regional strategies for illicit tobacco

76% of all councils stated that there was a strategy in place in their region to tackle illicit tobacco products.

### Illicit tobacco control activities with HMRC

47% of all councils had undertaken joint operations with HMRC as part of their activity in relation to illicit tobacco products.

<sup>21</sup> Illicit Tobacco is described as product that has not had the duty paid on it or it having been smuggled or illegally produced. It includes cigarettes, hand rolling tobacco, etc.

**Table 14: Has your authority undertaken any joint operations with HMRC in relation to the supply of illicit products?**

**Base: Year 2008/09 (101), Year 2009/10 (124), Year 2010/11 (131), Year 2012/13 (146), Year 2013/14 (148), Year 2014/15 (150), Year 2015/16 (148)**

### Complaints and enquiries

82% of all councils had dealt with complaints and enquiries in relation to the supply of illicit tobacco products.

In total 2,968 complaints and enquiries were received, with a median average of nine per authority. If this figure is used as an indication of the likely picture in non-responding councils, this would have meant an estimated total of around 3,200 complaints and enquiries about illicit tobacco products were received in England in 2015/16.

Among councils who reported their levels of activity in both 2014/15 and 2015/16, matched sample analysis indicated there was a statistically significant decrease in the mean average number of complaints and enquiries received from 30 in 2014/15 to 25 in 2015/16<sup>22</sup>.

### Complaints and enquiries received by premises type

Councils were asked to provide a breakdown of the complaints and enquiries received by premises type<sup>23</sup>.

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; 115 out of 121 councils were able to provide this detail.

<sup>22</sup> A paired samples t test revealed a statistically reliable difference between the mean average number of complaints and enquiries received in 2014/15 (mean = 29.88, standard deviation = 36.4) and 2015/16 (mean = 24.95, standard deviation = 29.7);  $t(111) = 2.67$ ,  $p < 0.5$ .

<sup>23</sup> For guidance on definitions of premises type please see annex 1. Please note that where 'other' types of premises are referred to throughout this report this could include café, leisure facilities and any other type of premises not covered by the main categories.

In total 2,821 complaints and enquiries were received by these councils, with the largest proportion of complaints and enquiries being received about small retailers (37%), followed by private homes (23%); the smallest proportion were received about petrol station kiosks and national newsagents (1% for each).

In comparison to 2014/15 there were:

- Significantly more complaints and enquiries received about private homes (23% compared to 18% of all complaints and enquiries).
- Significantly more complaints and enquiries received about off licences (11% compared to 9% of all complaints and enquiries).
- Significantly fewer complaints and enquiries received about small retailers (37% compared to 43% of all complaints and enquiries).

**Table 15: Proportion of complaints and enquiries received by premises type**

Type of premises	Visits undertaken (%)
Small retailer	37
Private home	23
Off licence	11
Independent newsagent	10
Pub/club	4
Market/car boot sale	2
Large retailer	2
Petrol station kiosk	1
National newsagent	0
Other	10
<b>Base number of complaints and enquiries</b>	<b>2,821</b>
<i>Number of councils providing data</i>	<i>115</i>

### Visits by trading standards officers

85% of all councils had visited premises in relation to illicit tobacco products; a total of 5,489 visits were achieved. If this figure is used as an indication of the likely picture in non-responding councils, this would mean an estimated total of around 5,700 premises were visited across England in 2015/16 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; 121 out of 126 councils were able to provide this detail.

In total 5,244 visits by trading standards officers were undertaken by these councils, with the largest proportion of visits by trading standards officers being directed at small retailers (53%), followed by off licences (17%); the smallest proportion were undertaken at petrol station kiosks, national newsagents and large retailers (1% for each).

In comparison to 2014/15 there were:

- Significantly more visits undertaken by trading standards officers to small retailers (57% compared to 53% of all visits undertaken).
- Significantly more visits undertaken by trading standards officers to off licences (21% compared to 17% of all visits undertaken).
- Significantly more visits undertaken by trading standards officers to national newsagents (2% compared to 1% of all visits undertaken).
- Significantly more visits undertaken by trading standards officers to large retailers (2% compared to 1% of all visits undertaken).
- Significantly fewer visits undertaken by trading standards officers to independent newsagents (9% compared to 16% of all visits undertaken).
- Significantly fewer visits undertaken by trading standards officers to pub and clubs (1% compared to 2% of all visits undertaken).
- Significantly fewer visits undertaken by trading standards officers to market/car boot sales (1% compared to 2% of all visits undertaken).
- Significantly fewer visits undertaken by trading standards officers to other premises types (1% compared to 2% of all visits undertaken).

Table 16: Proportion of visits by trading standards officers by premises type

Type of premises	Visits undertaken (%)
Small retailer	57
Off licence	21
Independent newsagent	9
Private homes	3
National newsagent	2
Large retailer	2
Pub/club	1
Market/car boot sale	1
Petrol station kiosk	1
Other	2
<b>Base number of visits</b>	<b>5,244</b>
<i>Number of councils providing data</i>	<i>121</i>

## Seizure of illicit tobacco products

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

107 out of the 116 councils that had seized illicit tobacco products were able to provide detail across each illicit tobacco product on the amount seized; the three most frequently seized illicit tobacco products were:

- Genuine non-UK duty paid cigarettes were seized by 78% of councils, with a median average of 6,180 sticks per council.
- Genuine non-UK duty paid hand-rolling tobacco was seized by 77% of councils, with a median average of 13kg per council.
- Cheap white cigarettes were seized by 75% of councils, with a median average of 12,081 sticks per council.

Seized by the smallest proportion of councils (just 6%) was raw tobacco and counterfeit tobacco packaging/pouches.

**Table 17: Please provide details below on types of products and total amount of products that have been seized within your local authority area between 1 April 2015 and 31 March 2016**

Type of products	Seizing products (%)	Median number per council (in councils taking action only)	Base
Genuine non-UK duty paid cigarettes	78	6,180 sticks	107
Genuine non-UK duty paid hand-rolling tobacco	77	13kg	
Cheap white cigarettes	75	12,081 sticks	
Counterfeit cigarettes	64	4,490 sticks	
Counterfeit hand-rolling tobacco	57	12kg	
Shisha	25	10kg	
Smokeless tobacco	21	24kg	
Raw tobacco	6	28kg	
Counterfeit tobacco packaging/pouches	6	144kg	

## Cheap white cigarette brands

Of the 80 councils<sup>24</sup> that stated that they had seized cheap white cigarettes, the 3 brands that were most frequently reported being seized were:

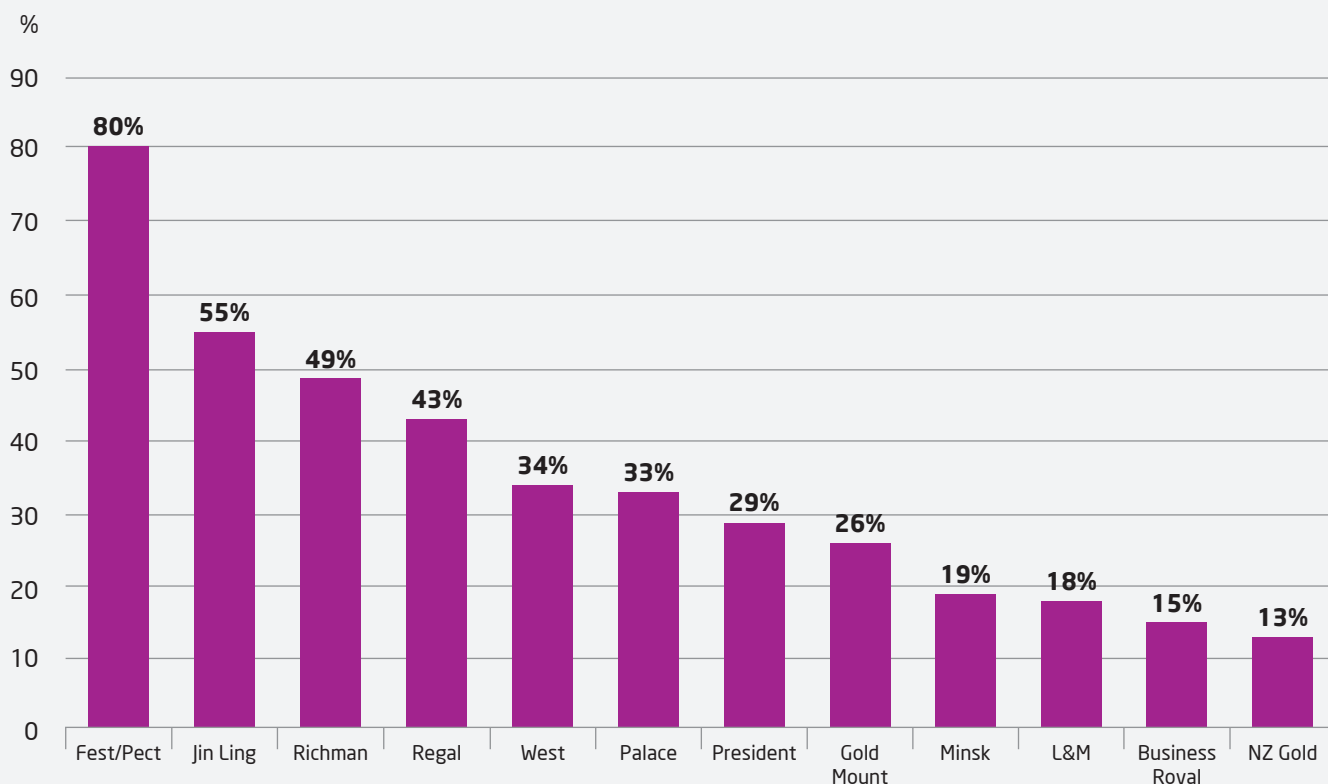
- Fest/Pect (80% of councils).
- Jin Ling (55% of councils).
- Richman (49% of councils).

Minsk, L&M and NZ Gold were not options on the list provided to councils, but were each mentioned by 10 or more councils within the 'other' category; it was therefore backcoded.

In comparison to 2014/15:

- Significantly more councils reported seizing Fest/Pect (80% compared to 57% of councils in 2014/15).
- Significantly less councils reported seizing President (29% compared to 47% of councils in 2014/15).

<sup>24</sup> This all councils stating they seized, not just those who could provide data on the seizure of all products.

**Figure 10: Cheap white cigarette brands seized by more than 10 councils**


**Base: all councils that reported seizing cheap white cigarettes (80)**

#### Any illicit cigarettes seizures: average intended sales price

All respondents that reported seizures of illicit cigarettes were asked to select the average intended sale price of the cigarettes seized.

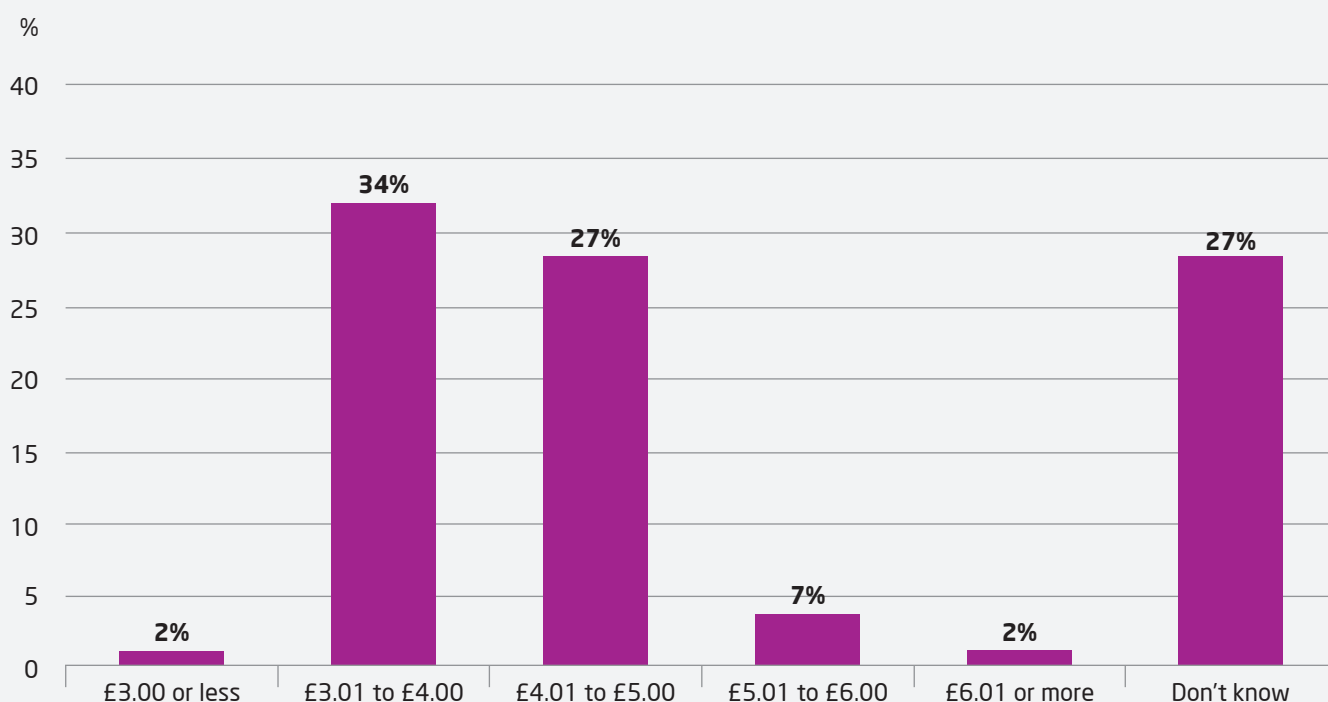
34% of councils reported that the average intended sales price was £3.01 to £4.00. Just over a quarter (27%) reported that the average intended sales price was £4.01 to £5.00.

The smallest proportion of councils (2% for both) reported that the average intended sales price was either £3.00 or less or £6.01 or greater. Significantly fewer councils reported that the average intended sales price of illicit cigarettes was £3.00 or less than in 2014/15 (2% compared to 9% of councils).

Just over a quarter of councils (27%) did not know the average intended sales price of the seized illicit cigarettes.



**Figure 11: On average, what was the intended sales price for illicit cigarettes seized between 1 April 2015 and 31 March 2016?**



**Base: all councils that reported seizing cheap white cigarettes, counterfeit cigarettes or genuine non-UK duty paid cigarettes (102)**

### Illicit cigarette seizures: countries of origin

Respondents that reported that illicit cigarettes had been seized were asked to provide detail on the two countries that these illicit cigarettes most commonly originated from.

The two countries most frequently mentioned were Poland (48 councils) and Russia (21 councils).

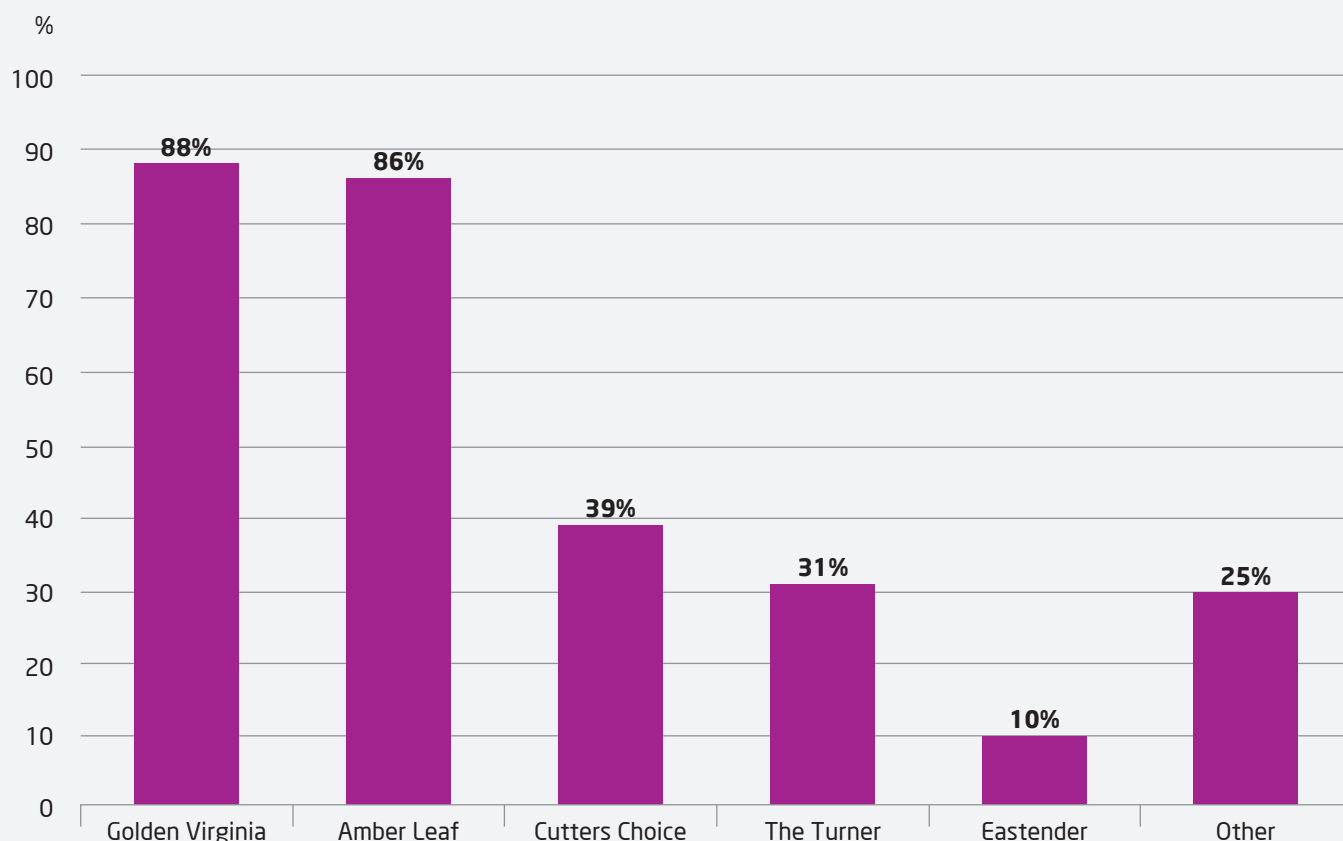
### Illicit hand rolling tobacco brands

Of the 100 councils<sup>25</sup> that stated that they had seized illicit hand rolling tobacco, the three brands that were most frequently reported being seized were:

- Golden Virginia (88% of councils).
- Amber Leaf (86% of councils).
- Cutters Choice (39% of councils).

Other types of illicit hand rolling tobacco were mentioned by 25% of councils.

<sup>25</sup> This represents all councils stating they seized, not just those who could provide data on the seizure of all products.

**Figure 12: Illicit hand rolling tobacco brands seized by 10 or more councils**

**Base: all councils that reported seizing counterfeit hand-rolling tobacco, genuine non-UK duty paid hand-rolling tobacco (100)**

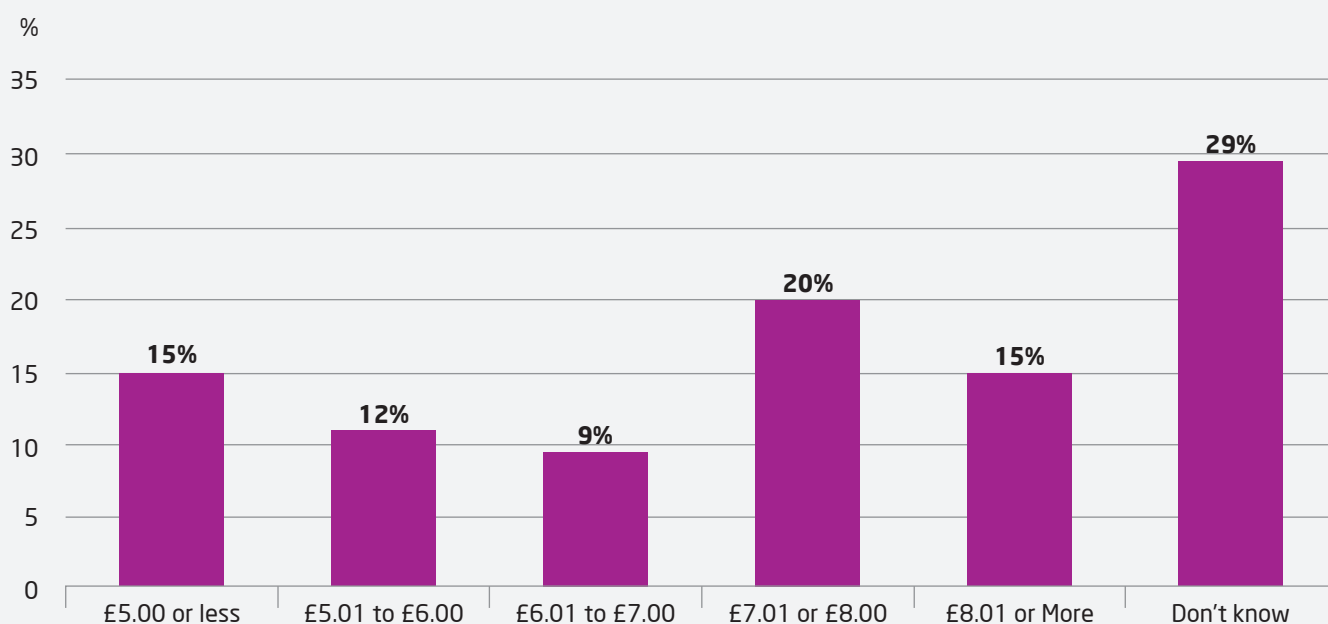
#### Illicit hand rolling tobacco seizures: average intended sales price

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

29% of councils did not know the average intended sales price of the seized hand rolling tobacco. Of the remaining councils the greatest proportion (20%) selected £7.01 to £8.00, followed by 15% selecting £8.01 or more.

The smallest proportion of councils (9%) reported that the average intended sales price was £6.01 to £7.00.

**Figure 13: On average, what was the intended sales price for illicit hand-rolling tobacco seized between 1 April 2015 and 31 March 2016?**



**Base: all councils that reported seizing non-UK duty paid hand rolling tobacco or counterfeit hand rolling tobacco (100)**

#### Illicit hand rolling tobacco seizures: countries of origin

Respondents that reported that hand rolling tobacco had been seized were asked to provide detail on the two countries that this illicit hand rolling tobacco most commonly originated from.

The two countries most frequently mentioned were Belgium (26 councils) and Holland (18 councils).

#### Actions taken in relation to illicit tobacco products

All councils that had undertaken activity in relation to illicit tobacco products (134 councils) were asked details about what, if any, types of actions had been undertaken.

126 councils could provide detail on actions taken; written or verbal warnings were the most common type of action to be taken by councils (61%), followed by 33% issuing simple cautions.

Table 18: In relation to all illicit tobacco product activity, how many of the following actions did you take?

Type of action	Those taking action (%)	Median number per council (in councils taking action only)	Base
Written and verbal warnings	61	3	126
Simple cautions issued	33	2	126

### Prosecutions relating to illicit tobacco products

Of the councils that had provided detail on the number of actions taken (126), 61% had taken formal legal action. The median number of prosecutions was two per council, with 363 prosecutions in total. 74 out of the 77 councils could provide detail on the outcomes of their prosecutions.

17 out of the 74 councils stated that one of their prosecutions ended in a business conviction by 31 March 2016 (a total of 66 convictions, with a median average of 3 convictions per council). 10 councils reported that they convicted repeat offenders, with a total of 20 repeat offenders being convicted, with a median of 2 per council.

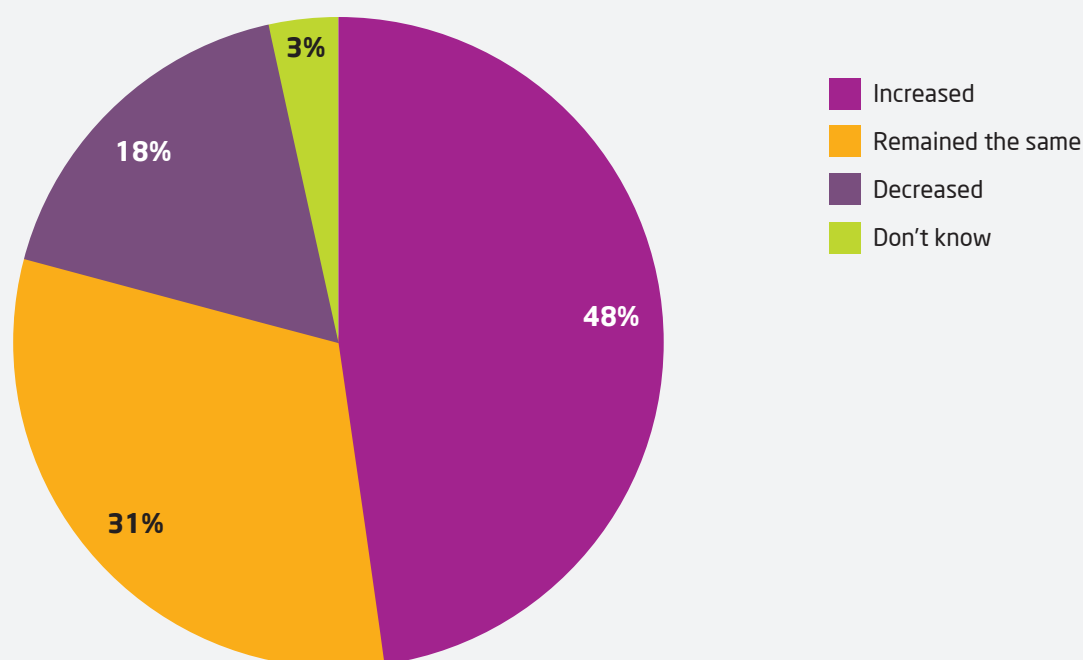
54 out of 74 councils stated that one of their prosecutions ended in a conviction of an individual by 31 March 2016 (a total of 246 convictions, with a median average of 2 convictions per council). 21 councils reported that they convicted repeat offenders, with a total of 52 repeat offenders being convicted and a median average of 1 individual repeat offender being convicted per council.

### Levels of activity in relation to illicit tobacco products

All councils undertaking activity in relation to illicit tobacco were asked if the number of officer hours spent on illicit tobacco control activities in the 2015/2016 financial year had increased, decreased or remained the same.

Just under half (48%) stated that it had increased, with just under a third (31%) stating that it had remained the same and 18% stating it had decreased. 3% did not know.

**Figure 14: Thinking about the number of officer hours spent on illicit tobacco control activities in the 2015-2016 financial year, in your opinion do you feel that the number of officer hours spent on illicit tobacco control enforcement activities increased, decreased or remained the same?**



**Base: all councils who stated that they undertook activities in relation to illicit tobacco products (134)**

## 10 Niche tobacco products

Niche tobacco products include (for the purposes of this survey) smokeless tobacco, which is consumed without burning the product and can be used orally or nasally, tobacco blunts and shisha tobacco.

Smokeless tobacco use is known to cause oral, oesophageal and pancreatic cancer. Far from being a “safe alternative” to smoking, the dangers of smokeless tobacco use were identified back in 1986 by the Advisory Committee to the Surgeon General:

*“It is not a safe substitute for smoking cigarettes. It can cause cancer and a number of non-cancerous oral conditions and can lead to nicotine addiction and dependence”<sup>26</sup>.*

26 National Cancer Institute Fact Sheet available at:  
<http://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/smokeless-fact-sheet#q3>  
 accessed on line 27 June 2016

**Figure 15: A tobacco health warning for smokeless tobacco products (India)**



Ministry of Health & Family Welfare (India)<sup>27</sup>

## Findings

40% of all councils had undertaken tobacco control activities in relation to niche tobacco products<sup>28</sup>.

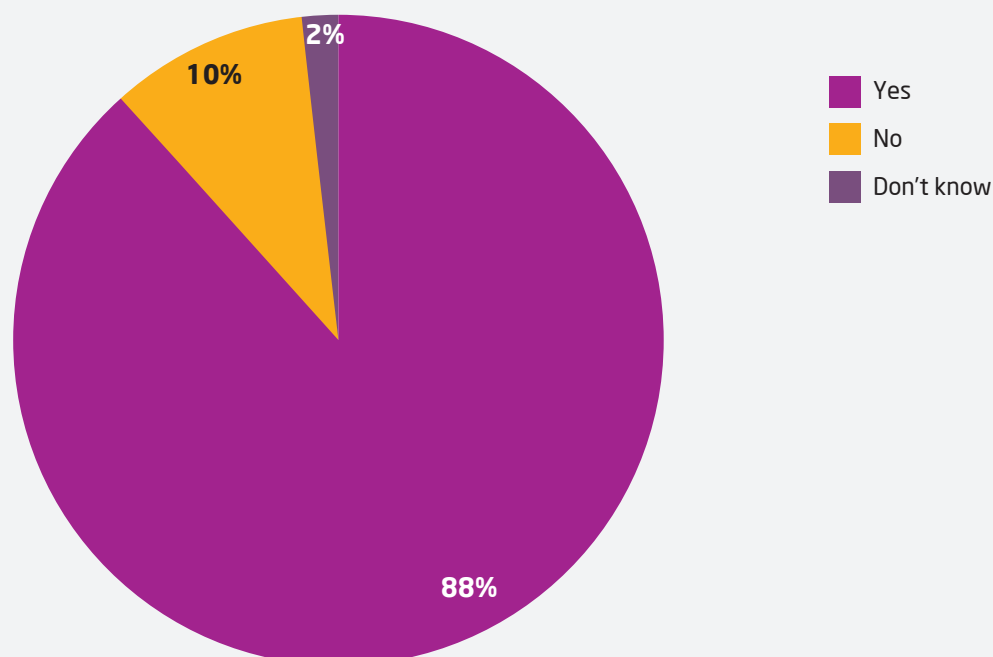
## Labelling of products

88% of councils undertaking work on niche tobacco products stated that they had detected niche tobacco products without appropriate labelling (health warnings) between 1 April 2015 and 31 March 2016.

<sup>27</sup> Ministry of Health & Family Welfare notification GSR 727( E) October 2014 available at: <http://www.tobaccocontrolaws.org/files/live/India/India%20-%20G.S.R.%20727%28E%29.pdf> accessed on line 24 August 2016

<sup>28</sup> Niche tobacco products include smokeless and chewing tobacco, shisha, tobacco blunts and other tobacco products that are not cigarettes, cigars or hand rolling tobacco.

**Figure 16: Did your council detect any niche tobacco products without appropriate labelling (health warnings) between 1 April 2015 and 31 March 2016?**



**Base:** All councils who had undertaken tobacco control activities in relation to niche tobacco products (60)

### Types of niche tobacco products found

Councils that had detected niche tobacco products were asked to provide detail on the type and amount found where possible; 44 councils were able to provide data.

Of those able to provide detail across each tobacco product (44 councils) most frequently reported that they detected shisha (61%), followed by 52% detecting tobacco blunts and 50% smokeless tobacco.

On average where products were found a median of six kilograms of shisha was found, 181 blunts were detected and 8 kilograms of smokeless tobacco.

**Table 19: Percentage detecting niche tobacco and median average amount of niche tobacco found**

Type	Those detecting niche tobacco (%)	Amount (median average) niche tobacco found (those who detected)	Base
Shisha	61	6kg	44
Blunts	52	181 blunts	44
Smokeless tobacco	50	8kg	44

### Actions taken in relation to niche tobacco products

Of those that had detected niche tobacco products (59 councils) and could provide detail on actions taken (47 councils), written or verbal warnings were the most common type of action to be taken (67%), followed by 14% that had issued simple cautions.



Table 20: In relation to all niche tobacco products, how many of the following actions did you take?

Type of action	Percentage taking action (%)	Median number per council (in councils taking action only)	Base
Written and verbal warnings	51	2	47
Simple cautions issued	9	2	47

### Prosecutions relating to niche tobacco products

Of the councils that had provided detail on the number of actions taken (47), 10% had taken formal legal action. The median number of prosecutions was three per council, with 30 prosecutions in total.

4 councils stated that prosecutions had ended in a conviction, with 16 business convictions in total. 1 council reported that 2 convictions were for repeat offenders.

5 councils also reported convictions of individuals, with 20 convictions in total. 2 councils reported one conviction each for repeat offenders.

## 11 Display and pricing of tobacco products

The Tobacco Advertising and Promotion (Display) Regulations 2010<sup>29</sup> and the Tobacco Advertising and Promotion (Display of Pricing) (England) Regulations 2010<sup>30</sup> came into force for small business premises on 6 April 2015; these regulations have been in force for large businesses since 2012. This report provides an indication of compliance across both large and small businesses in 2015/16.

The purpose of these regulations is to effectively prohibit the display of tobacco products at point of sale in all business premises.

Figure 17: Small retail premises compliant with tobacco display regulations



<sup>29</sup> Tobacco Advertising and Promotion (Display) Regulations 2010 available at: <http://www.legislation.gov.uk/ukxi/2010/445/contents/made> accessed 27 June 2016

<sup>30</sup> Tobacco Advertising and Promotion (Display of Pricing) (England) Regulations 2010 available at: <http://www.legislation.gov.uk/ukxi/2010/863/contents/made> accessed on line 27 June 2016

This section includes data resulting from the Rapid Review of compliance with the Tobacco Advertising and Promotion (Display) Regulations 2010 and the Tobacco Advertising and Promotion (Display of Pricing) (England) Regulations 2010 carried out by TSS in small business premises between July and August 2015.

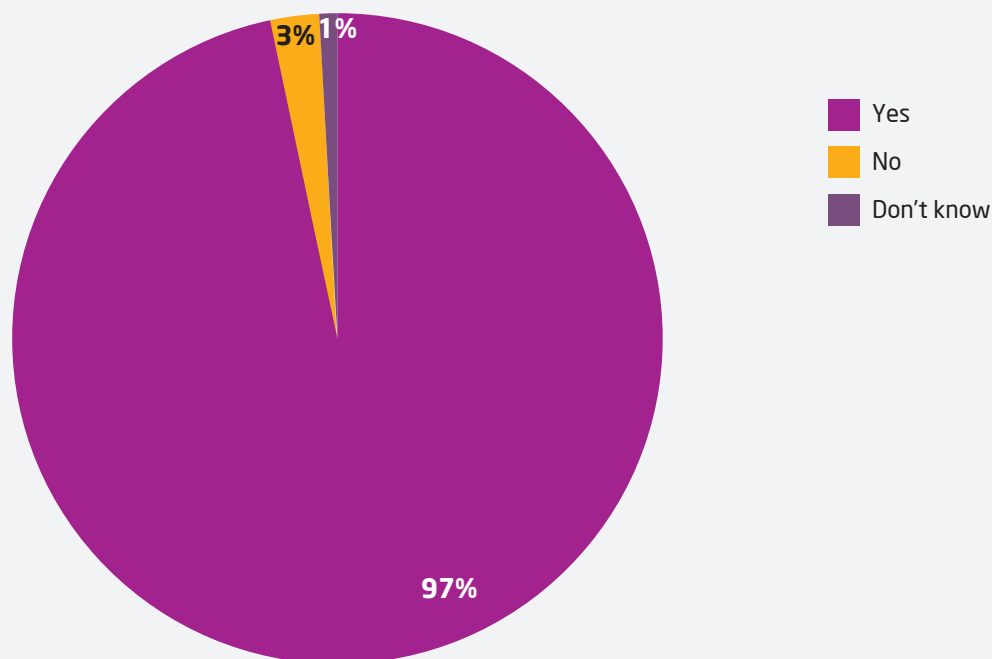
## Findings

79% of all councils had undertaken tobacco control activities in relation to the display and pricing of tobacco products.

### Compliance visits

Of those councils that had undertaken tobacco control activities in relation to the display and pricing of tobacco products, 97% had carried out compliance visits at premises between 1 April 2015 and 31 March 2016. 3% had not, and 1% did not know.

**Figure 18: Did your authority carry out compliance visits at retail premises?**



**Base: All councils undertaking tobacco control activities in relation to advertising and the display of tobacco control products (117)**

107 out of 113 councils who had carried out compliance visits at retail premises were able to provide detail of the outcome in relation to display requirements; 95 out of 113 councils were able to provide detail on the outcome in relation to pricing requirements.

- Of 4,474 visits by councils in relation to display requirements, 93% were compliant with display requirements.
- Of 3,254 visits by councils in relation to pricing requirements, 98% reported compliance with pricing requirements.

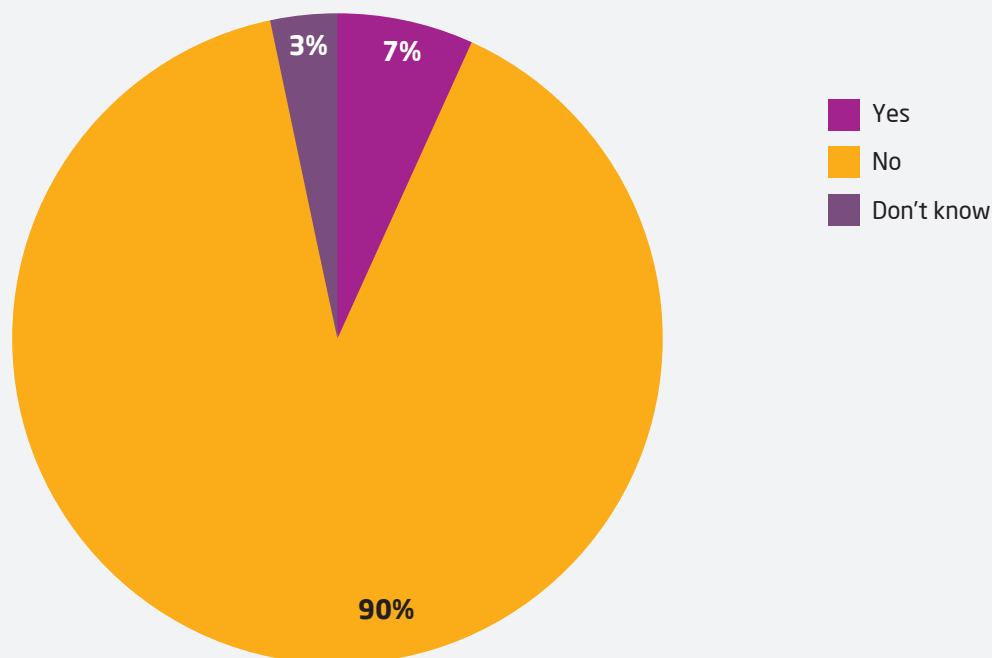
**Table 21: Please provide the number of visits to retail premises with each of the following outcomes**

Outcome	Visits (%)	Median number per council (in councils taking action only)	Total number of visits
Compliance with display requirements	93	11	4,474
Compliance with pricing requirements	98	8	3,254

7% of councils undertaking work in relation to the display and pricing of tobacco products carried out compliance visits at wholesale/cash and carry businesses. 90% of councils did not and 3% did not know.

This is a significant decrease on the number of councils carrying out compliance visits at wholesale/cash and carry type businesses in 2013/14 (decreasing from 24% of councils undertaking work in relation to the display and pricing of tobacco products).

**Figure 19: Did your authority carry out compliance visits at wholesale/cash and carry type business?**



**Base: All councils undertaking tobacco control activities in relation to advertising and the display of tobacco control products (117)**



All eight councils that had carried out compliance visits at wholesale/cash and carry businesses were able to provide detail of the outcome in relation to display requirements and pricing requirements.

- 17 of the 18 visits by councils in relation to display requirements reported compliance.
- 17 of the 18 visits by councils in relation to pricing requirements reported compliance.

**Table 22: Please provide the number of visits to wholesale/cash and carry type businesses with each of the following outcomes**

<b>Outcome</b>	<b>Number of visits compliant</b>	<b>Median number per council (in councils taking action only)</b>	<b>Total number of visits</b>
Compliance with display requirements	17	2	18
Compliance with pricing requirements	17	2	18

### **Actions taken in relation to the display and pricing of tobacco products**

All councils that had undertaken activity in relation to the display and pricing of tobacco products were asked whether action had been taken as a result of a breach of the Tobacco Advertising and Promotion Act 2002 in the 2015/16 financial year. Of councils that had undertaken activity in relation to the display and pricing of tobacco products, 32% stated that action had been taken.

Respondents that had taken action and were able to provide detail (36 out of 38 councils), were asked to provide detail about the actions taken. Of those who had taken action, verbal or written warning were the most common type of action to be taken.

**Table 23: In relation to display and pricing compliance, how many of the following actions did you take?**

<b>Type of action</b>	<b>Those taking action (%)</b>	<b>Median number per council (in councils taking action only)</b>	<b>Base</b>
Verbal or written warnings	89	2	36
Simple cautions issued	6	5	36

Of the councils that had undertaken action (36 councils), 3 had taken formal legal action. The median number of prosecutions was 1 per council, with 3 prosecutions in total.

All 3 councils were able to provide detail on the outcomes of prosecutions. 1 council stated that one or more of their prosecution cases against a business had ended in a conviction. 1 council stated that one or more of their prosecution cases against an individual had ended in a conviction.

None of the prosecutions were against repeat offenders.

## 12 Article 5.3 of the Framework Convention on Tobacco Control

Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (FCTC) addresses the matter of the protection of public health policies with respect to tobacco control from the commercial and other vested interests of the tobacco industry<sup>31</sup>.

*The Local Government Declaration on Tobacco Control*<sup>32</sup> was launched in May 2013. The declaration commits signatories to:

*“Protect our tobacco control strategies from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees”.*

The most recent signatory is South Gloucestershire Council (November 2015), bringing the total of council signatories to 104.

The following data seeks to explore the extent to which there are policies in place in councils and trading standards services addressing the principles of Article 5.3.

### Findings

All councils were asked if their council had a written policy, in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC).

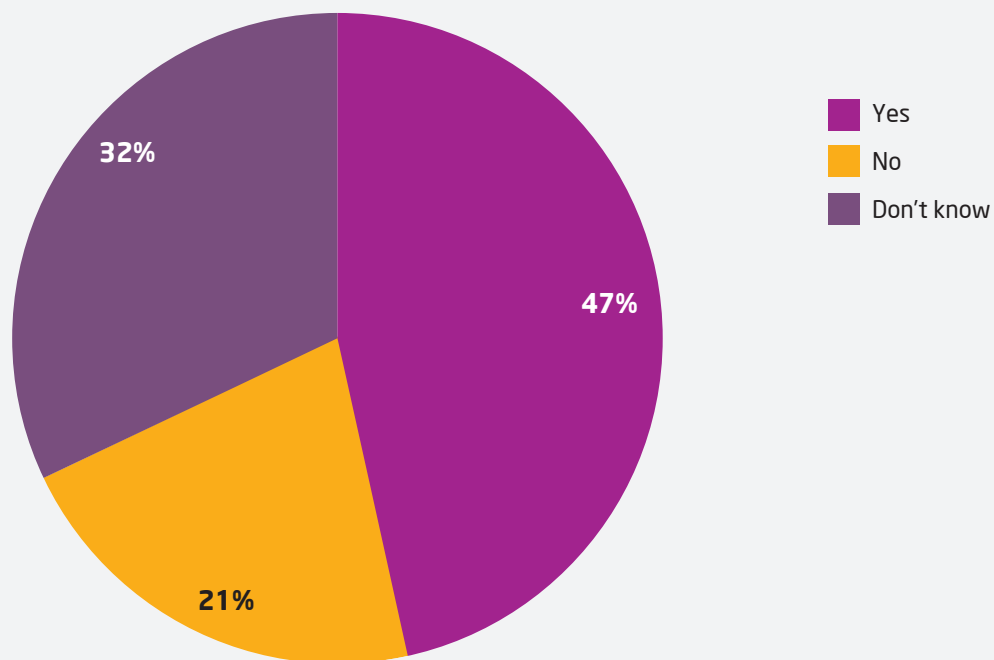
Just under two fifths of councils (47%) stated that they did, with 21% stating that they did not, and a third (32%) stating that they did not know.

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31 World Health Organisation Guidelines for implementation of FCTC: Article 5.3 available online at: [http://www.who.int/fctc/guidelines/article\\_5\\_3.pdf](http://www.who.int/fctc/guidelines/article_5_3.pdf) accessed 27 June 2016

32 Local Government Declaration on Tobacco Control available on line at: <http://www.smokefreeaction.org.uk/declaration/#Signatories> accessed 27 June 2016

**Figure 20: Did your council have a written policy in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC) with the tobacco industry in the 2015-2016 financial year?**

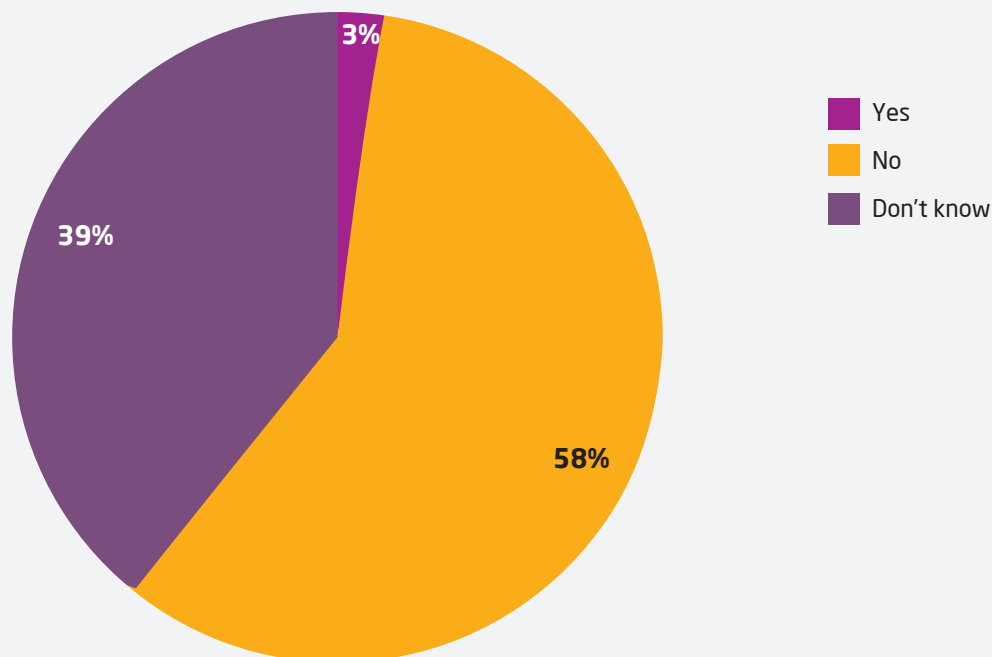


**Base: All councils (148)**

All councils that stated no, or that they did not know, were asked if their trading standards service had a written policy, in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC), with the tobacco industry in 2015/16.

The majority of councils (58%) stated that their trading standards service did not. A third (39%) stated that they did not know if their trading standards service had a policy in place, while 3% stated that their trading standards service did.

**Figure 21: Did your trading standards service have a written policy in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC) with the tobacco industry in the 2015-2016 financial year?**



**Base: All respondents stating that their council did not have, or did not know if they had, a policy in relation to FCTC (79)**

## 13 Conclusion

There has been some change in the types and level of tobacco control activity undertaken by trading standards in 2015/16 compared to 2014/15. The number of councils undertaking work in relation to underage sales for tobacco products has decreased significantly from 91% to 74%.

However, work related to illicit tobacco activities has remained the activity most frequently undertaken by councils (91% of councils), with the work least likely to be undertaken being proxy purchasing of tobacco products or NIPs (just 1% of all councils).

### Underage sales: tobacco products

There have been some signs of a decreased activity in relation to underage sales of tobacco products in 2015/16.

Although broadly the same number of councils dealt with complaints and enquiries, the mean number of complaints and enquiries received significantly decreased for councils reporting in both years (from an average of 14 in 2014/15 to 9 in 2015/16). There has also been a reduction in councils reporting visits by trading standards officers from 76% in 2014/15 to 65% in 2015/16. Additionally the number of visits undertaken by trading standards officers has decreased from 60 in 2014/15 to 38 in 2015/16.





Although sales levels for test purchases remain broadly the same (at 10%), overall there has been a significant decrease in the number of councils conducting test purchase operations (from 76% of all councils in 2014/15 to 59% in 2015/16).

The level of actions (verbal warnings, simple cautions and prosecutions) remained broadly the same.

### **Underage sales: NIPs**

This is the first year that data has been requested on underage sales of NIPs. Of note the number of councils undertaking activity in relation to underage sales of NIPs was broadly the same as those undertaking underage sales activity of tobacco products (with 72% of councils undertaking activities in relation to NIPs).

Councils were more likely to undertake visits by trading standards officers, than receive complaints and enquiries (with 58% undertaking visits by trading standards officers and 47% receiving complaints and enquiries). Specialist e-cigarette providers were most often stated to be the source of complaints and enquiries, with convenience stores/grocer stated to be the premises most often visited by trading standards officers.

Only 59% of councils undertook test purchase operations for NIPs, but the sales levels for NIPs were higher than for tobacco products at 36%. Sales levels were highest at market stall/car boot sales (61% of attempted purchases resulted in sales). However, discount shops, national pharmacy chains, independent pharmacies and 'other' types of premises all had sales rates of 50% or over.

Despite high levels of sales, action was only taken by 42% of councils. Where action was taken this was, for the vast majority of councils, likely to be the issue of a verbal warning.

### **Proxy purchasing of tobacco and/or NIPs**

This is the first year that data has been requested on proxy purchasing of tobacco and/or NIPs. This is an area that the vast majority of councils (99%) are not engaged with. Only 1 council had undertaken proxy purchasing of tobacco and 1 council had undertaken proxy purchasing of NIPs.

### **Illicit tobacco products**

In 2015/16 the number of councils stating that their levels of illicit tobacco control activity had increased, and the number stating it had remained the same or decreased was broadly the same (48% and 49% respectively).

The main difference between activity in 2014/15 and 2015/16 is that although broadly the same number of councils reported receiving complaints and enquiries about illicit tobacco, the average number of complaints and enquiries per council decreased from a mean average of 30 in 2014/15 to 25 in 2015/16.

Some cheap white cigarettes were more likely to have been seized in 2015/16 than 2014/2015; both Fest/Pect and President were seized by a greater proportion of councils in 2015/16.

### Niche tobacco products

Levels of council activity in relation to the detection of niche tobacco products were maintained in 2015/16, along with the proportion of councils taking actions in relation to detection. Shisha remained the product detected by most councils (61%).

### Display and pricing of tobacco products

Levels of activity in relation to display and pricing of tobacco products were relatively high; this was the second most frequently undertaken area of work undertaken.

Nearly all councils undertaking this work (79%) carried out compliance visits at retail premises; the vast majority of visits undertaken were compliant with both display and pricing requirements (93% and 98% of all visit respectively).

This is compared to very few councils undertaking visits to wholesale/cash and carry businesses (just 7%). This question was last asked in 2013/14 and there has been a significant decrease in councils undertaking this activity (decreasing from 24%). Even in councils undertaking this activity, very few visits had been undertaken (only 18); however, nearly all were compliant with both display and pricing requirements.

Typically where action was taken, for the majority of councils (89%) this was written or verbal warnings.

### Article 5.3 of the Framework Convention on Tobacco Control

Broadly the same proportion of councils (47%) in 2015/16 as in 2014/15 had a written policy in relation to Article 5.3 of the Framework Convention on Tobacco Control (FCTC).



## Annex 1: Underage sales of tobacco products – definitions of premise types

Premises	Guidance/Examples
Large retailer	National – e.g. Tesco, Sainsbury, Waitrose, Asda
Small retailer	Lo-Cost, NISA, SPA; could be members of the Association of Convenience Stores
National newsagent	Martin McColl, WH Smith
Independent newsagent	Not part of a chain as above; could be members of the National Federation of Retail Newsagents
Off licence	Any sale or supply of tobacco made from an off licence regardless of being national/local
Petrol station kiosk	Any sale made from the shop attached to the petrol site whether as part of a “large national” or not
Market/car boot sale	Self-explanatory
Pub/club	On-licensed premises
Private homes	Domestic dwellings
Other	Café, leisure facility

## Annex 2: Underage sales of NIPs – definitions of premise types

Premises	Guidance/Examples
Specialist e-cigarette supplier	Self-explanatory
Large retailer	National – e.g. Tesco, Sainsbury’s, Waitrose, Asda
Convenience store/grocer	Lo Cost, NISA, SPA; could be members of the ACS
National newsagent	Martin McColl, WH Smith
Independent newsagent	Not part of a chain as above; could be members of NFRN
Pharmacy National chain	Lloyds, Boots, Cooperative
Pharmacy Independent	Self-explanatory
Market stall/car boot sale	Self-explanatory, plus stalls located within shopping malls
Discount shop	99p shops, Poundland, Poundstretchers
Petrol station kiosk	Self-explanatory
Mobile phone shop	Self-explanatory
Other	Any other premises type not covered above

## Annex 3: Illicit tobacco definitions

Description	Guidance
Cheap whites	Cigarettes produced entirely independently of the international tobacco manufacturers (ITMs) that, crucially, have no true, or a very limited, legitimate market. Effectively, cheap whites are brands manufactured for smuggling. Examples include “Jin Ling”, “Fest”, “Richman” and “Bon”.
Counterfeit cigarettes	Product that is manufactured illegally and sold by a party other than the international trademark owner (e.g. “Marlboro”, “Benson & Hedges”)
Genuine non-UK duty paid cigarettes	Brands that have a legal, legitimate market in the UK but, however, have been smuggled into the country from another location without any or all of the required excise/tobacco duty having been paid.
Counterfeit hand-rolling tobacco	Product that is manufactured illegally and sold by a party other than the international trademark owner (e.g. “Golden Virginia” and “Amber Leaf”).
Genuine non-UK duty paid hand-rolling tobacco	Brands that have a legal, legitimate market in the UK however have been smuggled into the country from another location without the any or all of the required Excise/Tobacco Duty having been paid.
Raw tobacco	Unprocessed, raw or “loose leaf” tobacco that is smuggled into the UK for the purposes of processing into illicit tobacco products (e.g. in combination with counterfeit tobacco pouches).
Counterfeit tobacco packaging/ pouches	Empty packaging and pouches that are manufactured illegally and sold by a party other than the international trademark owner (e.g. “Marlboro”, “Benson & Hedges”, “Golden Virginia” and “Amber Leaf”).
Shisha	Refer to the Niche Tobacco Products Directory at: <a href="http://www.ntpd.org.uk">www.ntpd.org.uk</a>
Smokeless tobacco	Refer to the Niche Tobacco Products Directory at: <a href="http://www.ntpd.org.uk">www.ntpd.org.uk</a>
Other	Tobacco product for oral use e.g. Makla Bouhel