



# West Northamptonshire Council

## WEST NORTHAMPTONSHIRE COUNCIL TRADING STANDARDS SERVICE TOBACCO ENFORCEMENT PROGRAMME 2023-24

### Introduction

The Children & Young Persons (Protection from Tobacco) Act 1991 requires the Council to annually consider and carry out an appropriate programme of enforcement action relating to age-restricted tobacco controls including nicotine inhaling products.

The Council, through its Trading Standards Service (WNCTS), has a number of responsibilities with regard to tobacco enforcement including:

- Underage sales
- Supply of counterfeit and illicit tobacco
- Advertising and promotion

The Tobacco Control Plan for England was published in July 2017: <https://www.gov.uk/government/publications/towards-a-smoke-free-generation-tobacco-control-plan-for-england>

This includes a commitment to reduce the number of 15 year olds who regularly smoke from 8% to 3% or less by the end of 2022.

This should be read in conjunction with the Tobacco Control Plan delivery plan 2017 – 2022 published in July 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/714365/tobacco-control-delivery-plan-2017-to-2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714365/tobacco-control-delivery-plan-2017-to-2022.pdf)

The Government had previously stated that a new Tobacco Control Plan would be published in 2022, however in September 2022 the Government said it was considering the recommendations set out in the Khan Review of England's smokefree target (published in June 2022). During September – October 2022 whilst Dr Coffey was Secretary of State for Health and Social Care it was reported that the Government was about to decide against publishing the Plan. No new Tobacco Control Plan has been published to date.

[The Khan review: making smoking obsolete - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/reviews/khan-review-of-englands-smokefree-target)

The Northamptonshire Children and Young Persons Wellbeing Survey 2022 was undertaken by the Schools Health Education Unit (SHEU) which surveyed Year 8 & 10 pupils. In answer to questions regarding cigarettes and e-cigarettes the following statistics were highlighted (for West Northants only):

		Year 8 (12-13 year olds)	Year 10 (14-15 year olds)
% that have tried smoking	Boys	6	8
	Girls	4	14
% that smoke regularly	Boys	1	1
	Girls	0	1
% that smoke occasionally and smoked in the 7 days before the survey	Boys	1	1
	Girls	0	2
% that have tried vaping	Boys	20	30
	Girls	18	44
% that vape regularly	Boys	3	4
	Girls	2	9

ASH produced a report in June 2021 which concluded that the large majority of 11-17 year olds had never tried (77.7%) or are unaware of e-cigarettes (10.5%).

However the latest data from the ASH-Youth 2022 survey of 11 to 18 year olds in England shows that:

- current smoking prevalence (including occasional and regular smoking) is 6% in 2022, compared with 4.1% in 2021 and 6.7% in 2020
- current vaping prevalence (including occasional and regular vaping) is 8.6% in 2022, compared with 4% in 2021 and 4.8% in 2020
- most young people who have never smoked are also not currently vaping (98.3%)
- use of disposable vaping products has increased substantially, with 52.8% of current vapers using them in 2022, compared with 7.8% in 2021 and 5.3% in 2020

**Report on activities 2022-23**

From 1/4/2022 to 31/3/2023, this Service received four complaints alleging premises were selling cigarettes to persons under the age of 18. Generally, the level of complaints received has significantly reduced over the past ten years, however this figure is up on the one complaint received the previous year.

The complaints were followed up by an advisory letter to the businesses concerned and the four premises were subjected to an underage test purchasing exercise where they all refused the sale.

After several years of the Service not receiving any complaints alleging the sale of nicotine inhaling products (NIPs) to persons under the age of 18, the latter part of 2021 saw this trend stop with the emergence of new disposable e-cigarettes.

From November 2021, eleven complaints were received regarding premises selling nicotine inhaling products to persons under the age of 18. This trend has increased significantly in 2022-23 with twenty-eight complaints being received regarding premises selling NIPs to persons under the age of 18.

The complaints were followed up by an advisory letter to the businesses concerned before twenty-five premises were then subjected to an underage test purchasing exercise, where four premises sold to the volunteer. Warning letters have been issued to the premises that sold and further monitoring, including test purchasing, will take place.

This work is further impacted by the deluge of reports that many of the disposable e-cigarettes being supplied also exceed the permitted 2ml maximum quantity. TS have seized around 1600 of these non-complaint vapes with a value of approximately £12,500.

The sale of illegal vapes crisis has been recognised nationally with a very recent announcement by the Department for Health and Social Care (DHSC) pledging £3million in funding to support Trading Standards to tackle the issues of non-compliance. The Chartered Trading Standards Institute and National Trading Standards are now in discussions with DHSC about developing a detailed plan covering what can be delivered.

DHSC proposals include:

- Increased financial support for Trading Standards to increase enforcement action including test purchasing and testing products for non-compliance
- Setting up a centralised task force to help to join up Trading Standards work being done locally

The Local Government Association have also called for a ban on candy flavoured vapes and child friendly packaging and descriptions and the same marketing and display restrictions as tobacco – plain packaging and hidden from view.

### **Prosecutions**

No prosecutions in relation to age-restricted sales were completed in the period of 2022-23.

### **Programme for 2023-24**

WNCTS will:

- ❖ Ensure appropriate resources are targeted at the enforcement of legislation regulating the sale of tobacco and nicotine inhaling products to under 18's.

- ❖ Respond to all complaints alleging the sale of tobacco and nicotine inhaling products to under 18's by advising retailers of their legal responsibilities and good practice to achieve compliance.
- ❖ Respond to all complaints alleging the sale of illegal nicotine inhaling products due to permitted quantities being exceeded.
- ❖ Monitor the display of statutory notices, the restrictions on the display for sale of tobacco products, the plain packaging requirements and the labelling of tobacco products.
- ❖ Using an intelligence led approach, carry out test purchasing exercises of tobacco and nicotine inhaling products **using volunteer underage test purchasers.**
- ❖ Investigate and take appropriate enforcement action in respect of offences relating to the protection of children from consuming tobacco products and nicotine inhaling products in accordance with our enforcement policy.
- ❖ Make available a retailer training pack covering all age restricted products on WNC website.
- ❖ Continue to promote PASS accredited proof of age cards to retailers and use the 'Challenge 25' scheme, whereby businesses are advised to ask for PASS accredited proof of age if the purchaser looks under 25.
- ❖ Where appropriate make use of the media to publicise relevant issues
- ❖ Monitor the availability of illegal tobacco to underage young people and share relevant intelligence with other enforcement agencies eg HMRC.
- ❖ Work in partnership with Public Health, HMRC and National/Regional Trading Standards to raise the profile of tobacco reduction initiatives and achieve relevant outcomes.
- ❖ Consider any available funding streams to promote tobacco work within West Northamptonshire
- ❖ Support any National or East Midlands regional tobacco control projects.