



**West
Northamptonshire
Council**

**WEST NORTHAMPTONSHIRE COUNCIL TRADING STANDARDS SERVICE
TOBACCO ENFORCEMENT PROGRAMME 2022-23**

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.

The latest figures from 2018 report that 5% of 15 year olds smoke regularly.

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

For smoking prevalence amongst 15 year olds in Northamptonshire, 8.7% are current smokers with 6.2% being regular smokers (latest WAY survey data 2014/15). These are on a par with the England averages. The highest estimated prevalence of regular smokers in West Northamptonshire is in Daventry.

ASH produced a report in June 2021 which concluded:

- The large majority of 11-17 year olds have never tried (77.7%) or are unaware of e-cigarettes (10.5%).

- In 2021, 11.2% of 11-17 year olds had tried vaping, compared to 13.9% in 2020. This is largely unchanged from 2015 when 11.6% of 11-17 year olds had tried e-cigarettes.
- Children under 16 are least likely to try e-cigarettes. Only 6.5% of 11-15 year olds have tried vaping, compared to 23.2% of 16-17 year olds.
- Just under a third of 18 year olds report trying an e-cigarette (30.1%)

Contrary to these findings, from the level of intelligence and complaints now being received by WNC TS it would be reasonable to assume the underage usage of nicotine inhaling products has actually significantly increased.

Report on activities 2021-22

From 1/4/2021 to 31/3/2022, this Service received 1 complaint concerning a premises alleging the sale of cigarettes to persons under the age of 18. The level of complaints received has significantly reduced over the past 10 years, having dropped again from 4 complaints received the previous year.

The complaint was followed up by an advisory letter to the business concerned and the premises was subjected to an underage test purchasing exercise where they refused the sale.

After several years of the Service not receiving any complaints alleging the sale of nicotine inhaling products to persons under the age of 18, the latter part of 2021 saw this trend stop with emergence of new disposable e-cigarettes. Since November 2021, 11 complaints have been received regarding 8 premises selling nicotine inhaling products to persons under the age of 18. This is further impacted by numerous reports that many of the disposable e-cigarettes being supplied also exceed the permitted 2ml maximum quantity.

Four of the premises were subjected to an underage test purchasing exercise where two premises sold to the 15 year old volunteer and two premises refused the sale. Warning letters have been issued to the premises that sold and further monitoring, including test purchasing, will take place.

Prosecutions

No prosecutions in relation to age-restricted sales were completed in the period of 2021-22.

Programme for 2022-23

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.
- ❖ Complete the annual National Trading Standards Tobacco Survey if required