

Title of meeting:	Environment and Community Safety Decision Meeting
Date of meeting:	28 th February 2019
Subject:	Illicit tobacco and alcohol harm reduction
Report by:	Director of Culture, Leisure and Regulatory Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of the report

- 1.1. To appraise Members of the partnership between Regulatory Services Trading Standards and Public Health in regard to tackling the harm caused by illicit alcohol and tobacco, and to seek Members approval in respect to the proposed enforcement objectives for 2019 / 2020.

2. The recommendation:

- 2.1. RECOMMENDED that the Cabinet Member for Environment and Community Safety:
- i. acknowledges that the trade in illicit tobacco and alcohol has serious consequences for health, crime and community cohesion and as such remains a priority.
 - ii. approves the disruption programme as set out within Section 8.

3. Why is the trade in illicit tobacco and alcohol a priority for Public Health and Trading Standards?

- 3.1 The trade in illicit tobacco and alcohol is a priority for Public Health and Trading Standards because:
- based on survey findings showing a high percentage of smokers using illicit tobacco there is a need for this type of work in Portsmouth
 - our regulatory alcohol and tobacco harm reduction work is demonstrating tangible results, however, this work cannot tackle the scale of the problem or the root causes on its own



- a regulatory approach requires co-ordinated multi-agency working as part of an comprehensive overall strategy to tobacco control and minimising the harms of alcohol
- illicit tobacco causes significantly more harm than illicit drugs because it discourages smokers from quitting (undermining smoking cessation efforts of Portsmouth's Wellbeing Service) and encourages users to smoke more
- counterfeit products are frequently made without any control over what is going into them, making them potentially far more harmful than legitimate, regulated products
- lower pricing and lack of responsibility by sellers of illicit products makes it easier for children to smoke and drink alcohol
- the sale of such products are linked to low level and large scale organised crime, nationally and internationally
- the trade in such products goes hand in hand with organised crime and illicit markets such as: drugs, people trafficking, child exploitation, money laundering and even terrorism
- these products target poor and disadvantaged communities
- harms local community/other legitimate retailers and the wider economy as duty/taxes revenues are not collected.

4. **Background**

4.1. Illegal tobacco can take many different forms. The definitions that are generally understood are:

- illicit white cigarettes which have no legal market in the UK
- counterfeit cigarettes which are illegally manufactured and sold
- genuine cigarettes which are smuggled into the UK without duty paid.

4.2 Fake or illegally produced alcohol is usually defined as:

- alcohol that is produced in unlicensed distilleries or people's homes and intended for sale.

4.3 Age restrictions for alcohol and tobacco products are prescribed by law with the aim of tackling underage sales. The impact of underage drinking and smoking can be devastating on the health and development of the individual.

5 **Connections with Organised crime**

5.1 Tobacco fraud remains one of the main pillars of organised criminal activity in the UK. Tobacco smuggling is associated with various organised crime. The sale of illegal alcohol costs the UK around £1.2 billion per year. The level of organised crime related to illicit products clearly demonstrates that the illicit product market is not a victimless activity.

5.2 As a consequence of this illegal activity there is an immediate need to protect the security of our communities, and change perceptions by raising public



awareness of the links between illicit products and organised criminality to reduce local tolerance of such practices.

6 Local evidence

6.1 Early in 2016, the South East Association of Director of Public Health Network agreed, with Public Health England South East supported research recently undertaken to understand the illicit tobacco market and with the aim of a greater understanding of what future action is needed in this area, and what this means for Local Authority areas like Portsmouth.

6.2 Findings of the research, specific for Portsmouth are:

- 27% of smokers buy illicit tobacco, South East average is 14% (Portsmouth has the second highest % of local authorities in the South East)
- Those more likely to be illicit buyers are men, younger smokers, aged 16-54
- Those more likely to be illicit buyers are from lower social grades struggling financially
- Smokers in Portsmouth are more likely to be offered illicit tobacco than most other areas in the South East.

6.3 The above figures correlate with smoking prevalence adults in routine and manual occupations. 2017 Public Health England data highlighted that overall smoking prevalence for adults in Portsmouth is 15.2%; in relation to smoking prevalence in adults in routine and manual occupations which is 27%.

7. Partnership aims

7.1 The aim of the partnership between Public Health and Trading Standards is to:

- ensure coherence and to maximise the combined impacts of our work
- provide funding and regulatory expertise to support both forced and educational tobacco and alcohol reduction strategies
- provide advice and guidance to local retailers in respect to the legal trading of alcohol and tobacco related products
- provide a deterrent in respect to illegal activities.
- disrupt the trade of illicit tobacco and alcohol.
- gather local intelligence in respect to the trade and impact in such products.
- reduce underage sales activity.
- appropriately undertake prosecutions / licence reviews relating to criminality and breaches of licensing activity and to investigate and prosecute any person concerned in the sale or supply of tobacco products and alcohol to any child.

8 Disruption program during 2019 / 2020

8.1 The programme for the financial year 2019 / 2020 includes:

- the use of local, regional and national intelligence to ensure we target our interventions and resources appropriately by exploring ways to improve



intelligence sharing between relevant partners; upgrading intelligence from all viable sources and exploring alternative means of detecting sales (other than by test purchases).

- the focused use of complaints to provide enforcement intelligence to target disruptive resources to ensure that the impact of such can be maximised
- to appropriately carry out enforcement activities which include the use of tobacco detection dogs.
- to create uncertainty in the mind-set of those involved with criminal behaviours and the likelihood of detection and prosecution
- a wide use of resources across a number of enforcement agencies and expert consultants to seek appropriate regulation and penalties for criminality / non-compliance.
- to disrupt supply by developing a more systematic approach to ensuring all information is channelled to enable more coordinated Trading Standards response.
- deliver awareness to enable the delivery of targeted messages in a coordinated and consistent way to increase awareness and build on the proportion of people that are uncomfortable with the supply of illicit products , to drive up reporting of such
- utilise guidance, such as that contained in 'challenge 25' scheme, combined with in-shop training to improve proactive compliance measures
- ensure that statutory warning notices are displayed in premises where tobacco and alcohol is sold and advise traders about the requirements of legislation
- ensure that tobacco packaging is compliant
- seek licence reviews when appropriate
- continue to ensure that the restrictions of both price marking and visual display requirements of tobacco products in retail premises are adhered to ensure regular ongoing sharing of intelligence profiles with key agencies through the Government Agency Intelligence Network.
- Ensure up to date knowledge and expertise regarding trends in the use of tobacco products; in particular emerging products such as electronic cigarettes, heated tobacco, and the mainstreaming use of 'Shisha' products and seek to develop compliance projects in respect to such.

9 Equality / Community Impact Assessments

9.1 Tobacco and alcohol consumption is disproportionately prevalent in particular social economic groups; tackling tobacco and alcohol consumption is likely to have a positive impact in helping tackle health inequalities. There is no likely negative disproportionate impact arising from the work described in this report on people with protected characteristics.

9.2 The overall impact of our actions will be positive in seeking to improve health outcomes and disrupting illegal activities. We do not seek to prohibit smoking or the drinking of alcohol but to provide people with information to make informed decisions about these activities and to ensure compliance with the necessary regulations.

10 Legal implications

10.1 Trading Standards enforce numerous laws and regulations concerning consumers, goods and services. As such they have significant experience with regulating: 'Age Restricted Products', 'Product Safety' and Intellectual Property (counterfeit goods). Although not a statutory function the aims and objectives around illicit tobacco and alcohol harm reduction have a natural affinity with and cut across the above mentioned functions.

11 Financial comments

11.1 Since 2014, Public Health have agreed to fund a specific full time post to work more proactively within Trading Standards to tackle the growing issue of illicit alcohol, tobacco and related products. This funding contribution has been confirmed for 2019 / 2020 but not beyond. The relationship between Public Health and Trading Standards presents financial advantages for Trading Standards to be engaged with this work.

12 Comments from the Director

12.1 Portsmouth City Council recognises that illicit tobacco and alcohol and the sales of such products has tangible detrimental impacts over a wide range of factors.

12.2 To build upon successes and progress in Portsmouth since 2014 we have reviewed our intervention programme setting out how we will continue to educate, discourage, catch, and punish those in the illicit tobacco and alcohol trade and the inappropriate and unlawful sales of alcohol and tobacco products.

12.3 Broadening the knowledge and awareness of impacts and enforcement action will, we hope, increase their deterrent impact however; it is recognised that regulation in respect to such matters, whilst important, will not eliminate these practices.

12.4 In partnership Public Health and Trading Standards will therefore continue to work hard to raise awareness and understanding of the dangers of illicit products in order to change behaviour and encourage compliance in the hope that the public may pass on information and intelligence on illicit markets and illegal practices.

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Signed by:

Stephen Baily

Director of Culture, Leisure and Regulatory Services

Appendix 1: Equality Impact Assessment

Background list of documents: The following list of documents discloses facts or matters, which have relied upon to a material extent by the author in preparing this report:

Title of Document	Location
1. Trading Standards ASH News	http://ash.org.uk/tag/trading-standards/
2. Gov.uk Smoke-free generation: tobacco control plan for England	https://www.gov.uk/government/publications/towards-a-smoke-free-generation-tobacco-control-plan-for-england
3. HMPC Tackling illicit tobacco: from leaf to light	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418732/Tackling_illicit_tobacco - _From leaf to light_ 2015 .pdf
4. PHE Local Tobacco Control Profiles	https://fingertips.phe.org.uk/profile/tobacco-control

The recommendations set out above in 2.1 above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for Environment and Community Safety on the 28th February 2019 :

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Signed by:

Councillor Dave Ashmore

Cabinet Member for Environment and Community Safety