

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE – 2 JUNE 2009

TRADING STANDARDS ACTION ON TOBACCO CONTROL

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT

This report comprises the annual consideration of enforcement by Angus Council Trading Standards Service in relation to the protection of young persons from tobacco.

1. RECOMMENDATIONS

- i. It is recommended that the committee consider and note the contents of this report.
- ii. Approve the programme of action outlined at Item 3 below.

2. BACKGROUND

- 2.1 It is a statutory duty under the Children and Young Persons (Protection from Tobacco) Act 1991, that each local authority in Scotland consider, at least once a year, the extent to which it is appropriate for them to carry out a programme of enforcement action relating to sections 3 and 4 of the Act, and section 18 of the Children and Young Persons (Scotland) Act 1937.
- 2.2 The Scottish Government has made available £1.5 million per annum nationally from 2008 to 2011 to address better enforcement of tobacco sales and to work with HM Revenues and Customs (HMRC) to tackle illicit tobacco sales.
- 2.3 Rigorous enforcement of the current law that applies to the legitimate tobacco market whether that is the underage sales or the marketing and advertisement of tobacco products is seen as an important element of reducing sales of tobacco to teenagers. A partnership with HMRC to counteract the illicit sale of smuggled and counterfeit tobacco is equally regarded as important in the effort to ensure that the illicit supply to underage persons is addressed.
- 2.4 The Scottish Government has initiated further tobacco controls including the banning of vending machines and removal of all point of sale advertising by way of a bill that is currently at the consultation stage. If enacted this will consolidate and extend the current tobacco controls.
- 2.5 The cost to the country as a result of tobacco use is significant in terms of premature death, illness, hospital care and lost productivity. This disproportionately affects those disadvantaged by poverty.
- 2.6 The Scottish Government has worked with the Scottish Chiefs Of Trading Standards in Scotland (SCOTSS) to develop a scheme of enforcement as outlined in 2.3 above.
- 2.7 As part of the allocation of funds detailed in 2.2, Angus Council received £35,371 for the purpose of tobacco enforcement in 2008/9, and the same amount is to be provided by the Scottish Government in the following years to 2011.

- 2.8 The targets for the project are ultimately to reduce the number of regular smokers in Scotland using SALSUS lifestyle data as the reference. There are also process measures which in the first year were to advise 20% of retailers, test purchase from 10% and mount 5 operations with HMRC to target the illicit trade.
- 2.9 In 2008/9, much of the work in this area was focused on trader education and the formulation of a code of good practice in regard to all age-restricted products. An officer was appointed to address the work in relation to age restricted sales. Along with Tayside Police many retailers known to supply any age-restricted products were visited and advised. This was supported with a retailer pack containing further information and materials for use in deterring underage sales. The total number of retailers from whom a test purchase of tobacco was made was 42 which is 10.7% (target 10%). The number of test purchases that failed was 4 (10%). On re-testing 2, 1 failed again. All of these failures were in Arbroath. Warning letters have been sent to those who failed and one report is being prepared for the Procurator Fiscal. The total number of advisory visits to tobacco retailers was 107 which is 27.2% of the total (target 20%). The number of operations with HMRC was targeted as 5 for the year. Unfortunately HMRC were not able to mount joint operations therefore visits were made to retailers with a tobacco pack reader to check for counterfeit products. This was the equivalent of at least 3 operations.

3. PROGRAMME OF ACTION

- 3.1 For 2009/10 the proposed programme of action is based on the Scottish Government targets for tobacco control.
- 3.2 It is planned to undertake test purchases of tobacco products from at least 10% of tobacco retailers.
- 3.1 It is planned to visit at least 20% of tobacco retailers for advisory purposes.
- 3.2 It is planned to mount at least 6 operations with HMRC to target the illicit trade in smuggled and counterfeit product. If HMRC resources do not permit this level of co-operation then similar operations will be mounted in order to meet the Scottish Government target of 6 operations.
- 3.3 It is planned to work in close partnership with the Police to effectively target sales of all age-restricted products. The Police are targeting sales of alcohol to underage persons as well as other age-restricted products.
- 3.4 It is also planned to further promote the Angus Age Restricted Sales Code of Practice within the retail sector to help support compliance by legitimate businesses. Following Scottish Government guidance on this issue will help ensure a consistent and uniform approach to businesses throughout Scotland on this issue.

4. FINANCIAL IMPLICATIONS

- 4.1 The allocation of £35,371 from the Scottish Government has been allowed for in the 2009/10 Environmental and Consumer Protection budget for the purposes of the project. This allocation is primarily utilised to employ and support an officer, appointed to a temporary post for 3 years, to carry out the duties associated with tobacco enforcement.
- 4.2 The officer will require support from other trading standards staff as it takes 4 staff to properly mount a test purchase operation in accordance with Crown Office Guidelines. The duties associated with the post are therefore enlarged to cover other trading standards enforcement work to compensate for this additional support required from within existing resources.

4.3 The total cost of work carried out on tobacco sales control in 2009/10 will be contained within the 2009/10 Environmental & Consumer Protection revenue budget.

5. HUMAN RIGHTS

5.1 There are no human rights implications arising from this report.

6. EQUALITIES IMPLICATIONS

6.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) is not required.

7. SINGLE OUTCOME AGREEMENT

7.1 This report contributes to the following local outcome(s) contained within the Single Outcome Agreement for Angus.

- Our children have the best start in life and are ready to succeed
- We live longer healthier lives
- We have improved the life chances for children, young people & families at risk
- We live our lives safe from crime, disorder and danger

8. ENVIRONMENTAL IMPLICATIONS

8.1 Pre-screening in terms of the Environmental Assessment (Scotland) Act 2005 indicates that there is minimal environmental impact.

9. CONSULTATION

9.1 The Chief Executive, Director of Neighbourhood Services, Head of Law and Administration and Head of Finance have been consulted on the contents of this report.

Eric S Lowson
Director of Infrastructure Services

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

E&CP/IW/GK
05/10/2009

