

**CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES
5 JULY 2010**

**TRADING STANDARDS SERVICE TOBACCO ENFORCEMENT
REPORT AND PLAN**

Report by Acting Head of Trading Standards and Community Safety

Introduction

1. The Trading Standards Service is the principal body for the enforcement of legal controls over age-restricted products in Oxfordshire. There are a broad range of age controlled products including alcohol, fireworks, knives, lottery tickets, solvents, spray-paints, tobacco, videos & video games.
2. The Children and Young Persons Protection from Tobacco Act 1991 requires local authorities to consider annually what programme of enforcement action relating to the underage sale of tobacco is appropriate.
3. This report sets out the work carried out over the last twelve months to enforce the tobacco age restrictions and proposes a way forward for the next 12 months.

Tobacco

4. A holistic approach is taken in discharging our responsibilities relating to the control of age restricted products. This includes proactive and re-active enforcement, running alongside an awareness and advice campaign with retailers and the wider community.
5. Unlike the sale of alcohol, tobacco is not strictly regulated through a licensing regime. This means any business can sell cigarettes and tobacco and this is often done without adequate training for staff or appreciation of the dangers of selling the product to children. For this reason an extensive test purchasing regime is considered necessary to ensure compliance.
6. In 2009-10 the Trading Standards Service participated in a Department of Health funded tobacco project. This project included a range of actions aimed at reducing the availability of tobacco products to people under 18 years of age. The project included test purchasing, compliance checks on advertising controls and product labelling at retail level and on vending machines, mailing 1,700 advice newsletters to retailers, general awareness raising work with the public and advisory visits to local businesses. With over 80,000 smoking related deaths each year, the Department of Health is particularly concerned to prevent young people taking up smoking.
7. For the period from 1 April 2009 to 31 March 2010, 23 consumer complaints about the illegal sale of cigarettes were received and 80 test purchases were

undertaken using underage volunteers. Out of the 80 test purchases 18 illegal sales were made (22%). This compares with 28% illegal sales the previous year. Test purchases were also made from 34 cigarette vending machines and 25 illegal sales were made (74%). This high failure rate illustrates the difficulty of supervising such machines in busy public houses and restaurants and the government has now issued regulations banning such machines from October 2011. The reduction in illegal sales of cigarettes from newsagents and supermarkets has been achieved through advisory visits to raise general awareness of the problem.

Wider Strategic Links

8. The work undertaken by the Trading Standards Service contributes to some wider priorities for the County Council and its partners. It is entirely prevention focused, reducing the likelihood of young people being able to obtain cigarettes and therefore reducing the likelihood that a person under 18 years of age will start smoking. Oxfordshire PCT state that young people are less likely to try to attempt to quit smoking with few smokers under 25 years of age accessing the smoking cessation programmes. Increasing the number of people who quit smoking is a national performance indicator and is a target in the Oxfordshire 2030 delivery plan. Therefore, the work of Trading Standards contributes towards this partnership priority.
9. The needs analysis informing the Children and Young People's Plan 2010-13 refers to Oxfordshire PCT research identifying that in 2008 the percentage of mothers aged under 18 years smoking at the time of delivery was 27.3%. This was the highest rate amongst all age groups. The Trading Standards Service's success at reducing the availability of cigarettes to under 18s will contribute to reducing this rate.

Proposals

10. It is proposed that the Trading Standards Service continues to raise awareness of the issues relating to the misuse of age-restricted products by young people through the provision and distribution of advice leaflets. It is also proposed that the Service continues to undertake business advice visits to retailers to advise on how to best achieve compliance with the legislation relating to the sale of age-restricted products and to continue to assist in the training of checkout operators in large retailers when appropriate. Wherever possible, these activities will be undertaken in partnership with, or with the support of, other organisations with an interest in this issue.
11. It is further proposed that in conducting our enforcement work we will continue to have regard to intelligence, whether from partner agencies or the wider community. Routine checks on compliance will also be conducted through test purchasing with young volunteers. Officers believe that carrying out test purchasing programmes of age-restricted products using underage volunteers is an important part of the enforcement programme.

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12. Further Department of Health funding is available for 2010-11 to support tobacco related enforcement activities. The Trading Standards Service intends to access this funding to support its work and link actions to reduce the availability of tobacco products to persons under 18 years of age to this nationally funded initiative.
13. Endorsement is sought to continue with this method of enforcement.

Financial and Staff Implications

14. No additional financial or staff implications arise from this proposed course of action. The Trading Standards Service invests resources in actions to prevent age restricted goods being sold illegally each year and these proposals form part of those activities.

RECOMMENDATION

15. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service proposals for action to reduce the availability of tobacco products to people under 18 years of age.**

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Background papers: Nil

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