

Housing and Community Select Committee
Update to Executive Scrutiny Committee – 31 July 2012

Update on Progress (including issues/problems/successes)

Review of Tobacco Control

The review is in two phases, firstly regulation and enforcement then health issues. A combined final report will result dealing with prevention, treatment and control.

Consideration has been given to the Tobacco Control Statistics for Stockton Trading Standards & Licensing Service, and the Environmental Health Service enforcement of the Smokefree legislation.

Trading Standards

1) Reducing the Availability and Supply of Tobacco Products to children.

Test purchases to identify retailers selling cigarettes to children under the legal age had reduced significantly in 2011/12 because of a loss of external funding. A similar number of prosecutions were achieved due to the targeted work of Trading Standards.

The cost of an attempted test purchase was approximately £100. The typical cost of a prosecution was £2,500 but the Council was unlikely to recoup full costs as the courts would consider the impact on the seller when recovering costs.

2) Reducing the Supply of Smuggled and Counterfeit Products.

HM Revenues and Customs (HMRC) is responsible for seizing illicit cigarettes whilst Trading Standards are responsible for seizing counterfeit cigarettes. The majority of illicit cigarettes found in Stockton were those smuggled into the country without paying duties or cheap whites (brands not available in this country) which were sold mainly from 'Tab Houses'. The remainder of the stock would be distributed at other premises or vehicles. Trading Standards work closely with the Police and HMRC in dealing with this problem.

Individuals bringing tobacco into the country in large amounts, if prosecuted, have to prove that the quantity they had was only for personal use. To bring about a prosecution, sales would have to be observed.

3) Reducing Tobacco Promotion.

Point of sale checks are incorporated into routine checks and no problems were found during a specific project looking at compliance with point of sales rules in April 2011.

There is currently a review of the regional HMRC teams which could result in the disbanding of the local HMRC Teesside based team.

Environmental Health

Environmental Health are involved in enforcing the Smokefree legislation working in partnership with fellow Community Protection enforcement officers in Trading Standards, Licensing and the Neighbourhood Enforcement Service in regard to the following three areas:

- **Smokefree enforcement:** ensuring compliance with the legislation and investigation of complaints.

- **Secondary issue enforcement:** noise from smoking shelters, litter from smokers, smoke infiltration into buildings and health and safety matters.
- **Advice:** Guidance on compliance including assessment on Planning and Licensing consultations and Health Promotion.

Presentation of final report with recommendations for approval to Cabinet on 10 January 2013.