

**BUCKINGHAMSHIRE COUNTY COUNCIL AND  
SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE: 23 SEPTEMBER 2020**

**LEAD OFFICER: DAVID PICKERING**

**SUBJECT: TRADING STANDARDS TOBACCO WORK**

**SUMMARY OF ISSUE:**

The Children and Young Person's (Protection from Tobacco) Act 1991 requires Local Authorities to consider, at least once in every period of twelve months, the extent to which it is appropriate to carry out enforcement action to ensure that the provisions of the Children and Young Persons Act 1933, are effected. This seeks to prohibit the sale of cigarettes and associated items, such as nicotine delivery systems, to persons under the age of 18. This duty relates to tobacco enforcement only.

The Service undertakes work in this area supporting the delivery of the Public Health improvement outcomes and responsibilities that relate to the use of tobacco in order to help people to live healthy lifestyles; make healthy choices and reduce health inequalities.

This report considers the Service's work in relation to tobacco and associated products and is not restricted to the potential sale to children and young people.

**RECOMMENDATIONS:**

It is recommended that the Joint Committee notes and considers the report as a reflection of activity over the financial year 2019 – 2020 and endorses continued enforcement activities which will be undertaken in 2020– 2021.

**REASON FOR RECOMMENDATION:**

The Children and Young Person's (Protection from Tobacco) Act 1991 requires Local Authorities to consider, at least once in every period of twelve months, the extent to which it is appropriate to carry out enforcement action to ensure that the provisions of the Children and Young Persons 1933 Act, are effected.

**DETAILS:**

1. To ensure coherence and to maximise the impact of our work, Trading Standards link closely to Public Health led strategies to reduce tobacco

consumption. The Trading Standards role is mainly in relation to tackling supply. However increasing levels of innovation in the alternatives to tobacco, such as e cigarettes, continue to provide constant challenges to us when assessing how the legislation applies to them. The Service has also facilitated links to be made between Surrey and Buckinghamshire Public Health teams to share information and good practice. We also link into the regional tobacco groups and the Chartered Trading Standards Institute (CTSI) led Department of Health and Social Care funded national initiatives

2. In Surrey, Trading Standards chair the Tobacco Alliance. This group of partners oversee the delivery of the Public Health Tobacco Control Strategy for Surrey and reports back to the Health & Wellbeing Board. With the ambition for Surrey to have the lowest smoking prevalence in England, the Priorities include, among others; “helping young people to be tobacco free”; “tackling illicit tobacco” and “raising the profile of tobacco control”.

In partnership with our Public Health colleagues the remit of the group has been extended recently to include alcohol issues as there are common areas of concern.

The Surrey Strategy can be found at:

<https://www.healthysurrey.org.uk/your-health/smoking/smokefree-surrey/tobacco-control-strategy-for-surrey>

Progress against these priorities was reported to the Surrey Health and Wellbeing Board in December 2019. Details can be found at this address:

<https://mycouncil.surreycc.gov.uk/documents/s64646/Item%205%20-%20Priority%201%20programme%20plan.pdf>

The Buckinghamshire Tobacco Control Strategy “Towards a smoke free generation” was launched in June 2019 and we are supporting this by tackling the supply of illicit tobacco and supporting the Alliance group:

<https://www.loc-net.org.uk/media/6836/buckinghamshire-tobacco-control-strategy-2019-2024.pdf>

The four main themes of the Buckinghamshire Strategy are Prevention First, Supporting smokers to quit, Eliminating variations in smoking rates and effective enforcement, with an overall focus on key groups.

The Bucks action plan was reported to the health and wellbeing board on the 20<sup>th</sup> March and papers can be found at this address:

<https://democracy.buckscc.gov.uk/documents/s148723/HWB%20Report%20Tobacco%20Control%20Action%20Plan%20March%202020%20v2%20LS%20HWB%2019.03.20.pdf>

3. The continued rise in retail sale and use of nicotine inhaling devices resulted in the Children and Family Act 2014 being amended to include two new important provisions (brought in by regulations): The Nicotine Inhaling Products (Age of Sales and Proxy Purchasing) Regulations 2015 make it a criminal offence for an adult to buy these items on behalf of a minor and also for a retailer to sell these items to a minor. A maximum fine of £2,500 is available to the courts and

Trading Standards are responsible for enforcement. The Service has advised relevant businesses of the requirements. There were no complaints relating to proxy sales in 19/20 and no formal action has been taken under these Regulations to date.

4. Tobacco use among young people is considered as risk-taking behaviour (by themselves as much as anyone else) and may be seen therefore as gateway-behaviour for other risk-taking activities. These would include experimenting with alcohol and other illicit substances when this is combined with carrying offensive weapons and misuse of fireworks the resulting anti-social behaviour adversely affects how safe people feel in their own communities.
5. Sales of illicit tobacco facilitate a cheap way to start or continue smoking and as such needs to be minimised to reduce this impact. In addition, legitimate businesses are disadvantaged threatening small businesses in the local economy.

<https://www.illicit-tobacco.co.uk/problem/illicit-tobacco/>

6. There is evidence that the supply of illicit can be linked to organised crime and we work in partnership with the police to ensure appropriate dissemination of intelligence

[https://www.eesc.europa.eu/sites/default/files/files/mr\\_arndt\\_sinn\\_speech.pdf](https://www.eesc.europa.eu/sites/default/files/files/mr_arndt_sinn_speech.pdf)

7. The programme for the financial year 2019/2020 was as follows:-

**7.1. Continue to participate in those new projects and initiatives that fit within our enforcement activities outlined above together with our own initiatives where they are felt necessary.**

We carried out test purchasing exercises for illicit tobacco in Buckinghamshire in December 2019. We visited 26 businesses and 4 sold illicit tobacco. We used the intelligence to revisit the premises with sniffer dogs and found illicit tobacco at two premises. We are developing intelligence on the other two.

We did a similar test purchasing exercise in Surrey in February 2020. Out of 17 businesses visited, 3 of them sold illicit tobacco. We will be using this intelligence for further visits later this year.

We worked in partnership with Chiltern District Council in May 2019 to carry out 11 visits with sniffer dogs. 4 seizures were made. 1 business was prosecuted and convicted in March 2020 following the investigation, the report for another one is being considered.

Despite having a suspended sentence for tobacco supply related offences in 2018 a case against a business in High Wycombe resulted in a 12 month Community Order being imposed due to mitigating circumstances, he was required to complete 18 rehabilitation days as part of the Order. He was also ordered to pay £2260 in costs.

<https://www.mix96.co.uk/news/local/2995888/high-wycombe-shopkeeper-sentenced-over-illegal-tobacco/>



ON AIR **NATHAN COOPER**

⏸ : Waiting for next track...

[Schedule](#) | [Music Played](#)

[Home](#)   [News](#)   [On Air](#)   [Win](#)   [Jobs](#)   [Events](#)   [Vouchers](#)   [Community](#)   [About](#)   [70s](#)

[Home](#) / [News](#) / [Buckinghamshire News](#) / High Wycombe shopkeeper sentenced over illegal tobacco

## High Wycombe shopkeeper sentenced over illegal tobacco



Published by Dan Gooding at 11:22am 25th November 2019.

**After a stash of illegal cigarettes were found in a toilet cupboard, a shopkeeper from High Wycombe has been sentenced.**

At Wycombe magistrates court on Wednesday (20 November) Chandrasegaram Muthaya, the proprietor of N&N News, of Desborough Road, was sentenced to a 12-month Community Order for breaching tobacco product supply and trade mark regulations.

He had been found guilty at a trial, on 15 October, on five charges relating to supplying tobacco without health warnings, in packs that didn't comply with regulations, and having for sale tobacco in counterfeit packaging. He had been remanded for sentencing.

The court was told that Buckinghamshire and Surrey Trading Standards officers took detection dogs with them on a visit to Mr Muthaya's shop on 18 December last year.

They found packets of hand rolling tobacco in a plastic carrier bag in a toilet cupboard at the front of the store. There were no English warnings on the packets, which were not coloured plain green as required by regulations.

Four packets of 50g tobacco were seized - two claiming to be branded Amber Leaf and two claiming to be Golden Virginia - which failed authenticity tests run by Trading Standards officers.

A business owner in Guildford was given a £300 fine and ordered to pay costs of £1500 in April 2019 for possessing 12 packs of illicit cigarettes.

A business owner in Staines was fined £1200 and ordered to pay £1800 in costs for possessing a total of 81 tobacco pouches and the tobacco company JTI subsequently removed the cigarette gantry from the premises

Recently another case against a business in High Wycombe resulted in a 12 month Community Order for the owner with 100 hours unpaid work. He was ordered to pay £1500 in costs

In this case some of the cigarettes were seized from the boot of the defendant's car that was parked at the rear of the premises.

The defendant also had his alcohol licence suspended for 3 months as a result of the visit.

<https://www.bucksfreepress.co.uk/news/18225030.high-wycombe-shopkeeper-blamed-stash-fake-cigarettes-on-customer-named-fang/>

# Bucks Free Press

## High Wycombe shopkeeper blamed stash of fake cigarettes 'on a customer named Fang'

By Kiera Gillies | @Kiera\_BFP  
Apprentice reporter



Trader sentenced for illegal cigarette offences

33 comments

**A Wycombe man has been sentenced for selling counterfeit cigarettes.**

Shopkeeper Goldi Singh Gurwara, of Anatolia Food Centre in Oxford Street, was sentenced to a 12-month community order on February 5.

At an earlier hearing, Mr Gurwara admitted six charges, three relating to the possession of cigarettes bearing infringing trademarks, namely Richmond, Mayfair and Marlboro.

### MOST READ COMMENTED

- This June TV licensing rules are changing: will you be eligible for a free one?
- Pharmacist's anger as hand sanitiser is being priced at £1,500 amid coronavirus fears
- Police catch out speeding drivers after homeowners make complaints
- Homes evacuated after 'dangerous' wall collapses - but residents say they are being 'fobbed off'
- Man who disguised acid in a bottle of Lucozade avoids jail sentence
- Huge 40-foot

### 7.2. Promote the education message about the harm illicit tobacco causes and the smoking cessation message and gather any intelligence about sales of illicit tobacco to identify sources.

We ran a roadshow in Aylesbury in December. Approximately 12 groups of people were engaged with and spoken to - most were with children and smoking cessation information and leaflets were handed out along with our contact details if they should come across any illegal activities with tobacco products. No

actionable intelligence was obtained. We have been trialling roadshows at differing times of year to assess levels of engagement and are now giving priority to alternative intelligence gathering approaches.

### **7.3. We will continue to support the Tobacco Alliance groups in both counties**

A team manager continues to Chair the Surrey group and now that the Buckinghamshire group is active we have participated in meetings organised in both areas.

A team supervisor has also given presentations about our work to the Buckinghamshire Tobacco Alliance group and the smoking cessation service Live Well Stay Well.

The Surrey group in agreement with our Public Health colleagues has extended the remit to include related alcohol issues. We have worked with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both counties.

### **7.4. Continue to use local, regional and national intelligence to ensure we target our interventions and resources appropriately**

We have continued to use information and intelligence gathered from a variety of sources to inform our work relating to illicit tobacco and tobacco related issues generally, including intelligence gathering test purchasing operations to enable us to focus our time with the tobacco sniffer dog most effectively.

We have placed an article outlining our work in this area in the Surrey Schools bulletin. We have also made contact with the Buckinghamshire secondary school head teachers group and are discussing how we can work with them with regard to tobacco issues.

### **7.5. Seek licence reviews through the relevant District Council when appropriate.**

Prosecutions for illicit tobacco can be used to add additional conditions onto the premises licence including the installation of CCTV at the premises, price labels on the alcohol to include the name of the shop, or the imposition of clear and stringent stock control measures.

### **7.6. Continue to support retailers by promoting the use of the Challenge 25 Training Pack and advising traders about legislative requirements in this area.**

This would be done in response to requests for advice on underage sales legislation and also will be promoted proactively during visits to traders for other reasons.

### **7.7. Continue to ensure that the restrictions of both price marking and visual display requirements of tobacco products in retail premises are adhered to.**

8. For 2020-21 we will:

**8.1. Contribute to the Surrey and Buckinghamshire Tobacco Control Strategies by taking action to reduce the supply of illicit tobacco through intelligence and enforcement.**

We will gather local intelligence, use appropriate enforcement action against suppliers, share intelligence across relevant enforcement agencies to tackle organised distribution networks, repeat the illicit tobacco campaign, gather local intelligence and enforcing regulation on nicotine containing devices, raise the profile of the issue through local publicity and participate when relevant in nationally organised campaigns

**8.2. Promote the education message about the harm illicit tobacco causes and the smoking cessation message and gather any intelligence about sales of illicit tobacco to identify sources.**

We will review, assess and choose venues for illicit tobacco roadshows to achieve most impact with regard to intelligence gathering. We will work with Public Health to achieve the best outcome we can from an educational perspective.

We will continue to liaise with both Councils communications teams to publicise our work about tobacco issues.

**8.3. We will continue to support the Tobacco Alliance groups in both counties**

We will continue to Chair the Surrey Alliance group and will participate in meetings organised for both Councils. We will work with partners on the groups to deliver the agreed strategies to reduce smoking prevalence rates in both counties.

**8.4. Continue to use local, regional and national intelligence to ensure we target our interventions and resources appropriately**

We will continue to explore ways to:

- improve intelligence sharing between relevant partners;
- upgrade intelligence from all viable sources; and
- explore alternative means of detecting sales (other than by test purchases)

**8.5. Seek licence reviews through the relevant District/Unitary Council when appropriate.**

Prosecutions for illicit tobacco can be used to add additional conditions onto the premises licence including the installation of CCTV at the premises, price labels on the alcohol to include the name of the shop, or the imposition of clear and stringent stock control measures.

**8.6. Continue to monitor the market for alternatives to tobacco products, such as vaping products, to assess potential risks and look for solutions to ensure any risks to consumer safety is minimised**

As well as work relating to reducing the supply of illicit tobacco we will continue to assess appropriate interventions relating to tobacco alternatives such as vaping.

In Early March Public Health England's released its' annual evidence review on e-cigarettes by leading independent tobacco experts, which can be found here: <https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020>

The issue of the risks posed by using CBD oil in vaping liquids is one that continues to provide enforcement challenges and we are reviewing how we can best resolve issues that arise in partnership with the police and other agencies.

Public Health England recognise vaping as part of smoking cessation strategy. However the rapid growth of sales has seen sellers who are non-traditional outlets enter the marketplace.

<https://publichealthmatters.blog.gov.uk/2019/10/29/vaping-and-lung-disease-in-the-us-phes-advice/>.

**CONSULTATION:**

9. Public Health teams in Surrey and Buckinghamshire have been consulted with and have contributed to this report.

**RISK MANAGEMENT AND IMPLICATIONS:**

10. We are supporting an important strand of tobacco reduction strategies by seeking to reduce the supply of tobacco products. If we are unable to carry out this work the effectiveness of this will be reduced and it is more likely that such products will be available to children and young people.

**Financial and Value for Money Implications**

11. The work in this area is carried out by a number of officers as a small part of their wider role. At times work in this area, such as advice to businesses, is combined with other visits that officers are carrying out to the same premises or area to maximise efficiency. This report is suggesting that the Service broadly maintains its approach to this work and therefore there is no additional financial implication beyond that which is already committed.

**Legal Implications**

12. As outlined in the report, there is a requirement for Local Authorities to consider carryout enforcement actions at least once in every twelve month period, to ensure that the provisions of the Children and Young Persons Act 1933, are effected. The report outlines the enforcement action taken and the legal consequence to such action.

## **Equalities and Diversity**

13. Tobacco consumption is disproportionately prevalent in particular socio-economic groups; tackling tobacco consumption has 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.

## **WHAT HAPPENS NEXT:**

14. This is set out in section 8 above.

**Contact Officer:**

David Pickering 01372 388779

**Consulted:**

**Annexes:** None

---

This page is intentionally left blank