Introduction
The Children & Young Persons (Protection from Tobacco) Act 1991 requires the Council to annually consider and carry out an appropriate programme of enforcement action relating to age-restricted tobacco controls.

The Council, through its Trading Standards Service, has a number of responsibilities with regard to tobacco enforcement including:

- Under age sales
- Supply of counterfeit and illicit product
- Advertising and promotion

The Tobacco Control Plan for England (see https://www.gov.uk/government/publications/the-tobacco-control-plan-for-england) includes commitments to:

- promote effective local enforcement of tobacco legislation, particularly on the age of sale of tobacco


Recent Legislative changes

Tobacco Advertising and Promotion (Display) (England) Regulations 2010
On the 6th April 2015 the above regulations came into force for small shops, pubs and clubs meaning they were no longer able to freely display tobacco products. The restrictions allow for a limited display whilst an adult selects a purchase and for restocking etc and only a plain price list will be available.

Children & Families Act 2014 (Commencement Order No.6)
Came into force on the 1st Oct 2015 and introduced offences in relation to the proxy purchasing of tobacco and nicotine products by persons aged 18 and over on behalf of someone under 18.
**Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015**

Came into force on the 1st Oct 2015 and prohibited the sale of such products to under 18s and add such products to the proxy purchasing of tobacco etc. offences.

**Forthcoming changes**

**Tobacco Products Directive (2014/40/EU)**

Comes into force on 20th May 2016 and the key elements are;

- Introduces a minimum pack size of 20 cigarettes and minimum weight of 30g for hand-rolling tobacco
- Increases the size of combined health warnings consisting of a text and photograph warning and cessation information, increased in size to cover 65% of front and back of pack (previously 30% on front of pack and 40% on back of pack)
- Bans certain descriptors, such as “natural” or “organic”
- Bans cigarettes and hand-rolling tobacco containing characterising flavours such as menthol (with a transition period to 2020 for products whose Union-wide sales volumes represent 3% or more)
- Introduces a traceability system and security features to track and trace tobacco products
- Regulates electronic cigarettes and associated refill cartridges
- Regulates herbal cigarettes

**The Standardised Packaging of Tobacco Products Regulations 2015**

Comes into force on 20th May 2016 and the key elements are;

- Introduces the only colour or shade permitted on or for the internal packaging of a unit packet or container packet of cigarettes, of either white, or Pantone 448 C with a matt finish
- Introduces set materials, shape, and openings for unit packet of cigarettes

For both the above Regulations there is a transitional period meaning they do not apply if
- the product was produced before 20th May 2016
- the supply takes place before 20th May 2017 and
- the product complies with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 at the time of supply.

**Report on activities 2015 - 16**

From 1/4/2015 to 31/3/2016, this Service received 9 complaints alleging the sale of cigarettes to people under the age of 18. All were followed up by advisory visits to the businesses concerned.

In the same period, this Service carried out a test purchasing exercise at 32 premises with no one selling to the underage volunteers.

A series of checks were made to monitor the effectiveness of the ‘Challenge 21/25’ age verification policies operated by retailers using 18 & 19 year old
test purchasers buying age restricted goods, including tobacco. 104 visits were made and 19 (18.3%) failed to ask for age verification. The businesses that failed to ask for age verification were all made aware that they had not followed their own policy.

This Service also participated in a national rapid review of underage sales of nicotine inhaling products. 10 test purchases were made in a range of premises including major supermarkets, specialist E-Cigarette shops, market stall, independent newsagents, and local convenience stores. 9 out of the 10 premises sold, the only no sale being at a local convenience store, who asked how old the volunteer was rather than for ID. All the premises were informed of the results.

Programme for 2016 - 17
Northamptonshire County Council Trading Standards Service will:

- ensure appropriate resources are targeted at the enforcement of legislation regulating the sale of tobacco and nicotine inhaling products to under 18’s.
- respond to all complaints alleging the sale of tobacco and nicotine inhaling products to under 18’s by advising retailers of their legal responsibilities and good practice to avoid committing offences.
- carry out test purchasing exercises of tobacco and nicotine inhaling products using volunteer underage test purchasers in response to complaints and local intelligence.
- carry out test purchasing exercises using volunteer 18+ year old test purchasers, to monitor the effectiveness of age verification policies such as ‘Challenge 21/25’.
- consider participating in any National or East Midlands regional tobacco control projects.
- Investigate and take appropriate enforcement action in respect of offences relating to the protection of children from consuming tobacco products and nicotine inhaling products in accordance with our infringement & prosecution policy.
- make available a retailer training pack covering all age restricted products
- where appropriate make use of the media to publicise relevant issues
- continue to promote PASS accredited proof of age cards to retailers and use the ‘Challenge 21/25’ scheme, whereby businesses are advised to ask for PASS accredited proof of age if the purchaser looks under 21 or 25.
- monitor the availability of illicit tobacco & share relevant intelligence with other enforcement agencies eg HMRC.
- work in partnership with Public Health colleagues, HMRC and Trading Standards colleagues to raise the profile of tobacco reduction initiatives and achieve relevant outcomes.
- Complete the annual National Tobacco Survey