



# *TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA*

**Thursday, 21 March 2024 at 10.00am in the Whickham Room,  
Gateshead Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b>  The Joint Committee is asked to approve the Minutes of the last meeting held on 16 November 2023 (attached).
3	<b>2023/24 Estimate Outturn and 2024/25 Proposed Budget</b>  Report of the Strategic Director, Resources and Digital (attached).
4	<b>Joint Metrology Laboratory Report - March 2024</b>  Report of the Service Director Economy, Innovation and Growth (attached).
5	<b>New Laws to ban unavoidable hidden fees to force businesses to be upfront with customers</b>  Report of the Service Director Economy, Innovation and Growth (attached).
6	<b>Proposed ban of disposable vapes</b>  Report of the Service Director Economy, Innovation and Growth (attached).
7	<b>HMRC Policy Paper: Stubbing out the Problem: a new strategy to tackle illicit tobacco</b>  Report of the Service Director Economy, Innovation and Growth (attached).
8	<b>Government Policy Paper: Stopping the Start: our new plan to create a Smokefree Generation</b>  Report of the Service Director Economy, Innovation and Growth (attached).

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**Schedule of Meetings for 2024/25**

The Joint Committee is asked to consider the following schedule of meetings for 2024/25:-

Thursday, 11 July 2024 at 10.00am

Thursday, 14 November 2024 at 10.00am

Thursday, 20 March 2025 at 10.00am

Contact: Brian Wilson, Telephone: 0191 4332145, E mail: [brianwilson@gateshead.gov.uk](mailto:brianwilson@gateshead.gov.uk)

**GATESHEAD METROPOLITAN BOROUGH COUNCIL  
TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE**

**Thursday, 14 November 2023**

**PRESENT:** Councillors: C Buckley, P Lovatt, S Graham, J O'Shea, A Best, S Dean, J Keegan, J Fletcher, J Heron and T Dodds

**APOLOGIES:** Councillors: K Dodds, T Graham, I Patterson, L Wright, M Lowson, J Hunter, T Mulvenna, A Lamonte, C Rowntree, and P Walker

**TW87 APPOINTMENT OF CHAIR**

RESOLVED - That Councillor Kevin Dodds (Gateshead Council) be appointed as Chair for the 2023/24 Municipal Year.

**TW88 APPOINTMENT OF VICE-CHAIR**

RESOLVED - That Councillor Jill Fletcher (Sunderland City Council) be appointed as Vice-Chair for the 2023/24 Municipal Year. Councillor Fletcher took the chair for the meeting in the absence of Councillor Dodds.

**TW89 MINUTES**

RESOLVED - (i) That the Minutes of the meeting held on 2 March 2023 be approved as a correct record.  
(ii) That the notes of the inquorate meeting held on 13 July 2023 be noted.

**TW90 2023/24 ESTIMATED OUTTURN**

A report on the estimated outturn for the 2023/24 financial year was submitted.

RESOLVED - That the information be noted.

**TW91 JOINT METROLOGY LABORATORY REPORT – NOVEMBER 2023**

The laboratory was operating at full-strength with six full-time staff to assist officers from the five authorities. Relevant training courses have been identified and attended as outlined.

The submission totals for the first three-quarters of 2023 compared to the same period in 2022 were provided. Whilst 2022 was a record year for submissions, 2023 was already 600 submissions higher.

The building refurbishment, including a full electrical re-wire, was to begin this year and be completed by March 2024. The building will remain operational during the work.

The laboratory had hosted several training courses for Trading Standards Officers and trainees in the last six months. The laboratory aimed to become a hub for Trading Standards apprentices and have a permanent training room for qualified Trading Standards Officers for refresher training.

The laboratory had booked the weighbridge test unit for a week in November with each of the five authorities having the unit for a day.

The Public Weighbridge continued to be utilised by local industry and other road users.

Annual submissions for the UKAS Calibrations had increased again. The laboratory's annual UKAS audit was due in January 2024.

Halloween costumes were submitted for flammability testing in October and the majority passed. There was concern about several face mask failures. Follow-up action by Gateshead and North Tyneside led to the products being removed from sale.

The laboratory managed the Office for Product Safety and Standards (OPSS) safety sampling 2023/24 budget for the North-East and Yorkshire to primarily test products manufactured or directly imported into the region.

RESOLVED - That the information be noted.

## **TW92**

### **UPDATE ON ILLICIT TOBACCO PREMISES CLOSURE ORDERS**

The illegal tobacco trade undermined the policy of increasing tobacco prices to encourage smokers to quit and discourage young people. In recent years smoking rates have reduced to their lowest level yet.

Illegal tobacco was available from a range of sources in some local communities and was often part of organised criminal activity.

Tackling illicit tobacco sales remained a major challenge for trading standards services with 188,548 cigarettes and 114.35kg of hand rolling tobacco seized across the region between July - October 2023.

Historically, pursuing prosecutions for supplying illicit tobacco from retail premises had been ineffective. Recently, closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014 granted against retail premises for the sale of illicit tobacco had been very effective. In Gateshead, 16 closure orders had been made against retailers in the last 12 months.

RESOLVED - That the information be noted.

**TW93**

## **UPDATE ON THE DIGITAL MARKETS, COMPETITION AND CONSUMERS BILL**

The Government, on 25 April 2023, announced the proposed Digital Markets, Competition and Consumers Bill to promote UK economy growth by ensuring free and vigorous competition amongst businesses online and on the high street. It will also strengthen the Competition and Market Authority's (CMA) powers.

The CMA had taken enforcement action against those using unfair practices to dupe people into handing over their money. The new rules will empower the CMA to decide when consumer law had been broken rather than taking each case to Court and allow the CMA to fine businesses breaking the law up to 10% of their global turnover.

People and businesses benefitted from vibrant, competitive digital markets offering the latest products and services. The Bill's new, targeted regime for the digital age, overseen by the CMA's Digital Markets Unit will use a proportionate approach to hold digital firms accountable for their actions. It will prevent firms with Strategic Market Status from limiting digital innovation or market access and ensure the UK remained a highly attractive place to invest and do business.

The CMA will be able to conduct faster and more flexible competition investigations to identify and stop unlawful anticompetitive conduct quicker. Changes to the competition framework will make it easier for the CMA to act against mergers which harm UK consumers and businesses.

The Chartered Trading Standards Institute (CTSI) has been involved in policy work around the Bill and submitted amendments as outlined regarding the role and responsibilities of Trading Standards officers.

RESOLVED - That the information be noted.

**TW94**

## **OFFICE FOR PRODUCT SAFETY AND STANDARDS (OPSS) SECTION 70 REPORT 2022/23**

Section 70 of the Weights and Measures Act 1985 required all UK local weights and measures authorities to provide data to the OPSS on weights and measures compliance checks in their areas and the OPSS recently published its annual report.

The CTSI raised concerns that retailers had the second-lowest rate of weights and measures compliance.

Medical institutions were among those least visited with the rate of compliance for medical measuring equipment falling from 94% to 82%.

14% of Trading Standards respondents said the cost of living crisis made legal metrology a key concern.

The CTSI welcomed the 91% increase in officers studying the CTSI legal metrology module with 112 in 2022/23.

The number of UK legal metrology officers fell by 26% and legal metrology work carried out in local authorities by 34% since 2012/13. The CTSI considered that further investment into legal metrology was needed so that more weights and measures work can be carried out.

Greater strategic co-ordination and resourcing should be applied so that local and central Government elements can work effectively together to create a safe and fair environment for the public.

RESOLVED - That the information be noted.

**TW95**

### **OPSS GOVERNMENT ONLINE MARKETPLACE PRODUCT TESTING**

The OPSS tested 2,260 products between October 2021 - September 2022 and 81% failed product safety testing. The highest rate of non-compliance was toys and small mains powered electricals. Other areas of concern were button batteries, PPE, cosmetics, chainsaw discs and magnetic toys. The CTSI was concerned about the high non-compliance rate with unsafe goods posing serious risks to consumers.

The Government should act to stop unsafe products entering the supply chains and online marketplaces. Also online marketplaces should make more rigorous checks across their platforms. The CTSI was working with industry and product safety stakeholders to examine whether the current regulations and processes were enough.

Product standards were vital for maintaining a fair and safe UK economy and ensuring products were safe for children and adults.

The capacity of Trading Standards services was stretched as far as possible and the data published by the OPSS demonstrated the need for further investment into these services so that the UK did not become a dumping ground for unsafe products sold online.

RESOLVED - That the information be noted.



**Report to the Tyne and Wear Trading Standards Joint Committee**

**21<sup>st</sup> March 2024  
2023/24 Estimate Outturn & 2024/25 Proposed Budget**

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**Darren Collins, Strategic Director, Resources and Digital, Gateshead Council**

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**Purpose of the Report**

1.1 To advise the Joint Committee of the estimated outturn for the 2023/24 financial year and obtain approval for the proposed budget for the 2024/25 financial year.

**Background**

2.1 The estimated outturn for the 2023/24 financial year and the proposed budget for the 2024/25 financial year is set out in Appendix 1.

**Recommendation**

3.1 The Joint Committee is recommended to:

- Note the details of the report in Appendix 1 for the estimated outturn for the 2023/24 financial year.
- Approve the proposed budget in Appendix 1 for the 2024/25 financial year.

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Contact: Michelle Pope, Email – [MichellePope@Gateshead.Gov.Uk](mailto:MichellePope@Gateshead.Gov.Uk)

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## Appendix 1

	Budget 23/24	Forecast Outturn 23/24	Forecast Variance 23/24	Proposed Budget 24/25	Notes
	£	£	£	£	
<b>Income</b>					
Fees & Charges	145,000	147,427	2,427	145,000	Actuals: 19/20 £145k, 20/21 £115k, 21/22 £115k, 22/3 £151k.
S.11 Stamping Fees	1,000	0	-1,000	0	Done by Trading standards team now.
Levy on Constituent Authorities	238,584	238,584	0	245,742	3% increase 24/25.
<b>Total Income</b>	<b>384,584</b>	<b>386,011</b>	<b>1,427</b>	<b>390,742</b>	
<b>Expenditure</b>					
<i>Employees</i>					
Direct Pay	262,864	242,394	-20,470	249,069	Vacant Laboratory Manager post partially offset by senior staff acting up. New structure now in place.
Indirect Pay	4,000	5,984	1,984	4,000	23/24 staff training.
	266,864	248,378	-18,486	253,069	
<i>Premises</i>					
Repairs & Maintenance	15,000	9,030	-5,970	15,000	
Utilities	31,500	38,245	6,745	38,000	Electricity & gas charges increased.
Rent	4,000	8,320	4,320	4,160	23/24 includes delayed 22/23 rent.
Rates	8,866	9,899	1,033	10,000	
Other	12,700	14,436	1,736	15,000	Refuse disposal, Contract cleaning, Security & Premises insurance.
	72,066	79,930	7,864	82,160	
<i>Transport</i>					
Car Allowances	500	0	-500	0	
Travel Costs	0	1,524	1,524	500	23/24 travel to training courses.

Vehicle Running Costs	1,000	1,405	405	1,500	Repairs, fuel, tax & insurance.
	1,500	2,929	1,429	2,000	
<i>Supplies &amp; Services</i>					
Furniture & Equipment	21,000	17,323	-3,677	21,000	
Equipment Lease - Hire Or Rent	11,000	4,478	-6,522	7,000	Weighbridge testing.
UKAS Fees	9,000	6,519	-2,481	7,000	
Telephones	1,000	1,196	196	1,200	
Printing & Stationery	2,000	1,638	-362	2,000	
Insurance	5,000	4,301	-699	5,000	
Postage	-0	1,100	1,100	1,000	
Miscellaneous	7,000	1,109	-5,891	2,000	Include clothing/uniforms .
	56,000	37,665	-18,335	46,200	
<i>Central Admin</i>					
Central Admin charges	39,149	39,149	0	39,149	
	39,149	39,149	0	39,149	
<b>Total Expenditure</b>	<b>435,579</b>	<b>408,050</b>	<b>-27,529</b>	<b>422,578</b>	
<b>Net Expenditure</b>	<b>50,995</b>	<b>22,039</b>	<b>-28,956</b>	<b>31,836</b>	

#### Forecast Reserve Position

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<b>Reserve balance at 31st March 2023</b>	<b>-192,577</b>
<i>Estimated Transfer to Reserve</i>	16,735
<b>Estimated reserve balance at 31st March 2024</b>	<b>-175,842</b>

#### Levy on Constituent Authorities

Gateshead Contributions	43,236	43,236	0	44,533	3%
Sunderland	59,495	59,495	0	61,280	3%
Newcastle	60,503	60,503	0	62,318	3%
LACB South Tyneside	31,988	31,988	0	32,948	3%
LACB North Tyneside	43,362	43,362	0	44,663	3%
	<b>238,584</b>	<b>238,584</b>	<b>0</b>	<b>245,742</b>	

**21 March 2024**

**Report for period to March 2024**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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### **Purpose of the report**

To inform the Committee of the work of the Joint Metrology Laboratory for the period and operational duties to present.

### **Metrology Laboratory**

#### **Operational**

1. The laboratory is operating at full-strength with 6 full-time members of staff.

- Laboratory Supervisor
- Technical Supervisor
- Technicians x3
- Senior Support Assistant

All 6 members of staff are available to assist officers from the 5 authorities.

2. With what is still a relatively new workforce, investment is being made on relevant training courses. As previously mentioned, Dave Malone and Steve Rudd have completed the UKAS Laboratory Manager's Course. Steve has also completed a 2-part CTSI Technical Laboratory Management course.

Dave and Steve will be attending a UKAS Auditors course in June. To assist with internal auditing in the future, Tony Dunn from Gateshead TS may also attend this course.

Further courses have been identified as the Service looks to invest in staff and to enable staff competency.

3. Submissions to the laboratory over the 12-month calendar period have once again increased. Attached as Annex 1 to this report are annual totals of submissions for 2023, with 2022 added for comparison. Submissions are up by over 18%, which should have a positive effect on end of year finances.

There has also been an increase of 25% of working standards submissions from local authorities other than Tyne and Wear.

This has been a record year with regard to submissions and it is testament to the staff and new structure that turnaround times have remained constant.

4. There is now a confirmed start date for phase 1 of the building refurbishment. A full electrical re-wire will commence on Monday 6<sup>th</sup> May. As previously

mentioned, the aim is to remain operational during the work, keeping delays to customers to a minimum, as well providing the same level of service to stakeholders.

## **Training**

5. Over the last year the laboratory has acted as a training hub for trainees from the North-East Trading Standards Association (NETSA). Officers from this group are now on the verge of qualifying as Trading Standards Officers.
6. There are current discussions with the Chartered Trading Standards Institute (CTSI) to become a training site for future training courses.
7. All training facilities remain available for T&W officers for refresher training or to train new staff.

## **Aid and Advice to Industry**

8. The laboratory has booked the weighbridge test unit (WBTU) for a week in May and November to enable each of the 5 Tyne and Wear authorities to check weighbridges in their areas. The WBTU is available to each authority for 1 day in May and November.

## **UKAS Calibrations**

9. A record year for submissions, as reflected within in Annex 1.
10. The laboratory's annual UKAS audit is scheduled for 3<sup>rd</sup> and 4<sup>th</sup> of April.

## **Product Safety**

11. As the Office of Product Safety and Standards (OPSS) regional hub for product safety, the laboratory serves not only the North-East but also Yorkshire and Humberside. This year the whole sampling budget has not been utilised, but there has still been some essential testing carried out. Some of the products tested include: sunbeds, garden swings, electric blankets, bath bombs, electric nail lamps and a range of toys.

## **Recommendation**

12. The Committee is asked to note the contents of this report.

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Contact: David Malone, Gateshead Council, 0191 4784550 or [davidmalone@gateshead.gov.uk](mailto:davidmalone@gateshead.gov.uk)

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**Annual Total 2023**

<b>Submissions</b>		<b>Items</b>
244	UKAS M1	<b>4026</b>
32	UKAS F2	<b>280</b>
257	UKAS F1	<b>1965</b>
66	UKAS E2	<b>1063</b>
<b>Total UKAS Submissions</b>		<b>7334</b>
42	Sec 74(4)	<b>95</b>
0	NAWI	<b>3</b>
2	Volume	<b>2</b>
0	Traders	<b>0</b>
0	Verification	<b>2</b>
<b>Total Submissions</b>		<b>7436</b>
<b>Submissions</b>		<b>Items</b>
373	UKAS M1	<b>3475</b>
37	UKAS F2	<b>217</b>
528	UKAS F1	<b>1734</b>
139	UKAS E2	<b>731</b>
<b>Total UKAS Submissions</b>		<b>6157</b>
36	Sec 74(4)	<b>131</b>
8	NAWI	<b>2</b>
1	Volume	<b>1</b>
12	Traders	<b>0</b>
8	Verification	<b>1</b>
<b>Total Submissions</b>		<b>6292</b>

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**21 March 2024**

**Government Announcement On New Laws To  
Be Introduced To Ban Unavoidable Hidden  
Fees to Force Businesses To Be Upfront With  
Customers**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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**Purpose of the report**

**Government Announcement on New laws To Be Introduced To Ban  
Unavoidable Hidden Fees to Force Businesses To Be Upfront With  
Customers.**

1. On the 28 January 2024 the Government announced that fake reviews will be added to banned practices. It is estimated that unavoidable hidden fees cost consumers £2.2 billion every year.
2. Fake reviews, shop labelling and hidden fees that make shopping more difficult and expensive for consumers will all be targeted to clamp down on unfair trading practices.
3. Following a consultation into consumer transparency and as part of the Digital Markets, Competition and Consumer Bill (DMCC), the Department for Business and Trade will officially add fake reviews to a list of banned business practices, outlaw dripped fees that are unavoidable for consumers and ensure that businesses provide clearer labelling for prices on supermarket shelves.
4. These measures will be legislated for as part of the DMCC Bill as it progresses through Parliament.
5. Sneaky hidden fees, or dripped prices that are unavoidable will be banned. Drip pricing occurs when consumers are shown an initial price for a good or service while additional fees are revealed (or “dripped”) later in the checkout process.
6. Research suggests it is widespread and occurs in more than half of providers in the entertainment (54 percent) and hospitality (56 percent) industry, and almost three quarters across transport and communication (72 percent) sectors.
7. Every year, unavoidable fees cost consumers £2.2 billion, which is why this legislation is being designed to ensure online shoppers have a clear idea of what they are spending upfront, to inform them as much as possible and as soon as possible before making purchases.
8. To make it easier for consumers to compare products and services, fees that are mandatory must be included in the headline price or at the start of the shopping process – these include booking fees for cinemas and train tickets. Optional fees

such as airline seat and luggage upgrades for flights will not be included in these measures.

9. Reviews were found to be used by 90% of consumers and contributed to the £224 billion spent in online retail markets in 2022. Working with the Competition and Market's Authority, new guidance is proposed to tackle fake reviews which will be added to the list of banned practices, with website hosts held accountable for reviews on their pages.

10. The Price Marking Order (PMO), will also be reformed. The PMO requires traders to display the final selling price and, where appropriate the final unit price (e.g., price per litre/kilogram) of products in a clear way. Small shops that are currently exempt from the PMO will continue to be exempt from those specific measures.

**Graham Wynn, Assistant Director, British Retail Consortium said:**

*"The BRC looks forward to continuing to work with officials as practical detailed implementation plans are developed. We are committed to ensuring information given to consumers is clear and they are not misled in any way. We will also be making provision for the PMO in relation to the Deposit Return Scheme, so the cost of the deposit is displayed separately on price labels."*

**Recommendation**

**11. The Committee is asked to note the information.**

Further information can be found at: <https://www.gov.uk/government/news/new-laws-set-to-ban-mandatory-hidden-fees-from-online-shopping-saving-money-for-consumers>

Contact: Judith Shewan, South Tyneside Council  
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**21 March 2024**

**Government Announcement on Disposable  
Vapes.**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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**Purpose of the report**

**Government Announcement on Proposed Ban of Disposable Vapes.**

1. On the 28 January 2024 the Government announced that disposable vapes will be banned in the UK as part of the Government's plans to tackle the rise in youth vaping and protect children's health.



- Ban on disposable vapes which have driven alarming rise in youth vaping.
- New powers to restrict vape flavours, introduce plain packaging and change how vapes are displayed in shops so they don't appeal to children.
- New law will make it illegal to sell tobacco products to anyone born on or after 1 January 2009, delivering on the pledge to create a smokefree generation.

2. Disposable vapes will be banned in the UK. The measure comes as part of the Government's response to its consultation on smoking and vaping, which was launched in October 2023.

3. Recent figures show the number of children using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11- to 15-year-olds now using vapes. The long-term health impacts of vaping are unknown, and the nicotine contained within them can be highly addictive, with withdrawal sometimes causing anxiety, trouble concentrating and headaches. While vaping can play a role in helping adult smokers to quit, children should never vape.

4. Disposable vapes have been a key driver behind the alarming rise in youth vaping, with the proportion of 11- to 17-year-old vapers using disposables increasing almost ninefold in the last 2 years.

5. New powers will be introduced to restrict flavours which are specifically marketed at children and ensure that manufacturers produce plainer, less visually appealing packaging. The powers will also allow Government to change how vapes are displayed in shops, moving them out of sight of children and away from products that appeal to them, like sweets.

6. To crack down on underage sales, the government will also bring in new fines for shops in England and Wales which sell vapes illegally to children. Trading Standards officers will be empowered to act 'on the spot' to tackle underage tobacco and vape sales. Vaping alternatives - such as nicotine pouches - will also be outlawed for children who are increasingly turning to these highly addictive substitutes.

7. The Government has reiterated its commitment to bring about the first smokefree generation and introduce legislation so children turning 15 in 2024 or younger can never legally be sold tobacco.

8. Smoking is the UK's single biggest preventable killer - causing around 1 in 4 cancer deaths and leading to 80,000 deaths per year - so stopping young people from ever starting to smoke is seen as protecting an entire generation, and future generations, from smoking harms as they grow up.

9. To help ensure the success of the smokefree generation plan, £30 million new funding a year will be provided to bolster enforcement agencies - including Border Force, HM Revenue and Customs (HMRC) and Trading Standards - to implement these measures and stamp out opportunities for criminals.

10. Chief Medical Officer Professor Chris Whitty said:  
*"Smoking damages and cuts short lives in extraordinary numbers. Stillbirths, cancer, asthma, dementia, stroke, and heart failure - smoking causes disability and death throughout the life course. If passed, this legislation would have a major public health impact across many future generations."*

11. Dame Rachel de Souza, the Children's Commissioner for England, said:  
*"As Children's Commissioner, I want all children to grow up healthy and well, which is why I have been calling for disposable vapes to be banned, to protect children and prevent them from becoming addicted. I am absolutely delighted that the government has listened to the appeals that I, and many others, have made to ban disposable vapes. I also welcome the decision to create far tighter restrictions on marketing and flavours of vapes, so they aren't so appealing to children and young people. When I asked children a couple of years ago about all aspects of their health and wellbeing, I was shocked and concerned to hear from children as young as twelve who told me that vaping was normalised among their peers - even on school premises. This announcement will help tackle that issue and I know that many children and parents will be extremely relieved."*

12. The Royal College of Paediatrics and Child Health (RCPCH) Vice President for Policy, Dr Mike McKean, said:

*"We are delighted that the Westminster government has heard our calls and is rightly prioritising the health and wellbeing of our children and the planet. Bold action was always needed to curb youth vaping and banning disposables is a*

*meaningful step in the right direction. I am also extremely pleased to see further much needed restrictions on flavours, packaging and marketing of vapes, which RCPCH has repeatedly called for.*

*As a respiratory consultant it is not lost on me that smoking remains the single biggest cause of preventable illness and disease in the UK. We know this because we have sixty plus years of research and data on cigarette use on a population level. But the research and data around widespread e-cigarette use is still very much in its infancy. The long-term impacts, especially for children and young people, remain unknown.*

*Government must swiftly lay the legislation to ensure it can be fully considered in this Parliament. We look forward to seeing more details about these landmark plans, especially in terms of implementation, enforcement, and monitoring.”*

13. Councillor David Fothergill, Chairman of the Local Government Association’s (LGA) Community Wellbeing Board said:

*“We are delighted that the government has listened to the longstanding concerns of the LGA and councils and is taking decisive action to ban sole use vapes. Disposable vapes are inherently unsustainable products, meaning an outright ban remains the most effective solution to this problem.*

*Single use vapes blight our streets as litter, are a hazard in our bin lorries and are expensive and difficult to deal with in our recycling centres. Their colours, flavours and advertising are appealing to children and are a risk to the health of young people.*

*We look forward to working with the government and others to enforce this ban as well as ensure plans for a smokefree generation are a success.”*

14. Allison Ogden-Newton OBE, Chief Executive of environmental charity Keep Britain Tidy, said:

*“The announcement of a ban on disposable vapes is great news for the environment. Our surveys show that disposable vape litter has doubled in the past 2 years alone and last year more than 16% of the sites we surveyed were blighted by these single-use items, posing a significant risk to wildlife, and polluting our streets, parks, and beaches. An estimated 260 million are thrown away in this country every year, wasting precious scarce resources, including lithium”.*

### **Recommendation**

15. The Committee is asked to note the information.

Further information can be found at:

<https://www.gov.uk/government/news/disposable-vapes-banned-to-protect-childrens-health>

Contact: Alan Burnett, North Tyneside Council

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**21 March 2024**

**HMRC Policy Paper: Stubbing out the problem:  
A new strategy to tackle illicit tobacco.**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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**Purpose of the report**

**HMRC Policy Paper: Stubbing out the problem: A new strategy to tackle  
illicit tobacco.**

1. On the 31 January 2024 HMRC announced a new Policy Paper: Stubbing out the problem: A new strategy to tackle illicit tobacco.



2. Smoking is a leading cause of preventable death and illness in the UK. The Government in 2019 pledged to make England 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less.

3. It recognises that efforts must continue to tackle the criminals seeking to undermine the progress made. HMRC estimates that the illicit market in tobacco duty and related VAT was £2.8 billion in 2021 to 2022. The proceeds of this crime fund the smuggling of weapons, drugs, and even human beings across the globe.

3. HMRC launched its first strategy to tackle illicit tobacco in 2000. This, and consequent strategies with Border Force, have reduced the estimated duty gap for cigarettes by a third (from 16.9% in 2005 to 11% in 2021 to 2022) and for hand-rolling tobacco by a half (from 65.2% to 33.5% over the same period). The last strategy published in 2015 drove forward bold new legislation, sanctions, controls, and operations to tackle the illicit trade.

#### 4. The strategy:

- sets out our new root and branch approach - which targets the demand for illicit trade (the consumers that criminals seek to exploit) as well as the supply (the criminals themselves)
- is supported by over £100 million new funding over the next 5 years to boost HMRC and Border Force enforcement capability.
- establishes a new, cross-government Illicit Tobacco Taskforce – combining the operational, investigative and intelligence expertise of various agencies, and enhancing our ability to disrupt organised crime.

#### Introduction

5. *“Illicit tobacco preys on the most disadvantaged in our community, stealing health and hope”* – Javed Khan, Independent Review into Making Smoking Obsolete, June 2022

6. Tobacco harms our health, our productivity, and our economy. Its harms are well-documented and widespread. In 2019 the government committed to making England smokefree by 2030 – achieved when adult smoking prevalence falls to 5% or less. To support this ambition, in October 2023 the Government set out its intention to create a ‘smokefree generation’. This means anyone born on or after 1 January 2009 will never be legally sold tobacco products.

7. Illicit tobacco, however, is recognised as undermining these efforts. The illicit trade involves a range of tobacco products that are sold illegally, often to underaged users, without paying taxes (VAT and excise duty). It provides a cheap and unregulated supply of tobacco to those who might otherwise be deterred by cost.

8. Illicit tobacco trade undercuts law-abiding businesses. It funds other organised crime with its proceeds and increases the burden on honest taxpayers. HMRC estimated the illicit market in tobacco duty and related VAT at £2.8 billion in 2021 to 2022. Its impacts are disproportionately felt by the most disadvantaged in our communities, with over half of all smokers of illicit tobacco coming from the most deprived socioeconomic groups.

9. Tobacco fraud exists throughout the world and the UK market represents a small fraction of the global demand for illicit product. The wide range of suppliers and organised crime groups (OCGs) operating across borders make it hard to limit the flow of goods into the UK; there is a virtually limitless illicit supply available worldwide and the profit margins attract large numbers of criminals. HMRC is working in partnership to stop production at source, seize illicit product at our borders and in our shops, and punish the criminals involved in the illicit tobacco trade.

#### 10. Case study

##### 10.1. Target the retailers that facilitate the fraud.

HMRC works closely with Trading Standards to disrupt the illicit tobacco trade at retail level – known as Operation CeCe. **This work began in January 2021 and has already led to the seizure of over 28 million illicit cigarettes and nearly 8 tonnes of illicit hand-rolling tobacco in the first 2 years.**

## **10.2. New sanctions to tackle illicit tobacco duty evasion.**

Stronger powers to combat illicit tobacco were introduced in July 2023, including penalties of up to £10,000 for any businesses and individuals who are caught selling illicit tobacco products.

This builds on the existing successful collaboration between HMRC and Trading Standards. Under these stronger powers Trading Standards are able to make referrals to HMRC where they find evidence that a contravention of the Tobacco Track and Trace system has occurred. HMRC manages the administration and issuing of the relevant sanctions under the new powers.

## **11. Aim 1: Reduce demand for illicit tobacco**

### **11.1: Reduce the ease of purchasing illicit tobacco by increasing our impact on retailers that sell illicit products and working with honest law-abiding retailers**

We need to prevent illicit tobacco from being a convenient and readily available option. We will work to disrupt the ease of access in order to achieve a knock-on impact on demand.

We will:

- build on the success of Operation CeCe by increasing the level of funding and committing to our relationship with Trading Standards for the long term, to enable greater impact
- improve intelligence sharing across HMRC and Trading Standards, ensuring the long-term success of Operation CeCe
- tackle online sales of illicit tobacco on social media platforms, gathering intelligence on social media sales, and working with social media platforms to ensure we are effective in limiting criminal groups' ability to sell illicit tobacco through these channels.
- review our current sanctions to ensure we are able to work with landlords to close down any outlets that sell illicit tobacco on their premises and encourage them to terminate leases early where this is the case. This will support the enforcement of our new tougher tobacco sanctions.

### **11.2: Focusing our law enforcement activity on increasing the price at which organised crime groups are able to sell illicit tobacco products, which will in turn reduce demand for them**

While limiting supply of illicit products is extremely difficult due to their availability around the world and the willingness of OCGs to smuggle them, our actions change the way the OCGs operate, increasing their costs and raising the eventual street price of the tobacco products. Economic analysis shows that raising the price of illicit tobacco products has a material impact on the demand for those products.

HMRC will:

- increase the risk to those criminals involved in the supply of illicit tobacco, forcing OCGs to go to greater, more expensive lengths, to smuggle products.
- disrupt smuggling routes and methods, making OCGs adapt to more expensive routes and methods to maintain supply
- dismantle the most prolific OCGs in order to eliminate the economies of scale they are able to achieve.
- continue to dismantle illicit tobacco factories in the UK, disrupting attempts by OCGs to establish UK production as a means to eliminate logistical costs.

### **11.3: Support the wider government campaign for a ‘smokefree generation’ strategy with communication activity to help tackle the trade and consumption of illicit tobacco and raise awareness of links to organised crime.**

Whilst HMRC have publicised their prosecutions and seizures and fed into wider governmental campaigns to tackle illicit tobacco, they will go further to raise awareness of illicit tobacco and the impact it has on local communities, using communication levers to help drive down demand for illicit product.

HMRC will:

- deliver proactive communications activity to support the drive to reduce demand and comfort levels for users of illicit tobacco.
- publish communications targeted at businesses – including retail outlets – to reinforce the risk and highlight the impact of new sanctions.
- issue wider communications, which will highlight the wider community harm, risks to children and links to other types of organised crime where appropriate. The impact of the illicit trade is often the greatest in the most deprived areas of the country. Focusing communications to areas where illicit tobacco is most prevalent will help support a smokefree generation and reduce health disparities.
- work with other government departments, including the Department of Health and Social Care, to support communication campaigns and other initiatives designed to reduce demand for tobacco products more generally – highlighting the financial impact to the economy as a whole and to local communities.
- ensure they are joined up on our messaging with other government departments, public bodies, and organisations including the Illicit Tobacco Partnership
- continue to proactively publicise their seizures, arrests, and success stories

## **12. Aim 2: Tackling organised crime**

The illicit tobacco market is dominated by OCGs that operate internationally and involve themselves in a number of other crimes. The harm caused by these groups is far wider than just those linked to smoking. For example:

- human trafficking victims are often used in the production of illicit tobacco products, working in inhumane conditions against their will.
- tobacco OCGs often also smuggle and supply other criminal commodities including drugs.
- they are often violent criminals that use weapons in our communities.
- the proceeds of tobacco fraud are laundered, funding other crime as well as further tobacco fraud.
- they sell tobacco products to children who would otherwise be unable to legally purchase tobacco products and become smokers.

HMRC has responsibility as an enforcement agency to bring perpetrators of tax fraud to justice. We are committed to protecting society from harm and tackling those who set out to cheat the tax system.

HMRC will work to tackle organised crime within the UK, at the border, and overseas, using effective intelligence sharing and levying harsh penalties on those who break the law. To achieve this, we will:

### **12.1: Establish a multi-agency illicit tobacco taskforce to co-ordinate enforcement activity**

- HMRC will establish a multi-agency illicit tobacco taskforce, bringing together colleagues from HMRC, Border Force, and Trading Standards into a single



team that collaborates closely with other law enforcement and intelligence partners

- the taskforce will combine all intelligence and information available, building an overview of the illicit market and the criminals involved, enabling a coordinated and comprehensive response to be taken.
- the taskforce will direct operational activity, utilising the capabilities and powers of all partners to maximise our impact on the most harmful OCGs.
- working together, we will identify new and emerging threats and develop plans to tackle them.

**12.2: Target the most harmful organised crime groups within the UK relentlessly until they are no longer able to function**

HMRC will:

- use all available resources and sanctions to tackle the most harmful UK-based OCGs, including prosecution.
- prioritise targeting these groups over the long-term, investing significant resource into disrupting their operations.
- target the illicit finances of these OCGs, working with law enforcement partners and using HMRC's extensive asset recovery powers to recover cash and assets

**12.3: Use policy and legislation to reduce opportunities for OCGs**

- HMRC are extending access to Tobacco Track and Trace across HMRC and to Trading Standards
- in 2024, HMRC will extend the Track and Trace system to include all tobacco products such as cigars, cigarillos, and shisha.
- HMRC will continue to utilise existing legislation to ensure that OCGs are unable to obtain large volumes of genuine UK marketed tobacco products.
- HMRC will continue to work with key partners, particularly the Department of Health and Social Care, on the best implementation of the Tobacco Track and Trace System, including investigating opportunities which would allow anyone to check whether a business is correctly registered to sell tobacco products.
- HMRC will review and strengthen our reporting mechanisms for illicit tobacco so that those who identify illicit tobacco can easily alert the appropriate authorities

**Recommendation**

13. The Committee is asked to note the information.

Further information can be found at:

<https://www.gov.uk/government/publications/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco>

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**21 March 2024**

**Government Policy Paper: Stopping the Start:  
Our New Plan to Create a Smokefree  
Generation.**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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**Purpose of the report**

**Government Policy Paper: Stopping the Start: Our New Plan to Create a  
Smokefree Generation.**

1. On the 8 November 2023 Government announced a new Policy Paper: Stopping the start: our new plan to create a smokefree generation.
2. Smoking is a leading cause of preventable death and illness in the UK. The Government in 2019 pledged to make England 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less.

**Smoking - stopping the start.**

**3. Overview**

3.1. It is recognised that there is no more addictive product that is legally sold in our shops than tobacco, which is why 'stopping the start' of addiction is vital. Three-quarters of smokers would never have started if they had the choice again. It is much easier never to start than to have to quit.

3.2. The great majority of smokers start as teenagers - 83% before the age of 20. Drawing on the 2022 Khan Review recommendations, the Government will bring forward new legislative proposals to raise the age of sale indefinitely. The government wants to continue the current downward trajectory and get smoking rates to 0%. There is no safe age to smoke.

**4. Legislating to create a smokefree generation**

4.1. The Government will bring forward legislation making it an offence to sell tobacco products to anyone born on or after 1 January 2009. In effect, the law will stop children turning 14 or younger this year from ever legally being sold tobacco products - raising the smoking age by a year each year until it applies to the whole population. This will ensure children and young people do not become addicted in the first place.

4.2 As is the case with current age of sale legislation, the emphasis will be on those who sell tobacco products - the government has never and will not criminalise smoking. Furthermore, the phased approach means that anyone who can legally be sold cigarettes now will not be prevented from doing so in the future. These changes will be brought in following an implementation period, alongside ongoing support for current smokers to quit.

## **5. Context**

The Children and Young Persons (Sale of Tobacco etc) Order 2007 increased the legal age of sale for tobacco products from 16 to 18 years old in England and Wales. There have been calls in recent years to go further. The Khan Review recommended the Government raise the age of sale by one year each year to stop people from ever starting to smoke and create the first smokefree generation.

## **6. Recommendation**

The Committee is asked to note the information.

Further information can be found at:

<https://www.gov.uk/government/publications/stopping-the-start-our-new-plan-to-create-a-smokefree-generation/stopping-the-start-our-new-plan-to-create-a-smokefree-generation>

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