

16 November 2023**Update on Illicit Tobacco Premises Closure
Orders**

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Purpose of the report

To update the committee on enforcement action carried out against retailers found to be selling illicit tobacco.

Illicit tobacco premises closure orders

1. Increasing tobacco prices is the number one policy lever to encourage smokers to quit and to discourage young people – who are particularly price sensitive – to start smoking. The illicit trade undermines all of this.
2. In the UK, progress has been made in recent years to reduce smoking rates to their lowest level yet. However, the existence of an illicit trade in tobacco products reduces the effectiveness of tobacco control measures because illicit tobacco is often available at cheaper prices, undermining the effectiveness of taxation, making it harder for smokers to quit.
3. Illegal tobacco is available from a range of sources within some local communities, making it easier for children to start smoking and enabling them to become hooked at a young age.
4. The illicit tobacco trade is often part of organised criminal activity and is linked to a range of other illegal trades including people-trafficking and drug smuggling. There is also evidence to suggest that the illicit tobacco trade funds terrorism.
5. Tackling sales of illicit tobacco remains a major challenge for trading standards services across the north east.
6. Data from the HMRC funded Op Cece project shows that between July and October this year alone a total 188,548 (or 9,457 packets) of cigarettes and 114.35kg of hand rolling tobacco were seized by trading standards officers across the region.
7. As trading standards teams have continued to crack down on the illicit trade, the traders involved have continued to modify the tactics they use to avoid being caught.

8. Historically pursuing prosecutions against the individuals involved in supplying illicit tobacco from retail premises have been ineffective due to the level of resources required to pursue cases relative to the penalties handed down by the courts for these offences.
9. In recent years, authorities across the north east have used powers under the Anti-social Behaviour, Crime and Policing Act 2014 to have closure orders granted against retail premises which have been used for the sale of illicit tobacco.
10. Premises closure orders under the Anti-social Behaviour, Crime and Policing Act 2014 can prevent anyone other individuals specified in the order from entering a premises for a period of 3 months, with the potential to extend this to 6 months where there is a continuing risk of the criminal behaviour occurring.
11. Over the past year, Trading standards teams across the Tyne and Wear area have used closure orders to great effect, with the processes involved in obtaining them becoming more and more streamlined.
12. Taking Gateshead as an example, 16 closure orders have been made against retailers in the area in the last 12 months, many of them long time offenders with links to other problem businesses across the Tyne and Wear area.

Recommendation

The Committee is asked to note the information.

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