

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
8 JUNE 2022
Report from the Senior Service Manager**

FOR INFORMATION

TACKLING ILLEGAL TOBACCO IN 2021/2022

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information of our work on tackling the supply of illicit tobacco. This work was funded by Her Majesty's Revenue & Customs (HMRC) and was given the name of Operation CeCe (Op CeCe).

2.0 Recommendations

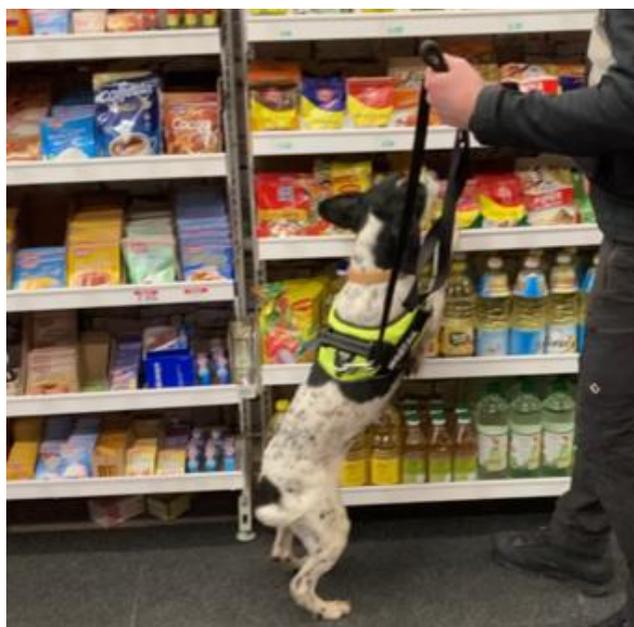
- 2.1 That Joint Advisory Board Members consider the report and make recommendations or comments where appropriate.

3.0 Details

- 3.1 Op CeCe commenced in January 2021 with the aim of tackling the sale and supply of illicit tobacco products such as cigarettes, hand rolling tobacco and shisha. The objective behind this is for the disruption of illegal tobacco within England and Wales. HMRC provided funds to National Trading Standards (NTS) to carry out this work which were allocated to London Trading Standards on a regional level to allocate to those taking part in the project.
- 3.2 The Standardised Packaging of Tobacco Products Regulations 2015 state that certain tobacco products such as cigarettes packs and hand-rolling tobacco are required to be in a standardised packaging such as the shape, colour (specifically a non-shiny drab pantone colour) and prohibits the use logos and promotional graphics.
- 3.3 The Tobacco and Related Products Regulations 2016 lays down the requirements of 'the health warnings' needing to be in a prescribed format and in English.
- 3.4 The selling or the intention of selling tobacco products that do not comply with these regulations is a criminal offence and not only are the goods subject to seizure but the supplier may face prosecution. If found guilty, a maximum imprisonment of up to two years and/or an unlimited fine per offence could be imposed. If illegal

tobacco is found on a licensed premises it could also lead to a representation to review the license being made.

- 3.5 Furthermore, Trade Marks Act 1994 makes it illegal to have in possession for supply tobacco packs that have not been produced with the permission of the owner of the relevant trademarks displayed on the packs. If the trader is found guilty a maximum imprisonment of up to ten years and/or an unlimited fine per offence could be imposed
- 3.6 The main focus of Op CeCe is for the national disruption of the illegal tobacco trade. Funding was available for disruption work involving test purchasing of illicit tobacco and tobacco enforcement days with specially trained sniffer dogs that can hunt out illicit tobacco. The funding did not cover the cost of investigations or prosecutions or under age test purchase operations.
- 3.7 Within the period commencing April 2021 and March 2022, we applied to LTS for such funding to help tackle this issue within our boroughs. The majority of work undertaken by this Service was in relation to test purchasing and sniffer dog enforcement days.
- 3.8 Acting on intelligence and complaints* received from members of the public, business owners, the police and/or other sources, a total of 91 targeted visits were made to businesses to check compliance. The checks consisted of 43 test purchasing attempts, from which 15 sales were made. 48 businesses were visited with sniffer dogs and illicit tobacco was seized from 28 of these *Within the last three years, on average the Service receives 87 reports per year (80 in 2019, 89 in 2020 and 93 in 2021)



- 3.9 Almost 90,000 sticks (4,500 unit packs) of illegal cigarettes, 4kg of hand rolling tobacco, 45.10kg of smokeless tobacco and 0.95kg of shisha products have been seized. Amongst these 2,520 sticks (126 unit packs) of cigarettes and 0.7kg of

hand rolling tobacco were suspected to be being trade mark infringing. At the time of writing three letters of warning have been issued and a legal proceedings have commenced against a business. Further investigations are ongoing.



3.10 The benefit to the Service is that LTS has contracted with a test purchasing company to undertake the test purchasing on our behalf. LTS has also contracted with sniffer dogs companies to help assist with enforcement visits. The use of sniffer dogs during visits to businesses has been worthwhile as the dogs have been able to locate illegal tobacco products that are hidden within the business such as compartments located under the floor or concealed shelving underneath the counter.



- 3.11 Being very much intelligence led, Op CeCe has been worthwhile due to the Service concentrating its efforts and resources on businesses it has received reports about. Carrying out test purchases before a visit indicate whether the business was selling avoiding possible arguments that business owners claimed the illegal tobacco was for personal use. Furthermore, where a sale took place, this was subsequently followed by an enforcement visit with a sniffer dog, thereby increasing the chances of finding more illicit tobacco products.
- 3.12 OP CeCe started in January 2021 and it was originally set to run for a period of 15 months ending on 31 March 2022. This has now been extended further. LTS has put in a bid for more funding to continue Op CeCe and we are expecting it is highly likely that the funding will be granted. Therefore, as a Service we will put in further applications so that we continue on this area of work and utilise the resources made available by the project.

4.0 Financial Implications

- 4.1 The staffing resource to implement this will be met from within the Trading Standards base budget.

5.0 Legal Implications

- 5.1 There is no legal implications arising from this report.

6.0 Equality Implications

- 6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

8.0 Human Resources Implications

- 8.0 There are no significant staffing implications arising from this report.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER