

Tobacco Licensing -The Future Of Tobacco Control?



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The Issues

- What is 'Tobacco Licensing'?
- The Current situation
- Adoption in other countries
- Industry viewpoints
- Conclusions

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Tobacco Licensing

- A means of ensuring that retailers selling tobacco must comply with all relevant laws or risk losing the privilege of selling these products
- An enforcement tool to help tackle the growth of illicit suppliers
- Positive and negative licensing schemes

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The primary policy objectives of any future licensing system should be to facilitate the provision of:

- appropriate knowledge/information to enforcement officials to enable them to adequately enforce the laws regulating tobacco sales
- appropriate and adequate information to retailers regarding their obligations and
- efficient and effective sanctions for use against retailers who contravene relevant tobacco point of sale laws

(Scottish Tobacco Sales Licensing (Scotland) Bill consultation paper, 2007)

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- Public support both for existing tobacco control measures and for further legislative steps.
- A 2008 YouGov poll of adults in the UK (ASH funded) found that 85% supported licensing of tobacco retailers.
- However industry generally see it as another 'burden on business'

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Current UK situation

- England has operated a negative licensing scheme for tobacco retailers since 2009
- It allows magistrates to impose orders banning sales of tobacco products for up to a year, for persistent flouting age of sale laws
- In Scotland, any retailer selling tobacco must be registered and from 1st October 2011 it was an offence to sell tobacco if not so registered

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- Wales currently operates same as England
- The Welsh Government recently consulted on proposals to create a tobacco retailer's register similar to Scotland
- In February 2014, the Northern Irish Assembly passed The Tobacco Retailers Act, which will create a register of traders and introduce steps to deal with persistent offenders.

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Adoption In Other Countries

- Successfully introduced in a number of other countries including the United States, Singapore, Canada and Australia
- Tobacco licensing, together with active enforcement activity, can have a dramatic impact on retailer compliance with minimum purchase age laws.
- In one Australian state, enforcement of a positive licensing scheme led to compliance rates of 90%, considerably higher than had been the case before the licensing scheme was introduced.

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USA

- As of 2013 over 40 U.S. states had some form of tobacco retailer licensing. Used to:
- restrict businesses located near schools or youth-oriented facilities from selling tobacco
- reduce the density or number of retailers
- prohibit distribution of licences in residential zones
- restrict the types of businesses that can sell tobacco

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USA case studies

- San Francisco's Tobacco Use Reduction Act aims to halve the number of tobacco retailers in the city over the next 10-15 years by creating a cap of 45 tobacco sales permits in each of the 11 city districts
- Over 84 cities and towns in Massachusetts, the city of San Francisco, and the national retailer CVS Health have banned the sale of tobacco products in pharmacies.

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Industry viewpoints

- “We do not believe that the introduction of retailer licensing will prevent illegal sales. Combating illegal sales is already being addressed through the co-operation of the tobacco industry and national authorities, without unnecessarily bureaucratic and costly retailer licensing”
- “Retailer licensing does little to reduce youth smoking or illicit trade. Counterfeit and smuggled products are rarely sold through the legitimate distribution chain.”

(Imperial Tobacco website)

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- The Association of Small Convenience stores (ACS) feels that licensing for shops selling tobacco would “impose significant costs and bureaucracy on responsible retailers”
- They urge more effective use of existing sanctions.....

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Conclusion

- The UK has ratified the WHO's Illicit Trade Protocol, which calls for parties to endeavour to introduce license for tobacco retailing
- However, no inclination as yet for England and Wales to go beyond their current schemes
- The USA in particular has shown how far tobacco licensing policies can be used to tackle wider social and health issues

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- Great strides have been made nationally in the field of tobacco control and in particular reducing the availability of tobacco to children and reducing exposure to secondhand smoke
- Tobacco retailer licensing can be an effective tool to enforcement authorities control the retail environment and ensure that retailers comply with tobacco control legislation

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