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
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
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)
• 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’
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 1\textsuperscript{st} October 2011 it was an offence to sell tobacco if not so registered
• 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.
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.
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)
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….
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
• 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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