

Dear Director of Public Health

I am writing to you on behalf of Trading Standards South West to request confirmation of your ongoing commitment to the South West Illegal Tobacco Lead role and the work lead by this role.

There is a table provided that sets out the proposed level of contribution of each of the participating public health teams/local authorities. This will be discussed at the forthcoming DPH meeting of the 6<sup>th</sup> December.

In appendix 1, there is a summary of achievements since the last set of funding (covering 01 April 2023 to 30 Sept 2024) for information. This in addition to the Annual Report for 2023-24 and the quarter 1 report for 2024, which have been sent to your public health leads and are downloadable from Appendix 2. These provide detail of the returns for your investment, but if required to help local decision making on continued funding, local reports can be provided in December upon request.

### **South West Illegal Tobacco Lead**

Since 2016, a collective commitment from the South-West Local Authority Directors of Public Health has funded a South-West Illegal Tobacco Lead (SWITL). The role provides co-ordination and support to Trading Standards for this area of work across the South West and contributes to the public health delivery of tobacco control work, supporting smokers to quit and preventing the uptake of tobacco and vape use by young people. The role has been funded via annual or biannual agreements.

In 2023, HMRC agreed a sum of £1M to fund a national Trading Standards Operation: CeCe, which equates to just over £65k per year for the South West to deliver HMRC approved workstreams. Op CeCe now partially funds the Regional Tobacco Lead role (60% of the grant), but only covers illegal tobacco disruption activity (with the rest of the grant being used to assist local authorities and to help build in some additional contracted support on an ad hoc basis). It should be noted that funding from HMRC remains heavily restricted in its use and we are not allowed to allocate any more from this budget to co-ordination.

The lead officer role continues to deliver a range of activities that are outside of the scope of Op CeCe and has expanded significantly due to the rising popularity of vaping, particularly amongst underage persons (e.g. those under 18).

The contribution from Directors of Public Health remains vital in funding this wide range of activities and ensuring the efficient and co-ordinated tobacco and vape control activities remain in place. Without continuation of this funding this post will be lost.

From a very practical enforcement perspective it is difficult to separate out the functions of vapes and tobacco, as they are sold so frequently within the same premises with inherent non-compliance.

The role is based within the South-West Regional Investigation Team, hosted by Bristol City Council, which affords access to all the regional infrastructure in place for Trading Standards. It includes support to the eleven Trading Standards services in the South West including the Regional Intelligence co-ordination, as well as support to public health teams in the delivery of their Tobacco Control Strategies. There is now also provision for communications and media support from Trading Standards South West (TSSW), in addition to support in co-ordination of some of the Op CeCe operations in the region.

The following list summarises the different aspects of the lead officer role and what work is completed with the Public Health funding:

- liaison with Public Health colleagues, including quarterly reports on disruption activity in the region
- work around underage sales of both tobacco and vapes
- work relating to illegal vapes, including oversized vapes, misuse of vapes (e.g. addition of THC and Spice), liaison with police and the national vapes panel
- prevention activity via social media, leaflets and our website
- providing technical expertise on the law relating to vapes and tobacco and associated legal process for underage test purchasing and surveillance.
- publicity and communications surrounding the successes of the disruption team and the local authority investigations they support.
- Supporting local authorities with roadshows and their own publicity and prevention activities
- Assisting local authorities with underage test purchasing operations.
- Supporting licence reviews and closure order applications in respect of premises found to be selling illicit product or persistent underage sales.

Much of the work undertaken by the regional lead will undoubtedly help stimulate quit attempts, which will assist Local Authority public health meet their ongoing commitments under the broader tobacco control strategy. However, without continued funding, these bulleted activities above would undoubtedly be compromised with a commensurate reduction in activity.

### **Funding post 01 April 2025**

There is a possibility that Operation CeCe funding will be increased, however, this is far from certain and at 15 November 2025 we still don't know what the level of funding will be next year. However, this will still be under the HMRC constraints e.g. that it is for operational disruption activity only and hence, additional funds remain only for local authorities and building the regional disruption team, with clear expectations for an increased level of seizures.

Social media and public awareness will remain specifically excluded, as will any form of vapes work (which is a different workstream, but doesn't currently fund operational activity beyond intelligence development, storage and disposal of seized goods). However, this is an area of significantly increased activity over the past two years where the support of the SWITL has helped the Trading Standards South West (TSSW) become exemplars of effective working.

The South West is currently second in the UK for the seizure of illegal cigarettes and third for the seizure of illegal hand rolling tobacco. Using and sharing best practice across the region has been key to achieving these results and will continue to be a key deliverable by the SWITL.

The governments' commitment to pass the Tobacco and Vapes Bill 2024 has local implications for both public health and trading standards. All of the Smoke-Free Generation elements will need extra support and enforcement work by Trading Standards.

- In terms of resources for the licensing regime alone, it is likely Local Authorities will absorb this aspect into the Licensing Service, as the wording in the Bill is similar to that used in the Licensing Act 2003. However, it is expected this will further drive the market in illicit products, for which the enforcement function will rest with Trading Standards. Hence, the SWITL is likely to see a growth in the co-ordination

requirements – both in terms of assimilation of the new legislation into our core activities and providing a co-ordinated approach to market surveillance as the new provisions bite and change the market place.

- Vaping regulations - retailer education and enforcement will be needed by Trading Standards regarding point-of-sale displays – this can be cost-effectively supported by the SWITL as part of the public facing work
- Disposable vapes will become a purely illegal product. This will mean that SWITL work to tackle illegal vapes will not only continue, but need to increase with shops using the types of concealment already employed to store illegal tobacco and vapes.
- Planned restrictions on nicotine vape contents, flavours, and packaging will also be enforced by Trading Standards. A regional approach here will enable not only effective working in enforcement but also cost-effective production of resources to support retailers.
- Vapes containing THC (cannabis) and the issues surrounding the synthetic alternatives such as spice, are becoming increasingly prevalent. Although this is out of scope for Trading Standards, the SWITL is at the forefront of their availability in retail premises.

The SWITL has established effective links between Public Health and Trading Standards, and will continue to keep local Public Health tobacco leads informed of Trading Standards activity on the ground. The officer also informs policy shaping at government department level with regional input. We plan to lobby on behalf of local Trading Standards for the ability to obtain emergency warrants as used by the police, which will enable local teams to work faster and more efficiently with the intelligence they have and completing enforcement activity.

With an expanding regulatory framework set against a background of static or depleting resources in local authorities, the need for coordination at a regional level is even greater to ensure effective and cost effective work and the avoidance of duplication. The new website and resources have been developed this year by TSSW, as part of the work funded by public health and will provide a sound base to support raising public awareness around illegal tobacco and vapes. Roadshows, which are effective in both raising consumer awareness and gaining valuable local intelligence, are being planned and we are aspiring to engage Public Health with greater involvement in planning of TS activity in this and other areas of delivery.

Intelligence gathered locally is used by the SWITL to map Organized Crime Gangs (OCGs) – an area of work which we intend to increase. The SWITL also provides evidence and statements as an expert, which are used in investigations and support alternative enforcement strategies, such as closure orders, licence reviews and the new HMRC's financial sanctions.

## Annual Costing Breakdown

In addition to the Op CeCe funding slice for the SWITL, a small amount is also put towards the role from the current vapes funding, to support intelligence, hence in total 0.6FTE is covered by regional grants – leaving 0.4FTE being covered by the funds DPH's have provided in recent years. In addition to this, other costs covered by the Public Health contributions cover the following:

Regional Illegal Tobacco Lead - Salary 0.4 FTE <sup>1</sup>	£29,415
Regional Support Officer - Salary 0.4 FTE	£10,711
Website Development and Administration	£4500
Informational / Educational / Promotional Materials	£5000
Equipment to support investigation role (inc necessary investigation software licenses)	£6500
Marketing including paid social media	£3500
Ancillary disbursements eg: uniform and PPE	£1150
<b>Total Per Annum</b>	<b>£60,776</b>

<sup>1</sup> The residual 0.6 FTE of the SWITL salary is funded by Op CeCe.

## Funding & Payment

Funding is requested at a total - over two years commencing April 2023 - of £122,000, so as to enable the SWITL to continue to function outside the restricted remit of CeCe allocated funds and provide technical support on vapes.

Funding is requested for a two-year period only, in recognition of the potential for political and administrative change during this time to affect the scope and aims of the service. The service will continue beyond this two-year period. Based on population data from the Office of National Statistics, the contribution breakdown is as follows:

Local Authority	Population per ONS	Percentage Contribution Based on Population	Contribution if only able to pay up front for 1 year (£)	Contribution if able to pay for 2 years (£)
BANES	196,357	4.5%	2745	5490
BCP	396,989	9%	5490	10980
Bristol	465,866	10.5%	6405	12810
Dorset	379,791	9%	5490	10980
North Somerset	215,574	5%	3050	6100
Plymouth	262,839	6%	3660	7320
South Gloucestershire	287,816	6.5%	3965	7930
Swindon	222,881	5%	3050	6100
Devon	810,716	18.5%	11285	22570
Gloucestershire	640,650	14.5%	8845	17690
Wiltshire	510,300	11.5%	7015	14030
<b>Total Funding Request</b>			<b>£61,000 / annum</b>	<b>£122,000 / over 2 years</b>
Total Non-Contributing Population (e.g. less Somerset, Torbay and Cornwall)			3,369,179	
<b>Equivalent CeCe Funding over two years</b>			<b>£130,000</b>	

*Please note: Historically, justification for non-contribution has been based upon local factors, predominantly associated with budgetary commitments elsewhere*

#### Appendix 1 Returns on your investment and achievements between 01 April 2023 and 30 Sept 2024



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#### Appendix 2 Annual report for 2023-24 and Q1 2024 report



2023 to 2024 Y3  
Public Health Update.



Q1 PH Update.pdf