

**Date:** 16/07/2025

**Wards affected:** All

**Report Title:** Update on the selling of illicit Tobacco/Vapes

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## 1. Purpose of Report

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- 1.1. There has been a noticeable increase in the sale of illicit tobacco and vapes.
- 1.2. This report highlights some of the enforcement activity undertaken by the Heart of the Southwest (HotSW) Trading Standards Service.

## 2. Update on Illicit Tobacco/Vapes

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- 2.1. The HotSW Trading Standards Service, on average, has been receiving 2 to 3 complaints a month, regarding retail shops selling illicit tobacco/vapes.
- 2.2. This pattern is consistent with the regional and national picture across the United Kingdom and Department of Health, HMRC, Border Force have been exploring ways to tackle the issue at the ports before the product enters the retail market.
- 2.3. Last year, over 1.19 million illegal vapes, over 19 million illicit cigarettes and more than 5,103kg of hand-rolling tobacco, worth an approximate £11.7 million, were seized.
- 2.4. Data also shines a spotlight on sales of vapes to children. In Q4 last year, 24% of the 775 test purchases conducted in-person by Trading Standards resulted in illegal sales to under 18's.
- 2.5. There are several actions Trading Standards can currently take when traders are found selling illegal tobacco and vaping products. At the lowest level, a trader may receive a cease-and-desist letter or guidance on how to operate in compliance with the law.

- 2.6. Where repeated complaints are received, then an enforcement visit may take place, with a detection dog.
- 2.7. There is a substantial effort by some retail shops to conceal storage of illicit tobacco and vapes.
- 2.8. In the event that any illegal goods are seized, if cash is present on the premises this can also be seized by an Accredited Financial Investigator under the Proceeds of Crime Act.
- 2.9. Follow up action includes liaising with the landlord to seek eviction of the tenant, a caution, working with the district council or police to apply for closure of the premises, under the Anti-Social Behaviour Crime and Policing Act and applying for a review of their alcohol licence.
- 2.10. In more serious and complex cases, we may investigate with a view to prosecution, or referral to regional or national investigation teams for further action.
- 2.11. Items Seizures in Torbay, since January 2025 include:

Product	Quantity	Street Value	Genuine Retail Value
Cigarettes	1623 packets	£13,000	£26,000
Tobacco	574 pouches	£6,000	12,000
Illegal Vapes	653 units	£10,000	£20,000
Total		£29,000	£48,000

- 2.12. Trading Standards have a particularly good working relationship with the Police in Torbay, and regularly undertake partnership working in relation to illegal tobacco and vapes.
- 2.13. The Police officers in Torbay are very knowledgeable about what to look for with respect to the illegal tobacco and vapes, and carry out regular trader engagement and feedback intelligence to Trading Standards.
- 2.14. Trading Standards are working in partnership with Police teams in Torquay and Paignton in July 2025 to close 4 premises, following illegal tobacco seizures.
- 2.15. Trading Standards provide HMRC with a quarterly return of all tobacco seizures (regionally). HMRC also have access to the intelligence database, where all enforcement operations, related premises and nominals of interest are logged.
- 2.16. Last month, 6 HMRC referrals were submitted for Torbay retailers with a further 7 in progress, this is more than any other area in the South West. HMRC have the power to issue large fines ranging from £2500 - £10000 depending on quantity seized. See Appendix 1.
- 2.17. Trading Standards conduct regular intelligence led operations and underage sales operations. There is a planned Underage Sales Test Purchase Operation, focusing on vapes in Torbay at the end of July 2025.

- 2.18. The Heart of the South West Trading Standards encourage retailers to sign up for 'No proof of Age No Sale' training/systems, and this is offered free in the Service area.
- 2.19. The protection of communities, public health and the safeguarding of honest businesses who are struggling to compete with the flood of illegal products lies at the heart of what Trading Standards does.
- 2.20. Intelligence suggests these criminal supply chains behind the supply of illegal tobacco are linked to other forms of crime, including firearms, drugs, modern slavery, grooming, people trafficking, and illegal immigration.
- 2.21. The Environmental Protection (Single-use Vapes) (England) Regulations 2024 come into force on 1st June 2025, making it illegal to supply, offer to supply, or have in possession for supply, a single use vape.
- 2.22. No additional funding has been provided for Trading Standards enforcement. However, it is expected that, during the course of existing operations and enforcement work, additional products will need to be examined and seized.
- 2.23. The regulations enhance Trading Standards existing powers under the Consumer Rights Act 2015, with the power to issue penalty charges of £200 (reduced to £100 if paid within 28 days) for offences under the regulations.
- 2.24. It is felt that this is a very low penalty considering the turnover of an illegal tobacco and Vape seller is usually over £2000 a day.
- 2.25. It is not yet known whether the issue of £200 will provide any deterrent for Vape sellers, or just create a bigger enforcement burden.

### 3. Recommendations

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- 3.1. Trading Standards recognises that it is really important that adult smokers are able to switch to legally compliant vaping products, which carry a fraction of the risk compared to illegal tobacco products. These figures show we are working incredibly hard to remove illegal vapes from our communities, and to support businesses not to sell to children.
- 3.2. The protection of communities, public health, and the safeguarding of honest businesses who are struggling to compete with the flood of illegal products, lies at the heart of what Trading Standards does.
- 3.3. Trading Standards have limited resources and even with all the efforts will not be able to eradicate the illicit sales, we are only really surfacing the tip of the ice berg.
- 3.4. We encourage anyone with information about businesses ignoring the law to report to us, so we can continue to use intelligence, and target our already over stretched enforcement resources most effectively.
- 3.5. As well as continuing to support the HotSW Trading Standards, Torbay Council are supporting the TSSW (Trading Standards South West) regional post to tackle illicit tobacco/vapes.

3.6. In summary the regional post leads on the following activities:

- Illegal tobacco and vape digital media campaign.
- Test purchasing operations.
- Liaison with Public Health colleagues, including quarterly reports on disruption activity in the region.
- Work relating to trends, including oversized vapes, misuse of vapes (e.g. addition of THC (tetrahydrocannabinol) and Spice (Synthetic Drug)).
- 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 test purchasing, surveillance, methods of entry and HMRC powers.
- 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 enforcement activities, 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.
- Provision of a community impact statements to assist with closure orders licence reviews.
- Co-ordinated approach to market surveillance.
- Attendance at public health meetings for opinions or training updates.
- Provision of a regional consultation process, and updates on the responses.
- Training, updating and development of regional materials and resources.

3.7. The benefit of regional support far outweighs the costs in tackling the sale of illicit tobacco and vapes.

## 4. Partnership working around tobacco use

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4.1. In 2023/24 around 15.4% of adults in Torbay smoked, which is similar to the England average. Rates of smoking in Torbay are generally on a downward trend.

4.2. Torbay Council commissions a specialist stop smoking service 'Your Health Torbay' which offers adults in Torbay free access to up to 12 weeks of behavioural support and access to pharmacotherapy (including rechargeable vapes) to help them to stop smoking.

- 4.3. A nationally representative survey amongst 15-year-olds in England indicated that in 2023, 2.2% reported they smoke regularly, 11% reported regularly using a vape (e-cigarette) and 58% reported having ever used a vape. There has been a steady increase in the use of vapes amongst young people in recent years.
- 4.4. Through our Torbay Healthy Learning offer, we have provided information and resources for teachers, parents and students about the risks of vaping and support. It also provides guidance on the management of vapes in schools, reporting underage sales of vapes to Trading Standards, and reporting concerns of child exploitation risks related to vapes.
- 4.5. Torbay Council is a part of the Smokefree Devon Alliance, a partnership of organisations dedicated to reducing smoking rate. Action on illegal and illicit tobacco and vapes is covered in two priorities of our current strategy (2023-2028) - protecting children and young people from the harms of tobacco, and ensuring strategic, cross-sector collaboration around tobacco control.

## 5. Appendix and copy of Video and Pictures used in the presentation

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### Appendix 1 - HMRC Fines

	Category A			Category B			Category C			Category D		
	< 100 packs Cigs or HRT			100 to 299 packs			300 to 499 packs			500 packs + over		
	New Penalty	Seize genuine	Remove EOID	New Penalty	Seize genuine	Remove EOID	New Penalty	Seize genuine	Remove EOID	New Penalty	Seize genuine	Remove EOID
1st Contravention	£2,500	N	N	£5,000	N	N	£7,500	N	N	£10,000	N	N
2nd Contravention	£5,000	Y	Temp	£7,500	Y	Temp	£10,000	Y	Temp	£10,000	Y	Perm
3rd Contravention	£7,500	Y	Perm	£10,000	Y	Perm	£10,000	Y	Perm	£10,000	Y	Perm