



The Association of Directors of Public Health

Tobacco Illicit Trade Protocol – Licensing of Equipment and the Supply Chain: ADPH Response

Q1 Are you:

- A representative body
- A public health body or group

Q2a n/a

Q2b n/a

Q3. Do you have any direct or indirect links to, or receive funding from the tobacco industry?

No

Q4. Do you think a 'licence' system is the most effective way of controlling the manufacture of tobacco manufacturing equipment? If not, do you have any alternative proposals?

Yes, we believe a license system is the most effective way of controlling the manufacture of tobacco manufacture equipment

Q5 + Q6 + Q7 n/a

Q8 - Do you think a 'license' system is the most effective way of controlling the import and export of tobacco manufacturing equipment? Yes

Q9 – Are you an importer or exporter of tobacco products? No

Q10 - Do you think a 'license' system is the most effective way of controlling the import and export of tobacco products? Yes

Q11 - What conditions should be applicable for obtaining a license or equivalent?

A strong and effective licensing scheme which acknowledges the harmful nature of tobacco needs to be implemented. Due to the negative health effects that tobacco inflicts, it should be subject to the same regulations as those which apply to alcohol and gambling licensing schemes.

ADPH also encourage a licensing scheme that requires a license for both individuals and premises involved in the supply chain.

The license holder should not hold any convictions for tobacco or related offences, and both the individual and the premise should fulfil the constraints of the tobacco legislation.

Licensing fees should also be set at an amount that is sufficient enough to cover administrative and enforcement costs.

Q12 - What reasonable sanctions/penalties do you think should be applied to businesses for non-compliance?

A licensing system for tobacco should provide a set of appropriate penalties due to the harmful nature of the products and the negative consequences it has for public health.



It should be a criminal offence to sell, possess or supply cigarettes for commercial purposes, without a license. Guidance for magistrates should be issued to ensure that offences are treated with the seriousness that they deserve.

Sanctions should include temporary or permanent removal of the license depending on the act of non-compliance. Penalties should apply to crimes which take place without a license at all levels of the supply chain. Fines should also be proportionate to the size of the commercial entity that breaches its license conditions.

Q13 – n/a

Q14 - a) What is your view on a licensing system? Do you think a 'license' system is appropriate?

Yes

b) Do you think a license system (or equivalent approval) should apply to all businesses in the chain? I.e. retailer, wholesaler, warehouse owners, brokers etc.

Yes

c) If you feel a licensing system (or alternative proposal) is not appropriate, do you have any alternative suggestions to tackling illicit trade in tobacco products?

n/a

d) If you think a license system is appropriate, what type of license system do you think would work best?

ADPH believe that a 'positive' licensing system would work best. A negative licensing scheme is more likely to provide weaker controls on the tobacco supply chain than those relating to alcohol.

The license should apply to both individuals and the premises, and should link the two, so that moving premises or a change in individuals is not a method of avoiding the need for a license.

There are examples of positive licensing schemes that could provide a useful model for the UK in other countries, such as the US and Australia. A positive licensing scheme is also in effect in Guernsey under the Tobacco Products Order 2014.

e) If you think a license system (or equivalent proposal) is appropriate, do you have any views on how this should fit with the existing and planned Registers in Scotland, Wales and Northern Ireland?

f) What do you see as the potential benefits of a licensing system in tackling the illicit trade in tobacco and evasion of Tobacco Products Duty?

g) Do you see any other potential benefits of introducing a license system to the supply chain other than tackling illicit tobacco?

Implementing an effective licensing scheme will permanently remove a large number of the sellers of illicit tobacco and will increase profitability of legitimate local retailers who obey tobacco control legislation. Overall, a decline in the illicit tobacco trade will result in fewer children getting hold of cigarettes and becoming addicts in their teenage years. Honest retailers will also be protected from competition from the illicit trade in tobacco.



Q16 - What reasonable sanctions/penalties do you think should be applied to businesses for non-compliance if a licensing system were to be implemented?

See question 12.

Q17 - Do you grow tobacco commercially in the UK?

No

Q18 - Do you think a fee for licenses under this protocol should be levied?

Yes

Q19 - Do you have any general comments or views on paragraphs 3-5 of the Protocol?

Q20 - Are there potential wider consequences of any of the proposals that we have not identified in this consultation?

Q21 - Do you have any information that could inform the Impact Assessment?

No

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