

Birmingham City Council
working in partnership with
the Department of Health
to prevent illegal sales
of tobacco and alcohol.

NO ID
NO SALE

 **Birmingham City Council**


NHS



1

Preventing Sales of Tobacco to Young People

Preventing illegal sales in Birmingham



Preventing Sales to Young People

Children who experiment with cigarettes can quickly become addicted to the Nicotine in tobacco.

Children who smoke are much more susceptible to coughs, wheeziness and shortness of breath than those who do not smoke. Smoking at a young age significantly increases the risk of developing diseases later on in life. The earlier children become regular smokers the greater the risk of developing lung cancer or heart disease.

It is therefore illegal to sell cigarettes, tobacco products or cigarette papers to anyone under 18 years of age even if they look older or say they are for someone else.

Tobacco Includes:

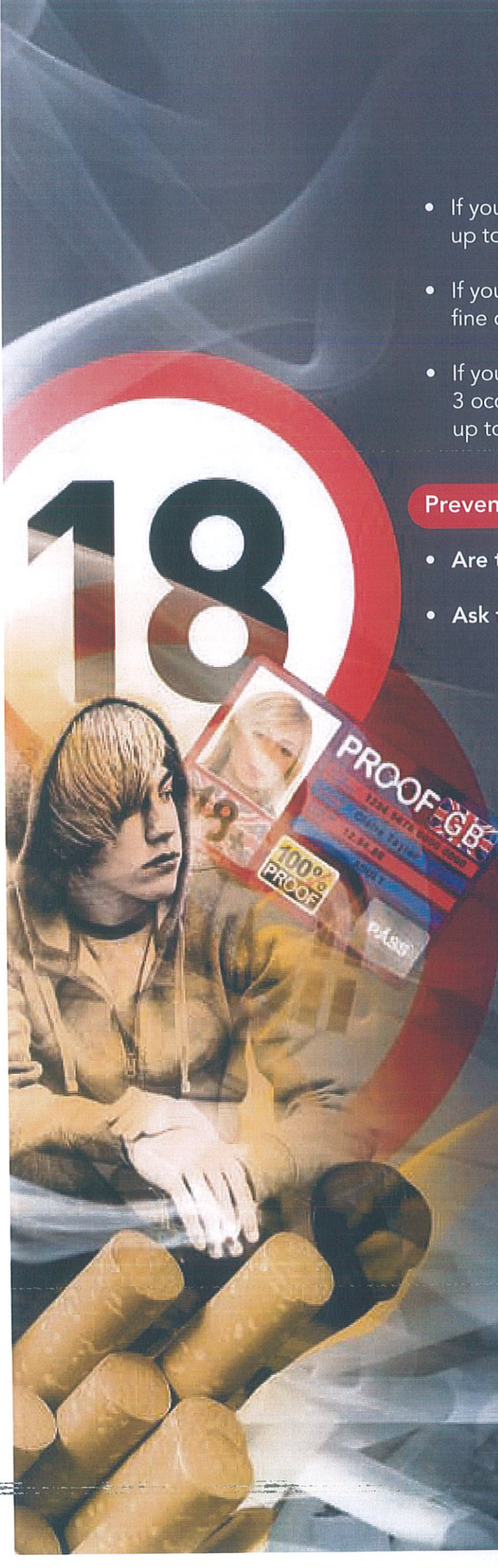
Cigarettes Shisha
Hand Rolling
Snuff Tobacco

You must display a warning notice:

297mm

**It is illegal to sell
tobacco products
to anyone under
the age of 18**

420mm

- 
- If you do not display the warning you could get a fine of up to £1000
 - If you sell cigarettes/tobacco to children you could get a fine of up to £2500
 - If you are found selling cigarettes/tobacco to children on 3 occasions you could lose your right to sell tobacco for up to a year.

Preventing Sales

- Are they 18?
- Ask to see ID

Do not sell if you think they are not old enough

check is it PASS approved
check the age and date of birth
If you think adults are buying tobacco and giving it to children – refuse to sell
If in doubt say "NO"

Keep a register of refusals

Seek advice from Trading Standards/EHO

Ensure all people working or helping in your shop know the law

Join a trade association for support

EPOS system

Challenge 21/25

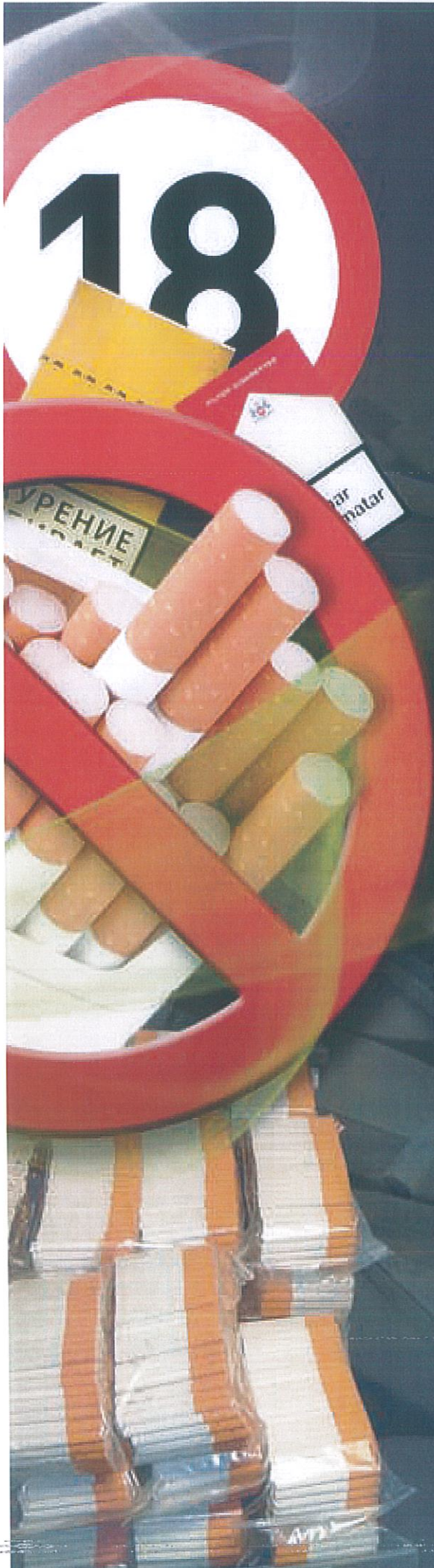




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Illegal Tobacco

Preventing illegal sales in Birmingham



Tobacco sold in the UK is subject to very strict controls, illegal tobacco includes:

- Counterfeit tobacco – all types including cigarettes and hand rolling tobacco
- Cheap whites – without UK Health Warnings
- Non duty paid – smuggled cigarettes and tobacco
- Tobacco without UK Health Warnings
- Foreign labelled cigarettes and hand rolling tobacco
- Herbal tobacco such as Shisha without proper health warnings

It is also illegal to sell tobacco of any sort to anyone under the age of 18 – see tobacco factsheet 1

Illegal tobacco is dangerous, there is some evidence that counterfeit tobacco contains more harmful levels of tar, nicotine and carbon monoxide. They may also include sawdust and rat droppings. The contents of all cigarettes are harmful and the Department of Health state that at least half of all long-term smokers will die of a smoking-related illness. However, with illegal tobacco, you can never be sure what you are smoking.

Criminal gangs are making a lot of money selling illegal tobacco and undermine legitimate businesses. They do not pay taxes and it funds other criminal activities.

If you are caught with illegal tobacco you could be taken to court and given an unlimited fine and/or go to prison for up to 10 years.



How to spot illegal tobacco

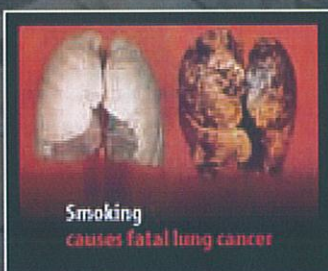
What should be on tobacco labels

Packets of cigarettes, all tobacco is subject to UK Duty however, only cigarettes and hand rolling tobacco need to carry the UK Duty Paid label.

UK DUTY PAID

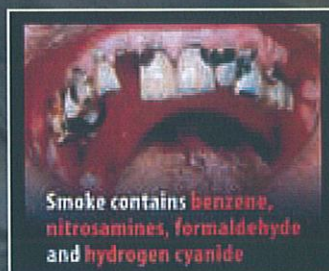
Warnings:

**Smoking
Kills**

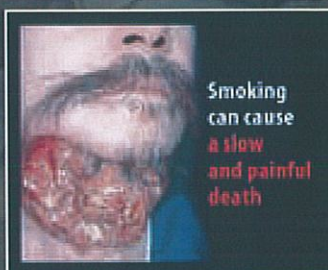


Smoking
causes fatal lung cancer

**Smoking
seriously harms
you and others
around you**



Smoke contains **benzene, nitrosamines, formaldehyde and hydrogen cyanide**



Smoking
can cause
a slow
and painful
death



**Protect children: don't make
them breathe your smoke**

Illegal tobacco will often not be labelled correctly, it may be in foreign writing, there may also be spelling mistakes on branded packets of cigarettes and hand rolling tobacco.

If you suspect that someone is supplying illegal tobacco call:

CRIMESTOPPERS
0800 555 111
Call anonymously with information about crime

You can also seek advice from your local trading standards service.

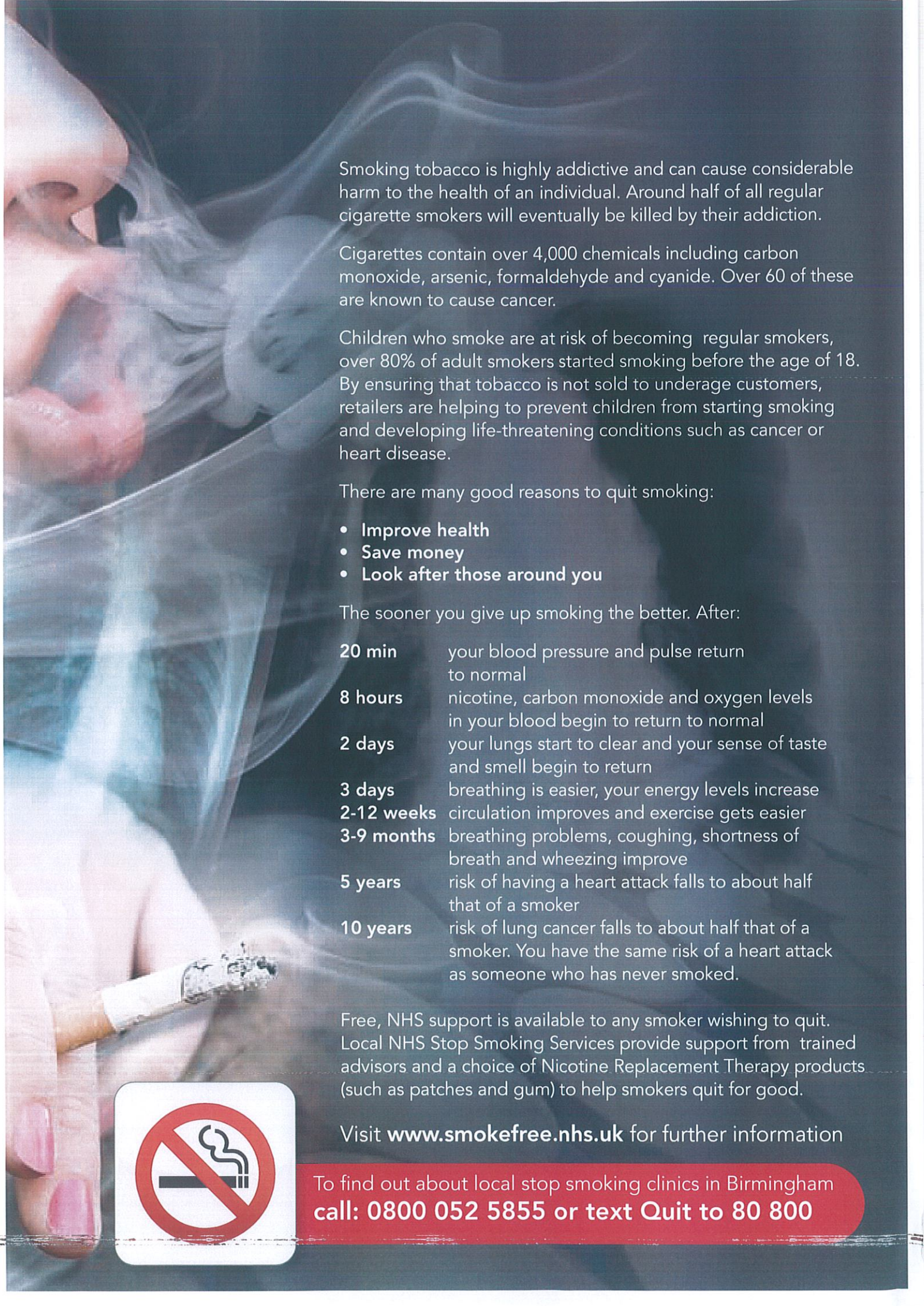




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Smoking and Health

Preventing illegal sales in Birmingham



Smoking tobacco is highly addictive and can cause considerable harm to the health of an individual. Around half of all regular cigarette smokers will eventually be killed by their addiction.

Cigarettes contain over 4,000 chemicals including carbon monoxide, arsenic, formaldehyde and cyanide. Over 60 of these are known to cause cancer.

Children who smoke are at risk of becoming regular smokers, over 80% of adult smokers started smoking before the age of 18. By ensuring that tobacco is not sold to underage customers, retailers are helping to prevent children from starting smoking and developing life-threatening conditions such as cancer or heart disease.

There are many good reasons to quit smoking:

- **Improve health**
- **Save money**
- **Look after those around you**

The sooner you give up smoking the better. After:

20 min	your blood pressure and pulse return to normal
8 hours	nicotine, carbon monoxide and oxygen levels in your blood begin to return to normal
2 days	your lungs start to clear and your sense of taste and smell begin to return
3 days	breathing is easier, your energy levels increase
2-12 weeks	circulation improves and exercise gets easier
3-9 months	breathing problems, coughing, shortness of breath and wheezing improve
5 years	risk of having a heart attack falls to about half that of a smoker
10 years	risk of lung cancer falls to about half that of a smoker. You have the same risk of a heart attack as someone who has never smoked.

Free, NHS support is available to any smoker wishing to quit. Local NHS Stop Smoking Services provide support from trained advisors and a choice of Nicotine Replacement Therapy products (such as patches and gum) to help smokers quit for good.

Visit **www.smokefree.nhs.uk** for further information




To find out about local stop smoking clinics in Birmingham
call: 0800 052 5855 or text Quit to 80 800



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Smokefree **Legislation**

Preventing illegal sales in Birmingham



Smokefree legislation

Since 1st July 2007 it is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles. The law is to protect employees and the public from the harmful effects of second hand smoke.

What does this mean?

Smoking is prohibited in all enclosed or substantially enclosed public places and workplaces by making it an offence to:

- Smoke in smokefree premises;
- Permit others to smoke in smokefree premises;

Which premises are affected?

Smokefree legislation affects all premises which:

- Are open to the public, including shops, supermarkets, sports venues
- Are used as a place of work, by more than one person (even if at different times)
- Where the public might go to seek or receive goods or services

What signs will you need?

The legislation requires all smokefree premises to display a 'No Smoking' sign in a prominent position at each entrance. This needs to:


- Be at least of A5 size,
- Include the international 'No Smoking' symbol, which is a burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it
- Carry the words: "**No smoking. It is against the law to smoke in these premises.**"



Staff only entrances are required to have the 'No Smoking' symbol as a minimum (providing a full A5 'No Smoking' sign is present on one of the entrances to the building).

Work vehicles must have a 'No Smoking' symbol in each compartment.

Even if you are already smokefree you will still need to display appropriate signage.



Smoking shelters and the 50% rule

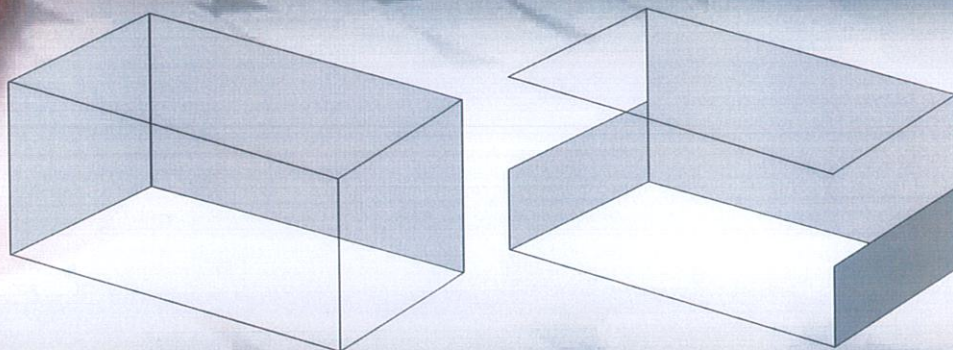
The basic rules for an area in which people can smoke are that:

- If an area has a roof and more than 50% of the perimeter made up of walls it must be smokefree by law.
- Any kind of roof or cover, including awnings and in some areas possibly umbrellas, counts as a roof whether or not the cover is actually in use.
- Windows, doors and things that could be used as walls or covers count as walls, whether or not they are in use.

Some proprietors have built their sheltered area about one or two metres away from the side of a building. This provides much of the protection from the wind and the rain without 'counting' as part of the 50% rule.


Employers who wish to erect smoking shelters will need to ensure they comply with planning permission, contact details for the planning department can be found below.

Here are some ideas of how the '50% rule' could be applied in practice.



Are there any exemptions?

Certain establishments where people live and which are also workplaces e.g. prisons, hostels, care homes and hotels will have some exemption. Employers will have to identify 'designated smoking rooms' which meet certain specifications. There is no obligation for employers of exempt places to have 'smoking rooms' if they do not wish to do so.



What about entrances to buildings?

Outside areas are not covered by the legislation. However, employers may want to consider making it a policy that smoking is not permitted within a certain distance from outside entrances, if possible, so that staff and visitors do not have to walk through a cloud of smoke to get into the building. The provision of waste receptacles where people smoke should also be considered.

What are the penalties for non-compliance?

- Smoking in a Smokefree place: £50 fixed penalty notice
- Failing to prevent smoking in a Smokefree place: a fine up to £2500

Useful contacts

Full guidance is available from the government through Smokefree England.

To obtain further free signs, stickers and information packs and introducing No Smoking policies at work contact Smokefree England on **0800 169 1697** or visit **www.smokefreeengland.co.uk**

For any queries about the Smoke free law please contact Birmingham City Council **Regulation and Enforcement** on **0121 303 6007**

Planning and Regeneration information on **www.birmingham.gov.uk/planning**

Alternatively email us at **publichealth@birmingham.gov.uk** or visit our website **www.birmingham.gov.uk/smokefree**



Contact your local **NHS Stop Smoking Service** on **0800 052 5855** for advice on quitting smoking.
Visit **www.smokefree.nhs.uk** for further information.



The **5 Law**

Preventing illegal sales in Birmingham



Smoking is the single greatest cause of preventable illness, but it is important to note that tobacco is the only legally available consumer product that kills people when it is used entirely as intended.

Therefore there are strict controls on the sale of tobacco which includes **cigarettes, chewing tobacco, shisha and hand rolling tobacco.**

Children and Young Persons Act 1933 (S7)

This controls the sale of tobacco products to persons under 18: See Tobacco Factsheet 1

Children and Young Persons (Protection from Tobacco) Act 1991 Protection from Tobacco (Display & Warning Statement) Regulations 1992

This states that a warning notice must be displayed on shop premises: See Tobacco Factsheet 1

Criminal Justice & Immigration Act 2008

- New Sections Under Children & Young Persons Act 1933

1. Restricted Premises orders (3 sales in a 2 year period)
2. Restricted Sales Orders

Magistrates can prohibit the sale of tobacco products for up to one year, where there are persistent sales of tobacco to persons under 18.

Tobacco advertising and promotion (Brandsharing) Regulations 2004

Prohibits any form of tobacco advertising at the point of sale.

Tobacco Products Labelling (Safety) Regulations 1991

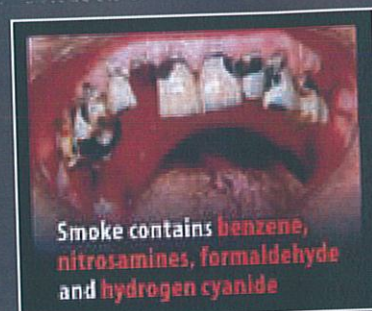
Cigarettes/tobacco products must be correctly labelled e.g. with prescribed health warning information as to tar and nicotine yields.

Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regs 2002

Cigarette must not exceed set yield levels for tar, carbon dioxide and nicotine

Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regs 2007

Introduced pictorial warnings that must appear on tobacco products. (See tobacco factsheet 2 – illegal tobacco)



Tobacco Advertising and Promotion Act 2002

Prohibits the advertising of tobacco products.

The Tobacco Advertising and Promotion (Display) (England) Regulations 2010

The Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010

From 6th April 2012 it is illegal to display tobacco products in large shops (with a relevant floor area exceeding 280 square metres) (as a comparison, one doubles tennis court covers 260 square metres).

It is illegal to display the prices of tobacco products except in the format set out in the new law.

All tobacco price lists and price labels must comply with the law.

All other shops and businesses selling tobacco products (including bulk tobacconists and specialist tobacconists) will have to comply from 6th April 2015.

Retailers must take appropriate steps to satisfy themselves that the customer is in fact aged 18 before displaying a tobacco product to them. See Tobacco Factsheet 1 on how to prevent sales to children.






**18****6**

Preventing Sales of alcohol to Young People

Preventing illegal sales in Birmingham



It is an offence under the Licensing Act 2003 to sell alcohol to anyone under 18.

Underage Sales

The Designated Premises Supervisor (DPS) is responsible for the day to day operations of premises licensed to sell alcohol.

The seller, Premises Licence Holder and Designated Premises Supervisor are all potentially liable for prosecution for the offence of selling alcohol to a person under 18.

The Police may also issue the seller with a fixed penalty notice of £80 in lieu of prosecution.

Selling alcohol to underage customers is a very serious offence and you could face having your premise licence reviewed even after one sale.

The guidance to the Licensing Act clearly states that any underage sale, even on the first instance, should be treated seriously by the local authority, and that revocation of the premise licence should be seriously considered.

Persistent sales to children

There is a new offence of persistently selling alcohol to children. If, on three or more different occasions in a period of 3 consecutive months, alcohol is unlawfully sold to a minor on the same premises, then the Premises Licence Holder is liable to be prosecuted. This may be reduced to 2 sales in the future.

You could also face a 48 hours closure period at the direction of the police.

Penalties for Offences

The maximum penalty on prosecution for most offences under the Licensing Act 2003 is £5,000 per offence.

However, the offence of providing a licensable activity without a licence or operating without an assigned DPS carries a £20,000 fine and/or 6 months imprisonment.

If the Premises Licence is subject to a review hearing, the Licensing Committee could make various judgements, including:

- Imposition of conditions on the Licence
- Suspension of Licence (for up to 3 months)
- Removal of DPS
- Revocation of Licence








7 **Illegal Alcohol**

Preventing illegal sales in Birmingham

A bottle of alcohol with a red cap and a red 18+ sign are visible on the left side of the page. The bottle is partially filled with a clear liquid. The sign is a red circle with a white border and the number 18 in black.

There is, it is becoming increasingly apparent, a growing problem with illegal alcohol products being traded in the UK.

Given the prevalence of the problem, trading standards teams and HMRC officers around the country are clamping down on the sale of any such products and are carrying out a great number of visits to licensed premises.

The consequences, too, are serious. Even the discovery of very small amount of illegal alcohol, whether bought with the intention to avoid duty or tax or with genuinely no knowledge, can lead to review proceedings, suspensions and even revocations of premises licences. Prosecutions can also be brought.

Illegal alcohol

Some alcohol may be non-duty paid, where the product is genuine but the appropriate tax has not been paid. Others may be illegal, they can be counterfeit, where a fake product will be sold which has been made to look genuine. No tax will have been paid.

What you can do

There are a number of simple measures which can be taken which should help safeguard against inadvertently purchasing illegal goods and putting your premises and your livelihood at risk.

Door-to-door sellers

Probably the most fundamental rule is to never purchase alcohol from anyone who brings these goods to your premises so that you never put yourself or your business at risk. Door-to-door sellers may not provide proper invoices and will not be easily traceable should you need to contact them again.

Cash and carry businesses

You should only deal with reputable traders and always ensure that you receive proper invoices. Even if you do receive invoices, it is good practice to check the goods you have purchased, particularly when buying from a new or unfamiliar supplier.



HMRC and trading standards officers will demand to see the invoice for any product they suspect of being counterfeit or on which they suspect duty has not been paid. As such, it is very important that you have an effective stock control system that allows you to quickly and reliably identify who the supplier of any product is and the date it was purchased.

What are the penalties?

The discovery of such illegal goods in your premises can have serious consequences and may lead to unlimited fines or a prison sentence.

Your premises licence will very likely be the subject of a review application and guidance issued by the Home Office suggests that revocation of a premises licence should be seriously considered, even in the first instance.

Those whose premises are found with such products may also face a fine or even imprisonment.

How to tell if goods are illegal

UK Duty Stamps are required on bottles of spirits where the strength is at least 30% abv (alcohol by volume) and the bottle is 35cl or more.

In the case of separate stamps, it is not permitted for them to be stuck over other labelling.


Trading Standards and HMRC may carry out checks on your stock using specialist equipment.

Other precautions

Back labels are sometimes replaced with labels with fake duty stamps on. You should look out for:

- Poor printing quality;
- Spelling mistakes or wording not in English;
- Label not stuck on properly; and
- Back labels stuck over other labelling.

If the case containing the spirits has been resealed with tape

A bottle of alcohol with a red cap and a red label is in the foreground. In the background, there is a circular speed limit sign with a red border and the number '18' in black on a white background. The background is a dark, textured blue-grey.

or if the 'UK Duty Paid' statement has been crossed through, this usually indicates that the alcohol has come from an improper source and should not be purchased.

If there is anything suspicious or unusual about the deal, for example if the price is too low, this can be an indication that duty has been evaded or that the product is counterfeit.

Check the current excise duty payable on the product and add the VAT. See if the price being offered is around or below this figure as this may mean that duty has not been paid.

Beware of special offers, such as 'Buy One Get One Free', you may inadvertently purchase non-duty paid products. Always obtain a receipt/invoice for all goods, including the goods provided as 'free'.

If you are caught with illegal alcohol you could be taken to court and given an unlimited fine and/or go to prison for up to 10 years.