

Operational Decision Record

Publication Date 30/03/2023	Decision Reference Number 4903
Decision Title	
Provision of funding for 3 years for a 1.0FTE Tobacco Control Enforcement Officer post and secondment of a 0.5FTE Police Officer to work on illegal tobacco control and illegal underage sales of e-cigarettes.	
Decision Value	
Up to £236,355 for 3 years 1.0FTE Tobacco Control Enforcement Officer – up to £116,355 for 3 years (subjected to yearly pay scale changes) 0.5FTE Police Officer – up to £120,000 for 3 years (subjected to yearly pay scale changes)	
Revenue or Capital Spend?	
Revenue	
Department	
Public Health	
Contact Officer (Name, job title, and contact details)	
Swathi Krishnan Public Health Manager – Smoking & Tobacco Swathi.krishnan@nottinghamcity.gov.uk	
Decision Taken	
Operational Executive Decision – To award £236,355 for 3 years to the Trading Standards team for 1.0FTE Tobacco Control Enforcement Officer and secondment of a 0.5FTE police officer to work on illegal tobacco control in Nottingham city.	
Reasons for Decision and Background Information	
Background – Smoking is one of the largest causes of ill-health and early death in Nottingham city. Tobacco is associated with significant economic burden on the society with a total smoking cost of £137.17 million in the city. Intelligence suggests that the sale of counterfeit and illicit tobacco in Nottingham is a growing problem. However exact quantities in circulation or available in the city are unknown. HMRC estimate that 2.5 billion illegal cigarettes and 3,500 tonnes of illegal hand-rolling tobacco were consumed in the UK (United Kingdom) in 2018-19. Illegal sales damage legitimate businesses undermine public health and facilitate the	

supply of tobacco to young people. Large amounts of illegal cigarettes and tobacco are intercepted by officers from the UK Border Agency at the point of entry into the UK. Although, significant quantities are still available within our communities from shops and residential properties.

Illegal or counterfeit cigarettes are produced in unknown and unregulated environments with no safety or quality check. Efforts are being made to educate traders about the harm that can be caused to legitimate businesses as well as how black-market traders are undermining efforts to reduce smoking in Nottingham. Shops that are identified as selling counterfeit or illegal tobacco are being visited by Trading Standards and their illegal products will be seized. Further enforcement action will also be considered against these sellers.

Reason for decision -

Tobacco is a priority service area for Trading Standards. In 2010/2011 there was a marked rise in the availability of counterfeit and illicit tobacco products throughout Nottingham. Trading Standards bid for, and received, significant funding from the Department of Health to begin an intelligence gathering campaign to start to tackle the problems with counterfeit and illicit tobacco. Subsequent grants allowed for the employment of a specialist tobacco enforcement officer to work on the intelligence, and to bring some of the offenders to justice.

Following this, an officer from within the team was appointed the subject lead for tobacco and continued the work as a specialist tobacco officer continuing the enforcement and education of illegal tobacco and representing Nottingham City Council at regional and national tobacco meetings. They have been working closely with the police to tackle the issue of illegal tobacco and cigarettes being sold within the local area. Unfortunately, in late 2019 there were council redundancies and staff resignations that effected the service. This meant that the proactive approach to tackling illegal tobacco had to become a reactive approach.

A dedicated trading standards officer and seconded police officer are the best way to tackle this issue and achieve the best results in terms of enforcement, investigation and to increase smoking cessation in the City area.

Benefits of having a police officer work alongside the trading standards team are:

- Enhance the powers and statutory duties of trading standards officers in tackling illegal tobacco;
- The execution of warrants on private dwelling houses or problematical commercial premises;
- When dealing with aggressive and obstructive behaviour;
- To arrest individuals;
- To establish whether genuine identify details have been given;
- To search individuals believed to be hiding illicit tobacco or proceeds of crime on their person;
- To assist in the execution of warrants.

Discussion about secondment and co-funding of a 0.5FTE Police Officer is ongoing with Nottinghamshire Police and decision will be based on that.

Best value thinking –

Does it deliver on our purpose/outcomes?

- Yes, effective regulation of illegal tobacco products and underage sales of e-cigarettes is an important delivery theme, and this will contribute greatly towards achieving our vision of having a smokefree generation by 2040.

Does it comply with governance/regulations?

- Yes, there will be a Service Level Agreement (SLA) with Trading Standards which has KPIs described for the post. It will be reviewed annually for 3 years with a final review to decide on continuation of the funding after 3 years.

Is it affordable/best use of resource?

- Yes, Illegal tobacco enforcement is quite resource intensive. It requires additional funding for effective intelligence gathering, investigation and enforcement along with collaboration with multiple agencies across the region. This funding will come from the Smoking and Tobacco Control budget of the Public Health Grant.
- The cost for 1WTE police officer will be shared with Nottinghamshire Police.

Other Options Considered and why these were rejected

No additional investment –

Having no trading standards officer solely working on illegal tobacco products has led to the current reactive approach taken by Trading Standards and does not allow for a preventative delivery model. We have seen significantly fewer illegal products seized under the current model than when local or national funding has allowed for a more proactive approach.

Alternative provider -

Existing work on illegal tobacco control products is conducted by Trading Standards; there is no known external provider delivering this service.

Funding only for the Tobacco Control Enforcement Officer -

The work of the trading standards officers in removing illegal tobacco, prosecuting those responsible for its distribution and highlighting the consequences for smokers and for the wider community has been very successful. But they must respond to the changing tactics of the illegal tobacco sellers and so widening their enforcement activities, and, in consequence, are now routinely encountering characters that have a greater involvement with the illicit trade and are more likely to be problematic for officers. Therefore, police officers support and involvement are important in this field of work.

Reasons why this decision is classified as operational

The proposal has a value below £250,000.

Additional Information

- It is recommended that you seek and include finance advice where your decision has financial implications.

You should also consider:

- obtaining and recording advice if necessary, from legal, finance or other colleagues;
- informing relevant ward councillors if a decision particularly affects their ward;
- whether an EIA, DPIA, Carbon Impact assessment or consultation exercise is required for this decision;
- for capital spend, confirmation that the decision has been through the appropriate capital approval processes;
- referring to any related previous decisions;
- risks of the decision and any mitigation of those risks;
- if the decision is approving capital spend, please include confirmation that the Chief Finance Officer has agreed to it.

Decision Maker (Name and Job Title)

Lucy Hubber – Director of Public Health

Scheme of Delegation Reference Number

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Date Decision Taken

28/03/2023