

MINUTES : CROSS PARTY GROUP ON SMOKING AND HEALTH

VIRTUAL TEAMS: 0930 – 1030 TUESDAY, FEBRUARY 27TH 2024

TOPIC: IS A RETAIL REGISTER THE NEXT STEP IN TOBACCO CONTROL FOR WALES?

CHAIR: John Griffiths MS

ATTENDEES:

Amy Lewis

Stephanie Barnhouse

Ben Coates

Andrew Bettridge

Cath Einon

Catherine Perry

Chris Emmerson

Deb Parsons

Ryland Doyle

Greg Pyecroft

Claire Howells

Ataf Hussein MS

Ian Millington

Mark Isherwood MS

Janet Joyce

Jodie Foran

Jonathan Goodfellow

Clive Jones

Kerry Pearson

Lewis Williams

Lloyd Bowen
 Louise Elliott
 Marie Brousseau-Navarro
 Matthew Cass
 Natalie Hazard
 Paola Andrea Browne
 Rebecca Lewis
 Simon Scheeres
 Simon Wilkinson
 Daniel Starkey (for Darren Millar MS)
 Stephanie Hill
 Suzanne Cass
 Suzanne Williams
 Tirion Meredith
 Fatma Nur Aksoy
 Jonathan Goodfellow
 Ruben Kelman
 Alison Dally
 Rhianon Passmore MS

AGENDA:

Time	Item
0930	1. Welcome from Chair
0935	2. Introduction of Speakers by ASH Wales Cymru
0940	3. Professor Jamie Pearce, University of Edinburgh video presentation "How can a retail register support work to challenge health inequalities?"
0950	4. Marie Brousseau-Navarro, Deputy Future Generations Commissioner and Director for Health
1000	5. Claire Howells, Torfaen Trading Standards, team manager licensing
1010	6. Fatma Nur Aksoy and Ruben Kelman, members of Senedd Youth Parliament
1015	7. Discussion and questions
1025	8. Closing comments from Chair
1030	9. Meeting close

1. WELCOME:

John Griffiths MS: Chair set the context for the discussion, reminding us that the legislative process is expected to begin soon for the SmokeFree Generation and Tackling Youth Vaping Bill and how a retail register is an interesting discussion to have. Chair stated the challenges of smoking are immense and we should leave no stone unturned in trying to find solutions.

Suzanne Cass, chief executive ASH Wales: SC reminded the meeting that tobacco is like no other consumer product, which when sold and used, as instructed by the manufacturer, kills half of its long term users. She added that if cigarettes came onto the market today, they would be illegal. She said that when we talk about the sale of tobacco in any form, we really must keep this in mind.

2. INTRODUCTION FROM ASH WALES:

Louise Elliott, head of policy, ASH Wales:

Started by restating ASH Wales' commitment to a smoke-free Wales by 2030 - and today's discussion on the implementation of existing legislation, which would make it necessary for tobacco retailers to join a register, could be a major step towards that goal.

Alcohol retail licensing is already a well-established part of Welsh life. But the sale of cigarettes – which are uniquely harmful and addictive – currently has no such formality.

The majority of people who smoke in Wales say they had their first cigarette when they were teenagers, so a system which helps to stop the start, and reduces under-age sales, could achieve a number of important outcomes.

It could reduce health harms and save lives.

It could offer support, advice and training to responsible retailers, who only ever sell tax-paid products to adults.

And as the meeting looked more closely at policies for prevention, could a tobacco register also play a wider societal role in tackling inequalities?

It's this issue of health inequalities which the meeting was asked to particularly to consider.

LE wanted to reassure the meeting on one important point – 85% of people in Wales are already on-board with a retail register or licensing for tobacco products. Not only that - support for tobacco control more widely is growing. In 2015, when ASH Wales conducted its annual YouGov survey – 39% (almost 4 in 10) people thought government wasn't doing enough. In 2023, the charity asked that exact same question again – now the proportion of people in Wales saying the government isn't doing enough has increased to 50%.

Provided context for the enormous opportunity policymakers have within thier grasp to protect Wales' most vulnerable people.

Introduced speakers: a video presentation from Professor Jamie Pearce of Edinburgh University, he was unable to make the meeting, but wanted to share his evaluation of the UKs only tobacco retail register, in Scotland.

Marie Brousseau-Navarro is the deputy Future Generations Commissioner for Wales and Director for Health. Marie took part to help guide discussions to make sure we strive to protect a future-Wales, from today's harms.

Claire Howells is a manager from Torfaen Trading Standards. Claire has a depth of experience in licensing in Wales and plays a significant role in the enforcement of tobacco control legislation.

Fatma Ak-soy and Ruben Kelman are members of the Welsh Youth Parliament. Both have personal experience of the impact of smoking in their families and communities. (Ruben had connection issues, so was unable to remain in the meeting)

Attendees were invited to consider whether a retail register or licensing is the right approach for Wales, and how a register or license could be a positive lever for social justice.

3. **Professor Jamie Pearce**, Centre for Research on Environment, Society and Health, School of GeoSciences, University of Edinburgh video presentation: *“How can a retail register support work to challenge health inequalities?”*

a. **How the tobacco register in Scotland is being used for research?**

Background: Tobacco register was introduced in Scotland in 2010. Free for retailers to join. Vape / nicotine sellers were required to join in 2017. High level of retailer compliance. Low cost and low administrative burden.

b. **Issues relating to the implementation of the register:**

From a research perspective – JP said the register is very important. Slides showed how promotion and price have been used in tobacco control, but availability has been very much the “poor relation”, but JP said the register has helped address that gap.

Table showed how availability of tobacco varies across Scotland. The most disadvantaged areas of Scotland had by far the highest availability of tobacco retailers.

JP highlighted how local availability matters to health because adolescents in high density areas are more likely to have ever smoked, adults in high density areas are more likely to be current smokers and less likely to quit and pregnant women in high density areas more likely to smoke in 1st pregnancy and less likely to quit.

JP demonstrated a “clear link between availability and health outcomes”.

c. **Where to go next:**

JP said Scotland needs a better sense of compliance, especially now they have an increase in vape retailers. Also need to gather better data on tobacco retailer turnover and profit.

JP highlighted opportunities with the introduction of a conditional registration scheme: stricter enforcement of those beaching; protection for next generation; mechanism for introducing new price measures without new legislation; more agile response to novel nicotine products; overwhelming public support.

4. **Marie Brousseau-Navarro**, Deputy Future Generations Commissioner and Director for Health

MB-N: Thanked everyone in the meeting for the work being done to prevent harm and early deaths and keeping our children safe, it's really important. Also really welcome the commitment to a Smokefree Wales by 2030. MB-N said anything to reduce consumption is a good thing, preventing ill health and premature death is a key part of achieving a healthy and more equal Wales – taking a preventative approach is key to our mission, keeping our population healthier for longer and reducing the impact on the NHS, which is already under considerable strain. MB-N confirmed the commissioner's office doesn't have a formal view or a position on whether we need a tobacco or nicotine register, licensing or another model; but as a lawyer who has worked for decades helping draft and pass Welsh bills, she reported how it is a bit sad when they are not commenced. MB-N said it take two years to draft and pass law – so maybe the register could be a first draft of another model? Generally, she said she is very supportive and urged action to help us shift to a preventative model of health – and as fast as we can. It will save millions of pounds and avoid thousands of premature deaths. We need to be good ancestors and we need to be bold in our actions. We cannot do nothing, we will be judged in the future on what we do now.

5. **Claire Howells**, Torfaen County Borough Council Trading Standards, team manager licensing and trading standards.

Introduction: Explained she is here to discuss what trading standards teams face when dealing with tobacco and nicotine products. And to discuss how a retail register or a license would benefit local authority trading standards teams.

Highlights: A register would require all retailers to register or to be licensed in order to sell tobacco or nicotine. It would be an offence to do so without being registered or on the license.

Issues: Location of the products – they can be sold anywhere and everywhere – we don't know where they are being sold. Who is and should be accountable for the sale? Not the person who sells, but the people responsible for the business. Repeat offending is an issue and prosecution is a lengthy and costly process.

Benefits: supports retailers – Ch said they can provide targeted advice and guidance. Allows teams to make retailers aware of legislation and emerging issues. Also, provides consumer protection: Giving consumers confidence that products are being sold from premises meeting legal requirements. Would make retailers more accountable – especially in relation to underage sales. Would make them think more closely about who is responsible for ensuring they are sold as per requirements. In addition, the risk of being removed from the register or having any license revoked could act as a deterrent.

Challenges: Setting up: Who would be the host? Would it be hosted centrally? Would Local Authority's provide that service? Also, who would maintain the system or scheme? Cost is another factor – to both the administrative host and retailer. Retailer levy should be set at a level which would not be detrimental. Enforcement is

a challenge for Trading Standards teams, but the introduction of a retail register or licensing scheme will assist officers with the issues faced.

What could it look like? Under the Licensing Act 2003, alcohol is issued to the premises and a person who takes responsibility. Breaches can be dealt with by the local authority; including reviewing permissions and options include suspension and revocation. A similar model could be considered for tobacco and nicotine products.

Chair: Thanked Claire. JG said it is very useful to be reminded of some of the practical aspects of the register and enforcement on the ground. Useful to have a model that can be assessed for use in the tobacco and nicotine context, and the alcohol license is the most useful example.

JS: Great pleasure to ask our Senedd Youth Parliament perspective to the discussion: welcome to Fatma Nur Aksoy. (Noted that due to connection issues, Ruben Kelman had to leave the meeting)

6. **Fatma Nur Aksoy**, member of the Welsh Youth Parliament.

FA: This is a very important meeting. Smoking and vaping is an important and a big topic right now, it's viral now.

Both my parents smoke and would want to quit, but can't because they're addicted to smoking.

I'm from the Kurdish community and they sell cigarettes and vapes and when I check, I see their shops are the ones selling to young people I feel ashamed and embarrassed because it is my community doing something illegal.

There is not enough support for schools and colleges. Went to St Julian's School and currently in Coleg Gwent - can't remember ever learning about smoking.

Needs to be more education on this. More people need more education.

Children in schools have cigarettes or vapes with them and smoke outside school and it's shocking to see.

When I see young people smoking and vaping I think they are going to die early. My parents would never let me smoke or vape – I'd be in big trouble.

Even though I'm 18, I have parents would not allow it.

They ask themselves, why did they start smoking? Father started at 14, he now has diabetes, high cholesterol and high blood pressure – smokers aren't aware what will happen to them.

School / colleges / youth clubs need to get them education.

FA believes that sellers, including in the Kurdish community, should all have to get a license before selling – if there are no licenses, some practices will carry on.

In FA's experience, in Newport, she sees people selling illegally to young people and FA said it is shocking and feels ashamed. "You are trying to kill a child."

FA urged the government to only give licenses to the retailers they trust. "I see shops closed for 3 months, it's nothing - they will do it again. Money is everything – they will do it again. They don't care about children."

Chair: thanked Fatma. Good to hear what you say about licensing and the importance of that. JG reminded the meeting that there are many different ethnicities which make up our communities and we need to make sure they are all understood.

7. Discussion and questions

Question: Chris Emmerson, one of the consultant leads for tobacco control in Public Health Wales.

Thanked ASH Wales for the briefing document for the meeting.

Stated: We have been looking at evidence in licensing, and what opportunities that brings. Setting limits on outlets, proximity to schools, those are the measures which would have an exponential impact on that prevalence and inequalities.

How would a retail register would relate to a licensing scheme and could it would provide a pathway to the development of those kind of licensing approaches?

Question: Altaf Hussein MS:

Stated: Shisha smokers, they can smoke in one go, the equivalent of more than 10 cigarettes and that has to be banned and that should be included in this register.

Chair: We do see more shisha cafes in communities and I hadn't realized that.

Suzanne Cass, chief executive Ash Wales:

One of the lessons from the Scottish Retail register was that it should be agile, to be able to deal with new / different products as needed – so we don't need new legislation all the time.

On Chris' question: When we first responded to PHW 2017 consultation, we (ASH Wales) called for conditional licensing scheme because we saw the register as a poor relation, although it's a step in the right direction in protecting communities. But what we did see was the Public Health Wales Act 2017, which paved the way for the first steps in the implementation. Setting up the systems, and communication channels. If we'd had the licensing before the explosion of the vaping market we could have had a very different relationship with retailers to tell them what is and isn't legal. I don't think that we can afford to delay any further. We need to push ahead with those provisions and get some kind of scheme in place which is future proof. Is it possible to implement what we've got then change it down the line?

Chair: JG stated it would be useful to implement what we already have as the legislative timetable is absolutely full and there is no capacity or space there at the moment. Deliver benefits early rather than having a frustrating wait. I'm sure that needs to be looked at.

Clive Jones, Regional Trading Standards: stated we have options to link in with HMRC, track and trace toolkit. The world has moved on because HMRC have introduced a track and trace system, so when you go into premises, the first thing to check is whether are they recognised on that system as a legitimate receiver or legitimate product. There is a sanction which Trading Standards also have access to, such that we can actually provide info and a further penalty goes to the retailer. So any system looked at would need to synchronise the work with HMRC and I can put you in touch with the team delivering that scheme. Agree with Claire, a retail register would add great value to the system. What we are all about is fair trading.

We have 100 suspect tobacco traders in Wales selling illegal products - that has doubled and tripled with the same criminals taking opportunities with vapes.

It's a massive challenge to enforcement community.

Cardiff has a second large scale trial with a list of nominals in court, which is draining the councils involved.

We are being clever in terms of using closure notices, in John's area in Newport, there is some fantastic work going on with police. Partnership working there is success.

But really it will need targeted resources to make a difference.

With a register, if you're saying 200/300 retailers are suspicious, yes we want resources to do something about that, but we need to be careful with the legitimate traders.

Scottish system showed us they have 10-thousand traders where the majority are legitimate.

We should support and recognise good business and do something about the bad. Urgent health issue here as well. Support for tackling that from the profession but there is recognition that there is a lot of criminality here which has been expanded because of the vape market explosion.

Suzanne Cass, chief executive ASH Wales: There is a space for legitimate retailers however, I'm just going to come back to my first point. Tobacco is the only consumer product in the world - which is not like any other - it's uniquely harmful and uniquely different. A retail register could provide us with population level information on the sale of these products - that's what a retail register would give us. HMRC system has helped and Clive is right that we need to dovetail with the systems that exist to maximise the impact.

Marie Brousseau-Navarro: Shared reflections after hearing the debate today. I could see from the Scot presentation their system has reduced by at least a thousand the number of retailers - that is a great success. Most people start smoking at a very young age, so 1,000 less retailers around

young people is many lives saved. It's easy to do and doesn't require too much logistics. Easy and effective and it's on the statute. Why are we not starting it? What is stopping us? Maybe it's not perfect. But I see this as a stepping stone, so we have something ready – it's a question of "Go!" We should make sure it's something that can be expanded and it's flexible, so it catches new ways of consuming nicotine – including also different types of chemicals or drugs.

Genuine question – what is our alternative? Do nothing? And that is not what the Future of Wellbeing Generations is about. We must protect today's generation and future generations. I don't think we have an option.

Chair: JG to SC: Where are Welsh Govt with a National Retail Register?

Suzanne Cass: We had a 2022 Tobacco Control Strategy, there is soon to be a new iteration of that plan and what the priorities are for 2024 – 2026. This is our opportunity. We would say as ASH Wales, we see the retail register as a priority. We'd call for your support in order for us to get it in the action plan for 24/26. It's part of our recognition of the PHW Act 2017. We know the provision within that Act have taken time. Only last year we implemented smokefree mental health units. The retail register is one of the few remaining parts of that Act that needs to be implemented. What we call for is a drive from government, from our side, third sector, from everyone involved to get a retail register into the next phase of the tobacco control action plan for Wales.

Chair: It seems like a logical outcome from our CPG to write to Welsh Government to that effect. Happy to support it generally and use opportunities to find out whether Welsh Government is indeed going to adopt that approach.

Louise Elliott, ASH Wales: Next steps, we will circulate minutes of the meeting and work on recommendations from today's meeting. Feedback welcome. We need to get it right. Hope to submit these plans for consideration at the Tobacco Control Strategy Board. Thank you for your attendance, discussion and engagement.

Chair: Thanked everyone for attending. These are big public health and health inequality issues and we need to get to grips with them and use whatever tools we can find to reduce prevalence of smoking and vaping. We are united around that.

Good to get together to hear from experts and experience on how we can move forward effectively.

A tobacco and nicotine register is a good and practical example of a way forward. Let's continue the campaign and improve those outcomes for people here in Wales.

