

Written evidence submitted by The Asian Trader (Asian Media Group) (TVB26)

Submitted for Generational Smoking Ban - Committee Stage

From Group Managing Editor Kalpesh Ramniklal Solanki

Executive summary: *Asian Trader*, representing UK's independent convenience store owners, vehemently opposes the proposed tobacco and argues that the legislation presents complex challenges for retailers who will be burdened further with possible abuse and violent conflicts from shoppers. The legislation also risks rise of illicit tobacco trade controlled by criminal gangs. Furthermore, the proposal overlooks logistical challenges for retailers and wholesalers, and its efficacy is questioned given declining smoking rates due to mind shift and already-present stringent anti-smoking regulations. *Asian Trader* rather advocates for a holistic approach to tackle smoking through education and societal measures rather than burdening retailers with complicated and lopsided rules and regulations.

To put our point forward more explicitly and clearly, we are happy to present oral evidence.

1. As the leading voice of the UK's independent convenience store owners spread across the country and serving mainstream as well as remote communities, *Asian Trader* strongly opposes the recently proposed new tobacco legislation that aims to ban future generations of adults from ever legally being sold tobacco products. Serving the convenience channel for the past four decades, *Asian Trader* knows the pulse of retail and can confidently say that independent

retailers as well as wholesalers are not in favour of this legislation and feel that the legislation will have profound consequences and long-term deep impact on them while they will be exposed to confusing legal hassles.

2. Under the Tobacco and Vapes Bill introduced on March 20, children turning 15 this year or younger will never legally be sold tobacco. Superficially, the bill sounds like a perfect plan, but it has confusing layers and is expected to become a huge challenge for local stores with limited means, a major share of whose footfall and sales come from this category.
3. Noteworthy here is that under the proposed legislation, smoking itself is not being made illegal; the law only targets tobacco retail points. Rather than criminalising the habit itself, the bill aims to ensure people turning 15 this year and those who are younger will not be sold tobacco, thus criminalising the stores and retail staff who happen to not follow the correct timeline of the ban (which will keep on shifting each year). Clearly, the onus of making the UK “smokefree” seems to be falling entirely and solely on the shoulders of retailers!

Unenforceable

4. Although corner shops and local stores will try their best to adhere to these rules (if imposed upon them forcefully) as they have been doing until now, they will be in constant radar of local authorities and police action over failure to comply. Failure and slips might happen due to sheer confusing timelines and this will further burden store owners with legal hassle and unnecessary procedures.
5. Under this plan, anyone born on or after 1 Jan 2009 will never legally be able to buy tobacco. To implement the same, the minimum legal age of buying buy tobacco will shift every year, implying few years down the line, a retailer and his staff will be held responsible if he is not able to prohibit sales to 36-year-olds while granting the same to 37-year-olds. A situation like this

presents a perfect ground for conflict for retailers who are otherwise already reeling under record crime rates and abuse levels, as reflected by wider industry reports.

6. The 2024 Crime Report by Association of Convenience Stores (ACS), released in early March revealed that an overwhelming majority (87 per cent) of people working in convenience stores have faced verbal abuse over the last year. The same report ranked "enforcing the law on age restricted sales" as top triggers for abuse. The proposed legislation of generational smoking ban will further require retailers to decline sales to fully-grown adults (who can otherwise buy alcohol!) if they cannot present satisfactory photographic ID to proof the "year's passing age". A JTI survey found that 55 per cent of retailers are worried that the proposed changes will make ID checks more complicated for their staff, with 58 per cent stating it will impact staff training specifically around underage sales.
7. Under the bill, enforcement officers' powers will also be strengthened with 'on the spot fines' of £100 to uphold the new laws. This builds on a maximum £2,500 fine that local authorities can already impose. Every year, the 'proof of age' requirements will change and the only way for retailers to ensure that they are not breaking the law will be to check and scrutinise the photographic ID card with every purchase, keeping in mind the year factor.
8. Having spoken to retailers, we know that many are worried that the proposed ban would lead to an increase in threatening or violent behaviour towards them. Retailer Eugene Diamond, owner of Diamond's in Ballymena, said, "I asked a youngster to behave in the shop yesterday afternoon he'd been lifting and throwing products. His language and thoughts about me in reply was unbelievable. I can't imagine what his reaction will be when he's 20 and refused cigarettes. I see that as a big problem. I think if the government followed some other countries in educating on the dangers of smoking and showing young people the awful deaths from smoking it may be a bigger deterrent Banning may not be the answer."

9. Retailer Nishi Patel, owner of Dartford's Londis Bexley Park store, said, "With the recent phased smoking generational ban, I think it's only going to put more pressure on our staff resulting in more violence and more anti-social behavior. It feels as if convenience channel is under attack, and we are being squeezed constantly."
10. Fed's National President Muntazir Dipoti has said that by disregarding the views of retailers who sold tobacco, the consultation outcome was "unjust and unbalanced." In a letter addressed to Prime Minister Rishi , Dipoti wrote, "Our members are at the frontline of society and well placed to comment on how best to take effective action in the real world against products deemed harmful.

"We do not believe that the consultations on tobacco evidenced sufficient awareness of the fact that it is already against the law to sell such products to children. A new law is unnecessary, as the legislation was not lacking - it was enforcement which was badly lacking."

Black market

11. While the weight of such a ban's implementation will fall on retailers, the tobacco market on the other hand will further fall into the hands of organised criminal gangs. Over two-thirds (67 per cent) of the retailers told JTI that the generational tobacco ban would likely lead to an increase in illicit tobacco activity, and there is concern within the industry that illegal products will become more prevalent, damaging sales for the majority of hard-working retailers.
12. Prohibition of legal products always has dangerous side effects and opens the door to criminal gangs to sell illegal products, as was seen in South Africa in 2020, following a temporary ban on

tobacco products during the COVID lockdown. Criminals were ready to fill the gap, and 93 per cent of smokers in South Africa bought tobacco from criminals through the lockdown.

13. The legislation risks pushing an even larger share of the UK's tobacco market underground – with every passing year – into the hands of the organised crime gangs. Noteworthy here is that illegal trade of cigarettes and tobacco products is not new in the country. The trade, its logistics and supply chain exist and is flourishing already, as reflected by regular media and councils' reports. Such a ban will only further boost underground trade. Many retailers also believe that the government does not have the required funding or resources to police a generational ban of such a scale.

Loophole

14. In the development of the plan, the government seems to have overlooked the supply chains and logistics angle. What about the retailers buying tobacco for their stores? What rules will apply to them?
15. Sometime in future, let's say in 2040, can a retailer (born after 2009) buy cigarettes and tobacco to stock in his store for his client base who are born before 2009 or will the wholesaler be criminalised in this scenario?
16. Federation of Wholesale Distributors is seeking clarity and yet to hear on this matter.

James Bielby, Chief Executive of FWD, said, "There must be an exemption to allow retailers to purchase tobacco from their wholesalers, whatever their age. There is a precedent for a wholesale exemption on displays and packaging – both of which are permitted in wholesale depots. These successes on tobacco policy, won by FWD, need to be replicated in the legislation."

FWD is also concerned over potential increase in the illicit trade.

“This policy must not lead to an increase in the illicit market controlled by organised crime gangs, hitting our members’ legitimate sales, tax revenues, and driving unregulated youth access to tobacco.”

Just a gimmick?

17. Do we actually need a ban of such complexity and scale in the UK? Anti-smoking rules in the UK are among Europe’s strictest, with only Sweden having tougher regulations. The country already enjoys the continent’s second-lowest smoking rates owing to some of the toughest laws and highest taxes on cigarettes in Europe and it has been slowly winning the war over smoking organically with the correct shift in mindset, without this level of intervention.
18. The UK was estimated to have the lowest smoking rates in Europe after Iceland. Based on APS data, the proportion of current smokers in the UK in 2022 was 12.9 per cent, or 6.4 million people. This is a decrease from 2021 (13.3 per cent) and a considerable decrease in current smokers compared with 2011 (20.2 per cent). Comparing with peers, in France and Germany, smoking rate is 33.4 per cent and 22 per cent, while in Bulgaria, it is 39 per cent.
19. Demand for cigarettes fell by 54.3 per cent between 2010 from 38.3 packs/capita and 2022 to 17 packs/capita, according to analysis Smokefree World based on annual Population Survey data from the Office for National Statistics.
20. Additionally, no other Western European country has seen the price of cigarettes rise so steeply as in Britain. Since 2009, prices have soared by 177 per cent. In France, they have risen almost as much by 151 per cent, while in Poland they rose by 126 per cent, stated a recent media report,

adding that after Jeremy Hunt's recent Spring Budget , the price of a pack of 20 cigarettes will top £16.

Learn and Correct

21. New Zealand, whose policy reportedly inspired prime minister Rishi Sunak to introduce similar smoking restrictions in the UK, has scrapped its landmark smoking ban for young generations in November last year, even before it fully came into effect. The restrictions—introduced in 2022 by former Prime Minister Jacinda Ardern's government—would have prevented people born after 2008 from legally purchasing cigarettes. Scrapping the plan, New Zealand Prime Minister Christopher Luxon stated that the ban would have created "an opportunity for a black market to emerge, which would be largely untaxed.
22. Given the fact that most tobacco sales happen in local stores and corner shops, the onus to keep a check on ever-changing underage sales will solely fall on store owners, if this generational ban idea goes through, bringing in a lot of confusion and chaos at local stores as well as conflicts with shoppers.
23. The idea that a teen or anyone for that matter should not smoke, or smoking is injurious, should be inculcated at home, school and in society and not from a neighborhood shop owner. It seems like government, authorities, NGOs, schools and even parents are somewhere failing to bring awareness in children and teenagers and are trying to pass the buck on stores, disproportionately criminalising them in the process.

ENDS

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