

Reference: PRM0712

**Oxfordshire County Council
County Hall
New Road
Oxford
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Licensing Department
Cherwell District Council
Bodicote House
Bodicote
Banbury

**Director's name: Ansaf Azhar
Public Health**

04.10. 2019

To Whom It May Concern

Re: Banbury Express Food and Wine Licence Review

This representation is made on behalf of the Director for Public Health, Oxfordshire County Council in his role as a responsible authority under the Licensing Act 2003, in support of the representation made by Trading Standards, Oxfordshire County Council's application to review the above premises licence on the following grounds:

1. The prevention of crime and disorder
2. The protection of children from harm

The premises have been storing and selling cigarette packages which were not labelled in English as required by Regulation 11(4) a and thereby constitute offences under Regulation 48 (a)(i).

Additionally, the cigarettes were not UK Duty Paid, and it is an offence under Section 144 (1) of the Licensing Act of 2003 to keep smuggled goods on licensed premises.

Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) 11.27 states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale or storage of smuggled tobacco and alcohol

11.28 "It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authorities determines that the crime prevention objectives are being undermined through the premises being used to further crimes, it is expected that revocation of the licence -even in the first instance -should be seriously considered."

Public Health data and policy is clear on the dangers of tobacco, and the Department for Health has produced a Tobacco Control Plan in the report 'Towards a Smoke Free Generation' which sets out actions which include

- Ensure the effective operation of legislation such as proxy purchasing, and standardised packaging designed to reduce the uptake of smoking by young people
- Maintain high duty rates for tobacco products to make tobacco less affordable

All the cigarettes that were seized from the site did not comply with standardised plain packaging requirements and were not marked “UK Duty Paid”. This has the consequence of making tobacco more affordable which reduces the impact of policies designed to reduce the health harms of tobacco, therefore undermining both tax and public health policy. These illicit whites are regulated much less in their country of origins and have the potential to be more dangerous than tobacco produced to the standards required by UK law, both because of their contents and the potential increased risk of them causing domestic fires. Standardised packaging also has international support from the World Health Organisation as part of their Framework for Tobacco Control, and illicit tobacco undermines this work.

The easy availability of illegal tobacco at reduced cost results in residents, including young people purchasing and smoking more cigarettes /day as well as undermines the efforts of those who are trying to quit. Maintaining high duty rates on tobacco is a proven and effective means through which to reduce smoking, both by providing an incentive to quit, and a disincentive for young people to begin smoking in the first place.

The cost of smoking to society is huge. Smoking causes 79,000 preventable deaths in England and is estimated to cost our economy in excess of £11 billion per year. Treating smoking related diseases cost the NHS more than £2.5 billion each year. In Oxfordshire, smoking costs society approximately £136.9 million. There are 852 early deaths due to smoking in Oxfordshire, totalling 1201 years of lost economic activity.

JSNA, 2019 states that smoking is the leading cause of preventable ill health and premature mortality in the UK, with about half of all life long smokers dying prematurely, losing an average about 10 years of their life. It is also a major risk factor for many diseases, such as lung cancer, chronic obstructive pulmonary disease (COPD), heart disease and many cancers. Some areas in Banbury are significantly worse than England on most/ all health indicators.

Smoking prevalence is more concentrated among more disadvantaged communities. There are several areas in Banbury which rank amongst the 20% most deprived in the country (IMD, 2019). 22.6% of the current smokers in Cherwell are in routine and manual occupation, even though the smoking prevalence in this category is decreasing. Smokers from lower socio-economic groups face greater barriers to quit smoking, experience higher levels of addiction and increased stress related to material hardship. (Hiscock R et al, 2015). This further exacerbates health inequalities by increasing the likelihood of experiencing smoking -related death and disease. Cheap illegal tobacco fuels teen smoking and is linked to wider organised crime (ASH, 2019).

For these wide- ranging reasons, we would strongly support this review.

Yours faithfully

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