

Evidence to inform licensing decisions in respect of: Top Tak, 74 - 76 Cape Hill, Smethwick, B66 4PB. Submitted by Public Health Sandwell MBC the Responsible Authority for Health.

Public Health, Sandwell MBC is presenting the following information in support of the representation made by Trading Standards in accordance with the Licensing Act 2003 on the grounds of the following:

Objective 1: The prevention of Crime & Disorder

This representation is made to support the review application made by Trading Standards to ensure that this licensed premise is operated in such a manner which upholds all licensing objectives. This is in response to Trading Standards inspection on 10 August 2021 which found some illicit alcohol and tobacco concealed at the premises.

Harms of Illicit Tobacco:

Introduction

Cigarettes contain over 4000 chemicals, some of them are known to be cancer-causing. Smoking has been firmly established as the leading cause of ill health and death in the United Kingdom (UK) and around the worldⁱ. It is also established that the more exposure and access people (especially young people) have to cigarettes and tobacco products, the more they are likely to become addicted to nicotine. Illicit tobacco undermines measures to reduce the level of smoking in the UK.

Health Harm of Smoking

Smoking causes heart and circulatory diseases, cancer and respiratory problem and these are the leading causes of death and disability in the UK. To tackle problems caused by tobacco use, UK adopted a comprehensive tobacco control approach and elements of that include the control of illicit tobacco and having heavy taxation on tobacco products.ⁱⁱ

Heart and circulatory disease account for 150,000 deaths each year deaths in the UK and that is 26% of all deaths. Smoking is responsible for up to 33% of all deaths from heart and circulatory diseases.ⁱⁱⁱ

Smoking causes at least 15 different types of cancer: lung, larynx, oesophagus, oral cavity, nasopharynx, pharynx, bladder, pancreas, kidney, liver, stomach, bowel, cervix, leukaemia, and ovarian cancers. It is responsible for 15% of cancer deaths in the UK – being the largest cause. Some researchers, from the American Cancer Society, even estimated that roughly, half of deaths from 12 smoking-related cancers may be linked directly to cigarette use.^{iv}

The proportion of deaths in the United Kingdom, from respiratory diseases, is considerably higher than the EU-28 average, at 13.4 %. Smoking is responsible for at least 80% of Chronic Obstructive Pulmonary disease (COPD).^v

Illicit Tobacco Undermines Revenue Generation

The UK's heavy taxation on tobacco products is because high prices are known to be the most effective policy instrument to encourage smokers to quit. This is however undermined by illicit tobacco on which no taxes are paid. Evading taxes on tobacco products this way undermines the effectiveness of tobacco control strategies as it maintains and encourages tobacco use at very low costs.

There is always a tobacco tax gap; made up of the illicit markets in cigarettes and hand-rolling tobacco and this was estimated to be £2.4 billion in 2015-16. Of this £1.9 billion was lost in tobacco duties and a further £0.5 billion in VAT.^{vi}

Illicit tobacco reduces the public health impact of tobacco tax rises and increases demand for tobacco products. Criminal networks distribute smuggled cigarettes locally, and the loss of tax revenue means less money spent on local services. HM Revenue & Customs estimated, for 2015/16, that 13% and 32% of cigarettes hand-rolled tobacco (respectively) in the UK market were illicit.^{vii}

Illicit Tobacco Undermines Public Health

Research carried out by the Tobacco Manufacturers Association (TMA), found 71% of consumers were buying products illegally^{viii}. Such findings highlight the continued widespread availability of illicit tobacco, promoting a perception among many consumers that it is 'acceptable' to trade or buy illicit tobacco.

Research from 2017 showed that more than half of all teenage smokers in had bought illegal tobacco. These figures, from the North East Illegal Tobacco Survey, found that 55% of children aged 14 and 15 who smoked bought illegal tobacco from shops and 73% had been offered illegal tobacco at some point.^{ix}

Also, although all cigarettes are harmful, illicit ones (e.g. counterfeit cigarettes) can be more harmful as there is often no control whatsoever on the content or quality of illicit smoking material. Products frequently lack adequate health warnings, increase the potential for young people to start smoking through unregulated sales, and contribute to crime and criminalisation at local, regional, national and international levels.

Illicit cigarettes often contain poor quality ingredients and some very dangerous ingredients that are not found in genuine products. They contain higher levels of tar, nicotine and carbon monoxide than cigarettes that are legally sold in the UK. Counterfeit cigarettes can

also be a fire risk as they do not self-extinguish when left to burn as legitimate cigarettes do.^x

Illicit Tobacco is linked to Criminal Activities

Although the illicit tobacco market in the UK is complex and fast-changing, many cases that come to the courts are linked to other activities such as drug dealing, alcohol and even people trafficking. Illicit tobacco has also been linked to organised crime and even the funding of terrorism. In this way illicit tobacco sales bring criminal activity right onto people's streets and doorsteps.

Illicit Tobacco is Poison

Counterfeit cigarettes, sold in packets looking almost identical to genuine brands, contain higher quantities of known carcinogens than normal ones. Dangerous heavy metals, dust, excessively high tar levels, asbestos, rat droppings and tea leaves have all been found in tested products. They are sold cheaply and tax is not paid, while the criminals who supply them make huge profits.^{xi}

Just to demonstrate how dangerous illicit tobacco can be, some counterfeit products have been found to have up to five times more cadmium; nearly six times as much lead; and very high levels of arsenic.

- Cadmium is a known carcinogen and there is no safe margin of cadmium exposure and the need to lower human exposure is desperate.
- Lead is extremely toxic to humans and affects the liver, kidneys, reproductive system, and nervous system. Lead causes permanent problems, especially to the brain and children are the most at-risk for lead exposure with its worst effects effect on motor skills and cognitive impairment.
- Arsenic is an element that is extremely toxic to human health. Arsenic poisoning or *arsenicosis* occurs when someone is exposed to high levels of arsenic.

Harms of Illicit Alcohol:

The risks of drinking more than the recommended unit limit include cancer, liver disease, stroke, heart disease and many other illnesses^{xii}. In Sandwell we have the second highest mortality rate due to alcohol^{xiii}. Illicit alcohol further undermines our efforts to reduce the harms caused by alcohol.

Illicit alcoholic products are a significant health challenge, especially where adulterants, such as methanol, have the potential to cause harm. Methanol is commonly added to illicit beverages to make them stronger. It causes blindness and other health problems, and is often lethal.^{xiv} Also, some drinks are contaminated during production with toxic chemicals

and animal products that may be added to speed up fermentation. When these drinks are consumed, they pose a high risk of poisoning and infection.^{xv} Using such extraneous, substandard or inferior ingredients is often undeclared to the purchaser.

Illicit alcohol production is often carried out in unhygienic and uncontrolled conditions beyond the safeguards of the official control of imported foodstuffs. Workers in facilities producing illicit alcohol, and the general public in the area, can be exposed to the risk of industrial accidents, e.g., explosion. By allowing sales of illicit alcohol the licensee not only causes health damage direct to consumers but indirectly to those communities who may live nearby production facilities.^{xvi}

Illicit alcohol therefore remains a serious public health harm which needs to be addressed by action at regulatory and market levels.

Signed by Director of Public Health for Sandwell: _____

A black rectangular redaction box covering the signature of the Director of Public Health for Sandwell.

Date: __07/06/2022_____

Written delegated authority for Mary Bailey, Addictive Behaviours Programme Manager to represent Public Health evidence on your behalf:

A black rectangular redaction box covering the signature of the person providing delegated authority.

ⁱ <https://www.who.int/news-room/fact-sheets/detail/tobacco>

ⁱⁱ <https://www.gov.uk/government/publications/towards-a-smoke-free-generation-tobacco-control-plan-for-england>

ⁱⁱⁱ <https://www.gov.uk/government/publications/smoking-and-tobacco-applying-all-our-health/smoking-and-tobacco-applying-all-our-health#harm-to-health-caused-by-smoking>

^{iv} <https://www.gov.uk/government/publications/smoking-and-tobacco-applying-all-our-health/smoking-and-tobacco-applying-all-our-health#harm-to-health-caused-by-smoking>

^v <https://ec.europa.eu/eurostat>

^{vi}

<https://webarchive.nationalarchives.gov.uk/ukgwa/20170623160050/https://www.gov.uk/government/statistics/tobacco-tax-gap-estimates>

^{vii}

<https://webarchive.nationalarchives.gov.uk/ukgwa/20170623160050/https://www.gov.uk/government/statistics/tobacco-tax-gap-estimates>

^{viii} <http://the-tma.org.uk/tma-publications-research/research-and-polls/ait-research/>

^{ix} <http://www.freshne.com/in-the-news/pr/item/2182-illegal-tobacco-hooking-teens.html>

^x <https://icc-ccs.org/index.php/360-counterfeit-cigarettes-contain-disturbing-toxic-substances>

^{xi} <https://icc-ccs.org/index.php/360-counterfeit-cigarettes-contain-disturbing-toxic-substances>

^{xii} https://www.who.int/health-topics/alcohol#tab=tab_1

^{xiii} <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

^{xiv} Ashurst, J.V. and T.M. Nappe. Methanol toxicity. 2019

^{xv} https://scholar.google.co.uk/scholar_url?url=https://www.mdpi.com/2304-8158/10/7/1625/pdf&hl=en&sa=X&ei=Y82QYt6oGbaTy9YPtq6ciAk&scisig=AAGBfm1tJD0slwrQ0mAtPZ2DsvZ-5vBv1Q&oi=scholar

^{xvi} https://scholar.google.co.uk/scholar_url?url=https://www.mdpi.com/2304-8158/10/7/1625/pdf&hl=en&sa=X&ei=Y82QYt6oGbaTy9YPtq6ciAk&scisig=AAGBfm1tJD0slwrQ0mAtPZ2DsvZ-5vBv1Q&oi=scholar