EVALUATING THE SCOTTISH TOBACCO RETAIL REGISTER

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REFERENCE

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1.1   Introduction

A Scottish Tobacco Retail Register (STRR) was implemented in Scotland in April 2011 through the Tobacco and Primary Medical Services (Scotland) Act 2010. The STRR is intended to enable trading standards and others to clearly identify retailers so they can offer advice and support to avoid illegal sales, particularly underage sales. The Cancer Prevention Department at Cancer Research UK commissioned ScotCen Social Research in February 2017 to evaluate the impact of the tobacco retail register in Scotland and develop recommendations to enhance its effectiveness based on the findings.

1.2   Aims

The overall aim of this evaluation is to examine whether or not the retail register is achieving its policy aims, and if there are any ways in which its effectiveness could be improved in the future.

1.3   Methods

A mixed methods approach was implemented which involved:

- a review of key documentation related to both the STRR and other related schemes within the UK and abroad
- in-depth interviews with key stakeholders: UK national tobacco policy lead representatives and national trading standards representatives (n=5)
- Case studies: three case study areas were selected after analysis of the key stakeholder interviews and discussions with other key representatives. In the three local authority areas, interviews were conducted with trading standards representatives covering strategic and operational roles (n=6) and a semi-structured survey of tobacco retailers (n=76).

1.4   Results

Overall, the STRR has been well received by the main stakeholders; the policy leads, trading standards representatives and tobacco retailers. The majority of the retailers reported that the STRR was at least 'quite a good' idea, and was not having any adverse impact on their retail practice. Policy leads and trading standards identified the low cost and low administration burden of the STRR as the main appeal of this approach, as well as its acceptability to retailers. Trading standards were particularly positive about the fact that the STRR facilitates communication with retailers and assists with more efficient planning of test purchasing and store visits. Retailers stated that a fee associated with registering would disincentivise selling tobacco given the small profit margins.

1.5   Conclusions

Overall, the register appears to be functioning well and is achieving its policy aims.   The recommendations this report has proposed can optimise its effectiveness. The register can be a beneficial component to a comprehensive tobacco control strategy. Tobacco policy makers should consider what opportunities the register would provide for supporting future measures to address oversupply and renormalisation agendas.

2 Introduction

2.1 Background

Tobacco use remains the UK's single greatest cause of preventable illness and avoidable death, with 100,000 people dying each year from smoking-related diseases, including cancer[1]. Cancer Research UK (CRUK) has an ambition for a tobacco-free UK by 2035, where less than 5% of the adult population smoke across all socioeconomic groups. The Scottish Government has set a target of achieving a smoke-free Scotland by 2034[2].

A comprehensive tobacco control strategy should be implemented across the UK if the ambition of a tobacco-free future is to be secured. One key measure is a tobacco retail licensing scheme or retail registration scheme. A licensing scheme requires retailers to provide a sufficient level of information to allow the relevant authority to determine whether a retailer should be allowed to sell a product. A registration scheme only requires retailers to notify authorities that they are selling a product. It is used to ensure that retailers selling tobacco comply with all relevant laws or risk losing the privilege of selling these products. It also creates a repository of information about where tobacco is sold and by whom, and acts as an enforcement tool to help tackle the growth of illicit suppliers.

A Scottish Tobacco Retail Register (STRR) was implemented in Scotland in April 2011 through the Tobacco and Primary Medical Services (Scotland) Act 2010. The aim of this legislation is to prevent underage people from accessing tobacco products through implementing a tobacco retail register. The registration process is intended to allow retailers to be clearly identified and enable trading standards and others to offer advice and support to retailers to avoid illegal sales[3]. In addition to the retail register, the Act included provisions around display, sale and purchase of tobacco products, and enforcement and fixed penalties[4].

The Cancer Prevention Department at Cancer Research UK commissioned ScotCen Social Research in February 2017 to evaluate the impact of the tobacco retail register in Scotland. This report outlines the findings of the evaluation.

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[1] Peto, R et al (2012). Mortality from smoking in developed countries 1950-2010. University of Oxford. UK: pp.512-523.
[2] Scottish Government (2013) Creating a Tobacco-free Generation: A Tobacco Control Strategy for Scotland, Edinburgh: http://www.gov.scot/resource/0041/00417331.pdf
[3] Scottish Parliament (2009).Tobacco and Primary Medical Services (Scotland) Bill (SP Bill 22). (Paragraphs 20 & 25-27)
[4] Scottish Parliament (2010). Tobacco and Primary Medical Services (Scotland) Act 2010.

2.2   Research aims and objectives

The overall aim of this evaluation was to examine whether or not the retail register is achieving its policy aims, and if there are any ways in which its effectiveness could be improved in the future.

The main evaluation objectives were to explore:

- What changes have arisen since the implementation of the register?

- To what extent is the register achieving the aims outlined by the Scottish Government:
    - Has the retail register facilitated the provision of appropriate knowledge/information to enforcement officials to enable them to adequately enforce the laws regulating tobacco sales?

- Has the retail register facilitated/improved communication between retailers and law enforcers?
    - Has appropriate and adequate information been provided to retailers regarding their obligations?
    - Have efficient and effective sanctions for use against retailers who contravene relevant tobacco point of sale laws been enforced? Have the level of sanctions increased and are retailers complying with the regulation?

- What are the barriers, if any, to achieving these aims?

- What modifications could be made to the register to improve its effectiveness?

- Are there longer term or more ambitious objectives that the register could contribute to achieving? If so, what measures should be implemented to achieve these?
    - For example, implementing a positive licensing scheme for all tobacco retailers and wholesalers, as recommended in Smoking Still Kills.[5]

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[5] ASH, Smoking Still Kills, June 2015

3 Methods

3.1 Research Design

The aim of this study was to evaluate the effectiveness of the Scottish Tobacco Retail Register (STRR), in order to do this a mixed methods approach was implemented which involved:

- a review of key documentation related to both the STRR and other related schemes within the UK and from abroad, as well as an examination of the STRR
- in-depth interviews with key stakeholders: UK national tobacco policy lead representatives and a national trading standards representative (n=5)
- case studies: three case study areas were selected after analysis of the key stakeholder interviews and discussions with other key representatives. In the three areas interviews were conducted with trading standards representatives covering strategic and operational roles (n=6) and a semi-structured survey of tobacco retailers (n=76).

An ethics application was submitted to NatCen REC, and was considered at the REC meeting on 9th March 2017. Ethical approval was granted on 27th March 2017.

3.2 Documentary review and examination of STRR

A brief documentary review was carried out, focussing on the STRR and other registration schemes (including those developed in Northern Ireland and Wales). Much of the relevant literature was in the form of policy documents, and not many relevant journal articles were found. A summary of the review is appended to this report.

The STRR was scrutinised by the research team. As Nicotine Vapour Product (NVP) Retailers were able to register from 1 April 2017, there were changes made to the STRR during this phase. The STRR was used to provide the sample for the case study survey of retailers (see Section 2.5 below).

3.3 In-depth interviews: key policy leads

In-depth interviews were carried out with 4 UK tobacco policy leads and a Scottish trading standards representative in April to June 2017. They were conducted both on a face-to-face basis and by telephone. The interviews were digitally recorded, with the consent of the interviewees. The interviews explored the views of these key individuals in relation to:

- the development and function of the STRR
- other examples of registration and licensing (positive/negative) schemes
- key issues that have arisen with the STRR and other schemes

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- impact of the STRR and related schemes, including on retail practice as well as possible application of sanctions
- the main facilitators and barriers, if any, to using a registration scheme and applying it in practice
- ways that the STRR may develop in the future, and advisability of positive and negative licensing schemes.

Respondents were also asked to advise on any relevant policy-related documentation and any local authority areas which may have had different experiences of the register; to help inform the literature review and case study selection.

3.4 Case study research: trading standards representatives

After the interviews with key policy leads were conducted, three local authority areas were selected as case studies. These case study areas covered urban, semi-rural and rural areas of Scotland. In each area, interviews were conducted with trading standards representatives at both a strategic and operational level. Six interviews were conducted in total in June 2017. The trading standards policy lead (see Section 2.3) also contributed to the overall response from trading standards.

3.5 Case study research: survey of tobacco retailers

Initially, ScotCen aimed to recruit 6-8 retailers in each of the three case study areas via their trade representative bodies, in order to conduct in-depth interviews. However, even if a trade body was willing to assist this process, they either did not represent tobacco retailers in the areas or stated that it would be very difficult to find retailers who would want to participate. The STRR does not include phone numbers, and there was not sufficient time to send a postal invite to retail staff. As a result a short, semi-structured schedule was developed for use on a face-to-face basis with retailers; accessed via direct visits in the three areas.

The research team drew a sample of retailers for each case study area from the STRR itself, predominantly from the following categories: confectionery/tobacconist/newsagent (CTNs), convenience/grocery stores and off licences. This was because supermarkets and hotel/bar/restaurant chains typically require clearance from head office, though this also was an issue in a few retail chains in the categories selected for the evaluation. Further sampling criteria adopted from the STRR included: status (active) and products sold (tobacco only or both tobacco and NVPs).

The fieldwork team then visited the stores in person and requested a face-to-face survey with the store owner or manager, with the option for a telephone interview at a more suitable time also being offered. The survey consisted of mainly closed questions and lasted 4-5 minutes. The questions covered issues such as:

- the registration process and the information provided about this
- knowledge of the STRR

- suggestions for any improvements in the future
- usefulness of the STRR
- any impacts of the STRR, positive or negative.

In total, 201 outlets were visited in the three case study areas in July 2018. Three days of fieldwork were carried out in each area; this yielded 76 completed surveys in total. In 98 of the unsuccessful visits, it was reported that the manager/owner was unavailable or head office approval was required, 14 outlets were no longer trading, an additional five outlets were no longer selling tobacco, six staff members refused to take part and two premises were being renovated.

3.6   Data analysis

The qualitative in-depth interviews were fully transcribed and entered into NVivo 10. A thematic approach to data analysis was taken. First, key topics and issues which emerged from the research objectives and the data were identified through familiarisation with transcripts. A draft analytical coding framework was developed by the research team. Each transcript was then coded, so that all the data on a particular theme could be viewed together. Additional themes were added where necessary. This allowed comparisons to be made between the views and experiences of individual respondents. The use of NVivo 10 ensured that analysis was fully documented and conclusions could be clearly linked back to the original source data.

Quantitative data was entered into Excel. SPSS was used to produce frequencies and cross-tabulations, though due to small numbers, percentages and significance testing are not reported in the results section. Near verbatim accounts to open-ended questions were entered into Word, and a few of these are reported in Section 5.

4 Interviews with UK policy leads

4.1 Benefits and weaknesses of the STRR

The low cost and low administrative burden were reported as the main benefits of the STRR. The respondents noted that there is a constant awareness to keep administration and cost to a minimum and so any scheme that can do that is beneficial, however Respondent 4 also pointed out that this *'is not necessarily an indicator of success'*.

The fact that the register provides a comprehensive list of tobacco/NVP premises, and therefore facilitates communication with tobacco retailers, was also noted as a benefit. For instance, Respondent 3 explained:

> *'to have a route to contact them (retailers) and let them know about the existing legislation and what their responsibilities are, so one of the reasons that we want the register is to be able to keep people up-to-date with any changes in legislation'*.

However, respondents also expressed their concern about the challenge of *'maintaining the accuracy'* of the register and ensuring it is up to date: *'if it's not accurate, it's not useful'* (Respondent 3). Respondent 1 echoed this viewpoint and highlighted the significance of having the '*resources to keep it constantly monitored and updated'*. He noted the importance of maintaining a balance between a low administrative burden and also ensuring that the register is regularly updated and accurate; as *'there's a potential for the information to go out of date very quickly'*. Respondent 3 pointed out that maintaining the accuracy of the register would be a focus at the planning stage for the tobacco register in his country.

Respondent 1 noted that '*having a public register actually is a very effective, positive strength'*. He explained that the public aspect of the register is beneficial as the public often provide information about tobacco retailers in their local area that have inaccurate or missing information on the register.

The scope of the register was an aspect that raised differing viewpoints between the different national policy leads. Respondent 4 was of the opinion that the scope of the register and associated sanctions could be broader and include the wider tobacco control agenda such as the illicit tobacco market and duty evasion offences, as well as tackling under-age tobacco sales. It was argued that the success of the STRR could be based on the level of enforcement and number of sanctions issued. However, when discussing this, Respondent 1 pointed out that enforcement is not only about sanctions and penalties but also about informing retailers (assisted by the register) and encouraging them to reduce bad practice:

'so enforcement is quite often – and in fact 90% (this is) the case – is about talking to people, informing people, asking them not to do something, writing to them if they continue…so 'sanctions' I wouldn't have said would…would be the way to measure (the success of the register)'

4.2   Implementation of the STRR

The respondents involved in both the Scottish and Northern Irish tobacco registers gave positive feedback in terms of implementation. Respondent 2 explained that there were some initial practical problems such as IT glitches, but these were not major issues and could be resolved quickly. It was also reported that compliance was high, and once retailers who had neglected to register were informed of the necessity to do so they soon took corrective action.

Respondent 1 shared some lessons from the experience of implementing a tobacco register. These led to practical improvements during the STRR implementation phase and improvements that were acted upon during the NVP registration process:

- Many of the retailers did not have online access when the register was first implemented; a paper form for them to complete and submit by post was developed to overcome this issue.

- A 6 month period of grace between the registration deadline (April 2011) and the start date for issuing non-registration penalties (Oct 2011); the policy lead reported that this reduced the pressure on retailers and also gave the enforcement officers time to process the registrations and give advice and information to the retailers. This approach helped:

  '…the implementation process so that people…didn't feel rushed, and it helped us not to have to put thousands of records on in one day, but it also gave people time to find out'.

4.3   Impact of the STRR

The Northern Irish register differs from the STRR in that it has an additional background function, in which councils can record enforcement details and activity in their area (this information is not public, it is only accessible to the councils). The policy lead saw this as a useful function in terms of impact as it allowed sharing of information and communication between councils. It also allowed comparisons to be made between chains of stores across different councils so that standards of practice can be monitored.

Respondent 2 viewed the register as an enforcement tool for the councils, enabling them to easily target retailers and implement legislation, though the action of registering itself would not impact on retail practice: *'but in terms of the actual 'being on a register', to me, I don't think that will have any real impact on retailer behaviour.'*

Respondent 4 stated that the register did not have '*much of an impact*' on illicit tobacco sales, with Respondent 1 adding that many retailers that have been caught selling illicit tobacco are already on the register.

Respondent 3 said that when considering impact, other tobacco legislation and enforcement such as plain packaging, smoke free legislation and educational measures should also be taken into account, as registration schemes did not work in isolation:

> '*I think it's very difficult to attribute the reduction in smoking to any one measure…It's all part of a great pick and mix, and I think…it's unfair to try and look at any one part of that mix on its own*'.

4.4   Barriers and facilitators to the STRR

Respondent 1 reported that having a strong support team for the register was key to its success, and highlighted the importance of having '*helpful knowledge and guidance from the centre…where we're calm and controlled – not controlling.*'

The simplicity of the registration process was also noted as a facilitator to a successful register. It was reported that it is not insisted that retailers have to amend their details online, and the council also has a facility to make updates for the retailers.

It was reported by Respondent 2 that a major facilitator to the successful implementation of the register in her country was the work that the councils did to ensure effective communication with retailers about the register, in order to encourage timely registration.

Respondent 3 did, however, point out that without the register to work from in the first place, contacting retailers to circulate information about the register was a potential challenge, particularly in terms of smaller stores that may not be part of wider retail associations:

> '*One of the difficulties has got to be making sure that every retailer knows they've got to sign up. And when you don't have…it's a chicken and egg, isn't it? When you don't have a complete list that you can chase up everyone, you don't know who they are… to get them on the list*'.

The nature of the tobacco retail industry itself was also noted as a barrier to the register. Respondent 1 reported that the ever changing status of stores that sell/don't sell tobacco results in a '*potential information gap*' in the register. This links back to the challenge of regularly updating and maintaining the register (see Section 3.1). Respondent 3 also thought that if there were to be a registration fee for retailers this might be a barrier for their proposed register in terms of successful implementation and retailer compliance.

4.5   Future of registration and other schemes

Respondent 1 discussed the option of asking for additional information or amending existing information recorded on the register, though caution was expressed in terms of making the registration process too laborious or complex for retailers. It was argued that in the future some of the information gathered may not be as relevant, and could be replaced with alternative fields such as further details on NVP sales.

The addition of further technical processes to make the register '*even simpler to maintain*' was also suggested.

The option of adding NVP retailers to the Northern Irish register, in line with the Scottish approach, was discussed. It was said that this function is already built into the NI register, but a decision has yet to be made on this.

4.6   Attitudes to positive and negative licensing schemes

The major benefit of negative licensing schemes reported by respondents was the low cost and administration. However, the respondents also reported that negative licensing schemes make it more difficult to enforce legislation as there is no way of keeping track of retailers:

> '*But how many outlets are there?   Where are they?   You just don't know where to target effectively*' (Respondent 1)

Respondent 2 proposed that due to retailers being required to pay a fee and meet particular standards under a positive licensing scheme that they would be '*more conscientious*' of legislation. Respondent 2 explained that the retailers may '*take it more seriously*' due to the gravity of the consequences. However, it was concluded that the relatively low cost and administration savings of the register approach outweighed the benefits of a positive licensing scheme:

> '*We felt that the benefits you would get from a negative licensing scheme combined with the registration were sort of more or less comparable…we didn't think that it would be, you know…the extra cost and everything, of administering the positive licensing scheme, would really outweigh the (benefits)*'

It was also argued that the burden of a positive licensing scheme on both the authorities and retailers outweighed the potential positive impact of such a scheme:

> '*I think the positive licensing scheme introduces a further and real burden, and ties…both the authorities and retailers down to I think potentially burdensome processes…So positive licensing brings with it the decision-making process of granting licences for*

instance…and evidence from alcohol, sunbeds, knives, airguns shows us that this is a very onerous process' (Respondent 1)

Although it was stated that in terms of tobacco control enforcement there is little difference between the tobacco register and a positive licensing scheme, that a positive licensing scheme is '*more burdensome'* as well as being more costly:

'So enforcement is very similar to licensing – positive licensing – and to registration, but the overall process of setting (positive licensing) up and then maintaining it is slightly more burdensome.'

5 Interviews with Scottish trading standards representatives

5.1 Benefits and weaknesses of the STRR

Generally there was positive feedback from the trading standards representatives; the following statement captures the general consensus:

> *'On the whole I would say I'm very positive about the register...the tobacco register. I think it is a good thing to know where people are. It allows us to target enforcement at them but it also allows us to target advice at them as well. Once we engage with these retailers and they come back and ask for advice, they very rarely get it wrong. That's a positive thing.'* (Respondent 7)

Respondents reported that the register is extremely useful for their work in terms of monitoring numbers of tobacco retailers, planning visits, allocating test purchasing, and communicating with retailers:

> *'...when we're out doing advising and enforcement visits. So from an operational point of view it makes life a lot easier for the officers'* (Respondent 1).

Ease of communication with retailers was highlighted as a benefit, both in terms of making retailers aware that the trading standards officers can be their 'first port of call' for enquiries and in terms of educating and providing information about new legislation:

> *'it helps us again spread the word that we're out there and also help educate the retailers, identifying the ones that are getting it wrong as well as the ones that are getting it right'* (Respondent 6).

Another benefit highlighted was that the register *'focuses the retailers'* and '*helps remind businesses*' of their responsibilities and '*has made retailers sit up and listen and take it (tobacco control) a bit more seriously*'. It was noted that the register encourages retailers to take more responsibility for their role in tobacco sales:

> *'Well obviously the responsibility is on them and I think that's right, it's their responsibility to register, the fact that they are selling tobacco because of obviously the health issues and the concerns around smoking and tobacco if they want to sell the product'* (Respondent 1).

The benefit of having a threat of deregistration was also pointed out, now that tobacco banning orders can be implemented rather than '*simply continually issuing penalty notices*' or fines. It was emphasised that:

'Before you just reported illegal sales and they were fined, but if their illegal profit covered their fines then they didn't have much reason to stop – but now there is more of a reason' (Respondent 3).

It was also reported that the register is easy to use and update and '*it just seems to be a well-rounded package at the moment*'. Another respondent highlighted the benefit that councils are now made aware when updates have been made to the register:

'they've improved the register and now let us know when someone makes a change, it means that we know very quickly when someone is new on the register and can go along and say 'hello' to them' (Respondent 7).

The interviewees also explained that often those retailers that have made the effort to register are then more likely to report other retailers that have not registered or who are not abiding to legislation.

Similar to views expressed in the policy lead interviews; negative comments mostly concerned the accuracy of the register and the frequency with which it is updated. This included concern about duplicate entries, retailers not de-registering when they no longer sell tobacco and pressure on council funding and staffing to monitor this:

'So...as much as it is very useful you can't guarantee that it's entirely up to date, you wouldn't think that unless you went out and did the visits. And that's a problem from a resource point of view' (Respondent 1).

One respondent also reported that they do not completely trust the information on the register, so that when it comes to issuing penalties they will not rely completely on the register:

'…it's (the register) a good guide but I wouldn't be going to court on that, I'd need some other information back from the Scottish Government, the Tobacco Control Team or the IT company. I would need that certainty, assurance' (Respondent 7).

5.2   Barriers to the success of the STRR

It was reported that due to the register being centrally managed this often slows down the updating process. It was agreed that central management of the register is good for consistency but *'also it means things take a bit longer*' (*Respondent 1*).

Another barrier reported was local authorities not having sufficient funding or resources to inform traders of new legislation related to the register. It was argued that this is particularly an issue in the case of smaller businesses and sole traders who are not part of any wider retailer associations. One respondent commented that '*funding is very welcome to get the message out there*' (*Respondent 3*).

5.3   Future of the STRR

Given the very positive views expressed in relation to the STRR, all respondents agreed that it should continue to operate in the future. Comments relating to how the register could be improved were mostly concerned with the technical aspect of the register. Respondents suggested the following:

- Include information about the role of the registered person – manager/owner etc.
- Improve the search function so that it is not case sensitive
- Include a check to reduce duplicate premises entries
- Improve accuracy of address entries by adding a postcode look-up function, and the search function by including an option to search and filter entries by postcode
- Include a 'temporary' status option to register for specific events such as annual festivals.

5.4   Registration Fee

There were mixed views on a fee for registration. It was considered beneficial if the fee was not too high and if the money could go back to the local authorities to *'sustain the positive work of the trading standards' (Respondent 1)*. One respondent reported that because the retailers do not have to pay to register, they value it less and therefore are less likely to update their records or de-register when required. This, in turn, increased the administration burden for the local authorities:

> *'I think if there had been a charge for the system then it would have been...it would have helped, not financially for ourselves, but it would have helped the value of the scheme to traders because something you've paid for can be viewed very differently' (Respondent 7)*

Alternatively, another trading standards representative explained that not having a fee is beneficial as it is a useful argument to use when encouraging retailers to register:

> *'I personally prefer it the way it is because for me being able to say to them that they have to register online, its free, it takes 10 minutes, and this 10 minutes will stop you then having a £200 fine for me that is...that makes them want to register. They don't back away from it' (Respondent 6).*

5.5 Attitudes to positive and negative licensing schemes

Most respondents reported that they did not have enough knowledge on other schemes or on approaches in other countries to be able to comment fully. Those that did were of the opinion that positive licensing schemes do allow more control over tobacco retailers; *'you'd be able to set in licence conditions, etc. for them to actually conform to'* (*Respondent 3*) and *'there would be an opportunity to vet'* (*Respondent 5*) retailers. However, there was consensus that the strain on resources to administer a positive licencing scheme would be too great and that a registration scheme was preferable;

> *'...it's (positive licensing scheme) more costly, it's more bureaucratic, it's more cumbersome' (Respondent 3)* and *'We don't have enough staff to do a pre-vetting process, so, at the moment, the register is a better route for me!' (Respondent 5).*

6 Survey of tobacco retailers

This section presents the findings for each of the tobacco retailer survey questions. In total, 76 tobacco retailers across all three case study areas took part in the survey. However, 201 premises were visited, and the major reason for non-response was that the owner/manager was not available (n=98). It is important to note, though, that 19 outlets sampled from the STRR were either no longer trading (n=14) or had stopped selling tobacco (n=5). Of course, some of the premises that had closed down may sell tobacco again if they are reopened as a retail concern. However, this demonstrates the difficulty of keeping the STRR up to date, as premises will close down, change function or stop selling tobacco. In six cases the staff refused to take part, and two outlets were being renovated at the time of interview.

Table 1 demonstrates that the three days of fieldwork in each area yielded very similar numbers of completed surveys (N= 24-26), and that the largest category of retailers interviewed was those representing the convenience/grocer sector (n=27). The three in the 'other' category were specialist tobacconists (n=2) and supermarket/other retail outlet (n=1). In total, 28 interviews were conducted with managers and 48 with owners of the retail outlets.

Table 1: Retailer interviewees by area	Area 1 N	Area 2 N	Area 3 N	TOTAL N
CTNs	8	8	8	24
Convenience/Grocer	13	9	5	27
Off licence	3	9	10	22
Other	2	0	1	3
Total	26	26	24	76

Table 2 shows that all of the shops, with one exception, sold tobacco. The majority of outlets sold both tobacco and NVPs (n=48). Retailers in three outlets admitted that they had yet to register for NVPs – though this is likely to be an underestimate given that the fieldwork took place 2-3 months before the final registration date for NVPs (see Section 5.3). One retailer commented that they had not received any information at all in relation to registering for e-cigarettes.

Table 2: Retailer status	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Tobacco only	5	6	13	24
Tobacco and NVP	18	19	11	48
NVP only	1	0	0	1
Tobacco/NVP (unregistered)	2	1	0	3
Total	26	26	24	76

6.1 STRR registration process

The majority of respondents had registered when the STRR was first implemented in 2011 (n=42, see Table 3). However, due to the time lag not every retailer was able to answer this question.

Table 3: Date of registration	Area 1 N	Area 2 N	Area 3 N	TOTAL N
2011	12	16	14	42
2012-13	4	1	2	7
2014-15	5	3	1	9
2016-17	3	3	3	9
Total	24	23	20	67*

*Nine respondents were unable to answer the question

It can be seen in Table 4 that all of those who were able to answer the question reported that it had been very or quite easy to register. Again, given the time lag since registration took place, not everyone was able to answer the question. It is important to note that no retailer thought that the registration process had been difficult to accomplish.

Table 4: Ease of registration process	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Very easy	15	11	9	35
Quite easy	7	8	5	20
Total	22	19	14	55*

*21 respondents were unable to answer the question

The retailers were asked if they had found the information provided online, on the STRR website, to be helpful or not with regard to registration. Again, the majority of those able to answer the question had found the information to be very/quite helpful (n=41; see Table 5), though 32 interviewees were unable to give a view. It should be noted that the retailers were also asked how helpful (a) the telephone helpline and (b) the named contact had been, the vast majority of respondents reported that they had not used either of these sources of assistance.

Table 5: How helpful was the information provided online	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Very helpful	10	8	7	25
Quite helpful	5	8	3	16
Not very helpful	1	0	2	3
Total	16	16	12	44*

*32 respondents were unable to answer the question

Table 6 shows that those retailers who had received information from other sources in relation to the STRR (trading standards, retail trade bodies, other retailers, etc.) had found it to be at least quite helpful.

Table 6: Usefulness of other information sources	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Very helpful	11	6	8	25
Quite helpful	5	4	2	11
Not very helpful	1	0	0	1
Did not receive this information	3	5	7	15
Total	20	15	17	52*

*24 respondents were unable to answer the question

Respondents had the option to give further detail about the information they received and how it could be improved. One respondent reported that they received '*a good level of information*,' and another said they were '*pleased*' with the information they received. It was reported that the *'Trading Standards were helpful – they gave information on how to access the correct website.'* However, one respondent added that they had *'not had enough information'.* It was also reported that the suppliers often give helpful information; *'we get most of our information on the register from our cigar suppliers*.'

6.2 Knowledge and perceptions of the STRR

The respondents were asked how much they knew about the STRR at the time of interview. As might be expected, given that the majority had registered several years before, three-quarters (N=57) of the retailers said that they knew little or nothing of the STRR (see Table 7).

Table 7: How much do you know about STRR	Area 1 N	Area 2 N	Area 3 N	TOTAL N
I know a lot	2	3	2	7
I know quite a lot	5	3	4	12
I know a little	18	17	10	45
I know nothing	1	3	8	12
Total	26	26	24	76

Table 8 demonstrates that the retailers held positive views of the STRR. In total, 56 of the retailers (84% of those who expressed an opinion) thought that the STRR was at least quite a good idea. Only 11 retailers perceived the STRR as a negative concept.

Table 8: Retailer views of the STRR	Area 1 N	Area 2 N	Area 3 N	TOTAL N
STRR is a very good idea	7	12	12	31
STRR is quite a good idea	12	7	6	25
STRR is not a very good idea	1	3	2	6
STRR is not a good idea at all	3	1	1	5
Total	23	23	21	67*

*9 respondents were unable to answer the question

6.3 NVP Registration

Table 9 shows that 25 retailers reported that they had already registered as an NVP retailer. Given that the cut-off date for registration is October 2017, it is perhaps not surprising that 27 had yet to register as an NVP retail outlet.

Table 9: Have you registered as an NVP retailer as yet?	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Yes	12	7	6	25
No	7	12	8	27
Not applicable/don't know	7	7	10	24
Total	26	26	24	76

It can be seen in Table 10 that only 16 of the 25 retailers were able to compare the NVP with the tobacco retail registration process. Of those who offered a view, most thought that the process had been very similar.

Table 10: Comparison of tobacco and NVP registration	All Areas TOTAL N
NVP registration much better	2
No difference between NVP & tobacco registration	12
NVP registration a little worse	1
NVP registration much worse	1
Total	16*

*9 respondents were unable to answer the question

6.4 Impact of the STRR

Table 11 shows that the majority of respondents (n=65) thought that the STRR had made no impact, positive or negative, on their retail practice. It should also be noted that only 19 retailers were able to answer whether the STRR had impacted on the retail practice of other retailers, with five respondents stating that it had impacted favourably on others' retail practice, and 14 saying that it had made no difference at all.

Table 11: Impact of STRR on own retail practice	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Very large positive impact	0	1	1	2
Quite a large positive impact	1	2	0	3
No impact	24	21	20	65
Quite a large negative impact	0	2	0	2
Total	25	26	21	72*

*4 respondents were unable to answer the question

Respondents were asked for further comments on the impact of the register and many reported that it has no impact on retail practice as their customers are not interested in whether or not they are registered:

'Doesn't make any difference to how I sell tobacco'

'Don't think people coming into the shop are even aware we are registered'

'Customers don't know if I'm registered or not. As long as I'm selling they don't care, they just want to buy fags'

'The only people that are aware of it are people like local authorities and trading standards – it's of no benefit to the consumers. They don't know about it so it doesn't impact on retail practice'

'No change to retail practice – it was just something we had to do. The Cash & Carry are registered so it means they can only sell to registered retailers'

6.5 Future of the STRR

The majority of retailers (n=65; 86% of those who were able to offer a view) thought that the STRR should continue in the future (see Table 12).

Table 12: Should the STRR continue to run in the future?	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Yes	18	21	17	56
No	4	1	4	9
Total	22	22	21	65*

*11 respondents were unable to answer the question

The open-ended questions showed that respondents thought it should continue because it is an effective way of legitimising tobacco sales: *'to stop dodgy people selling tobacco'*, and it *'keeps legitimate people trading above board'*. Others commented that they would like to see it continue in the future as it helps with informing retailers: *'keeps retailers on the safe side,' 'keeps us safe as shopkeepers'*, *'it's good to keep you legal and know you are doing the right thing'*. Several also reported that now that '*it is up and running'* it should '*just carry on'*. However, there were respondents who were less positive and did not agree with having a register in the future. It was said that it is a waste of time and money, and that *'everyone knows the laws and penalties anyway.'*

Interviewers asked the retailers which was their preferred scheme aimed at improving tobacco/NVP retail practice and tobacco control in the future, and were able to give definitions to the retailers if necessary. Table 13 demonstrates that there was strong support for the status quo.

Table 13: Preferred scheme to operate in the future	Area 1 N	Area 2 N	Area 3 N	TOTAL N
Tobacco register scheme (no fee)	17	22	15	54
Positive licensing scheme	5	0	0	5
Tobacco register scheme (with fee)	0	2	2	4
Negative licensing scheme	1	1	2	4
Other	2	0	3	5
Total	25	25	22	72*

*4 respondents were unable to answer the question

The tobacco (and NVP) registration scheme without a fee for retailers was supported by 54 respondents. A more active positive licensing scheme was favoured by five respondents in Area 1 only. Similarly, a tobacco registration scheme which also would necessitate a modest fee to be paid by retail outlets was supported by only four respondents. The previous model to the STRR, a negative licensing

scheme (currently operating in England), was the preferred scheme of four retailers. The 'other' option included respondents expressing a preference for having no scheme in place for tobacco control, one respondent suggested a process whereby the customers should be required to register and would be restricted to a quota.

Respondents were also given the option to provide further comments on their preferred scheme. The majority of respondents reported on the benefit of not having a fee for retailers, they pointed out that retailers are making less and less profit on tobacco sales and so an additional licence or registration fee would not make it worth their while, particularly for small businesses;

> 'Sale of tobacco is playing a smaller and smaller part so there should be no fee'

> 'The profit margin is low and there would be no point in selling cigarettes if there was a fee'

> 'I think it should be no fee because we get nothing from the scheme as retailers'

> 'I don't think there should be a fee – it is hard for small businesses as it is'

> 'The margins for tobacco sales are tiny unless you are selling in vast quantities so if there was a paid licence scheme it would be economically unviable.'

The minority of respondents that were in favour of a fee for either a positive licencing scheme or a registration scheme suggested that this might encourage retailers to be more cautious and conscious of their tobacco sales;

> 'If there is a fee, retailers would be more careful because they would lose their registration or a positive licencing scheme for the same reason, knowing you would lose your licence if you sold to underage people'

> 'I think that it would encourage retailers to be more careful knowing you could lose your licence'

The respondents were also asked if they had any other comments about the STRR or tobacco control in general. There were retailers that were of the opinion that the responsibility should lie with the customers and not the retailers:

> 'Compulsory ID card for buying tobacco would be a good idea instead of retailers having a register for a licence'

There were respondents who voiced their disagreement with the STRR, questioning its purpose and expressing that illegal sales will continue regardless of the STRR;

'I don't understand its purpose – the black market is massive and I think it (the STRR) forces everything underground'

Others agreed with the STRR and expressed that it was effective in encouraging good practice in terms of tobacco sales:

'There are lots of under-table sales so it is good to have (retailers') details registered'

'It helps me stay in touch with any changes that occur in tobacco policy and allows me to feel I am keeping staff training as up to date as possible.'

7 Discussion and conclusions

Overall, the STRR has been well received by the main stakeholders; the policy leads, trading standards representatives and tobacco retailers. It was also stressed that the STRR did not operate in isolation, it was one of a number of related tobacco control measures, and it was therefore difficult to gauge its exclusive impact. The majority of the retailers reported that the STRR was at least 'quite a good' idea, and was not having any adverse impact on their retail practice. Discussions with policy and trading standards revealed that they identified the low cost and low administration burden of the STRR as the main appeal of this approach, as well as its acceptability to retailers. Trading Standards were particularly positive about the fact that the STRR facilitates communication with retailers and assists with more efficient planning of test purchasing and store visits. They found the register allowed them to monitor retail practice in relation to sales to minors. This should reduce such sales in the future, especially as those found in breach of the law could be removed from the register.

All three groups of participants also reported that the STRR is operating well. All retailer respondents reported that the registration process was either 'very easy' or 'quite easy'. The interviews revealed that there were some initial technical glitches in the process but these have since been resolved. However, there were respondents who explained that due to the register being centrally managed by government there could be delays in administration and update requests related to the register. However, there was also recognition that a centrally managed register is beneficial in terms of consistency. One major concern for policy leads and trading standards officers, in particular, was around the accuracy of the register. There was consensus that a key element to the success of the register would be ensuring that the details were maintained and updated regularly. In this evaluation, almost 10% of outlets visited should no longer have been on the STRR as they had closed down, were no longer retail outlets or had stopped selling tobacco. Respondents highlighted that this maintenance could be time consuming but is critical to success; cognisance may have to be paid to this in terms of future planning and resourcing of the STRR.

There did not appear to be any major appetite for change to the current operation of the STRR. When other approaches to tobacco control were discussed in the interviews, the majority of respondents agreed that the low cost, low administration and perceived success associated with the STRR outweighed any potential benefits of other schemes such as a positive licensing scheme or a tobacco registration scheme with a fee. The majority of the tobacco retailers not only agreed that the register should continue, they also stated that it was their favoured scheme to operate in the future. When asked for further comments on this, the tobacco retailers were concerned about the introduction of a fee for registration – they reported that the introduction of a fee may not be viable for retailers considering that profit margins for tobacco sales were already perceived to be low. The policy leads and trading standards representatives did discuss recommendations for future updates to the STRR. It was also suggested that it may be possible to add specific conditions to the registration process in the future. However, even these recommendations were made with caution as there was consensus

that changes made should be gradual as there was an acceptance that the current approach has been successful on the whole.

Negative licensing schemes, such as the system which used to operate in Scotland prior to the advent of the STRR (and still functions in England), were not popular and the participants in this research had no volition to scrap the STRR and revert to this system. Limited support was expressed for positive licensing to be introduced, the majority view was that; it would be counterproductive, would alienate retail trade bodies and outlet staff, would be laborious to introduce and any potential benefits over a successful registration scheme would be negligible. As such, there was much backing for registration schemes such as the STRR, which may also have conditions applied in the future. The views of all of the main stakeholder groups suggest that radical change is not necessary as yet. This does need to be monitored in the future, to assess if registration schemes such as the ones that operate in Scotland and Northern Ireland (and that will be implemented in Wales) continue to be acceptable, well-received and beneficial by the stakeholder groups.

8 Recommendations

As the STRR has been well received by the main stakeholders, and issues faced in the early phase of its implementation have been addressed, arguably the necessity and scope for modifying it are quite limited at present. However, there a number of recommendations which would be worth considering in the future to improve the STRR are facilitate policy development in the rest of the UK:

- Registration schemes: all informants in this study favoured the adoption of a registration scheme for retailers who sell tobacco, and argued that such a measure was superior to alternative approaches, such as negative and positive licensing schemes. As such, countries which do not currently operate a tobacco retailer registration scheme should consider implementing one in the future.

- Improvements to the STRR's current function: there are still ways in which the basic technical function of the STRR can be improved. This includes introducing checks to reduce duplicate entries for the same outlet, ensuring that the search function is not case sensitive and adding a 'temporary' status option for retailers who want to sell tobacco at specific events, such as annual music festivals. Regular consultation with stakeholders such as retailers and trading standards could be conducted to review the STRR's function and make minor adjustments.

- The STRR was seen as being relatively inexpensive to implement and operate and not overly burdensome at an administrative level. However, it is clear that it does need constant updating, otherwise it will become outdated and will lose its worth. Any country considering implementing a similar national scheme should fund this either centrally or ensure that local authorities have the capacity and resource to update the register.

- There was very little support expressed in favour of introducing licensing in tobacco retail, and only limited support for introducing fees to the STRR in the future. Retailers stressed that as the profit margin was low, a fee may be a disincentive to selling tobacco. This could be considered in the future, for example, as a way of decreasing tobacco retailer numbers in areas of perceived overprovision, though a judgement would have to be made as to what would constitute a fair and appropriate fee. Tobacco policy makers could consider this measure as part of a comprehensive strategy to reduce tobacco supply.

- The STRR does not operate in isolation, and is only one of a series of tobacco control measures. It does not have to be static either, and can be amended along with other tobacco control measures if Scotland is to achieve its aim of becoming tobacco-free by 2034.[6] As a result, it may be possible to introduce conditions to registration in the future, which could include elements such as the possible advent of fees.

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[6] Scottish Government (2013). Creating a Tobacco-Free Generation: A Tobacco Control Strategy for Scotland. Available from: www.gov.scot/Publications/2013/03/3766.

- Overall, the register appears to be functioning well and achieving its policy aims. The recommendations this report has proposed can optimise its effectiveness. The register may prove to be a strong foundation for future tobacco policy development. Tobacco policy makers should consider what opportunities the register would provide for supporting future measures to address oversupply, and renormalisation agendas.

9   Appendix

9.1 Scottish Tobacco Retail Register – Review of Documentation

This review outlines the policy and literature context of the Scottish Tobacco Retail Register (STRR). The associated policy context of tobacco retail licensing in the rest of the UK and Ireland is also addressed. The Tobacco Control Strategy for Scotland[1] commits to moving towards a '*tobacco-free generation*' by 2034; the continuation of the STRR is part of this.

In 2007 a consultation paper for a tobacco sales licensing bill was published[2]. This bill called for tobacco regulation in Scotland to reach beyond the objective of preventing tobacco sales to minors into wider aims of reducing tobacco consumption and reducing harm overall;

> *'The minimum purchase age for tobacco has been increased, but without the additional enforcement to back it up. The time is right to take a positive step in enforcing these laws. The time is right for a tobacco licensing system'.*

This bill proposed the introduction of some form of tobacco licensing in Scotland. It proposed that the introduction of a tobacco licensing scheme would enable stricter sanctions compared to the current fining system. It was also highlighted that the new system needed to be '*as cheap and easy to administer as possible'*. The main objectives of the licensing proposed in the consultation included:

- Appropriate knowledge/information to enforcement officials to enable them to adequately enforce the laws regulating tobacco sales.
- Appropriate and adequate information to retailers regarding their obligations.
- Efficient and effective sanctions for use against retailers who contravene relevant tobacco point of sale laws.

The options of both positive[7] and negative[8] licensing schemes were also outlined in this consultation paper – it was noted that a positive scheme would be the favourable option as it '*sends a much more powerful message to the retailer and is likely to be far more effective in addressing under-age tobacco sales'*. Additionally, the World Health Organisation's (WHO) protocol to eliminate illicit trade in tobacco products recommends tobacco licensing as a best practice measure[3]. Chapman and Freeman[4] (2009) propose that if tobacco licences are promoted as '*valuable commercial assets'* by making them '*heavily restricted and tradable'* then this would encourage retailers to be more diligent to tobacco retail legislation.

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[7] Positive licensing scheme: tobacco retailers must apply for a licence, and must comply with the licence conditions, or the licence can be revoked. This scheme also involves an administration and licence fee.

[8] Negative licensing scheme: No licence is required to retail tobacco, however a retailer's right to sell tobacco can be removed if they do not adhere to legislation.

A number of policy documents[2,5] outline the pros and cons of positive and negative tobacco licensing schemes. The most commonly cited limitation of a positive licencing scheme is the large operational costs associated with setting up and maintaining the scheme. On the other hand, the most commonly cited advantage of a negative licencing scheme appears to be the cost effectiveness. Other common advantages and disadvantages of the schemes include;

Positive licencing scheme[2]:

- *'provides an opportunity for targeted education and information for retailers through the licence application process and through the provision of a comprehensive record of all tobacco retailers is consistent with the message that selling tobacco – a dangerous product – is similar to other activities that carry a potential health risk in that it is a conditional privilege rather than an unconditional right*
- *provides the possibility of administrative enforcement options, such as licence conditions or licence withdrawal, that are less costly than legal action through the courts*
- *Ensures that those who sell tobacco products are aware of their legal responsibilities and, through the offence of selling tobacco products without a licence, deters unscrupulous sellers*
- *imposes administrative costs on governments (although such cost may be recovered by charging retailers for licence applications and renewals and through fines)*
- *imposes an administrative cost to businesses in the retail sector and*
- *Imposes a licence fee on businesses.'*

Negative licencing scheme[2]:

- *'there are no fees or compliance costs for businesses*
- *it provides some level of deterrence for legislative breaches and*
- *There is little administration, leading to lower costs for local authorities*
- *it is not pro-active and prevention oriented, but responds to breaches in legislation after they occur*
- *it does not provide a comprehensive record of all tobacco retailers, reducing the ability of health authorities to undertake targeted education and information campaigns*
- *it does not provide members of the public with information about who is responsible for the sale of tobacco products (i.e. there is no licence on display)*
- *It may provide only a weak message to retailers; if the penalty for noncompliance with the law is the "loss" of a licence that was never issued in the first place, the view may perpetuate that selling tobacco is a right and not a privilege'.*

In 2010 a tobacco retailer registration scheme was introduced for Scotland, under The Tobacco and Primary Medical (Scotland) Act[6]. This registration scheme is a hybrid between a positive and negative licensing scheme; tobacco retailers are legally required to register in order to continue selling tobacco products. However, they are not required to apply for a licence or to pay a registration fee. The tobacco register was introduced under The Tobacco and Primary Medical Act along with giving trading standards officer's powers to issue fixed penalty notices and giving courts the power to ban tobacco sales if retailers repeatedly break the law.

Since 2016, under the Tobacco Retailers Act (NI) 2014[7], all tobacco retailers in Northern Ireland (NI) are also now required to register. The key aim of the NI tobacco register[8] is *'to toughen sanctions against retailers who sell tobacco to under-18s'.* The Republic of Ireland also has a tobacco retailer registration scheme[9]; this was introduced in 2009, as part of the amended Public Health (Tobacco) Act[10]. However, retailers in the Republic of Ireland are required to pay a €50 registration fee.

The NI Tobacco Retailers Bill5 clearly outlines the similarities and differences in the approaches taken by the three countries which are currently implementing a tobacco retail register (Scotland, NI and Republic of Ireland). Most notably; in both Scotland and the Republic of Ireland the responsibility for the register lies with central government; however in NI the responsibility sits with each local council. Also, in NI it is an offence if retailers do not inform their council that they no longer sell tobacco or of any other changes to their details. In the Republic of Ireland, registered retailers are required to display a specific sign stating that they are registered to sell tobacco. In Scotland, retailers are required to display a specific sign if they have been issued with a banning order. In Scotland, retailers are now legally required to register if they sell nicotine vapour products (NVPs). Under the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016[11] it is now an offence to carry on '*a NVP business whilst unregistered or from unregistered premises*' and to sell NVPs to anyone under 18 years old (amongst other measures).

The STRR has also been utilised by numerous academic studies as an integral part of their research. For instance, Shortt et al[12] used data from the STRR to map every outlet registered to sell tobacco in Scotland, in order to analyse the link between adolescent smoking behaviours and the density of tobacco retailers in residential and school locations. Short et al[13] also used the register to map tobacco outlet density to explore associations with neighbourhood deprivation. Additionally, Pearce et al[14] utilised the STRR to examine associations between tobacco retail densities and smoking levels, smoking cessation levels, and inequalities in smoking status. In another study Eadie et al[15] carried out an observational audit to assess whether or not tobacco retailers are complying with legislation relating to tobacco displays at point of sale; the sample of tobacco retailers for this audit was drawn from the STRR.

England and Wales currently do not have a tobacco retail register in place. England has a negative tobacco licensing scheme. Action on Smoking and Health (ASH) published a report[16] in 2015 proposing a new tobacco control strategy for England, including the introduction of a positive licensing scheme. A consultation document was published in 2016 on the tobacco illicit trade protocol[17] however there are currently no plans for the introduction of a tobacco retailer likening scheme in England. In July 2017 the Public Health (Wales) Act[18] became law; this includes a '*duty to maintain register of retailers of tobacco and nicotine products*'; however the details of the Welsh tobacco register are yet to be finalised. There are no countries outside of the UK and the Republic of Ireland that currently have a tobacco retail register in place. There are a number of countries however, with a positive licensing scheme; for instance Australia, Finland and Singapore.

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