



## Enhanced Tobacco (and NVP) Sales Enforcement Programme

Including Operation CeCe (Scotland) illegal tobacco disruption update.

2025-2026 report

### **Executive Summary**

Smoking remains the greatest threat to public health in Scotland and SCOTSS is pleased to continue to play a vital role in the Scottish Government's Tobacco Control Strategy. Since 2011 the Enhanced Tobacco Sales Enforcement Programme (ETSEP) has been a central and effective tool in reducing the availability of tobacco to young people. The Programme has also included NVPs since 2017 and with the incoming Tobacco and Vapes Act a new generational tobacco ban is likely to come into force that will permanently raise the legal age to buy tobacco by one year, every year, which will help Scotland achieve its aim of a smoke free generation by 2034.

2025/26 has been a busy year for SCOTSS, supporting and encouraging local authority enforcement activity, as well as separate but related efforts around the disruption of the supply of illicit tobacco at retail level. The SCOTSS online enforcement database continues to make it easy for councils to submit data returns on enforcement activity that is done locally, so that it can be reported nationally.

Failure rates, where shops have sold tobacco or vapes to under 18s, remain disappointingly high, with more than one in five selling vapes and one in seven selling tobacco to a young person under 18 years old. Local officers will continue to use all the tools at their disposal to take sellers to task, including fixed penalties, reports to the procurator fiscal, and banning orders. This year 207 FPNs and 5 banning orders were issued against sellers.

Local authorities also continue to disrupt the supply of illicit tobacco in partnership with HMRC through Operation CeCe, acting on intelligence from the public and from enforcement partners. We have maintained the facility for councils to utilise detection dogs funded through SCOTSS, and this has brought significant positive results and media attention, and we have invested in a new online platform to allow easy submission of seizure data on illicit tobacco as well to allow for timeous and accurate reporting.

### **Tobacco**

The number of premises selling tobacco continued to fall as shown in table 2. This is a result of the continuing rise in popularity of Nicotine Vapour Products, and a gradual reduction in smoking rates. To avoid double counting of premises when we monitor the performance of local authorities, SCOTSS splits the number of premises selling both products and adds half to each of the other two categories, i.e. premises selling tobacco, and premises selling NVPs only. This ensures that no premises are missed from the indicator and it more appropriately reflects premises numbers.

Enforcement activity in respect of under-age tobacco sales improved this year although still failed to meet agreed key performance targets of 10% of premises receiving a test purchase visit. This is partly due to a continuing focus on vape enforcement with a massive increase in the profile and issues surrounding vapes sales across the UK, especially given their accessibility and attractiveness to children and young persons. Also a significant factor is that many local authorities do not have the necessary resources to conduct test purchase operations to monitor sales of tobacco to under 18s. And in addition many young volunteers are less comfortable attempting to buy tobacco than vapes, which they are more familiar since cigarettes are hidden from view in shops.

Table 1 below shows the tobacco test purchase operations conducted by each local authority during 2025/26 – we are pleased to report that from 15 councils taking part last year, we had 20 councils take part this year. This was down to a combination of encouragement from SCOTSS and some joint working arrangements that enabled checks to be made on the Islands for the first time. However, several local authorities have not invested the allocated Scottish Government funding for tobacco control into their frontline trading standards services, and this has resulted in no test purchasing work taking place in those areas. We urge every Scottish council to invest in its trading standards service and help protect the health of young people locally.

Test purchases on the tobacco side rose to 289, just under half of target but 15% more than last year. The failure rate of 13.1%, is better than last year although still too high, which underlines that this is a serious and continuing problem. Fifty-eight penalty charge notices were issued to sellers, slightly up on 2024/25.

There were 1300 visits to tobacco sellers where advice was given, which although well down on last year, is above the KPI figure of 20% agreed with Scottish Government. This is a good outcome, showing that officers are making sure the knowledge of the trade is high, especially new sellers, and there is less excuse for retailers not knowing exactly what is expected of them, underlining that enforcement action is only used as a last resort, and is intelligence led, targeting those premises that have a higher risk of selling to under 18s.

### **Nicotine Vapour Products (NVPs)**

There continues to be an expansion in sales outlets with new entrants to the market requiring a great deal of advice from officers, continuing the approach taken in previous years.

There were 4869 premises selling NVPs in Scotland as of 1 April 2025, up from 4755 and as with tobacco this takes account of half the total number of premises registered to sell both tobacco and NVPs so we can clearly monitor local authority performance over the two distinct product areas without any double counting. It is worth noting that this figure has grown from 3029 in 2018/19, an increase of over 60% in seven years.

There were 677 test purchases of NVPs over the year, a slight increase from last year and still well above the target figure of 10% of premises. 21.9% of these were failures however, an outcome which has worsened again year on year. More than one in 5 sellers being willing to sell to under 18s is unacceptable and 149 fixed penalty charge notices were issued to sellers. That number is significantly down on last year, but officers have different tools to use in response to non-compliance, not simply FPNs and other options can sometimes be more effective in achieving compliance.

There were 1472 visits to premises where advice was given, which shows that authorities are still providing an advice led service and it is good to see visit targets being met here by over 50% despite resource issues within local authorities.

Over this year, officers have seen a growing trend of young people using nicotine pouches instead of or along with vapes, these are easier to hide, for example within school properties, and bring increased risks as they are completely unregulated by the health-based legislation, and often much stronger than vapes in terms of nicotine delivery. There have been many cases of sickness and gum damage after using these products and we look forward to them being regulated under the new Tobacco and Vapes Bill legislation that is likely to come into force next year.

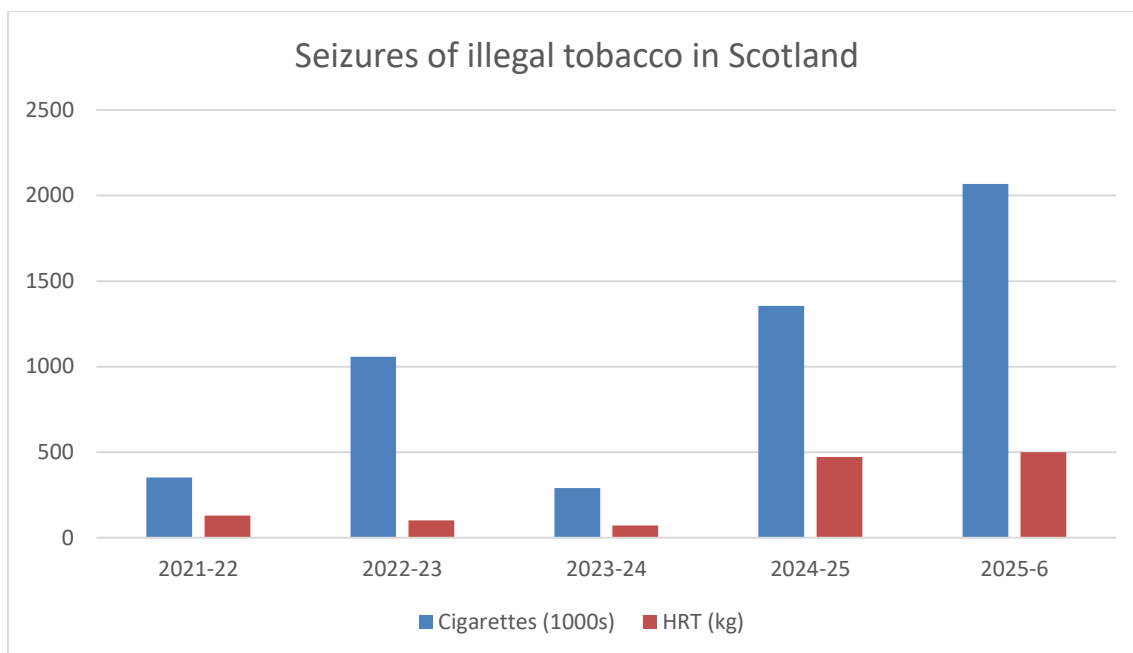
### **Register of Tobacco and Nicotine Vapour Product Retailers**

Founded in the Tobacco and Primary Medical Services (Scotland) Act 2010, the Scottish Government require anyone selling tobacco or vapes to register with them and keep registration details current. This is a very valuable tool for enforcement officers and the Act gives local councils powers to issue fixed penalty notices when sellers are not registered, or the registration details are not up to date.

However, over the years the data on the register had become unreliable and the registration system not as robust as is necessary in today's market. The Scottish Government have therefore introduced a new system from a 3<sup>rd</sup> party contractor, which should be more robust in verifying registration details and give a better quality of information to officers. Regrettably the system has not been without some issues, and we have been engaged with the Scottish Government to remedy the situation in conjunction with their Digital Directorate. We hope the system will operate as required as quickly as possible.

### **Illicit Tobacco supply disruption (Operation CeCe) and detection dogs.**

The work to disrupt the supply of illegal tobacco from local shops continues to grow, with over two million sticks seized across Scotland by local authority trading standards services in 2025/26. These seizures are an important element of work to combat Serious Organised Crime on the 'High Street' and, through funding and a partnership with HM Revenue and Customs, SCOTSS continues to support local operations and the use of detection dogs that can sniff out tobacco where-ever it might be hidden on premises. Sellers are becoming ever more innovative in trying to hide their stock, including remote and magnetically activated hiding places, within fridges, and externally in 'stash' cars and other vehicles, however none is effective against the dogs' highly sensitive noses!



The ability to refer cases to HMRC for the issue of tax evasion penalties of up to £10,000 has been a significant additional tool that Scottish authorities have been particularly effective at using, with Scotland accounting for around a third of the total referrals across the UK. 182 referrals for sanction were received by HMRC from Scottish local authorities in 2025/26 and 62 penalties were issued by HMRC of between £2500 and £10,000.

Sanctions are imposed and administered by HMRC independently of local authorities.

Twenty-four out of thirty-one local authority teams utilised the detection dogs over the year, in a total of 91 operations funded by SCOTSS, up 25% from the previous year, and 74 of these operations made use of the tobacco detection dogs. This was by far the most active year yet, with over 2 million cigarettes seized, mainly from small shops, along with half a tonne of hand rolling tobacco (HRT). Officers also worked with other agencies and services on many of the operations, such as HMRC and Police Scotland.

Looking ahead we have reached an agreement with HMRC for the funding of a separate 'Scottish Illegal Tobacco Team', which will operate out of a local authority base in Scotland's Central Belt, with two officers and a detection dog resource. This team will work independently but also support Trading Standards Officers in local councils with their local operations. This is part of a GB wide regional illegal tobacco officer initiative from HMRC and we hope to have this Scottish team operational early into the new financial year.

SCOTSS also introduced an online reporting form on our website that can be used by individuals to report sales of illegal tobacco (and shops that sell to under 18s). This can be done anonymously and has been very successful in gathering additional intelligence so that we can more effectively target test purchasing and seizure activities.

### Looking ahead

In under-age sales more generally, 2025/26 has turned out to be a successful year for local authority trading standards activities with all indicators bar tobacco test purchasing met or exceeded, and this against a backdrop of reducing resources in local councils. Continued

Scottish Government funding for under-age vape sales enforcement has ensured there is still a capable cohort of officers able to deliver this area of enforcement work, but it is increasingly difficult to maintain its priority, against all the other statutory duties expected from trading standards services.

The ban on the sale of Single Use Vapes came into force on 1<sup>st</sup> June 2025, however except for an initial burst of activity while stocks of non-compliant vapes were sold off, it has not been a particularly high-priority area of work. We are not totally convinced of the outcomes of the ban, since reusable vapes continue to be as cheap as the disposable ones they replaced, and are still attractive to young people. We remain of the view that the incoming Tobacco and Vapes Act and subsequent secondary legislation will have much greater effect in reducing the use of and waste from vaping products.

After a proposal from SCOTSS, some £300k of one-off funding was given through the grant system direct to local authorities in 2025/26, principally for storage and recycling costs, but it is impossible to know how much of this actually got to trading standards as no monitoring was put in place. Without any duty on local councils to enforce the regulations, nor continuing funding we do not expect this to be an ongoing priority for local authority teams.

SCOTSS is clear that the display of vapes (and nicotine products) should be treated in the same way as tobacco and we hope to see measures implemented next year to better control the way they are presented in stores.

Finally, SCOTSS would like to thank the Scottish Government for their support to local authority trading standards services over the year, it is disappointing that so many local authorities are apparently not putting funding intended for tobacco control into frontline trading standards, but it is testament to the trading standards services overall that good outcomes both for legitimate business and for young people can still be achieved nationally.

## Appendices

Table 1 – local authorities that carried out tobacco under-age sales test purchasing in 2025/26, ranked by % visits to premises.

Council	Prem	TPs	%	%Fail
Angus	71	22	31	9.1
Comhairle	57	10	17.5	20
Shetland	46	8	17.4	37.5
Aberdeenshire	104	18	17.3	16.7
Stirling	81	10	12.3	30
East Renfrew	75	9	12	0
Aberdeen	151	18	11.9	5.6
Scottish Borders	126	14	11.1	7.1
North Ayrshire	90	10	11.1	20
North Lanark	318	35	11	5.7
Dundee	118	13	11	23.1
East Ayrshire	222	23	10.4	13
Orkney	68	7	10.3	42.9
Highland	251	25	10	20
Midlothian	65	5	9.2	0
South Ayrshire	111	10	9	10
Argyll	149	13	8.7	7.7
Fife	277	17	6.1	11.8
Glasgow	1497	17	1.1	5.9
Edinburgh	631	4	0.6	0
Clackmannan	36	0	0	0
Dumfries & Gal	273	0	0	0
East Dunbarton	72	0	0	0
East Lothian	132	0	0	0
Falkirk	190	0	0	0
Inverclyde	66	0	0	0
Moray	100	0	0	0
Perth & Kinross	166	0	0	0
Renfrewshire	146	0	0	0
South Lanark	358	0	0	0
West Dunbarton	142	0	0	0
West Lothian	162	0	0	0

**Table 2 - Tobacco Products**

Year	Premises	Test Purchases	% TP (10% KPI)	TP failures	% failures	FPNs	Advice Visits	% visited (20% KPI)
2015/16	9122	872	9.56	104	11.9	125	3527	38.7
2016/17	9153	821	8.97	65	7.9	111	2077	22.7
2017/18	9286	893	9.6	97	10.9	134	3248	35.0
2018/19	7764^	925	11.9	101	10.9	82	2781	35.8
2019/20	7316^	826	11.3	73	8.8	49	2192	30.0
Covid								
2022/23	6926^	268	3.9	33	12.3	38	1550	22.4
2023/24	6888	269	3.9	31	11.5	60	1735	25.2
2024/25	6817	251	3.7	36	14.3	56	1749	25.7
2025/26	6351	289	4.6	38	13.1	58	1300	20.5

**Table 3 – Nicotine Vapour Products**

Year	Premises	Test Purchases	% TP (10% KPI)	TP failures	% failures	FPNs	Advice Visits	% visited (20% KPI)
2017/18*	4418	208	4.7	40	19.2	36	2274	51.5
2018/19	3029^	378	12.5	50	13.2	62	1470	48.5
2019/20	3458^	390	11.3	50	12.8	46	1563	45.2
Covid								
2022/23	3966^	312	7.9	63	20.2	50	1394	35.1
2023/24	4387	688	15.7	116	16.9	128	1983	45.2
2024/25	4755	662	13.9	131	19.8	217	2006	42.2
2025/26	4869	677	13.9	148	21.9	149	1472	30.2

\*This number of registered NVP sellers was probably unreliable at the time it was agreed in early 2017 and was taken from the Tobacco Register of NVP sellers plus NVP and tobacco sellers and

agreed or revised with the individual local authority. Test purchase and advice visit performance is given as a narrative only for 2017/18.

<sup>^</sup>Because SCOTSS monitors performance across sales from sellers of tobacco or NVPs only, we combine the number of premises registered for selling both, 50/50 across the two distinct sales categories. Also we agree premises numbers with local authorities, so where they are in a position to give a more accurate number than is recorded on the register at the start of April that is used as the KPI denominator.

<sup>1</sup>The Covid-19 Pandemic covered the two financial years 2020/22 and caused an almost complete halt to under-age test purchasing work by local authorities in Scotland. This was due of officers being redeployed onto premises restrictions duties, and the impracticality of employing young people to act as volunteers in small shops during the spread of the virus.

**Contact:**

Ken Daly – SCOTSS National Coordinator

 [coordinator@scotss.org.uk](mailto:coordinator@scotss.org.uk) |  07720 538349

X/Twitter: [@socotss](https://twitter.com/socotss) |  <http://www.scotss.org/>

Linkedin: <http://www.linkedin.com/company/scotss/>

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