

BRIEFING	TO:	Members of OSMB
	DATE:	8 September 2026
	LEAD OFFICER:	Barbel Gale, Governance Manager
	TITLE:	OSMB Scrutiny Review - Protecting Children, Supporting Honest Businesses and Cracking Down on Illicit Vapes, Tobacco and Underage Sales
1. Background		
1.1	The review arises from a Notice of Motion agreed by Council on 15 July 2026 concerning the sale of illicit tobacco, counterfeit cigarettes, illegal vaping products and underage sales. The motion highlighted concerns regarding the increasing availability of illegal products within local communities and the impact upon residents, legitimate businesses and public safety.	
1.2	The motion noted concerns regarding the visibility of vaping retailers and unregulated retail premises in some communities, including locations close to schools, together with reports of increasing youth access to vaping products and the availability of illegal products that exceed legal limits or may contain prohibited substances. Residents, parents, schools, retailers and elected members have raised concerns regarding underage sales and the accessibility of such products to children and young people.	
1.3	The Council motion also recognised the wider impacts associated with illicit tobacco and vaping products, including risks to public health, unfair competition for legitimate retailers and links to organised criminal activity. The motion highlighted national concerns regarding the involvement of organised criminal groups in the illicit tobacco and vaping market.	
1.4	Trading Standards is the lead enforcement authority in relation to these matters, working alongside South Yorkshire Police and other partners. The motion highlighted concerns regarding enforcement capacity and requested a review of Trading Standards staffing, resources and enforcement activity in response to increasing intelligence reports and complaints.	
1.5	The review provides an opportunity to examine the Council's current approach to tackling illicit tobacco, illegal vaping products and underage sales, assess the effectiveness of existing arrangements and identify opportunities for improvement. It also provides an opportunity to consider how the Council can best support legitimate businesses while protecting children and communities from harm.	
2. Purpose of the Review		
2.1	The review will assess whether the Council's current arrangements for addressing illicit tobacco, illegal vaping products and underage sales are effective, proportionate and adequately resourced.	

2.2	The review will consider the extent to which current enforcement powers are utilised and whether existing partnership arrangements enable effective prevention, investigation and enforcement activity.
2.3	Through examination of evidence, stakeholder testimony and examples of good practice, the review will identify opportunities to strengthen the Council's response and support the implementation of the resolutions agreed by Council.
3. Scope of the Review	
3.1	The review will examine the Council's strategic and operational response to illicit tobacco, illegal vaping products and underage sales, with a particular focus on protecting children and supporting compliant businesses.
3.2	The review will focus on three key areas: • Enforcement Capacity and Powers - including staffing and resources, intelligence gathering, investigation processes, enforcement activity, prosecution powers, closure orders, seizures and partnership working with enforcement agencies. • Protection of Children and Public Health - including youth vaping trends, underage sales, test purchasing activity, preventative interventions, education and awareness raising activity. • Business and Community Impact - including the impact of illicit trade on legitimate businesses, community concerns, reporting mechanisms, public confidence and wider links to organised criminality.
3.3	The review will consider the implementation of the Tobacco and Vapes Act 2026 and any implications arising from new legislative requirements and proposed licensing arrangements.
3.4	Benchmarking information and examples of good practice from comparator authorities will be used throughout the review to identify opportunities for improvement and innovation.
4. Out of Scope	
4.1	The review will not: • investigate individual retailers, businesses or ongoing enforcement cases; • duplicate the operational responsibilities of Trading Standards, South Yorkshire Police or the courts; • consider individual complaints concerning specific premises; • examine wider tobacco control or smoking cessation policy except where directly relevant to the review objectives; • revisit decisions already taken by Council in approving the Notice of Motion.
5. Key Stakeholders to Engage	
5.1	The review will seek evidence from a small number of key stakeholders involved in enforcement, community safety, public health and youth protection. Internal Stakeholders • Executive Director of Regeneration and Environment • Interim Service Director, Community Safety & Street Scene

	• Head of Community Safety and Regulatory Services • Trading Standards Manager • Director of Public Health • Representative from Children's Services • Council Legal Services Representative
5.2	The review group would also benefit from speaking with: • South Yorkshire Police • South Yorkshire Trading Standards Regional Representatives • NHS/Public Health Partners • Chartered Institute of Environmental Health • School or Academy Representatives • Rotherham Youth Cabinet Representative • Chamber of Commerce or Local Business Representative • Representative from a Retail Trade Association
5.3	The review will also consider good practice and benchmarking information from comparator authorities that have undertaken significant work in tackling illicit tobacco, illegal vaping products and underage sales.
5.4	This mix of stakeholders will provide insight into enforcement activity, public health concerns, business impacts and opportunities for partnership improvement.
6. Proposed Methodology	
6.1	Stage 1: Baseline Briefing and Overview • Introductory briefing on the scale and nature of illicit tobacco and vaping issues within Rotherham. • Overview of current enforcement responsibilities and available powers. • Presentation of intelligence, complaints, seizure data and enforcement outcomes. • Overview of current structural arrangements.
6.2	Stage 2: Enforcement and Partnership Evidence Session • Evidence from Trading Standards, Legal Services and South Yorkshire Police. • Examination of enforcement powers and interventions. • Consideration of intelligence-led approaches, closure orders, prosecutions and partnership activity. • Presentation of benchmarking information and examples of effective practice. • Evidence of how the effectiveness of current enforcement practices is measured.
6.3	Stage 3: Public Health and Community Impact Session • Evidence relating to youth vaping and underage sales. • Consideration of preventative and educational activity. • Discussion regarding impacts on residents and legitimate businesses. • Exploration of community concerns and reporting mechanisms.
6.4	Stage 4: Findings and Recommendations Workshop • Review of evidence gathered. • Identification of strengths, weaknesses and gaps. • Development of recommendations for submission to OSMB and Cabinet.
6.5	Expected Outputs • Assessment of current enforcement effectiveness. • Improved understanding of available powers and allocation of resources. • Identification of examples of effective practice.

	- Recommendations relating to enforcement, prevention, partnership working and public awareness. - Consideration of progress against the resolutions agreed by Council.
7. Potential Initial Key Lines of Enquiry	
7.1	KLE 1: Enforcement Effectiveness - Volume and nature of complaints and intelligence received. - Use of test purchasing, seizures, prosecutions and closure orders. - Barriers to effective enforcement. - Enforcement outcomes and measures of success alongside benchmarking of resources.
7.2	KLE 2: Protecting Children and Young People - Scale of youth vaping locally. - Underage sales intelligence and enforcement activity. - School engagement and preventative programmes. - Public health impacts. - Emerging risks associated with illegal products.
7.3	KLE 3: Partnership Working and Community Impact - Relationships with South Yorkshire Police and other agencies. - Impact on legitimate businesses. - Organised criminality and illicit supply chains. - Community reporting and intelligence gathering. - Examples of effective practice from elsewhere.
8. Draft Evidence Timetable	
	Session 1: Baseline Briefing Purpose - Understand the local position. - Review enforcement and intelligence information. - Establish the scope of subsequent evidence gathering. Witnesses - Trading Standards Manager - Director of Public Health - Interim Service Director, Community Safety & Street Scene - Head of Community Safety and Regulatory Services
	Session 2: Enforcement and Partnership Session Purpose - Explore current enforcement approaches and powers. - Consider partnership arrangements and intelligence sharing. - Examine challenges and opportunities for improvement. Witnesses - Trading Standards Representatives - South Yorkshire Police - Council Legal Services Representative - Other cross-border Local Authority partners

	Supporting Evidence • Enforcement data. • Complaint and intelligence trends. • Comparator authority benchmarking.
	Session 3: Public Health and Community Impact Session Purpose • Examine youth vaping concerns and underage sales. • Consider impacts on legitimate businesses and residents. • Explore preventative and educational approaches. Witnesses • Public Health Representative • School Representative • Youth Representative • Business Representative
	Session 4: Findings and Recommendations Workshop Purpose • Consider evidence received. • Identify findings. • Develop recommendations and reporting arrangements.