



ACS Submission: Tobacco and Vapes Call for Evidence

About you

In what capacity are you responding to this survey?

- An individual sharing my personal views and experiences
- An individual sharing my professional views
- **On behalf of an organisation**

Do you have any direct or indirect links to, or receive funding from, the tobacco industry?

- **Yes**
- No

A statement about how ACS works with suppliers, including tobacco companies, is available on ACS' website [here](#) and copied below.

The Association of Convenience Stores provides three different packages to suppliers, these are the [Connect](#), [Club](#) and [Premier Club](#) packages. The main focus of these packages is networking, events and insight about the convenience sector. The companies that sign up to supplier packages with ACS are of all different sizes and focus areas, including everyone from small EPoS suppliers and technology solutions companies, to multinational FMCG businesses, and all companies can access the same benefits from whichever package they take up, regardless of the category they trade in or service they provide.

While suppliers are included in updates from ACS about policy issues, and have access to briefings on policy developments through the [ACS Online Portal](#), suppliers are not involved with the decision making process on policy issues and are not able to influence policy submissions or briefings to decision makers. ACS has a number of [expert groups and committees](#) that are made up of its retail members, as well as its [main and independent boards](#). There is one supplier representative on the ACS Board which is made up of twenty directors.

ACS' core purpose is to engage with Government and other decision makers on the issues that matter to its members. ACS members are [all retail businesses](#), ranging from independent retailers running one store through to large businesses operating hundreds of convenience stores across the UK. ACS members are consulted and involved in the policy forming process for all submissions to Government, which are [all available here](#).

More information about the ACS executive team and the areas that we work on [is available here](#).

What is the main area of focus of your work?

- Academic
- Advocacy
- Distribution
- Education
- Emergency services
- Enforcement agencies
- Healthcare
- Justice system
- Legal
- Local government
- National government
- Production or manufacturing
- Retail
- Social care
- Wholesale

Questions for individuals

Where do you live in the UK? (Optional)

- England
- Scotland
- Wales
- Northern Ireland
- I live outside the UK

What is your age? (Optional)

- Under 13
- 13 to 15
- 16 to 24
- 25 to 34
- 35 to 44
- 45 to 54
- 55 to 64

- 65 to 74
- 75 or above
- Prefer not to say

What is your sex? (Optional)

- Male
- Female
- Prefer not to say

Is the gender you identify with the same as your sex registered at birth? (Optional)

- Yes
- No
- Prefer not to say

What is your ethnic group? (Optional)

- White - includes British, Northern Irish, Irish, Gypsy, Irish Traveller, Roma or any other White background
- Mixed or multiple ethnic groups - includes White and Black Caribbean, White and Black African, White and Asian or any other Mixed or multiple background
- Asian or British Asian - includes Indian, Pakistani, Bangladeshi, Chinese or any other Asian background
- Black, Black British, Caribbean, African or any other Black background
- Other - includes Arab or any other ethnic group
- Prefer not to say

Questions for organisations and those sharing their professional views

Do you work for, or are you providing views on behalf of, any of the following?

Select all that apply.

- Manufacturer or producer of a tobacco product
- Manufacturer or producer of a vape or nicotine product
- Importer of a tobacco product
- Importer of a vape or nicotine product
- Distributor of a tobacco product
- Distributor of a vape or nicotine product

- Retailer of a tobacco product
- Retailer of a vape or nicotine product
- None of the above

Where does your organisation operate or provide services? (Optional)

Select all that apply.

- England
- Wales
- Scotland
- Northern Ireland
- The whole of the UK
- Outside the UK
- Online

What is the size of your organisation? (Optional)

- Small (0 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more employees)

What is the name of your organisation? (Optional)

ACS (the Association of Convenience Stores)

Licensing

We are seeking evidence on the implementation of a licensing scheme. The feedback provided in this call for evidence will inform a subsequent consultation on the proposed design of the licensing scheme.

Do you have evidence or views to provide on retail licensing?

- Yes
- No

If you select 'no' you will go straight to the section on product registration.

Licensing scheme objectives

We want to ensure that only responsible retailers who do not pose any undue public health or crime risk will be able to have a tobacco and vape licence and sell products

to the public. So, we propose that the overarching objectives for the licensing scheme are to:

- protect public health - to ensure that retailers and their practices are not posing any undue or excessive risk to the health of the public
- prevent crime - to ensure that retailers do not pose any undue crime risk and that only law-abiding retailers can sell these products to the public

Do you agree or disagree with the proposed licensing scheme objectives?

- Agree
- Neither agree nor disagree
- **Disagree**
- Don't know

Please explain your answer. (Optional, maximum 500 words)

Protecting public health

ACS does not believe that a public health objective is the most pragmatic way to frame a licensing objective as “retailers and their practices” do not, in themselves, pose a risk to public health. The focus of the licensing objective should be defined in a similar way to existing objectives under the alcohol licensing system, specifically “protecting children from harm”.

A licensing objective that is based around protecting children from harm can be directly aligned and tangibly assessed against retailers’ operational practices, for example age verification procedures and staff training. A licensing objective that is based on a broad public health objective is much more difficult to assess and measure. A broad public health objective will lead to inconsistent interpretation and arbitrary decision-making between authorities. A public health objective would also place additional burdens on local authority licensing teams to secure evidence to demonstrate that an individual premises is directly causing a public health risk.

We urge policy makers to consider what licensing condition, beyond protecting children from harm, can be applied to retailers’ operational practices that delivers a measurable public health outcome? A broad health objective goes beyond retailer control, adds administrative complexity, and risks unintended economic and social consequences, such as the loss of access to essential goods and services.

Preventing Crime

We support preventing crime as a core objective but consider the current wording “to ensure that retailers do not pose any undue crime risk” to be too broad and open to misinterpretation. The term “undue crime risk” is undefined, creating uncertainty about which types of criminal activity are relevant.

A loose definition could unintentionally penalise retailers for unrelated offences, such as shoplifting, which should not impact their ability to sell tobacco or vape products legally. Retailers regularly report that police licensing officers threaten to review their alcohol licence because of shop theft or anti-social behaviour around a store. When shop theft or anti-social behaviour occurs, retailers are the victims of crime not the cause and therefore should not be subject to licensing reviews based on a “prevention of crime and disorder” objective. We want to ensure this does not happen under a tobacco and vape licensing system.

The objective should focus on risks directly linked to the sale of tobacco and vaping products, including:

- Preventing the sale of illicit tobacco and vape products;
- Ensuring full compliance with age of sale and product regulations;

A clearer phrasing ACS supports is:

“To ensure that retailers involved in the sale of tobacco, vapes, and nicotine products comply with relevant laws and do not engage in or facilitate criminal activity directly related to these products.”

This wording provides clarity, targets enforcement at relevant risks, and avoids penalising compliant businesses for unrelated criminal activity, ensuring the licensing objective is practical and directly linked to retailer responsibilities. We believe that this will enable clear lines between the objective and practical conditions. For example, keeping records of the vape supplier a retailer sources their products from.

Decision making

What factors should be taken into consideration when making decisions on the granting of a premises licence? In your answer you may want to consider factors such as the location and density of retailers and whether businesses are fixed or mobile, as well as any other factors you consider relevant. (Optional, maximum 500 words)

The granting of a premises licence for tobacco and vape products should be guided primarily by the robustness of a retailer’s operational processes, adherence to legal requirements, and a consistent track record of compliance. ACS opposes provisions in the bill that would allow density or proximity restrictions. Such restrictions risk penalising responsible retailers without addressing the root causes of tobacco or vaping-related harm. There are a number of challenges the government needs to consider if it implements density and location restrictions that we have set out below.

Proximity and Density definitions

Defining restricted areas: The government would need to clearly define which locations such as schools, youth clubs, or playgrounds trigger proximity restrictions. This must include the type of education setting, for example would it apply to all settings or would there be distinctions between primary, secondary, colleges and

university settings. Retailers and local authorities would also need to know the precise distance or travel dynamics that would constitute “proximity.”

Accounting for realistic travel patterns: In relation to education settings, young people do not only walk to school, meaning a measure of proximity based on linear distance (for example “shops within 1km of a school”) is too simplistic. Many travel by bus, bicycle, or car. Restrictions based solely on linear distance could fail to capture exposure or movement patterns, such as a shop located at a bus stop where children alight the bus to school.

Density Restrictions: What evidence is there that density restrictions will reduce consumer demand for tobacco and vapes products versus consolidating existing demand to a small number of businesses? Local authorities would have to account not just for density of outlets but also sales volumes for different premises in their local authority area.

Impact on existing businesses

Established businesses: Many long-standing retailers currently operate responsibly in mixed-use areas where schools or residential developments have grown around them. The government must clarify whether any restrictions would apply retrospectively, and if so, how this will impact established convenience stores and their ability to deliver other services, such as Post Office, ATMs or bill payments. This challenge will be more acute in smaller rural communities, where convenience stores are often the only accessible retail outlet for a range of essential goods.

Local authority assessments and enforcement

Consistency of enforcement and resources: Local authorities would need significant additional capacity and new expertise to assess and monitor compliance based on proximity. We assume that each local authority would require licensing officers to maintain up-to-date geographic data on all schools and youth facilities, identify and monitor all businesses within restricted zones. This would be an intense and costly process and will divert resources away from enforcing against rogue business that may not trade near schools.

An alternative solution to proximity restrictions could be that businesses trading in areas deemed to be ‘high risk’ could be subject to a different enforcement framework, whereby the threshold for aggravating factors and tougher penalties are lower and assessments for mitigating factors are much higher.

What factors should be taken into consideration when making decisions on the granting of a personal licence? (Optional, maximum 500 words)

Fit and proper person test

Decisions on the granting of a personal licence should be based on whether the applicant can demonstrate that they are a fit and proper person to supervise the sale of age-restricted products and ensure compliance with relevant legislation. We

support applying an approach consistent with the “fit and proper person” test used under the Licensing Act 2003 for alcohol personal licences. This approach is well understood by both local authorities and retailers, is based on clear and objective criteria, and avoids unnecessary or inconsistent interpretation.

Equivalence with Existing Personal Licence Holders

To ease the administrative and training burden on responsible businesses, we strongly recommend that existing personal licence holders under the Licensing Act 2003 should be automatically recognised as meeting the qualification requirements for the new tobacco and vape personal licence. Personal licence holders already have:

- Accredited training in supervising the sale of age-restricted products
- Understanding of legal responsibilities, refusals management, and due diligence
- Experience implementing Challenge 25 / ID verification processes
- Responsibility for ensuring staff are trained and procedures are followed

This knowledge and experience is directly transferable. Requiring retraining of thousands of staff across convenience stores, forecourts and other retail outlets would impose unnecessary cost and administrative burden without improving enforcement outcomes.

Training and Competency

We support using recognised qualifications such as the BIIAB Level 2 Award in Responsible Alcohol Retailing with a new module dedicated to the sale of tobacco and vapes products. This approach already has a foundation from its use in alcohol licensing and feedback from licensing colleagues and members suggest it would provide a practical, consistent foundation for ensuring that all licensed retailers and their staff have a thorough understanding of their legal responsibilities.

Delegated Authority

The personal licence holder should have the ability to delegate day-to-day sales responsibilities to staff, while retaining overarching accountability, in the same way as under the Licensing Act 2003. It is not practical or necessary for the personal licence holder to be physically present at every sale.

Should factors affecting decisions on the granting of licences be shaped by local priorities or nationally set criteria, or both? In your answer, please provide examples of criteria that you believe should be set at a national level and any criteria which should be left to local decision making. (Optional, maximum 500 words)

ACS strongly supports licensing decisions being shaped by clear, nationally set criteria. A national framework is essential to ensure that the scheme is implemented

consistently and proportionately across England and Wales, and to give businesses clarity in how to comply regardless of where they operate.

If licensing decisions are based too heavily on varying local priorities, businesses could face different rules, costs, conditions and evidential thresholds between local authority areas, creating unnecessary complexity and compliance burdens. This risks inconsistent enforcement outcomes, legal uncertainty, and ultimately undermines confidence in the licensing system both for retailers and local authorities.

We would highlight the Government's recent call for evidence on alcohol licensing reform, which recognised that the proliferation of locally imposed conditions over time has resulted in fragmentation and inconsistency.¹ The proposal of an "amnesty" on historical conditions demonstrates the challenges caused when local variation is allowed to accumulate unchecked. The tobacco and vape licensing scheme should be designed from the outset to avoid repeating this outcome.

We would like to clarify that ACS does not oppose local authorities assessing and processing licence applications. Local authorities are best placed to:

- Process applications
- Verify business history and compliance records
- Liaise with local trading standards and enforcement partners
- respond where there is evidence of non-compliance or local criminal activity

However, these enforcement and administrative roles should operate within a clearly defined national framework of:

- Licensing objectives
- Eligibility criteria
- Mandatory Licensing conditions
- Fees

A national scheme with local implementation is key to ensuring consistency, fairness, and proportionality. It allows the government to maintain clear policy control over the objectives and standards of the licensing framework, while empowering local authorities to apply those standards in a way that reflects operational realities in their areas.

How should licensing authorities reach decisions about whether to grant a licence? In your answer you may want to consider what structures (such as committees) are needed to make decisions, as well as the extent to which interested parties should be engaged in the process. Please explain your answer with reference to the operation of existing licensing schemes. (Optional, maximum 500 words)

¹ [Home Office & Department for Business and Trade, Reforming the Alcohol Licensing System.](#)

Licensing authorities should make decisions based on clear, evidence-led assessments of whether an applicant is complying with the mandatory licensing conditions. The focus should be on business compliance, not subjective interpretations of local sentiment, business type, or location.

In line with existing licensing schemes (such as the Licensing Act 2003), we support a model where applications are processed and determined by officers at local level, with only contested decisions or cases where enforcement concerns are identified being escalated to a licensing sub-committee. This ensures proportionality, efficiency, and avoids unnecessarily burdening either business or local authority resources. This means that if there are no representations to an application, the licence is granted.

We believe representations should be limited to relevant statutory consultees and must align with the licensing objectives, similar to the approach in Section 182 Guidance under the Licensing Act. Local authorities should apply weighting to representations based on direct relevance and expertise:

- Representations should only be considered where they relate to the licensing objectives.
- Only those directly impacted or with enforcement intelligence should have standing to object.
- Generalised or speculative concerns should not carry weight.

We also strongly support the proposal that there should be no requirement for applicants to advertise applications in local newspapers, which is outdated and adds unnecessary cost

The licensing framework should also consider reflecting the Agent of Change principle, meaning responsibility sits with those introducing a change, not existing compliant businesses. For example, a responsible retailer operating legally should not face licensing restrictions because a school, youth facility, or residential development is later built nearby. This is consistent with Government's direction in the alcohol licensing reforms consultation.

If there are any other factors that should be considered in the administration of the licensing scheme, please outline them here. In your answer, you may want to consider transparency of decision-making, requirements to publish information and the process for appealing decisions. (Optional, maximum 500 words)

There should be a requirement for applications to be submitted and processed in a digital format. This will reduce the cost for both businesses and local authorities of administering the scheme. An online application process will also speed up applications as they will not be reliant on postal services and subject to loss of documentation. We regularly receive feedback from retailers frustrated about the

differing approaches to management of alcohol licensing applications and reviews, which increases costs for businesses.

The application forms should be hosted online by a central government department, this could be the Home Office with their existing knowledge of the alcohol licensing system or the Department for Business and Trade. These application forms should be the only forms accepted and must not be amended locally. The application process would still be processed and managed at local authority level by licensing teams.

Licensing conditions

Please outline any examples of licensing conditions which you believe could be imposed on a premises licence to support the objectives of the scheme. (Optional, maximum 500 words)

We have set out a full list of mandatory conditions that could be incorporated into the tobacco and vape licensing scheme. In this response, we focus on the rationale behind some of these key conditions that directly support the scheme's objectives while remaining directly linked to retailers' operational practices.

Objective 1: Protecting Public Health/ Prevention of Children from Harm

Mandatory National Conditions

- A mandatory Challenge 25 age verification policy for vaping products and other nicotine products.
- Appropriate age verification materials to accommodate communication of the generational tobacco ban.
- A mandatory requirement for age verification materials for both vaping, nicotine and tobacco products to be prominently displayed at the point of sale.
- A system for delegating authority to sell on behalf of the personal licence holder/designate premises supervisor who acts on behalf of the Premises Licence Holder.
- Refresher training (minimum yearly) on age verification policies for the sale of vaping, nicotine and tobacco products.
- Written policy of age check procedures.
- Refusals system, which can be electronic or paginated paper copy.

Mandatory Challenge 25 and Generational Tobacco Ban Age Verification

Policy: Requiring all licence holders to operate a Challenge 25 policy provides a simple, consistent, and well-understood mechanism for preventing underage access to tobacco and vape products. This would also have to account for the generational tobacco ban with materials in store explaining the annual shift in the generational ban.

Mandatory Staff Training and Refresher Training: Training should cover age-restricted sales, recognising fake IDs, handling confrontations, and the correct process for refusals. Making training a licensing condition ensures that staff

competency can be evidenced through certification and records, allowing enforcement officers to verify compliance in a straightforward way.

Refusals Logs and Compliance Record Keeping: Maintaining refusals register whereby a business records every instance where a sale is refused serves multiple purposes. It demonstrates proactive compliance, helps identify training needs, and provides tangible evidence for enforcement authorities.

Objective 2: Prevention of Crime

Mandatory National Conditions

- Keep and maintain records of suppliers of vaping products and other nicotine products, and make them available to enforcement officers on request.
- Keep and maintain up to date information on Facilities ID under the tobacco track and trace scheme and display them on your premises license.
- Provision of CCTV in-store to support compliance and store safety.
- Maintain records of vape recycling facilities and waste transfer notes.

Product Traceability and Responsible Sourcing: A requirement for retailers to purchase only from registered wholesalers (tobacco track and trace and vape duty compliant) and maintain invoices or supplier details would strengthen the integrity of the supply chain. Crucially, this also enables enforcement agencies to focus on measurable indicators of compliance, rather than broad or subjective criteria.

Please provide your views on which licensing conditions could be determined by local councils, and which conditions should be mandatory for all licence holders. (Optional, maximum 500 words)

As we have set out, ACS believes that licensing conditions should be mandatory and set at a national level, rather than developed locally. Setting conditions nationally ensures that all retailers operate under a consistent, transparent, and fair framework, regardless of where they are based. This approach provides clarity for businesses on what they must do to comply and avoids situations in which different local authorities interpret the licensing scheme differently or impose additional requirements that are inconsistent, subjective, or disproportionate

If the Government proceeds with a broad “protecting public health” licensing objective, there must be careful consideration of the evidential thresholds required for local authorities to impose or justify additional conditions and that all local conditions are linked to individual premises. Applying a general health objective in practice raises concerns about:

- what evidence local authorities would rely on
- how businesses could challenge or appeal unclear decisions
- how conditions would avoid unfairly impacting responsible retailers located near schools or in high-density areas simply because of geography rather than conduct.

Therefore, while local enforcement is essential, the conditions themselves should be national, mandatory, and based on operational activity undertaken by retailers. This ensures a proportionate licensing scheme that is enforceable and supportive of responsible retailers across all communities.

Licensing fees

What is an appropriate fee structure for premises licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes, and/or whether fees should vary depending on the type of retailer or other characteristics, such as the size of the business and the products they sell. (Optional, maximum 500 words)

We believe that the government, in consultation with local authorities and businesses, should create a national framework for the calculation of licensing fees that reflects administrative costs. This could draw on the established alcohol licensing fee framework, where bands for fees are set based on rateable values. However, the licensing fee would also have to account for intelligence led enforcement action where an average cost for an enforcement visit would be calculated and reflected in licensing fees at a national level. This must be set at a national level to provide certainty for businesses and account for inflation increases in cost for local authorities.

Retailers are concerned that licensing fees will be inflated due to limited resources in local authorities. There is also an inherent unfairness in licensing fees being set to account for the enforcement of the whole licensing scheme, instead of the cost of administering the licensing scheme.

What is an appropriate fee structure for personal licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes. (Optional, maximum 500 words)

We strongly support adopting the same fixed national fee structure used for personal licences under the Licensing Act 2003. This approach is already well understood by both local authorities and retailers and has proven to be simple, fair, and cost-effective in practice. A single, nationally set fee ensures that all applicants are treated consistently, regardless of location, business size, or the economic circumstances of the local authority area in which they operate.

A fixed fee model avoids creating a situation where retailers could face significantly different application costs in different parts of the country, which would be particularly challenging for businesses operating multiple premises across local authority boundaries. This should include a mechanism for uprating fees to account for inflation, possibly annual.

Please provide your views on whether fees should be set at a national or local level. In your answer, you may want to refer to the operation of existing schemes. (Optional, maximum 500 words)

National, see above.

Duration and renewal of licences

How long should a licence be granted for? In your answer, please consider both personal and premises licences. (Optional, maximum 500 words)

Using the alcohol licensing renewal model for tobacco and vape retailers would provide a simple, efficient and familiar system in which licences are granted indefinitely, but maintained through a low-burden annual fee rather than full reapplication. This approach ensures that retailers stay registered year-to-year without creating unnecessary administrative work for businesses or councils. Crucially, it also provides a built-in enforcement mechanism: if the annual fee is not paid, the licence can be automatically suspended, giving local authorities a clear and practical tool to stop non-compliant sellers without lengthy legal action.

How should the renewal of licences be managed? Please consider the renewal of both personal and premises licences. You may also want to refer to the operation of existing schemes. (Optional, maximum 500 words)

Using the alcohol licensing renewal model for tobacco and vape retailers would provide a simple, efficient and familiar system in which licences are granted indefinitely but maintained through a low-burden annual fee rather than full reapplication. Making this process digital by default with online payments, automated reminders and self-service updates would further minimise administrative effort for both retailers and councils. Crucially, the annual fee also provides a built-in enforcement mechanism: if payment is not made, the licence can be automatically suspended, allowing local authorities to stop non-compliant sellers quickly and effectively without lengthy legal action.

Retailers have highlighted challenges with making annual licensing renewal payments that result in licences being temporarily revoked. To increase certainty and consistency a national payment platform would be welcome. In addition, retailers would welcome a mechanism to pay multiple year annual licensing fees at one time to reduce administration and increase income certainty for local authorities.

Online sales licensing

How should a retail licensing scheme be administered for online retailers and compliance monitored? In your answer, you may want to consider whether the approach taken should differ from the approach for physical premises, and/or refer to the operation of existing schemes. (Optional, maximum 500 words)

Any retail licensing scheme for online retailers must ensure a level playing field between online and physical stores, while recognising the different challenges associated with remote sales. At present, convenience stores invest time and resources in robust age-verification processes, staff training, and compliance with Challenge 25 policies at the point of sale. By contrast, the online marketplace remains uneven, with variable standards of age verification and limited enforcement. A licensing scheme should therefore require online retailers to demonstrate

equivalent standards to those expected of physical stores, ensuring that responsible businesses are not disadvantaged by weaker compliance online.

Specific consideration should also be given to third-party delivery services and age verification responsibilities. The rapid growth of online convenience platforms and delivery apps has blurred the lines of responsibility between the seller, the platform, and the delivery driver. To ensure accountability, legislation should clearly define who holds the duty to verify the customer's age at each stage of the transaction both at the point of sale and at the point of delivery.

Exemptions from licensing

Please provide evidence of any exemptions which you believe are necessary as part of the retail licensing scheme. (Optional, maximum 500 words)

None.

Implementing a licensing scheme

How can the licensing scheme be implemented effectively? In your answer, you may want to consider the application process for existing retailers during the implementation of the scheme and whether it should differ from applications after the scheme has been implemented. (Optional, maximum 500 words)

Fast track application option for responsible retailers

The creation of a tobacco and vapes licensing scheme will require businesses already selling tobacco and vapes products to transition across to a new system. This will place considerable administrative burdens on the thousands of existing businesses selling tobacco and vapes and local authorities that will have to process the applications.

To ease the burden on local authorities and the many businesses already selling tobacco and vapes responsibly, we propose that the government develops a "fast track application" for businesses that sell tobacco and vapes and meet certain criteria. There is precedent for this approach under the alcohol licensing system where "grandfather rights" were provided to businesses selling alcohol when the alcohol Licensing Act was implemented in 2005.

The development of a fast-track application process would not preclude businesses selling tobacco and vapes from completing applications or scrutiny of their application but instead seek to acknowledge that many businesses already have robust regulatory compliance measures in place, and are familiar with the requirements of licensing schemes for regulated products.

Proposed criteria

To ensure the integrity of the system while reducing unnecessary administrative burden, ACS proposes that fast-track eligibility should apply to responsible retailers who meet the following criteria:

- The business already holds a valid alcohol premises licence and has a personal licence holder, demonstrating familiarity with regulated product licensing and responsible retailing standards.
- The premises has not been subject to formal enforcement action in the past 12 months specifically for offences relating to underage sales or the possession or supply of illicit tobacco or vape products.

Retailers meeting these criteria would benefit from a “presumption to grant” approach under the new system, meaning that a licence would be issued without requiring a pre-grant inspection. Local authorities would retain the power to review or revoke a licence if subsequent evidence of non-compliance arises.

There are a number of different reasons we have set out below why the government should consider this:

- **Efficiency:** Reduces the administrative load on local authorities by allowing resources to focus on high-risk or unregistered operators.
- **Fairness:** Recognises the compliance record of responsible businesses that have consistently upheld age-restricted sales laws.
- **Continuity:** Ensures legitimate retailers can continue trading without disruption or unnecessary cost.
- **Compliance focus:** Directs enforcement activity toward businesses with a history of illegal sales or involvement in the illicit trade.

By adopting a fast-track licensing route for compliant businesses, supported by a clear national framework and adequate local resourcing, the scheme can be implemented efficiently, avoid unnecessary burdens, and focus enforcement where it is most needed on those who undermine legitimate retail and public health objectives.

How long is required to implement the licensing scheme? In your answer, please consider the time required, following the introduction of regulations, to set up the scheme as well as the time required for applications to be processed. (Optional, maximum 500 words)

There needs to be a 24 month implementation window from when guidance is published covering how the scheme will work for all the different relevant stakeholders involved. This timeframe allows businesses to prepare by understanding requirements and updating operations, while giving government, licensing authorities and enforcement bodies time to establish systems, train staff, and create communication strategies. The implementation of this scheme is going to be no easy feat so clear provision of timelines, guidance, and implementation is fundamental to assure all stakeholders involved are able to prepare and comply with the regulations.

If there is anything else that should be considered in the implementation of the scheme, please outline it here. In your answer, you may want to consider any support retailers and local councils will require to effectively implement the scheme. (Optional, maximum 500 words)

Inspection Period

The government should include a provision in the tobacco and vapes licensing scheme that guarantees a maximum inspection period of 28 days from the date of when a business makes the application and may expect an inspection to take place. If no inspection occurs within this period, the licence should be automatically granted so long as there is no appeal. There should also be a provision that ensures businesses can continue to sell tobacco and vaping products during this period.

Enforcement of scheme: licensing officers' role

The draft bill currently assigns enforcement responsibilities solely to Trading Standards, which raises practical concerns. Trading Standards teams already face significant resourcing and capacity pressures, and in many areas they are operating with reduced staff and increasing workloads. Expecting them to manage an entirely new licensing and inspection regime alongside existing product safety, age-restricted sales, and illicit trade duties would be unrealistic and risk undermining effective enforcement.

A more sustainable and efficient approach would be to allow local authority licensing officers who already administer and enforce the alcohol licensing regime to play a formal role in enforcing the tobacco and vapes licensing scheme. These officers are experienced in processing applications, conducting compliance checks, and managing enforcement procedures under statutory frameworks that share similar objectives, such as preventing underage sales and ensuring responsible retailing.

Selling tobacco under the generational ban

Under the proposed generational ban, there is a risk that retailers who hold a valid premises licence but were born after the cut-off date could be legally prevented from purchasing tobacco or vape products to stock their store. The government should make clear in statutory guidance that this restriction on personal purchase does not prevent a licensed premises licence holder from continuing to operate, order, or sell products lawfully.

Premises which can receive a licence

The licensing system should apply only to fixed premises rather than to mobile or temporary traders, with the exception of vessels, as defined in the LA03. This approach ensures that licences are linked to a specific, identifiable location where compliance with age-of-sale, storage, and product control requirements can be properly monitored and enforced.

Impact of a licensing scheme

Please provide evidence of the impacts on retailers or any other businesses of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

ACS supports the introduction of a tobacco and vape licensing scheme in principle, provided it is clear, proportionate, and targeted at preventing harm to children and tackling the illicit market. Licensing can strengthen enforcement by allowing regulators to identify legitimate retailers, focus resources on non-compliant operators, and promote strong compliance standards. There are three guiding principles we believe are essential to design of the scheme:

1. A licensing scheme should seek to increase business compliance with regulation by supporting enforcement activity and operational standards.
2. A licensing scheme should not seek to stifle economic activity of businesses selling tobacco and vapes products responsibly by overburdening them with complex administration, inflated licensing fees or restricting the establishment or continued operation of outlets which sell these products responsibly.²
3. There must be equity in any licensing system between online retail operators and physical retail operators.

As we have outlined, however, we are concerned that the inclusion of density and proximity restrictions could unfairly penalise compliant businesses and damage local economies. Convenience stores often trade in high-footfall or residential areas, including near schools and transport hubs, where they provide a wide range of essential goods and services. Restricting licences based on location rather than retailer conduct could reduce access to legitimate stores, drive consumers toward illicit markets, and threaten the viability of convenience stores. The government must carefully assess how such restrictions would be defined, enforced, and reviewed to avoid inconsistent or disproportionate outcomes.

On the impact of the public health objective, we have relayed concerns regarding its inclusion because it risks inconsistent interpretation by local authorities and may be difficult for businesses to demonstrate compliance with. Licensing objectives should therefore remain targeted and directly linked to retailer responsibilities, such as preventing harm to children and preventing crime.

We also note that Trading Standards are chronically underfunded. There is a risk that, without careful design, the scheme's funding structure could inadvertently shift the cost of enforcement onto responsible retailers who are already compliant. Licensing fees should therefore be proportionate, reflecting only the administrative

² [National Licensing Policy Framework](#) – The government's announcement to reform licensing through the new National Licensing Policy Framework aims to reduce unnecessary regulatory burdens and promote business growth. This overarching approach should be considered for the retail businesses which will be impacted by the development of the tobacco and vapes licensing scheme.

costs for the local authority in processing applications and the cost of compliance inspections, rather than subsidising broader enforcement activity.

Please provide evidence of potential public health benefits as a result of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

Any decision to introduce a licensing scheme must carefully balance public health objectives with the economic realities faced by retailers and the essential services they provide in communities. While reducing youth access to tobacco and vaping products is an important goal, a significant proportion of retailers already comply fully with age-of-sale regulations and take proactive steps to prevent underage purchases. These responsible retailers should be assured that they will be able to continue trading without facing disproportionate financial or administrative burdens simply for adhering to the law. Government therefore needs to consider how to design a system that targets the minority who deliberately break the rules, without penalising or discouraging the majority who operate responsibly.

The challenge is that, although tobacco and vaping products are not beneficial to public health, they remain legal consumer goods that contribute to the economic sustainability of many small shops. A balanced approach would recognise the need to promote public health while ensuring that compliant retailers are supported, not undermined, and that the essential role of local shops in their communities is protected.

Please provide any additional evidence or views on the development of a retail licensing scheme, providing a clear rationale for any views that you offer. (Optional, maximum 500 words)

Product registration

We are clear that we need a different process to ensure that products are safe and comply with our regulations. This call for evidence seeks further detail on the existing notification schemes and where registration will go further than current notification requirements. We welcome views from interested parties on implementing such a scheme.

This will inform the development of policy proposals, which we will consult on in due course.

Please note that this section is not seeking evidence on the retail registers in Scotland and Northern Ireland.

Do you have evidence or views to provide on product registration?

- **Yes**
- **No**

If you select ‘no’ you will go straight to the end of the survey.

Feedback from retailers is that the notification system for vapes is ineffective and not user-friendly for retail businesses. Many retailers report that the system does not allow them to easily identify which products are fully compliant and notified, making it difficult to ensure they are only selling legal products.

In addition, there is significant confusion among retailers about what “notification” actually means. This lack of clarity is particularly problematic for convenience stores that stock multiple vape brands and rely on accurate and timely information to remain compliant. Without clear guidance, the notification system fails to support responsible retailers in meeting their legal obligations.

The current system also struggles to keep pace with rapidly evolving product markets, particularly disposable vaping products. Evidence shows that many disposables are still being uploaded to the notification system even after the government introduced the disposable vape ban.

Impact on businesses

Please provide evidence of the impacts on business (such as producers and importers) from adapting to new registration and reporting requirements as established through the Tobacco and Vapes Bill. (Optional, maximum 500 words)

While this is for producers and importers, any registration and reporting system introduced under the Bill should be designed with consideration for how retailers will practically interact with it. Retailers are the final decision-makers on what products enter the market for consumers, so they require a straightforward and reliable way to verify that a product is legitimately registered and compliant.

Enforcement

How effective or ineffective is the current enforcement regime for ensuring that only notified products are sold in Great Britain and Northern Ireland? (Optional)

- Very effective
- Somewhat effective
- Somewhat ineffective
- **Very ineffective**
- Don't know

Please provide any evidence to support your view and any recommendations on how enforcement could be improved in the future. For example, on things like sale of unregistered products. (Optional, maximum 500 words)

The scale of the illicit vape market in is significant and poses a major challenge to effective enforcement. The enforcement community estimates that at least one-third of all vape products sold in the UK are illicit, including unregistered or unnotified products. Additionally, the latest figures for the tobacco duty gap show that in the

2023-24 tax year the tobacco duty gap was 13.8% of the theoretical liability, equating to £1.4 billion in lost duties.³ These unregulated products undermine public health objectives, create unfair competition for compliant retailers, and reduce confidence in the legal market. Evidence from our members highlights ongoing concerns about rogue retailers and the limited enforcement capacity of Trading Standards, which currently struggles to monitor and act against the widespread availability of illicit products.

Research commissioned by ACS also highlights the funding and resource gap required to tackle non-compliance effectively. We estimate that over the next five years, approximately £140 million would be needed to address the illicit vape market.⁴ This figure includes funding for the recruitment of additional enforcement staff, conducting product seizures, carrying out test purchases, training and retaining officers, and ongoing operational support for Trading Standards. Without this level of resourcing, enforcement will remain largely reactive, and compliant retailers may continue to shoulder the indirect costs of policing unregistered products.

To address these challenges, we recommend that the government uses revenue generated from the proposed vape duty to fund enforcement activity. Ring-fencing this revenue for Trading Standards and local authorities would ensure that resources are directly targeted at addressing non-compliant retailers, conducting intelligence-led inspections, and removing unregistered products from the market. This approach would reduce the burden on compliant businesses and create a fairer, more effective regulatory system.

File upload

In this section, you'll be able to provide any additional evidence or submit any files. A maximum of 10 pages in a Word document or PDF will be considered. (Optional)

ACS Submission Document

³ [HM Revenue & Customs, Tax Gaps 2023-24](#)

⁴ [Resource Analysis for Vape Enforcement](#)