



Tobacco Programme  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG

13 July 2012

Mrs Alison Cooper  
Chief Executive Officer  
Imperial Tobacco Group PLC  
PO Box 244  
Southville  
Bristol BS99 7UJ

Dear Mrs Cooper,

Thank you for your letter dated 22 June 2012, in response to a letter dated 17 May 2012 from Mr Andrew Lansley, the Secretary of State for Health. I am a member of the Senior Civil Service with responsibility for the Department of Health's Tobacco Programme, and have been asked to reply.

As you know, the Government's consultation on standardised packaging of tobacco products was published on 16 April 2012. Through this consultation, the Government is exploring whether action on tobacco packaging has the potential to bring public health benefits over and above those from our current initiatives.

The Health Secretary was reported by Sky News correspondent Jon Craig in a blog on 12 April 2012 as saying "the evidence is clear" and "that packaging helps to recruit smokers, so it makes sense to consider having less attractive packaging". We can only assume that the blog was inspired by Mr Lansley's interview with *The Times* journalist Anushka Asthana as reported in the article that was published in *The Times* on 13 April 2012.

I want to make it clear that this was not language used by Mr Lansley during his interview with Anushka Asthana. That being the case, I am of the view that, on this occasion, the Minister has been misquoted by both *The Times* and Mr Craig. Mr Lansley did, however, make it very clear during the interview that he has an open mind on standardised packaging for tobacco and that the consultation poses genuinely open questions on a range of issues that will need to be considered.

You expressed concern about the genuine and fair minded nature of the consultation. In his letter of 17 May 2012, the Health Secretary was very clear that he has an open mind about introducing standardised packaging for tobacco packaging, and that the Government will duly consider *all* consultation responses before any decision is made. This includes responses from tobacco companies and their suppliers, retailers and smokers.

Also, I reiterate paragraph 1.3 of the consultation document, which states that:

*Any decisions to take further policy action on tobacco packaging will be taken only after full consideration is given to consultation responses, evidence and other relevant information. If it is decided to pursue a policy that would require legislation, further consideration will be given to the most appropriate approach.*

You will be interested to know that a large number of responses have already been received from a variety of individuals and organisations. The Government has been asked to provide more time for people to respond to the consultation. We want to maximise the opportunity that people have to provide their views and evidence. The Government has, therefore, extended the consultation period for an extra month. The new closing date of the consultation is Friday, 10 August 2012.

The Government wants to maximise transparency in this consultation. I can confirm that Health Ministers have not had any specific meetings on tobacco packaging with any organisation or company since the consultation was published. The Public Health Minister Anne Milton did meet with representatives of the All Party Parliamentary Group on Smoking and Health on 30 April 2012 to discuss tobacco control generally, and the consultation was briefly mentioned.

The Government is encouraging any person, organisation or company with an interest in tobacco packaging to reply to the consultation. All responses received by the new closing date of 10 August 2012 will be carefully considered. A summary report of consultation responses will be published on the Department of Health website in due course after the completion of the consultation.

In your letter, you also seek to "clarify" the requirements of Article 5.3 of the Framework Convention on Tobacco Control (FCTC). You are correct in saying that the FCTC and guidelines to assist Parties to the FCTC to

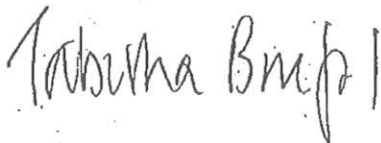
implement Article 5.3 do not prevent engagement or dialogue with tobacco manufacturers. It is not the Government's position to cease engagement or dialogue with tobacco companies. This position was made clear only recently by the Health Minister Earl Howe in response to a parliamentary question asked by Lord Naseby in the House of Lords on 19 June 2012, where the Minister said:

*My Lords, Health Ministers consider all meeting requests carefully. Article 5.3 of the Framework Convention on Tobacco Control requires the Government to protect the development of public health policies from the vested and commercial interests of the tobacco industry. The tobacco industry is welcome to share its views on tobacco control issues with us in writing at any time... My Lords, we welcome the views of tobacco companies, retailers and all those with an interest in tobacco-related policy. Ministers in other departments may have legitimate reasons to meet the tobacco industry—I understand that, from time to time, they do—but Health Ministers and Department of Health officials would have a good reason to meet tobacco companies only if a specific matter, as opposed to general issues to do with tobacco control, demanded that. We would have to think carefully whether there was a good reason.*

This position is in line with the guidelines to Parties for the implementation of Article 5.3 of the FCTC.

Thank you for taking the time to reply to the Secretary of State for Health's letter.

Yours sincerely,



**Tabitha Brufal**  
Deputy Director  
Tobacco and Responsibility Deal



16/07/2012 11:34

To Simon Clark <simon@forestonline.org>  
cc

Subject Andrew Lansley - "Supporter of Plain Packs"

Dear Mr Clark,

I have been asked to respond to your recent emails regarding the "Plain Packs Protects" website which suggested that Mr Andrew Lansley, the Secretary of State for Health, was a supporter of plain packaging.

On the day that you brought this matter to the attention of the Department of Health, I contacted representatives of "Plain Packs Protects" asking them to remove the reference. They confirmed that the inclusion of Mr Lansley as a supporter of plain packaging was an error, and they removed the reference from their website as soon as they could.

Mr Lansley has been very clear that he has an entirely open mind on standardised packaging for tobacco products. Through the consultation that is currently underway, the Government is seeking views about the possible benefits and consequences of taking action on tobacco packaging.

I also wish to take this opportunity to alert you to the two letters (dated 14 and 20 June 2012) that I have written to you regarding Forest's "Hands Off Our Packs" petition. If you have not received these letters, please let me know.

Yours sincerely,

Tobacco Programme Manager  
Department of Health

Tel: :  
Email: .@dh.gsi.gov.uk

Get off cigarettes with NHS support - call 0800 169 0 169 or visit  
[www.nhs.uk/gosmokefree](http://www.nhs.uk/gosmokefree)

----- Forwarded by :SIS/DOH on 12/07/2012 16:19 -----



Simon Clark  
<simon@forestonline.org>

10

.DOH@DOH



16/07/2012 13:04

To Simon Clark <simon@forestonline.org>  
cc

Subject Forest's "Hands Off Out Packs" petition

Dear Mr Clark,

Please find copies of the two letters I sent to you in June regarding Forest's "Hands Off Out Packs" petition. You said on the telephone earlier today that you hadn't received the letters in the post.

Since writing to you, we have received a couple of additional complaints as well. Please let me know if you would find it useful for me to give you an overview of these.

I look forward to your response.



120614 - Letter to Forest from [REDACTED]



Hands off our packs petition.pdf



120620 - Letter to Forest from [REDACTED]

Yours sincerely,

Tobacco Programme Manager  
Department of Health

Tel:

Email: @dh.gsi.gov.uk

Get off cigarettes with NHS support - call 0800 169 0 169 or visit  
[www.nhs.uk/gosmokefree](http://www.nhs.uk/gosmokefree)



Simon Clark  
<simon@forestonline.org>  
16/07/2012 14:11

To @DOH  
cc  
bcc

Subject Re: Forest's "Hands Off Out Packs" petition

History: This message has been replied to.

Dear

Thank you for forwarding copies of the two letters you sent to me last month. This is the first time I have seen either letter so apologies for not replying before. We take complaints such as this very seriously and I would have replied earlier had I been aware of them.

I will respond to your letters in due course. In the meantime do please let me have further information about the two additional complaints you refer to.

Kind regards,

Simon Clark  
Director, Forest

Forest, Sheraton House, Castle Park, Cambridge CB3 0AX  
Telephone 01223 370156 Mobile 07774 781840

Follow Forest on Twitter - [http://twitter.com/forest\\_Smoking](http://twitter.com/forest_Smoking)  
Read my Taking Liberties blog - <http://taking-liberties.squarespace.com>

On 16 Jul 2012, at 13:04, wrote:

Dear Mr Clark,

Please find copies of the two letters I sent to you in June regarding Forest's "Hands Off Out Packs" petition. You said on the telephone earlier today that you hadn't received the letters in the post.

Since writing to you, we have received a couple of additional complaints as well. Please let me know if you would find it useful for me to give you an overview of these.

I look forward to your response.

*(See attached file: 120614 - Letter to Forest from .*

*(See attached file: Hands off our packs petition.pdf)*

*(See attached file: 120620 - Letter to Forest from .*

Yours sincerely,

Tobacco Programme Manager



16/07/2012 16:19

To Simon Clark <simon@forestonline.org>

cc

Subject Re: Forest's "Hands Off Out Packs" petition

Dear Mr Clark,

Thank you for your email.

I have attached a document with three complaints that I have received from members of the public regarding Forest's "Hands Off Our Packs" petition. These complaints are in addition to the information I provided in the two letters that I have written to you.

I have provided the complaints in the language that they were sent to me (so you will see some spelling mistakes etc.) and have only removed references to personal information. This means you will be able to read the complaints virtually in the same way as they were received.



Hands off our packs petition - complaints, June-July 2012.pdf

Yours sincerely,

Tobacco Programme Manager  
Department of Health

Tel:

Email:

Get off cigarettes with NHS support - call 0800 169 0 169 or visit  
[www.nhs.uk/gosmokefree](http://www.nhs.uk/gosmokefree)

Simon Clark <simon@forestonline.org>



Simon Clark  
<simon@forestonline.org>

16/07/2012 14:11

To

cc

Subject Re: Forest's "Hands Off Out Packs" petition

**Email received on 25 June 2012:**

As a parent of [REDACTED] young children I am very concerned about the behaviour of the 'help protect our pack' campaign (HOOP)

I was at preston park in Stockton on Tees on Saturday 23rd June between the 12 noon and 1pm, we had gone to attend the Fire Engine festival with our children, but due to the weather it had been canceled. Whilst we were there we thought we would go to the park instead. When we got close to the park, around 3 meters, my husband was approached by a man from the 'protect our pack' (hoop) group. After a conversation with the man [REDACTED] was unclear what they were asking him to sign and felt under pressure to sign the petition. I asked what [REDACTED] was signing and he said he did not know, so I then asked where the man was from and I understood he was from HOOP so I explained to [REDACTED] what the petition was for and he decided he did not want to sign it. After he said to me that it was unclear what it was for, he thought he was going to get something free!!! I think the t-shirts that they wear saying 'help protect our packs' is misleading to the general population.

I then saw another man from HOOP within the play area of the park approaching parents of children asking them to sign the petition. I went over to talk to him and ask him what he was doing. After a brief conversation he said to me that the Government were changing tobacco packaging to plain brown and removing the smoking warning on the packs and the smoking kills writing so that they were 'plain'. I said this was untrue and suggested that he should go and read the DH guidance. I also suggested that getting parents to sign his petition in a park with young children was not very ethical as the point of plain packaging was to protect young people!!!

I suppose they have every right to get support, but what they are saying to people is unclear and untrue about the packs being plain, parents will be concerned if they think they are taking off smoking kills!!!

Therefore I am concerned that people are getting the wrong information and signing the petition under false pretences and feel this needs to be highlighted to the Department of Health.

**Email received on 27 June 2012:**

One of my friends was in a club in Liverpool recently (Igloo bar), the group she was in was approached by a girl in the club asking them to sign a petition about 'smoking'. It was so loud in the club that no one could really hear what she was



saying, some of the members of the group signed it just to get the girl to go away, but presumed it was something AGAINST smoking. My friend was in a slightly quieter location so was able to ask what the petition was about and was shocked to discover that the petition was **against** the plain packs campaign! My friend therefore wouldn't sign the petition!

I think it is outrageous that people in a club are being asked to sign this petition. Most of the people in there are under the influence of alcohol so can't make an informed decision and it is too loud in there for people to hear what the petition is about. (The girls were also dressed in very little- presumably a tactic to try to get as many signatures as possible from the male population in the club!)

#### **Email received on 2 July 2012:**

On Thursday afternoon I happened to notice a group of young teenagers in Islington intently listening to a man wearing a Hands off our Packs t-Shirt. I approached the group to learn more, and found it most alarming and disquieting that the representative of the HOOPS campaign was asking these young teenagers to sign a petition in support of the 'say no to plain packaging' campaign.

One of the teenagers who was smoking a cigarette when I arrived was very clearly under the impression that the consultation on standardised packaging was a consultation to ban cigarettes: *'I don't think its fair that people are trying to tell me if I can smoke or not - It's my right to do what I like'*.

It was immediately clear that the representative of the organisation had quite clearly equated the current consultation with this erroneous message, (and whether or not that was a deliberate effort at the outset, he was quite content not to clarify this point).

It was on the basis of this misinformation that several of the teenagers were prepared to sign the petition. When I asked them what they understood this consultation to mean, and why they felt the representative was asking them to sign the petition, they all expressed the same view, that the 'government wants to ban cigarettes'.

I interjected to clearly explain that the consultation has no bearing on their right to choose whether to purchase cigarettes or not (the law, I explained might do if they are underage), and explained in a succinct and considered manner the public health benefits of standardised packaging. I did so in such a way as to allow a clear choice between the positions, and ensure that the choice as to whether or not to sign the petition was based on an informed understanding of the facts.

I suggested that before signing such a petition, if they were interested, they might consider looking at the HOOPS website as well as the plain packs protects website so that they can learn more and hear the arguments from both sides.

If, after listening to and hearing all of the evidence one makes a decision – whatever that may be - from an informed position, then this is one thing. However, to clearly target a group of teenagers, who may not be in full possession of the facts to enable them to make such an informed decision on so significant an issue, and present them with misinformation in order to ensure that they sign a petition that they do not understand is of deep concern, and I wanted to draw your attention to this.

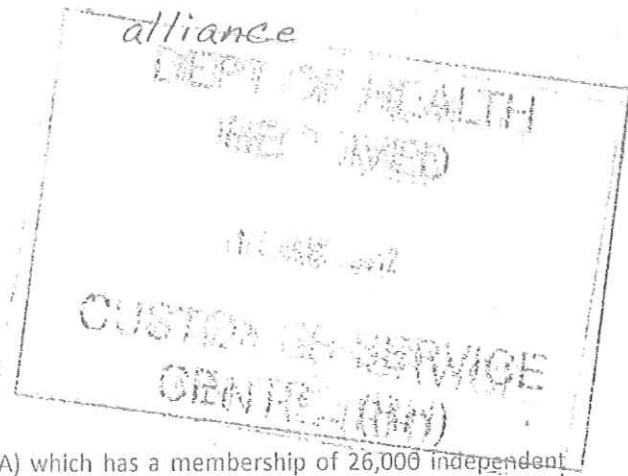


tobacco

Trevor Phillips OBE  
Chair  
Equality and Human Rights Commission  
3 More London  
Riverside Tooley St  
London SE1 2RG

8th August 2012

Dear Mr. Phillips,



I represent the Tobacco Retailers Alliance (TRA) which has a membership of 26,000 independent shopkeepers across the UK.

I am writing to you as the Government's consultation on the standardised packaging of tobacco products comes to a close on 10th August 2012. The consultation is seeking views on whether tobacco should either retain its current packaging format, be placed in standardised packaging or whether consideration should be given to a different option. Anyone with an interest in the issue can respond to the consultation to state their views on whether they think that standardised packaging would achieve the Government's public health objectives over and above existing tobacco control regulations. If introduced, standardised packaging would have a direct impact on TRA members as tobacco is the biggest generator of cash turnover for newsagents and convenience stores. As such, our retailers are keen to be able to put forward their views as part of the consultation process.

The primary location for information on the consultation is the Department of Health (DH) website - <http://consultations.dh.gov.uk/tobacco/standardised-packaging-of-tobacco-products> . Around 75% of independent retailers in the UK are Asian, so English is not the first language of many of our members. While their spoken English may be of adequate standard through serving customers, their ability to read English can often present a challenge. However, the consultation documents were only available on the website in English and Welsh when the consultation launched on 16<sup>th</sup> April. As is often the case, the documents are complicated, with a lot of technical wording, and would prove daunting to those who are not confident with written English or Welsh.

On behalf of our members, we contacted the Consultation Coordinator on 25<sup>th</sup> May regarding this issue (letter attached). We received the enclosed reply from the DH on 8<sup>th</sup> June along with versions of the consultation documents in the specific languages that we had asked for. As you will see, the inference from the letter is that all anyone had to do to get a copy of the documentation in their chosen language was to ask - and the letter mentions that this is stated in the consultation document. This advice is indeed available in the consultation documents, but only to those who have already managed to read through seven pages of the English or Welsh language versions - again something that those not confident in reading English or Welsh are liable to do.

The Government's own document (attached) outlining its Consultation Principles states:

*"[Consultation] Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter....Information provided to stakeholders should be easy to comprehend - it should be*

Tobacco Retailers Alliance PO Box 61705 London SW1H 0XS

0800 00 82 82 [www.tobaccoretailersalliance.org.uk](http://www.tobaccoretailersalliance.org.uk)

The Tobacco Retailers Alliance is funded by the TMA

*in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter."*

Those interested in replying to the consultation have had the standard 12 weeks in which to respond (the consultation was originally due to close on 10<sup>th</sup> July). However, we received the requested Gujarati, Tamil and Urdu versions on 8th June. This gave the speakers of those languages a little over four weeks in which to reply, compared to 12 weeks for English and Welsh speakers. Subsequently, and with 72 hours' notice, the consultation was extended for another month until 10 August. Correspondence from Anne Milton, MP, to Priti Patel, MP (attached) states that this was due to the need to make other language versions available. However, the versions in Gujarati, Tamil and Urdu were *still* not made publicly available on the DH website and were only accessible via the TRA, Asian Trader and a number of other stakeholder groups who had raised the matter. The DH should not have placed the responsibility of circulating government consultation documents to retail organisations.

We have been checking the DH's website regularly since we received the documents in the additional languages to see whether these specific language versions would be made available to members of the public online. We became aware that they had finally been uploaded on the website on or around the 23<sup>rd</sup> July – a full two months after we had highlighted the issue, and after an article (attached) appeared in Retail Newsagent on 20<sup>th</sup> July. We feel these versions should have been made publicly available from the beginning of the consultation in the interests of equality and accessibility to all. In addition, it is only the main consultation document which has been translated, meaning the Impact Assessment and Equality Impact Assessment documents - which have also been published and which are of equal importance for those who wish to respond – have still not been translated.

We do not seek a further extension to the consultation, but the process of the consultation strikes us as anything but equal and we believe that more should have been done to include this group of stakeholders who would be so drastically affected by the introduction of standardised packaging. The Tobacco Retailers Alliance had to raise the issue of this group of stakeholders being ignored during the DH's consultation in to the tobacco display ban in 2008 and we were in touch with you then (correspondence attached), so it is particularly frustrating that lessons regarding consultations do not seem to have been learnt from last time. We would urge the Equality & Human Rights Commission to investigate this.

If you require any more information, please do not hesitate to get in touch.

I look forward to hearing from you.

Yours sincerely,



Suleman Khonat  
Blackburn Retailer, North West Spokesman - Tobacco Retailers Alliance

Cc Anne Milton MP, Parliamentary Under-Secretary of State (Public Health)



tobacco

alliance

Consultations Coordinator  
Department of Health  
3E48, Quarry House  
Leeds LS2 7UE

25 May, 2012

Dear Sir,

Consultation on Standardised Packaging of Tobacco Products

I am writing as an independent retailer and spokesman for the Tobacco Retailers' Alliance (TRA) which is a campaign which represents the views of 26,000 independent shopkeepers across the United Kingdom.

I am getting in touch with you to express my disappointment that the Government is only making available the consultation documents on standardised tobacco packaging in English and Welsh.

All of the UK's corner shopkeepers will be affected if standardised packaging is introduced and for a good many of them, English is not their first language. The consultation documents are wordy and lengthy and could be intimidating even for those fluent in English, let alone those who are not. It seems most unfair that such a sizeable group of people - all of whom will potentially be affected by this issue - should not be given the same access to the information as everyone else.

I would formally request that the Government prepare the documents in other languages such as Gujarati, Urdu and Tamil, and allow those who speak those languages to be given the same full three month period in which to respond to the issue. It is not right that the speakers of these languages should have less time to put their views across than those who speak English and Welsh.

I look forward to hearing from you.

Yours faithfully,

Suleman Khonat, *Blackburn Retailer, North West Spokesman, Tobacco Retailers Alliance*

cc. Mark Prisk, *Minister of State for Business and Enterprise, Department for Business, Innovation and Skills*

Tobacco Retailers Alliance (TRA) PO Box 61705, London SW1H 0XS – 0800 008 282 – the-tra.org.uk  
The TRA is funded by the Tobacco Manufacturers' Association



8 June 2012

Suleman Khonat  
Tobacco Retailers Alliance  
PO Box 61705  
London  
SW1H 0XS

*Tobacco Programme  
Wellington House  
133-155 Waterloo Road  
London SE1 8UG*

Dear Suleman

**Consultation on standardised packaging of tobacco products**

Thank you for your letter of 25 May 2012 to the Department of Health's Consultation Coordinator, regarding the consultation on standardised packaging of tobacco products. Your letter has been passed to me to respond.

As set out in the consultation document (paragraph 8.4), anyone who wants to obtain a copy of the consultation document in an alternative format, or who needs to respond in an alternative format, should contact the Department using the details below:

Email: [tobaccopacks@ch.gov.uk](mailto:tobaccopacks@ch.gov.uk)

By post: Tobacco Packs Consultation  
Department of Health  
7<sup>th</sup> Floor  
Wellington House  
133-155 Waterloo Road  
London  
SE1 8UG

We have translated versions of the document in Gujarati, Urdu and Tamil that will be made available on request. Following your request, we enclose copies of the Gujarati, Urdu and Tamil translated versions. We would be happy for the Tobacco Retailers Alliance to distribute these to your members, so you can support them to respond to the consultation.

We have also shared these versions with contacts from the Association of Convenience Stores, British Retail Consortium, the National Federation of Retail Newsagents, and with Asian Trader magazine. To date we have not received any requests from individuals or other trade organisations for any alternative formats to be made available.

The consultation on standardised packaging for tobacco products was published on 16 April 2012, and will be open to responses until 10 July 2012. We encourage all those with an interest to respond to the consultation.

Responses can be made via the email and postal addresses given above, or online at:

<http://consultations.dh.gov.uk/tobacco/standardised-packaging-of-tobacco-products/>

Please get in touch if we can be of any further assistance.

Yours sincerely,

Tobacco Programme Manager  
Department of Health

CC: Department of Health Consultations Co-ordinator

## Consultation Principles

This guidance sets out the principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation. It is not a 'how to' guide but aims to help policy makers make the right judgements about when, with whom and how to consult. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken, and thought should be given to achieving real engagement rather than following bureaucratic process. Consultation is part of wider engagement and whether and how to consult will in part depend on the wider scheme of engagement.

Policy makers should bear in mind the Civil Service Reform principles of open policy making throughout the process and not just at set points of consultation. Modern communications technologies enable policy makers to gather information and to consult more quickly and in a more targeted way than before, and mean that the traditional written consultation is not always the best way of getting the right evidence. This guidance replaces the Code of Practice on Consultation issued in July 2008.

### Subjects of consultation

There may be a number of reasons to consult: to garner views and preferences, to understand possible unintended consequences of a policy or to get views on implementation. Increasing the level of transparency improves the quality of policy making by bringing to bear expertise and alternative perspectives, and identifying unintended effects and practical problems. It should be part of strengthening policy making and should involve understanding the effects of the policy on those affected. The objectives of any consultation should be clear, and will depend to a great extent on the type of issue and the stage in the policy-making process – from gathering new ideas to testing options.

There may be circumstances where consultation is not appropriate, for example, for minor or technical amendments to regulation or existing policy frameworks, where the measure is necessary to deal with a court judgment or where adequate consultation has taken place at an earlier stage. However, longer and more detailed consultation will be needed in situations where smaller, more vulnerable organisations such as small charities could be affected. The principles of the Compact between government and the voluntary and community sector will continue to be respected<sup>1</sup>.

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<sup>1</sup> "Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach." The Compact (Cabinet Office 2010) para. 2.4)



### **Timing of consultation**

Engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account. There are several stages of policy development, and it may be appropriate to engage in different ways at different stages. As part of this, there can be different reasons for, and types of consultation, some radically different from simply inviting responses to a document. Every effort should be made to make available the Government's evidence base at an early stage to enable contestability and challenge.

Timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. The amount of time required will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might typically vary between two and 12 weeks. In some cases there will be no requirement for consultation at all and that may depend on the issue and whether interested groups have already been engaged in the policy making process. For a new and contentious policy, such as a new policy on nuclear energy, the full 12 weeks may still be appropriate. The capacity of the groups being consulted to respond should be taken into consideration.

### **Making information useful and accessible**

Policy makers should think carefully about who needs to be consulted and ensure the consultation captures the full range of stakeholders affected. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter. The choice of the form of consultation will largely depend on the issues under consideration, who needs to be consulted, and the available time and resources.

Information provided to stakeholders should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter. Consideration should be given to more informal ways of engaging that may be appropriate – for example, email or web-based forums, public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation. The medium should be appropriate for the subject and those being consulted. Policy-makers should avoid disproportionate cost to the Government or the stakeholders concerned.

### **Transparency and feedback**

The objectives of the consultation process should be clear. To avoid creating unrealistic expectations, any aspects of the proposal that have already been finalised and will not be

subject to change should be clearly stated. Being clear about the areas of policy on which views are sought will also increase the usefulness of responses.

Sufficient information should be made available to stakeholders to enable them to make informed comments. Relevant documentation should normally be posted online to enhance accessibility and opportunities for reuse. As far as possible departments should use the Government's single web platform to enable stakeholders to find information on consultations as easily as possible.

Departments should make clear at least in broad terms how they have taken previous feedback into consideration, and what future plans (if any) they may have for engagement.

### **Practical considerations**

Consultation exercises should not generally be launched during local or national election periods. If there are exceptional circumstances where launching a consultation is considered absolutely essential (for example, for safeguarding public health) departments should seek advice from the Propriety and Ethics team in the Cabinet Office.

Departments should be clear how they have come to the decision to consult in a particular way, and senior officials and ministers should be sighted on the considerations taken into account.

The consultation process is also linked to the need for collective agreement in policy making at an early stage before any public engagement that might be seen as committing the Government to a particular approach. Ministers are obliged to seek the views of colleagues early in the policy making process and the documents supporting consultations should be cleared collectively with ministerial colleagues. If departments are intending to use more informal methods of engaging with stakeholders they should think about at what point, and with what supporting documentation, collective agreement should be sought. For instance, a 'call for evidence' should be cleared collectively. The Cabinet Secretariat will be able to advise on particular cases.

This guidance does not have legal force and does not prevail over statutory or mandatory requirements<sup>2</sup>.

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<sup>2</sup> Some laws impose requirements for the Government to consult certain groups on certain issues. This guidance is subject to any such legal requirement. Care must also be taken to comply with any other legal requirements which may affect a consultation exercise such as confidentiality or equality.

Anne Milton MP  
Parliamentary Under Secretary of State



Priti Patel MP  
Chair, All Party Parliamentary Group for Small Shops  
House of Commons  
London  
SW1A 0AA

Richmond House  
79 Whitehall  
London  
SW1A 2NS

Tel: 020 7210 3000

*Dear Priti*

04 JUL 2012

### Consultation on standardised packaging of tobacco products

Thank you for your letter dated 21 June 2012 regarding the Government's consultation on standardised packaging of tobacco products. Through the consultation, we are exploring whether action on tobacco packaging has the potential to bring public health benefits over and above those from our current initiatives.

I am aware that a wide range of organisations have been working to mobilise people to respond to the consultation. I know that *Asian Trader* magazine has been working to raise awareness among its readership. The magazine also, working in partnership with Imperial Tobacco, published a full-page advertisement and cover wrap around in the latest edition of *The House* magazine and is currently carrying prominent advertising for the "Hands Off Our Packs" campaign on their website.

We have had a huge response to the consultation already with tens of thousands of responses received, including thousands from retailers. I am pleased to learn from your letter that you know that more businesses are wanting to respond. I am very interested to know what small retailers think and encourage them to take part.

The consultation document made clear that the Department of Health would make alternative forms of the consultation document available on request. On 25 May 2012, the Tobacco Retailers Alliance (an organisation funded by the Tobacco Manufacturers Association) wrote to the Department of Health to request that the consultation document be made available in Gujarati, Urdu and Tamil languages. Accordingly, on 8 June 2012, we made translations of the consultation in those languages available to Tobacco Retailers Alliance, as well as to the British Retail Consortium, Association of Convenience Stores, National Federation of

Retail Newsagents, *Asian Trader* magazine and the "Plain Packs Protect" campaign. On 21 June 2012, we received a request from Asian Trader magazine for the consultation in Punjabi, and made a translation in that language available last week.

While many have already responded, we want to maximise the opportunity that people have to contribute to the consultation, and you suggest that it would be useful for people to have more time to respond. The Government is happy to extend the consultation period for an extra month, and we continue to encourage any person, business or organisation with an interest to respond. The new closing date of the consultation is Friday, 10 August 2012.

In order to meet our treaty obligations as a Party to the World Health Organization Framework Convention on Tobacco Control all those responding are asked to disclose any direct or indirect links with the tobacco industry.

The Government has an entirely open mind on standardised packaging, and we want to know more about the possible benefits and consequences of taking action in this area. Any decisions to take further policy action on tobacco packaging will be taken only after full consideration is given to consultation responses, evidence and other relevant information.

I hope the All Party Parliamentary Group for Small Shops will be able to play a role in encouraging those with an interest to respond to the consultation, and providing information on where translated versions of the consultation document can be obtained.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Anne Milton".

ANNE MILTON

Extension for foreign language speakers 'not done properly' It is 'totally out of order'

## DoH in firing line over plain packs consultation

**EXCLUSIVE**

by John Hayward

The Department of Health was charged this week with putting retailers who have English as a second language in "a Catch 22 situation" over their submissions to the ongoing consultation on standardised tobacco packaging.

The DoH extended the consultation deadline a month to 10 August to allow time for Punjabi, Gujarati, Tamil and Urdu speakers to fill in

translated consultation documents, after pressure from independent shop champion Piri Patel MP and NFR north west district president Saleem Khan.

Now retailers have said covered the consultation is only accessible online, but the department has failed to include a link to the new documents on its website.

Instead it has relied on sending physical copies of the translations to trade bodies including the NFR, the Association of Convenience Stores and the British Retail Consortium.

Mr Khan said: "The department has agreed to something, and then not followed it through properly. It is totally out of order. It makes me wonder why they changed the date."

NFR national president Alan Smith said: "We will be very surprised if there is much take up at all. People who do not have English as a first language and want to respond will be in the catch 22 situation of having to search online and then make several enquiries to acquire a copy in their relevant language."

Ms Patel added: "The De-

partment of Health needs to make the translated versions of the consultation on plain packaging as widely available as possible. All retailers should have a fair chance to respond as these proposals could be very damaging to retailers and profitable for those involved in the often tobacco trade."

There was no comment from the DoH at press time.

● The translated consultation documents can now be downloaded from [Betterretailing.com](http://Betterretailing.com)



**Equality and  
Human Rights  
Commission**

**equalityhumanrights.com**

Ken Patel  
Tobacco Retailers Alliance  
PO Box 61705  
London  
SW1H 0XS

Our ref: TP/KG/patel099  
Date: 20th October 2008

Dear Mr Patel,

**Department of Health consultation on The Future of Tobacco Control**

Thank you for your letter dated 19th August 2008, and I apologise for the delay in replying. I understand you have also had a telephone conversation with a member of my staff regarding your concerns about the above consultation.


As you may be aware, the Commission has inherited and is seeing through legal action in respect of the Department of Health and its performance on the three public sector equalities duties. In particular, the Commission for Racial Equality conducted a formal investigation into the Department of Health's failure to carry out Equality Impact Assessments of relevant policies.

Colleagues within the Commission are currently following up this work and I have expressly asked them to raise the important points that you have outlined in your correspondence. I wholeheartedly agree that it is crucial that Equality Impact Assessments include meaningful consultation and involvement and will ensure that this is addressed with the Department as part of our on-going activities.

<b>Equality and Human Rights Commission</b>	3 More London Riverside Tooley Street London SE1 2RG	<b>Tel:</b> 020 3117 0235 <b>Fax:</b> 020 7407 7557 info@equalityhumanrights.com
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The Equality and Human Rights Commission was established by the Equality Act 2006 as the Commission for Equality and Human Rights.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Trevor Philips', written over a light blue horizontal line.

**Trevor Philips**  
Chair, Equality and Human Rights Commission