

Item 5

12th March 2024



Glasgow City Council

Environment and Liveable Neighbourhoods City Policy Committee

Report by Executive Director of Neighbourhoods, Regeneration and Sustainability

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Sale and Use of Nicotine Vapour Products Update

Purpose of Report:

To provide the Committee with an update on the sale and use of nicotine vapour products following the publication of the Scottish Government Tobacco Control Action Plan 2023.

Recommendations:

It is recommended that the Committee notes the contents of the interim report and receive an update when supporting legislation in relation to disposable/single-use vapes is introduced.

Ward No(s):

Citywide:

Local member(s) advised: Yes No consulted: Yes No

1. Background

- 1.1 Tobacco is internationally recognized as a major public health threat. Smoking damages lives across Scotland and recent increases in the number of young people using vapes is a cause for concern. Vapes are intended as a smoking cessation tool, not meant to be used by children, young people or adult non-smokers.
- 1.2 Although the long-term effects of vaping are still not known, there is growing evidence to demonstrate that these products are not harmless to health and the World Health Organisation (WHO) has stated that these products should be “strictly regulated”.
- 1.3 The Scottish Government 2023/2024 Programme for Government included a commitment to publish a refreshed Tobacco Action Plan in Autumn 2023 outlining the action required to make Scotland tobacco-free by 2034.
- 1.4 The new Tobacco Action Plan was launched on 22nd November 2023 which replaced the previous process of developing 5-year action plans, enacting the 2023 strategy with an overarching Tobacco and Vaping Framework.
- 1.5 The Tobacco and Vaping Framework: Roadmap to 2034 is underpinned by shorter action-focused 2-year implementation periods, which are intended to allow for flexibility within the Framework to develop actions and adapt to an ever-evolving area. There will be scope for more regular reviews of progress and more frequent setting of actions that can target areas of intervention to ensure the 2034 target is met.
- 1.6 A [report](#) on activity of Trading Standards in relation to underage sales of tobacco and Nicotine Vapour Products (NVP) and an update on Operation CeCe, the joint project with HMRC to tackle illicit tobacco, was presented to the Environment and Liveable Neighbourhoods City Policy Committee on 14th March 2023. The Committee noted the report and the positive work that the Service was undertaking in this area of work. After some consideration, the Committee agreed to contact the Scottish Government and express the Council’s support for a ban on single use vapes.

2. Tobacco and Vaping Framework: Roadmap to 2034

- 2.1 The 2013 Strategy contained the aim of making Scotland tobacco-free by 2034 and this target has become an integral part of the new [Tobacco and Vaping Framework](#).
- 2.2 In January 2022, the Scottish Government engaged on developing their new action plan with a working group of public health experts (including ASH Scotland, Public Health Scotland, Cessation coordinators, academics and the Society of Chief Officers of Trading Standards in Scotland (SCOTSS)) which resulted in a number of key recommendations which said that any new plan must be:

- responsive to the rapidly changing landscape, especially around the rise in popularity of vapes
- have a focus on tobacco and vaping
- be adaptable enough that it wouldn't need refreshed every 5 years
- have well-defined measures of success
- be underpinned by targeted action
- have clear and transparent accountability
- must meet the 5% 2034 target across Scotland including the two highest areas of multiple deprivation

2.3 Following on from this engagement, Scottish Government decided to take a different approach and rather than producing a new action plan, developed the overarching Framework.

2.4 The new Framework contains three overarching themes: People, Product, and Place.

2.5 These themes are supported by three principles: Transparency, Sustainability, and Accountability.

2.6 Plans developed under the Framework fall into the action-focused 2-year implementation periods. The implementation plan is published and a report on it is produced 2 years later. The next implementation plan is also produced at this time and so the cycle continues every 2 years until the final report on the Framework is published in 2034. Publication of beyond 2034 plan will also then be published.

3. Developing Actions on People

3.1 Scottish Government will consider how people are supported and informed on how to stop smoking and the dangers posed to children, young people and non-smokers from vapes and other nicotine containing products. Two key areas to be progressed in the first implementation period relate to improving cessation services and routes for support, as well as a media campaign to deter youth vaping.

3.2 The 3 main areas of action under the banner of People are:

- **Information** – increase awareness of avenues for support in stopping smoking or vaping – marketing campaign in November 2023.
- **Engagement** – work with UK Government and the Devolved Governments and Administrations on 4-nation approaches. Continue to work with public health stakeholders re awareness raising and support.

- **Cessation** – continue to support campaigns / initiatives such as Pharmacy cessation campaign and the “Quit Your Way” approach as well as implementing recommendations from Public Health Scotland review of smoking cessation services.

4. Developing Actions on Products

4.1 The 3 main areas of action under the banner of Products are:

- **Regulation** – consider responses to consultation on age of sale for tobacco and whether legislation should be brought forward. Consider if age of sale of vapes should be increased and consult on any proposals.
Continue to progress restrictions on further tightening of the rules on advertising and promotion of vapes.
Work with UK and Devolved Governments and administrations on possible further restrictions on vaping products (depending on the outcome of the UK wide consultation).
- **Appeal** –Review potential levers on price as a tool to reduce appeal of tobacco products and inappropriate use of vaping products by children and young people.
Review any other necessary action to limit the appeal of inappropriate use of vapes and novel tobacco products.
- **Enforcement** – continue to work with Trading Standards Officers in Scotland on enforcement and investigate ways in which this can be improved.

5. Developing Actions on Place

5.1 The 2 main areas of action under the banner of Place:

- **Smoke-free Spaces** – Review implementation and effectiveness of restrictions on hospital grounds.
Review the value and potential implementation of further place-based restrictions.
- **Tobacco and Nicotine Vapour Register** -Manage and review current register.
Consider opportunities to improve the information and support of retailers on the register to increase compliance with age of sale. Consider how the register could be improved including possible further conditions on registration

6. Further Actions

- 6.1 Actions are in place to improve transparency, accountability and sustainability as well as incorporating current on-going actions to provide support to cessation services, third sector bodies as well as supporting enforcement activity including ways to reduce illicit trade through the work of Trading Standards.
- 6.2 Given the recent launch of the Framework (Nov 2023), it is too early to comment on achievements at this time, however, an update can be provided to Committee in due course.

7. Recent Developments Impacting on the Tobacco and Vaping Framework

- 7.1 Announcement by the Prime Minister on 29th January 2024 that disposable/single-use vapes will be banned in the UK as well as other measures to be introduced.
- 7.2 Scotland's First Minister previously announced that he would consult on curtailing the sale of disposable/single-use vapes including consideration of an outright ban.
- 7.3 Scottish Government has subsequently stated that it will work to introduce legislation to ban disposable/single-use vapes after a UK-wide consultation on the issue found that the majority of people wanted them banned. It is understood that these particular enforcement duties via The Environmental Protection Act are likely to sit within the remit of Trading Standards.
- 7.4 No date has been announced yet for the introduction / implementation of such legislative changes.

8. Update on Enforcement Activities by Trading Standards

- 8.1 Recruitment of volunteers to assist with the underage sales test purchase programme has concluded and the programme commenced. This has resulted not only in the issuing of fixed penalty notices, but Trading Standards are also in dialogue with Legal Services in relation to potential court applications for Tobacco and Nicotine Vapour Product (NVP) Banning Orders for persistent offenders.
- 8.2 Operation CeCe (Scotland) – enforcement visits carried out in conjunction with HMRC and other partner agencies regarding illicit tobacco continue.
- 8.3 Following on from the success of Operation CeCe there has been the introduction of HMRC sanctions pilot scheme which will run for 18 months. This will afford Trading Standards an additional enforcement tool following the seizure of illicit tobacco which may result in a financial sanction ranging from £2,500 up to £10,000.

9. Policy and Resource Implications

Resource Implications:

Financial: There will be financial costs associated with staff resources required for enforcement of any new legislation. Although Scottish Government are to continue supporting Trading Standards as part of the Tobacco and Vaping Framework introduced, it is not yet known if there will be any additional funding following the recent announcements.

Legal: Legislation will be required to be introduced to effect a ban on disposable / single-use vapes.

Personnel:

Procurement: N/A

Council Strategic Plan: Grand Challenge 1 Reduce Poverty and Inequality in our Communities and Grand Challenge 4 – Deliver Essential Services in a Sustainable, Innovative and Efficient Way for our Communities.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify. .
Reducing health inequalities.

What are the potential equality impacts as a result of this report? Positive impact.

Please highlight if the policy/proposal will help address socio-economic disadvantage. Yes. Smoking is the leading preventable cause of health inequalities. Addressing smoking tackles poverty.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify: .
No

What are the potential climate impacts as a result of this proposal? n/a

Will the proposal contribute to Glasgow's net zero carbon target? N/A

Privacy and Data Protection Impacts: No

10. Recommendations

- 10.1 It is recommended that the Committee notes the contents of the interim report and receive an update when supporting legislation in relation to disposable/single-use vapes is introduced.