

Item 2

26th August 2025



Glasgow City Council

Environment and Liveable Neighbourhoods City Policy Committee

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TOBACCO AND NICOTINE VAPOUR PRODUCTS (NVP) UPDATE 2025

Purpose of Report:

To update Committee on the Tobacco and Nicotine Vapour Products (NVP) work carried out by Trading Standards, including the introduction of The Environmental Protection (Single-Use Vapes) (Scotland) Regulations 2024.

Recommendations:

That Committee note the content of the report.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes ☐ No ✓

consulted: Yes ☐ No ✓

1. Background

- 1.1 Tobacco continues to be internationally recognised as a major public health threat. Smoking damages lives across Scotland and increases in the number of young people using vapes is a case 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 A report on the activity of Trading Standards in relation to underage sales of tobacco and Nicotine Vapour Products (NVP), and Operation CECE (the joint initiative with HMRC to tackle illicit tobacco), was presented to The Environment and Liveable Neighbourhoods City Policy Committee on 14th March 2023.
- 1.3 A further update on the Sale of NVPs was presented to the Committee on the 12th March 2024.
- 1.4 The purpose of this report is to provide an update on recent developments and the associated work being undertaken by the Trading Standards Service.

2. Operation CeCe – Illicit Tobacco

- 2.1 In the 2020 Budget, the Chancellor announced funding for HMRC and Trading Standards to work together to tackle the trade in illegal tobacco products, signalling the Government's policy intention that enforcement bodies involved should coordinate their efforts.
- 2.2 Operation CECE (Scotland), a nationwide strategy between Trading Standards and HM Revenue and Customs (HMRC) was set up in 2021 to tackle the retail sale of illicit tobacco products.
- 2.3 Since its inception in 2021, more than 1.3 million illegal cigarettes and 231kg of hand rolling tobacco (HRT) has been seized by Officers from Glasgow Trading Standards. Using figures provided by HMRC, these seizures equate to a prevented loss of revenue of approximately £820,000.
- 2.4 Officers continue to utilise the services of Consumer Protection Dogs UK. The dogs have been trained to target the scent of tobacco products and are able to assist officers in finding concealments of illegal products.
- 2.5 During the financial year (2024/25) officers carried out 39 intelligence led visits, with seizures totalling 302,330 Cigarettes and 64.6Kg Hand Rolling Tobacco (HRT).

3. Sanctions

- 3.1 The Tobacco Products (Traceability and Security Features) Regulations 2019 requires that cigarettes and HRT products must be marked with a unique identifier allowing it to be identified as a product compliant with the Tobacco Track & Trace (TT&T) system.
- 3.2 The Tobacco Products (Traceability and security features) (Amendment) Regulations 2023 amended the above legislation to allow Trading Standards to refer illegal tobacco seizures to HMRC to consider the imposition of a civil penalty (a Sanction).
- 3.3 The level of Sanction which can be applied in each case depends on the quantity of non-compliant product seized. The Sanctions range from £2,500 up to £10,000.
- 3.4 During the financial year 2024/25 Glasgow Trading Standards made 16 such referrals to HMRC.

4. Nicotine Vapour Products (NVPs)

- 4.1 NVPs (known as vapes) can help adults to stop smoking, however, they were never intended to be taken up by children, young people, and adults who do not smoke.
- 4.2 Vapes contain nicotine which is addictive, and young people are especially vulnerable to these risks.
- 4.3 In Scotland, it is illegal for shops to sell vapes to anyone under 18yrs. It is also illegal to buy vapes for someone under 18yrs.

5. Non-Complaint Products and Enforcement

- 5.1 Vapes and e-cigarettes are regulated by the Medicines and Healthcare products Regulatory Agency (MHRA), which requires that they have tanks to a capacity of no more than 2ml; a nicotine strength of no more than 20mg/ml; and their labels display manufacturer details and health warnings. Refill containers are restricted to a maximum capacity of 10ml, certain ingredients including colourings, caffeine and taurine are banned.
- 5.2 During the financial year 2024/25 7469 non-complaint single use vapes were seized for further examination.

6. Tobacco and Nicotine Vapour Products (NVPs): Age Restrictions

- 6.1 Glasgow City Council has a duty under Section 26(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010, to carry out a programme of enforcement actions, in respect of tobacco.
- 6.2 Trading Standards Services in Scotland entered into an agreement with the Scottish Government to increase enforcement activity in relation to cigarettes and NVPs, with a view to reducing the availability of tobacco products to young people. The long-term aim being to prevent young people from taking up smoking and nicotine vaping.
- 6.3 Test purchasing activity is carried out in line with Glasgow City Council's established test purchasing protocol and guidance developed by the Society of Chief Officers of Trading Standards in Scotland (SCOTSS). The guidance allows for the test purchase volunteer to adopt a given persona in exceptional circumstances. They may be given an assumed name, address and date of birth, but this will only be used where the authority has suspicion that the retailer is test purchase aware, and this is the only realistic means of detection. It is anticipated that instances where this is required will be extremely rare and, in any case, will be subject to specific authorisation by the Head of Service.
- 6.4 Businesses that sell either cigarettes or NVPs to the young volunteers are issued with fixed penalty notice(s) or warning letter and then provided with follow up advice on how to ensure they comply in the future.
- 6.5 During the financial year 2024/25 officers attempted 215 test purchases using an underage volunteer, issued 28 FPNs and 4 warning letters.

7. Single Use Vape Ban

- 7.1 In response to the 2023 Committee report, the Environment and Liveable Neighbourhoods Committee wrote to the Scottish Government to back calls for the introduction of new legislation banning the sale of single use vapes due to concerns about the future health of the city's young people and the rising environmental impact of littering.
- 7.2 Following periods of consultation, the Scottish Parliament passed regulations to ban single-use vapes from 1st April 2025. This implementation date was delayed until 1st June 2025 to align with the rest of the UK.
- 7.3 Single-use vapes will no longer be stocked or sold in Scotland under new legislation which came into force on 1st June 2025. The Environmental Protection (Single-Use Vapes)(Scotland) Regulations 2024.

- 7.4 The UK-wide ban has been introduced to prevent the environmental damage disposable vapes cause and to address health concerns associated with vaping as Scotland moves towards a tobacco-free generation by 2034 (The Tobacco and Vaping Framework: Roadmap to 2034).
- 7.5 The ban on single-use vapes has been taken forward using powers under the Environmental Protection Act 1990. This approach has been used in the past to ban other items such as microbeads, cotton buds and single-use plastics.
- 7.6 An estimated 26 million disposable vapes were thrown away in Scotland in 2023. Of these, more than half were not recycled properly and around 10% were littered. The batteries used within disposable vapes are difficult to recycle, leak harmful waste, and can cause fires in waste facilities.
- 7.7 It should be noted that there has been a considerable degree of innovation in this sector. Many of the products, now available for sale in Glasgow retailers are refillable and rechargeable, and therefore not caught by this ban.
- 7.8 In preparation for the ban coming into force, the Trading Standards Service contacted every Glasgow business registered with the Scottish Government for Tobacco and NVP sales, to make them aware of the ban coming into force. This advice and guidance was also promoted on our website as well as on our social media pages.
- 7.9 There are several enforcement options available to officers when single-use vapes are found for sale. These options include seizure of the non-compliant products, issuing of formal warning, issuing Fixed Penalty Notices and reporting the matter to the Procurator Fiscal.
- 7.10 To date, officers have seized 6,926 single use vapes, 4 warnings and issued 5 Fixed Penalty Notices.

8. Future Developments – Tobacco and Vapes Bill

- 8.1 The Tobacco and Vapes Bill, currently at the House of Lords, makes provision about the supply of tobacco, vapes and other products. It includes provision prohibiting the sale of tobacco to people born on or after 1 January 2009; to enable product and information requirements to be imposed in connection with tobacco, vapes and other products; to control the advertising and promotion of tobacco, vapes and other products; and to make provision about smoke-free places, vape-free places and heated tobacco-free places.
- 8.2 The main proposals relevant to Scotland are:

- A rising age of sale proposal which will mean that from 1st January 2027, it will be illegal to sell tobacco products to anyone born on or after 1st January 2009.
- A UK wide ban on advertising and sponsorship deals featuring e-cigarettes and other recreational tobacco products.
- Powers are proposed, to be devolved to the Scottish Government, to consult on the creation of vape-free and heated tobacco-free spaces and extends smoke-free spaces in Scotland.
- Powers to restrict the flavours, product designs, packaging and retail point of sale displays of e-cigarettes as well as other tobacco and nicotine products.
- Powers are proposed, to be devolved to the Scottish Government, to enable the existing national Tobacco and NVP register to be extended to cover all tobacco, nicotine and herbal smoking products.
- Introduce Age Restrictions for products such as nicotine pouches in line with tobacco and vapes.

9. Resource Implications:

Financial: Financial costs associated with staff resources required for enforcement of legislation and the introduction of any new legislation. Costs associated with storage as well as disposal of any seized product.

Legal: None.

Personnel: This will be resourced from existing staff. The impact will be monitored.

Procurement: Procurement of suitable storage.

Council Strategic Plan:

Reduce poverty and inequality in our communities.
Deliver essential services in a sustainable, innovative and efficient way for our communities.
Contributes to the broader effort to achieve a net-zero Glasgow

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:

Environmental impact – the contribution disposable vapes make to the electronic waste, as well as resources used in their production and disposal is significant. Contributes to the broader effort to achieve a net-zero Glasgow

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

Contributes to the broader effort to achieve a net-zero Glasgow

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

Yes

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report: No

10. Recommendations:

10.1 To note the content of the report.