

**London Boroughs of Brent and Harrow
Trading Standards Joint Advisory Board
6 June 2024
Report from the Senior Service Manager**

Government Announcement on Tobacco and Vapes- Update

1.0 SUMMARY

1.1 This report is an update on government's proposals to ban vapes containing tobacco.

2.0 RECOMMENDATIONS

2.1 For Members to consider the report and make recommendations where appropriate.

3.0 DETAILS

Proposed ban on disposable vapes and bill relating to tobacco and vape controls.

3.1 On the 28 January 2024, government announced that disposable vapes will be banned in the UK as part of plans to tackle the rise in youth vaping and protect children's health. The Environmental Protection (Single-use Vapes) (England) Regulations 2024 (SUVR), is planned to come into effect from April 2025.

3.2 On the 20 March 2024 the government introduced the Tobacco and Vapes Bill (T&VB), which aims to address the harms associated with smoking and vaping, particularly among young people.

Reducing Appeal and Availability of Vaping Products

3.3 The key provisions of T&VB include;

- **Regulating flavours and contents**
The T&VB provides powers for government to regulate the flavours and contents of vapes. This is important because flavours play a significant role in attracting young people to vaping and make the products significantly more appealing to users due to the range and novelty of flavours offered.
- **Retail Packaging and Product Requirements**
The government will have powers to regulate the retail packaging and product requirements of vapes.
- **Point of Sale Displays**
The T&VB will allow measures to be taken to restrict the display of vapes in retail settings, making them less accessible, moving them out of sight of children and away from products that appeal to them (such as sweets).

- **Age Restrictions**
The existing offence of selling nicotine vaping products to individuals under 18 will be extended to non-nicotine vapes.
- **Ban on Free Distribution**
A ban on the free distribution of vapes to individuals under 18 will be introduced.
- **Vape Notification System**
T&VB will provide powers to allow the existing vape notification system to be updated to align with future regulatory requirements.

Creating a Smokefree Generation

- 3.4 The T&VB intends to create the first ever smokefree generation by;
- Making it an offence to sell tobacco products to those born on or after 1 January 2009. This effectively phases out the sale of tobacco products to younger generations.
 - Amending existing legislation to prohibit anyone over 18 from purchasing tobacco products on behalf of those born on or after 1 January 2009, known as proxy purchasing.
 - Requiring retailers to update age-of-sale notices to read “It is illegal to sell tobacco products to anyone born on or after 1 January 2009.”
- 3.5 To help ensure the success of a smokefree generation, government is providing £30 million new funding a year and will bolster enforcement agencies – including Border Force, HM Revenue and Customs (HMRC) and Trading Standards – to implement these measures and stamp out opportunities for criminals.

Disposable Vapes Ban

- 3.5 Under the SUV disposable vapes will be banned. The ban is expected to come into force from April 2025. This is to tackle the rise in youth vaping and protect children’s health. Recent figures show that the number of children using vapes has tripled in the past three years. Among younger children (ages 11 to 15), 9% now use vapes.
- 3.6 Disposable vapes have been a key driver behind the alarming rise in youth vaping, with the proportion of 11- to 17-year-olds vapers using disposables increasing almost ninefold in the last two years.

Enforcement

- 3.7 The T&VB will bring in new measures to crack down on underage sales. There will be new penalties for shops in England and Wales which sell tobacco and vapes illegally to children. Trading Standards officers will be empowered to issue ‘on the spot’ fixed penalty notices to tackle underage tobacco and vape sales.
- 3.8 The T&VB will require the weights and measures authority (otherwise known as Trading Standards) to use any money received from issuing the fixed penalty notice return to tobacco enforcement.

SUV Regulations

- 3.9 The SUV will require a local authority to allocate enforcement powers to specific officers. Enforcement will be by notices of intent, fixed penalty notices, stop notices and undertakings.
- 3.10 The council will have to decide who will be authorised to enforce the SUV.
- 3.11 The council will have to publish information about enforcement action under the SUV. The council must go through a consultation process and publish guidance about the use of sanctions. In effect the SUV will require its own enforcement policy or be incorporated into the service's own policy.

Trading Standards Interests

- 3.12 The consortium holds membership of ACTSO (Association of Chief Trading Standards Officers) who are currently representing the profession liaising with government to ensure any proposals are workable, responding to questions and consultations, lobbying for appropriate funding for local authorities to conduct this work and representing our wider interests in this subject area.

3.13 Tobacco Group

The service is a partner in both boroughs' tobacco groups. We supply information on locations and areas we find illicit tobacco, underage sales of tobacco and vapes and outcomes of any investigations. The group also supply information which helps direct our resources.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications from this report at this stage. There will be implications in the future, when government confirms the extent of local authorities role and the new legislation is passed.

5. Legal Implications

- 5.1 The expected legal implications are set out in this report. The full implications are not yet known until legislation is passed.

6.0 Equality Implications

- 6.1 The proposals in this report have been screened to assess their relevance to equality and were found to have no equality implications.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 There is no requirement to specifically consult Ward Members about this report as it affects all wards across both Boroughs.

8.0 Human Resources Implications

- 8.1 There are no human resource or property implications arising from this report.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER