

**London Boroughs of Brent and Harrow
Trading Standards Joint Advisory Board
Wednesday 19 March 2025
Report from the Senior Service Manager**

FOR INFORMATION

Update on the Ban of Disposable Vapes

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information on the ban on single-use vapes (disposable vapes) to be applied from 1 June 2025.

2.0 RECOMMENDATIONS

- 2.1 Joint Advisory Board Members consider the report and make recommendations or comments where appropriate, particularly ahead of the guidance we are required to draft.

3.0 DETAILS

- 3.1 The Environmental Protection (Single-use Vapes) (England) Regulations 2024 comes into force on 1 June 2025 (the Regulations). Therefore, from this date, the sale and supply of single-use vapes often called disposable vapes will no longer be permitted. This applies to sales in the shops or online and it does not matter if it contains nicotine or not. The purpose of this ban is to protect the environment by removing devices that are not rechargeable or refillable to reduce pollution and harm to the health of animals and plants.
- 3.2 This means that refillable and rechargeable options will be permitted to be sold as they offer a more sustainable alternative that generates less waste.
- 3.3 Guidance published in January 2025 by the Department for Environment, Food & Rural Affairs (DEFRA) states that in England, local authority Trading Standards will lead on enforcing the ban within their area.
- 3.4 Please note whilst DEFRA has stated in their guidance that in England Trading Standards will lead on enforcing the ban within its area, Regulations 8 does specify that authorisation would need to be in writing from the local Regulator, which is the local authority and, in our case, the London Borough of Brent and the London Borough of Harrow. Therefore, it is envisaged that LB of Harrow will need to specifically authorise Trading Standards to carry out this duty within Harrow.
- 3.5 The powers that an authorised enforcement officer holds, includes entering any business premises which the officer has reasonable reasons to suspect it is selling

or supplying within the course of the business a single-use vape. Officers will be able to seize any single-use vapes they find.

- 3.6 A person who supplies, offers to supply or has in their possession for supply a single-use vape is guilty of an offence and is liable on summary conviction to a fine.
- 3.7 The Regulations also have civil sanctions which would enable regulators to impose a range of civil sanctions. These are fixed monetary penalties, compliance notices, stop notices, and enforcement undertakings. The local authority can recover the costs of enforcement (paragraph 27 of the Schedule) in the case of compliance notices and stop notices.
- 3.8 The Regulations make provision for the procedure relating to these sanctions and the available appeal mechanisms.
- 3.9 Failure to comply with these sanctions can and may lead to a criminal proceeding being brought against the individual and could be liable for an unlimited fine or a prison sentence.
- 3.10 Concerning the civil sanctions, the service will need to publish guidance on civil sanctions under these Regulations. The guidance must be revised “where appropriate”. Before publishing any guidance or revised guidance under these regulations the enforcement authority must consult such persons as it considers appropriate. The guidance must contain the following information;
 - a) the circumstances in which the penalty or notice is likely to be imposed
 - b) the circumstances in which it may not be imposed;
 - c) rights to make representations and objections and rights of appeal
 - d) in the case of a fixed monetary penalty, the amount of the penalty, how liability for the penalty may be discharged and the effect of discharge
- 3.11 As a Service we have already put an action plan in place to help businesses transition. A press release was drafted notifying businesses of the changes in the law and signposted to the online Government guidance for businesses preparing for the ban on the sale and supply of single-use vapes and links to free training provided by the Chartered Trading Standards Institutes on 28 February 2025 and 19 March 2025.
- 3.12 This has been shared with both Brent and Harrow communications teams, Brent for Business and the Economic Development Team in Harrow.
- 3.13 At the time of writing the report, a request has been put in for the Brent and Harrow Trading Standards web page to be updated with the appropriate information so that the communications team can also put out social media pointing businesses to the information.
- 3.14 Do note whilst The Environmental Protection (Single-use Vapes) (England) Regulations 2024 introduces the ban on single-use vapes it does not restrict the vape flavours or any further changes with regards to the law relating to vapes. Any

potential changes may be addressed separately under the Tobacco and Vaping Bill.

4.0 Financial Considerations

4.1 The staffing resource to implement this will be met from within the Trading Standards base budget.

5.0 Legal Considerations

5.1 Regulations 8 does specify that authorisation would need to be in writing from the local Regulator, which is the local authority. The written authorisation would need to be granted by 31 May 2025 to enable officers to start enforcing on 1 June 2025.

5.2 Regulation 13(1) states that each Regulator must publish guidance about its use of civil sanctions. It is intended that guidance will be completed ahead of any enforcement work being taken under the Regulations.

5.3 Regulation 13(5) states that the Regulator must consult such persons as it considers appropriate before publishing any guidance or revised guidance under this regulation. The current plan is that consultation with the appropriate persons will commence in April 2025 and if there are any revisions following the consultation this will be carried out by May 2025 for further consultation if necessary and the guidance will be published by 1 June 2025.

6.0 Equality Implications I

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/Property Implications

8.1 There are some staffing implications arising from this report.

8.2 Written procedures guidance and notices will need drafting to enforce the provisions of these Regulations, specifically the civil sanctions.

8.3 Being a new legislation and officers are unfamiliar with it, officers will have to invest some time in training concerning the new Regulations

8.4 There is a possibility that additional work may be generated through visits to businesses to ensure compliance.

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Services Manager, Regulatory Services, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 5522 Email: anu.prashar@brent.gov.uk

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