

Impact of Vaping on Children & Young People - Update

Date: 4 October 2023

Report of: Head of Democratic Services

Report to: Children and Families Scrutiny Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The Children and Families Scrutiny Board agreed to look into the impacts of vaping or electronic cigarette usage on children and young people (youth vaping) in 2023/24.

This followed a work item that was raised at the meeting of the Board on 7 June 2023 and correspondence from concerned members about the health impacts of vaping and potentially increased usage amongst children and young people in Leeds.

The Board considered the issue at its 5 July public meeting and agreed to conduct further work through a Working Group meeting to be held on 27 September.

However, in subsequent developments at Government level there has now been a strong indication and supporting media coverage suggesting that disposable vapes are to be made illegal in the near future. This has resulted in the postponement of the planned Scrutiny Working Group on 27 September as it was thought that many of the key aims established for the Board's work were being met through disposable vapes being made illegal.

This item is therefore brought to the Board to provide a full update and seek the Board's views on any further action, including the adoption of a 'wait and see' approach to understand the timescales for when the products will be made illegal and any other possible repercussions that might arise.

Recommendations

The Board is asked to:

- a) Note the Government proposals to make disposable vapes illegal.
- b) Agree to adopt a 'watching brief' on this issue to ensure that these plans come into practice quickly and that the Board is satisfied with what will be a new legislative framework covering disposable vapes.

What is this report about?

- 1 This report follows concerns raised by elected members about the impact of vaping on children and young people and agreement by the Board to consider additional information on this through a joint Working Group comprising members of the Children and Families and Adults, Health and Active Lifestyles Scrutiny Boards. However, in light of recent Government announcements and media coverage the Working Group has been postponed, with agreement from the Chair of Adults, Health and Active Lifestyles Scrutiny Board and other concerned members. The main reason for this change in approach being that it now seems very likely that the Government will be making disposable vapes illegal in the near future.
- 2 Much of the concern around youth vaping both nationally and expressed at the Children and Families Board meeting in July centred around key issues such as advertising, marketing, targeting at young people, free gifting of vapes, environmental impacts and a strong desire for a much tighter regulatory framework to be established. The main concerns focussed on disposable vapes.
- 3 Further work may well have led to firmer proposals and recommendations being developed by the Board but given that disposable vapes are now set to be made illegal many of these key areas have been addressed. In short, making these devices illegal is as strong a regulatory framework as there is available.
- 4 As a result, it is possible that any scrutiny work between now and the relevant legislation being passed ran the risk of duplicating or being superseded by the proposals being put forward by Government.
- 5 It should be noted that at the time of writing this report no firm action has yet been taken by the Government, but the proposals have been widely reported in the media. It is expected that the announcement will come when the Government responds to the call for evidence it had launched over the Spring and Summer months, this is expected in the coming weeks.
- 6 Despite this expected announcement it is possible that further work on youth vaping could develop either from the announcement itself or linked to timing of when the products will be made illegal. If that is the case the matter could come back to the Board for further consideration, this is reflected in the report recommendations which cover this possibility.
- 7 It is understood that vaping kits and non-disposable vaping will remain legal which should maintain the benefits that can be gained from cigarette smokers moving to use of vapes and the widely held belief that vaping is still an effective method to increase smoking cessation rates. However, whilst vaping is less harmful when compared to smoking the lack of available evidence on the long-term impacts of vaping has been noted as a concern by the Board.

Illegal Vapes

- 8 Whilst the response to the proposals from Government has been broadly positive, some concerns have been raised in relation to the potential spread of illegal vapes in response to the decision to make disposable vapes illegal.
- 9 There is already a significant issue with illegal vapes in the UK. Trading Standards agencies have been active in tackling the issue but have also described their work as the 'tip of the iceberg' despite seizing millions of illegal vapes nationally in the past three years. One possible implication of the decision to make disposable vapes illegal is that there is an increase and growth in this illicit market.
- 10 West Yorkshire Trading Standards have been no exception in terms of work done to tackle the illegal vape and tobacco markets, with £45,000 of illegal tobacco and vapes seized in August 2023 in Huddersfield which was part of a wider operation over the past year that has seen over £100,000 worth of goods of this nature seized and prevented from going on to be sold.

What impact will this proposal have?

- 11 The Board is asked to consider the information in this report and consider if any further action on youth vaping is required at this time.
- 12 The Vision for Scrutiny agreed by full Council sets out the nationally agreed four principles of good scrutiny. Within these is a commitment to 'Promote Scrutiny as a means by which the voice and concerns of the public can be heard.' Given the recent focus on vaping in the media and from health professionals this work item has sought to respond to both elected member concern and recent coverage that has raised the profile of this issue in Leeds and nationally.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 13 The terms of reference of the Council's Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the priorities of the Best City Ambition.
- 14 This item has a stronger focus on the Health and Well-Being pillar, seeking to understand and challenge the health impact that vaping is having on children and young people in the city.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 15 Children and Families Scrutiny Board discussed this issue at its meetings in June and July and agreed to consider it as part of its work programme in 2023/24, to include a Working Group to be established in September 2023.
- 16 The Adults, Health and Active Lifestyles Board also discussed this at its June meeting, identifying the impact of vaping on children and young people as an area of concern. This led to the development of a joint working group approach that has now been postponed due to expected legislative action from Government.
- 17 Before a decision was reached to postpone the planned working group on youth vaping consultation and engagement took place with the Adults, Health and Active Lifestyles Board through the Chair and with elected members who had raised concerns with the Chair of the Children and Families Board through correspondence.

What are the resource implications?

- 18 There are no specific resource implications associated with this item.

What are the key risks and how are they being managed?

- 19 There are no specific risk management implications associated with this item.

What are the legal implications?

- 20 There are no specific legal implications associated with this item.

Options, timescales and measuring success

What other options were considered?

21 This is an information report it is possible that, depending on the views of the scrutiny board, further consideration of this issue could take place in the future.

How will success be measured?

22 Not applicable at this stage.

What is the timetable and who will be responsible for implementation?

23 This work stream has been impacted by a decision made by Government that has the potential to supersede any scrutiny recommendations that might have been made. Given that a final decision on making disposable vapes illegal has yet to be reached ultimately this matter now rests with Government.

Appendices

- None

Background papers

- None