

## Youth Vaping – Update Report

Date: 10 June 2024

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 on children and young people (youth vaping) in the 2023/24 municipal year and as a result considered two reports on the issue in Leeds. Following the last update report considered on 29 November 2023 the Board requested that the issue return for consideration early in the 2024/25 municipal year.

As part of its work the Board noted, and submitted a response to, the Smokefree Generation consultation process which has been used to inform legislation on smoking and vaping in England and will also be introduced in the devolved nations of the UK. The Board's consultation response is included at Appendix 2 for reference.

This report therefore provides an update on the legislative activity by Government and at Appendix 1 provides a further briefing note on youth vaping in Leeds including ongoing multi-agency activity to prevent it.

### Recommendations

The Board is asked to:

- a) Note the update on legislative progress linked to the smokefree generation policy announcement and subsequent Tobacco and Vapes Bill.
- b) Note the activity taking place in Leeds on youth vaping
- c) Identify any future scrutiny activity that the Board could undertake in relation to youth vaping in Leeds.

## **What is this report about?**

- 1 This report provides a further update on youth vaping following previous reports brought to the July and November 2023 public meetings of the Children and Families Scrutiny Board. Following those meetings, it was agreed that a further update report would be brought back for consideration early in the 2024/25 municipal year.
- 2 Much of the concern around youth vaping both nationally and expressed at the Children and Families Board meetings in July and November 2023 centred around key issues such as advertising, marketing, packaging, targeting at young people, free gifting of vapes, environmental impacts and a strong desire for a much tighter regulatory framework to be established particularly with regard to disposable or single use vapes.
- 3 Since this issue was first considered by the Board the Government has set out proposals culminating in the Tobacco and Vapes Bill which has a headline measure of ensuring no one currently aged 14 or under can ever be legally sold cigarettes or other tobacco products but also has significant measures to tackle the growing problem of youth vaping. As part of this process the Board responded to the Smokefree Generation consultation which was used by Government to inform the Tobacco and Vapes Bill.
- 4 In terms of the views of the Board as set out in the consultation response the Tobacco and Vapes Bill closely reflected the concerns expressed when considered by the Board in 2023/24. Key measures included in the Bill were: proposals to ban the sale and supply of disposable vapes under environmental legislation; plans to restrict vape flavours, displays and packaging; quicker and simpler £100 on the spot fines (fixed penalty fines) for shops in England and Wales which sell tobacco and vapes underage; and a new excise duty on vaping products announced in the Spring Budget. All of these measures were supported in the Board's agreed consultation response.
- 5 Whilst the progress on the legislation has been positive there are no timescales for implementation of the measures on Vaping other than a commitment to introducing the new measures as soon as possible and in the case of banning disposable vapes a six month implementation period will be used (with no start date announced) to enable businesses to adapt to the new legislation. A further issue relating to timescales is that the Tobacco and Vapes Bill did not pass through Parliament in advance of the calling of the UK General Election on 4 July 2024, which could serve to delay its introduction.
- 6 It seems clear that legislation is forthcoming on youth vaping that will tackle the concerns of the Board and of Leeds residents however, it is unclear when this will come into force. This means that the issues identified in paragraph 2 (above) are likely to persist in the short-term. Appendix 1 therefore provides an update on actions taken in Leeds to tackle the problem.

## **What impact will this proposal have?**

- 7 The Board is asked to consider the information in this report and the wider context of the ongoing national legislative process. Previous reports considered by the board were mindful of the plans to legislate on both smoking and youth vaping and the Tobacco and Vapes Bill has made progress through Parliament since it was introduced on 20 March 2024, with the second reading also having taken place on 16 April.
- 8 There are clear timescales around the plans to prevent young people accessing tobacco, the new legislation would not have affected existing smokers born before 1 January 2009. Timescales for the wider measures on youth vaping are less clear which potentially leaves room for further local action to tackle some of the issues until such time as the national measures

such as banning disposable vapes and restricting flavours, advertising and marketing come into force.

- 9 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 focus on vaping in the media, from Government and from health professionals this work item continues to seek 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

- 10 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.
- 11 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 and contribute to wider action to prevent harm to children and young people through the use of vape products.

### **What consultation and engagement has taken place?**

Wards affected:

Have ward members been consulted?       Yes       No

- 12 Children and Families Scrutiny Board discussed this issue in detail at its meetings in July and November 2023. Through this the Board has agreed to include this as an item in the 2024/25 Work Programme to keep a watching brief on national developments to ensure that action is taken to address youth vaping both nationally and in Leeds.
- 13 The Adults, Health and Active Lifestyles Board also discussed this in the 2023/24 municipal year, identifying the impact of vaping on children and young people as an area of concern. This led to the development of a joint approach to this issue from both Boards. The Chair of the Adults Health and Active Lifestyles Board has been invited to attend for this item along with other members who had identified this as an issue of concern in the city.

### **What are the resource implications?**

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

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

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

### **What are the legal implications?**

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

## **Options, timescales and measuring success**

### **What other options were considered?**

17 This is an update report aimed at informing the Board of recent developments at Government level and the work being done in Leeds to tackle the problem of youth vaping. This report responds to a Board request and as such no other options were considered.

**How will success be measured?**

18 This is an update report to the Scrutiny Board at this stage there are no associated success measures.

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

19 This report provides an update on past consideration of youth vaping by the Board at this stage there is no associated timetable.

**Appendices**

- Appendix 1 – Briefing Note – Activity on Youth Vaping in Leeds.
- Appendix 2 – Children and Families Scrutiny Board submission to the Smokefree Generation consultation

**Background papers**

- None