
Young People and Vaping

| | |
|--------------------------------------|-----------------------------------|
| Committee considering report: | Joint Public Protection Committee |
| Date of Committee: | 11 March 2024 |
| Chair of Committee: | Councillor Lee Dillon |
| Date JMB agreed report: | 26 February 2024 |
| Report Author: | George Lawrence |
| Forward Plan Ref: | JPPC4483 |

1. Purpose of the Briefing

- 1.1 To provide an update to the Committee about the work being undertaken by the Public Protection Partnership to reduce the consumption of vaping products by young people across the partnership areas.

2. Executive Summary

- 2.1 Research shows that there is a concerning uptake of vaping amongst young people albeit that it is illegal to sell vapes to anyone under the age of 18. This report sets out some of the intelligence gathered by the Public Protection Partnership, the preventative measures, including educational activity and communication campaigns and enforcement action being undertaken by the Service to address this matter.
- 2.2 The education work undertaken by the Public Protection Partnership in West Berkshire is funded by Public Health. Education activity across the other two authorities is not undertaken by the PPP and therefore not covered in this report.

3. Supporting Information

- 3.1 Research points to a concerning trend in the uptake of vaping amongst young adults and teenagers, and a significant increase in the use of disposable vapes. [Youth vaping: call for evidence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/youth-vaping-call-for-evidence). This trend has also attracted the attention of health professionals and Government. As a result, the Trading Standards Team in the PPP, at a local level, are working on co-ordinated projects to tackle this issue. An example of this is Operation Joseph (see below).
- 3.2 From a legal perspective, it is illegal to sell vapes to anyone under the age of eighteen. Delegated powers to enforce this age restriction sits with the Trading Standards service. Trading Standards Officers are also responsible for the enforcement of safety standards such as nicotine content and warning labels on these products.
- 3.3 The Service is also involved in the regulation of 'single use vape' disposal under the [Waste Electrical and Electronic Equipment Regulations 2013](https://www.gov.uk/government/legislation/waste-electrical-and-electronic-equipment-regulations-2013) (WEEE). Irresponsible disposal is both hazardous in terms of the fire risks and a blight to the community in terms of litter. The regulation of 'single use vapes' disposal under the WEEE Regulations rests with the Office for Product Safety and Standards (OPSS). However, there is an expectation that messaging from OPSS will be increased to make it clearer to retailers where their responsibilities lie, and the PPP is involved in raising awareness about this matter.

- 3.4 As a community-based service with a longstanding working relationship with Berkshire West's Tobacco Control Alliance (which includes Reading Borough Council, West Berkshire Council and Wokingham Borough Council) and the partner authorities' Public Health Teams, the Public Protection Partnership (PPP) is experienced in the work it carries out with respect to reducing the harmful effects of tobacco and alcohol by reducing consumption by young people. Up until 2023, this work was supported by regular gathering of trend data at a local level via the respective public health teams. Activity across the authorities has since been tailored to the priorities of the individual authorities and subsequently the funding that is provided to the Service has been largely removed.
- 3.5 The Public Protection Service's delivery model is based on the 'National Intelligence Model'. Through this model the PPP seeks to tackle all areas of its work with a combination of preventative actions, intelligence gathering and analysis and enforcement.

Prevention

- What action can the PPP take that would stop a problem from occurring?

Intelligence

- What information can the PPP gather to help make better decisions?

Enforcement

- What action can the PPP take to ensure those breaking the law are taken to task

- 3.6 To this end, the Service has a Strategic Assessment and Control Strategy supported by a tactical tasking process which is of itself delivered through a number of specialist teams; trading standards, environment health, licensing, investigations including financial investigators and the case management and intelligence functions.
- 3.7 The PPP's [Strategic Assessment](#) identifies Protecting and Improving Health as one of its six overarching themes and Protecting and Improving Health was identified as a key strategic priority in March 2023. The Partnership plays a key role in supporting residents to live as well as possible for as long as possible and promoting the health and wellbeing of our residents through proactive projects and reactive work. As part of these initiatives, the Service works to support the wider tobacco, vaping and alcohol harm reduction agenda across key stages in children's educational development in West Berkshire.
- 3.8 The Strategic Assessment takes into consideration the relevant authorities' own Health and Wellbeing Strategies.

Young People Local Vaping Data

- 3.9 The last annual Secondary School's Survey undertaken by the Public Protection Partnership (PPP) on behalf of Berkshire West's Tobacco Control Alliance identified that in 2023 13.8% of pupils (326 out of 2365 secondary school pupils surveyed)

answered 'yes' to the question 'Have you ever used a vape?' This is below the national average of 20.5% published by Action on Smoking and Health (ASH) in June 2023.

- 3.10 However, when you consider the figures against 2022's Secondary School Survey data (8.4%) and 2020's data (3.7%) it is evident that the number of children vaping in the Berkshire West area has significantly increased year on year. Seventeen year olds are most likely to have tried vaping (35.8%) and of the 326 pupils who answered that they had ever tried a vape, 29.1% answered that they use them 'every day/ almost every day.'
- 3.11 The most frequent responses to the question in the Berkshire West survey 'where do you usually get your vape from?' (284 respondents who currently use a vape) was 'given to them by friends/ family' (39.4%) and 'buy them myself' (31.1%). This is similar to the national picture.
- 3.12 Whilst no similar local data was captured within Bracknell Forest by the PPP research, it is expected that the picture is the same locally, regionally and nationally.

School and Community Engagement

- 3.13 The Public Protection Partnership delivers regular presentations to schools in West Berkshire to talk about vaping. Twenty-two visits were undertaken within the last academic year (September 2022 to July 2023). It is anticipated that, given the increasing prevalence of vaping amongst school children, additional visits can be undertaken this academic year but in order to do so more resource will be needed. The Team have also delivered vaping presentations to schools in Wokingham when sponsored to do so by the public health team.
- 3.14 To undertake this work and to reduce the impact of vaping amongst young people those involved in delivering this type of work need to ensure they are up to date with the latest information in respect of vapes from a health, environmental, legal and government perspective and would adapt their presentations and material accordingly.
- 3.15 Communications are posted on various social media platforms to educate and inform parents and pupils. Vaping presentations and workshops are offered in West Berkshire, highly sought after and routinely delivered to secondary school pupils across the area and on occasions their parents. A podcast has been completed and is available to all secondary schools to access and utilise. [PSHE4you Episode 14 - Vaping \(youtube.com\)](#)
- 3.16 The school's harm reduction educative drama production 'Risking it All', which took place at numerous secondary schools across West Berkshire during the first week of February 2024 included scenes relating to the dangers of vaping amongst young people.
- 3.17 The Service has also attended information stands at Newbury College and has undertaken presentations with the students there. Officers will also be attending the Young Health Champion Conference in March 2024. Young Health Champions is a Public Health initiative which teaches secondary school children about managing and promoting health and wellbeing within their schools. The yearly conference held by West Berkshire's Public Health Team provides the opportunity for the Young Health Champions across the secondary schools in West Berkshire to come together and

learn about health harms that may be impacting on pupils within their schools and how to help and support themselves and others to make healthy lifestyle choices.

Campaigns

3.18 In addition to the above, there are a number of campaigns currently in place which are aimed at smoking reduction which could act as templates in approaches to convey similar positive messaging around reducing vaping in children. The service is working to lock into locally agreed campaigns targeted towards reducing vaping amongst young people on a more formal footing.

3.19 The Public Protection Partnership publicises current campaign activity and materials are available on its website here: [Vaping Education Campaign - PPP \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk)

Enforcement

3.20 A proportion of vaping products sold in UK shops do not meet the requirements of [the Tobacco and Related Products Regulations 2016](#). Consequently, Operation Tanoak was set up to tackle the supply chain. During this operation, and based on intelligence sources, officers inspected:

- (a) 39 West Berkshire premises and found illegal products in four of those premises.
- (b) 10 Bracknell premises and found illegal products in two of those premises.
- (c) 21 Wokingham premises and found illegal products in five of those premises.

3.21 In total, the number of seized vape products were listed as below.

| Area | Number |
|------------------|--------|
| Bracknell Forest | 88 |
| West Berkshire | 1074 |
| Wokingham | 406 |

3.22 The main areas of non-compliance related to the size of the tank (disposable vapes should not contain quantities of more than 2ml which equates to around 600 puffs). In addition, disposable vapes must not contain nicotine in excess of 20mg/ml and must be labelled with a UK or EU address. This project is ongoing with both follow up work being scheduled by the Team and where appropriate formal files are being processed in readiness for court proceedings.

3.23 The service has also contributed to national intelligence and research in order to inform market compliance. Operation Joseph is a national operation linked to Market Surveillance of “Notified” Vapes (i.e. it is a legal requirement that all vapes must be notified to the Medicines & Healthcare Products Regulatory Agency (MHRA)).

3.24 The PPP is one of only three national leads working in this area. The project was to overtly sample and test ‘approved’ vapes for legal compliance, specifically to test whether the products have the correct nicotine strength and correct amount of nicotine containing liquid and that they did not contain heavy metals. Test results are being collated nationally and will inform national strategy.

- 3.25 Officers collected 13 samples in West Berkshire, 13 in Wokingham and 14 samples in Bracknell. The samples were tested for size of tanks and nicotine concentration, with some testing for other substances. The results have now been received and the results and the non-compliance rate is in the order of a 70% failure rate, and this is mirrored in those samples taken by the other pilot area. As a consequence, further testing is planned, and will be funded by regional support.
- 3.26 As part of our business-as-usual activity officers have conducted eight underage sales test purchases over the past twelve months in West Berkshire. Compliance was generally good and only one sale was successful.
- 3.27 During the corresponding period 14 test purchases were conducted in Bracknell Forest with a zero % failure rate. Twelve underage sales test purchases were conducted in Wokingham and there were two successful sales. Warning letters were sent to the premises that sold products to individuals aged under eighteen. Resources and competing priorities permitting, further testing will take place during 2024.

4. Looking Ahead

- 4.1 The UK government are committed to bring about the first 'smokefree generation' by 2030, having pledged to introduce legislation to make it illegal for any person born on or after 1st January 2009 to purchase tobacco products. To help ensure its success, new government funding will be provided to Trading Standards to implement measures to reduce opportunities for associated criminality.
- 4.2 On 29th January 2024, the Government announced that disposable vapes will be banned in the UK as part of plans to address the rise in youth vaping. The measure comes as part of the response to the government's smoking and vaping consultation which took place between October to December 2023.
- 4.3 It has been reported that the ban will introduce new powers restricting flavours, packaging the displaying of vapes in retail premises. The objective being to reduce their appeal to children. Moreover, vaping alternatives such as nicotine pouches will also be outlawed for children to purchase.
- 4.4 In a bid to reduce underage sales the government will also bring in new fines for shops in England and Wales which sell vapes illegally to children. Trading Standards officers will be empowered to act 'on the spot', building on the £2,500 maximum fine that can already be imposed by LA's. [Disposable vapes banned to protect children's health - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/disposable-vapes-banned-to-protect-childrens-health)
- 4.5 There has been no date set by the government for the introduction of these measures and in the meantime, there is no indication that the current youth consumption of vaping products is showing any sign of abating. Areas such as increased levels of compliance visits, test purchases and targeted education interventions will be considered as part of resource allocation, but these will be resource dependent. The service is looking at all grant funding options and this will include a programme proposal to the public health teams for all three (Bracknell Forest, West Berkshire and Wokingham) PPP trading standards authorities.

5. Conclusions

- 5.1 While nicotine vaping is substantially less harmful than smoking, it is not risk free. For adults it can and does provide an alternative to tobacco consumption. However, the effects on young people, whose developing lungs and brains are more sensitive to its effects, are not yet known. Most e-cigarettes contain nicotine which is highly addictive and can harm adolescent brain development. They may also contain other harmful substances.
- 5.2 National data shows that by April 2023 the proportion of children experimenting with vaping had grown by 50% year on year with 20.5% stating that they had tried it even though it is illegal to sell them to under eighteens.
- 5.3 The current marketing of vaping, including easy access to vapes, appealing flavours, bright and inviting displays and the risk of nicotine addiction are the recognised factors driving the increased use of vapes by young people.
- 5.4 Young people have always faced public health challenges. Our data shows that tobacco consumption has declined significantly over the period we have been working with young people to raise awareness. Much work has also been carried out to raise awareness of public health and personal safety risks associated with alcohol. However, we have not seen a public health challenge that has developed so quickly and has the potential to impact so many as we have with vaping.
- 5.5 We know from many years of delivering young people's harm reduction strategies that a holistic approach is needed. Working with retailers and wider enforcement initiatives need be delivered alongside targeted public health education interventions to allow for informed decision making. The messaging around vaping is more complex than that relating to tobacco due to the fact that it is often associated with providing a 'safer alternative' to smoking but the health effects on young people are still being studied.
- 5.6 We also know that the government are planning further controls that will come to Councils and their public protection services to implement. Delivery will prove challenging with additional targeted resource as all areas of trading standards are under significant pressure.

6. Implications and Impact

| Implication | Commentary |
|-------------------|--|
| Financial: | <p>The current activity around preventative and enforcement work is being undertaken within existing budgets and resources. The Service is looking at all grant funding options and this will include a programme proposal to the public health teams for all three (Bracknell Forest, West Berkshire and Wokingham) PPP trading standards authorities.</p> <p>Successful implementation of the Government's Plans around vaping will depend on the tools and resources made available to Trading Standards to ensure successful enforcement and clarity on how the £30m of national funding will be allocated is still awaited.</p> |

| | |
|------------------------------------|--|
| Human Resource: | None |
| Legal: | <p>Clear and practical legislation and guidance will be needed in order to take forward the Government's proposals.</p> <p>Current enforcement activity is undertaken in accordance with the Children and Families Act 2014, as amended by The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.</p> |
| Risk Management: | The risk to the health and wellbeing of young people are set out in the report. |
| Property: | None |
| Policy: | The PPP will continue to feed into the Health and Wellbeing Strategies for partner authorities. |
| Consultation and Engagement | As this is a report for information only, no consultation has taken place. |

7. Appendices

7.1 None