

Bath & North East Somerset Council

MEETING	Joint Health and Wellbeing Board	
MEETING DATE:	2nd May 2024	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Smoke Free Generation	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		

1 THE ISSUE

- 1.1 This report updates the Board on national progress toward a Smoke Free Generation and measures to reduce the appeal of vapes to children and young people.

2 RECOMMENDATION

The Board is asked to;

2.1 Proposal 1

Note the contents of the report and consider how agencies/members can support the aim of achieving a smoke free generation, a reduction in youth vaping and supporting smokers to quit.

3 THE REPORT

- 3.1 Tobacco, and especially cigarette smoking, is the single most important, entirely preventable cause of ill health, disability and death in the UK. It is responsible for 80,000 deaths in the UK each year. It is estimated that approximately 350 people aged 18 – 25 years take up smoking every day in the UK . Smoking is highly addictive and the majority of smokers would never have started if they had the choice again. .

- 3.2 In B&NES, smoking prevalence is similar to regional, and lower than national levels, at 11.5% of adults. This equates to 18,300 current adult smokers, a significant proportion of which are in routine and manual occupations. Smoking prevalence amongst those in routine and manual occupations in B&NES is 28.4%. In B&NES, during the 3 year period 2017 – 2019, 479 deaths were

attributable to smoking. Smoking reduces life expectancy on average by 10 years. Life expectancy varies significantly in Bath & North East Somerset and smoking accounts for approximately half this difference in life expectancy.

Smoke Free Generation Consultation

- 3.3 The Government's Smoke Free Generation consultation closed on 6th December 2023¹. There were over 25,000 responses with the majority in support of the proposal to create a smoke free generation. This means there was majority support for legislation to make it an offence for anyone born on or after 1 January 2009 to be sold tobacco products.
- 3.4 Respondents were mostly in favour of the proposed measures to tackle youth vaping, particularly restricting point of sale displays and restricting packaging. Although there were mixed views on how best to do this.
- 3.5 There was also support for extending these regulations to cover non-nicotine vapes as well as to other consumer nicotine products, such as nicotine pouches, to avoid loopholes and support stronger enforcement.
- 3.6 Respondents were strongly in favour of introducing a ban on the sale and supply of disposable vaping products.
- 3.7 There was significant support for enforcement across the tobacco and vaping measures including introducing new fixed penalty notices in England.

The Tobacco and Vapes Bill

- 3.8 The Tobacco and Vapes Bill² had its second reading in the House of Commons on 16th April 2024. 383 MP's voted for the Bill, there were 200 abstentions and 67 MP's voted against the Bill. The Bill will now go to Committee stage where it will be debated further in detail and potential amendments put forward. The Committee will receive evidence in relation to the Bill on 30th April/1st May 2024. It will then go back to the House of Commons for further debate.
- 3.9 The aims of the Bill are to protect future generations from the harms of smoking, tackle youth vaping and strengthen enforcement of age of sale legislation for tobacco and vaping products.
- 3.10 The Bill will make it an offence for anyone born on or after 1 January 2009 to be sold tobacco products. The Bill will also make it an offence to purchase tobacco products on behalf of someone born on or after 1 January 2009 ('proxy purchasing'). This is the smokefree generation policy.
- 3.11 The products in scope of the smokefree generation policy includes all tobacco products (including waterpipe tobacco, such as shisha), cigarette papers, and herbal smoking products would be subject to the new law.
- 3.12 On vaping products and other nicotine products, the Bill brings forward a number of measures to reduce the appeal and availability of such products to

¹ <https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping>

² https://www.gov.uk/government/collections/tobacco-and-vapes-bill-2024?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=d2e22db8-445f-4e87-872a-e3a3eb5a03b8&utm_content=immediately

children while ensuring such products continue to be available for current adult smokers to help them quit. Specifically, the Bill provides regulation making powers to:

- Regulate vaping and nicotine product contents and flavours
- Regulate vaping and nicotine product retail packaging and product requirements;
- Regulate displays of vaping and nicotine products.

These measures will apply to both nicotine and non-nicotine vaping products, as well as other nicotine products.

3.11 The Bill will also close regulatory loopholes by:

- Prohibiting the sale of non-nicotine vapes to under 18's
- Prohibiting the distribution of free samples of vaping and nicotine products to under 18s
- Providing powers to extend the above two provisions to other nicotine products.

Ban on disposable vapes

3.12 The Government aims to bring in additional legislation to ban disposable vapes from April 2025³. The sale and supply of disposable vapes will be banned in England, Scotland and Wales. Northern Ireland will also consider introducing this in future. Any legislation will allow for a buffer period of at least 6 months, to allow businesses to adapt.

Enforcement

3.13 To support implementation of the Tobacco and Vapes Bill the Government has also announced additional measures to support enforcement, including:

- £30 million additional funding per year (from April 2024) to support enforcement agencies such as trading standards, Border Force and HMRC to implement and enforce the law (including enforcement of underage sales) and tackle illicit trade.

3.14 HMRC and Border Force recently published an updated Illicit Tobacco Strategy⁴, which:

- sets out plans to target illegal activity at all stages of the supply chain to stamp out opportunities for criminals in light of the new rules.
- establish a multi-agency Illicit Tobacco Taskforce, led by HMRC and Border Force, to oversee future evolution of the illicit tobacco strategy.

³ <https://www.gov.uk/government/publications/the-environmental-protection-single-use-vapes-england-regulations-2024-draft-si>

⁴ <https://www.gov.uk/government/publications/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco/stubbing-out-the-problem-a-new-strategy-to-tackle-illicit-tobacco>

- introducing new powers for local authorities to issue on-the-spot fines (fixed penalty notices) to enforce age of sale legislation of tobacco products, as well as vapes.
- enhancing online age verification to stop underage sales of tobacco products and vapes online.

Duty on vape products and tobacco

3.15 As part of the Spring 2024 budget the government announced that it would introduce a new Vaping Products Duty from October 2026. A consultation on how the duty will be designed and implemented is currently live⁵. This duty will be accompanied by a one-off increase in tobacco duties. The duty aims to decrease the attractiveness of vapes to young people and non-smokers, whilst also maintaining a financial incentive to choose vaping over smoking.

4 STATUTORY CONSIDERATIONS

4.1 The body of the report addresses the new legislative provisions.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The Government's impact assessment for the Tobacco and Vapes Bill estimates that raising the legal age of smoking will have an overall effect on society worth around £18.6 billion, mostly from productivity gains related to reducing levels of smoking. This does not include the cost to HMRC of reduced receipts from tobacco duty, but the assessment concludes that even if this were included the Bill's impact on society would still be positive⁶.

5.2 Alongside the Smoke Free Generation policy the Government has also announced additional investment and tobacco control policies. The investment includes an additional £70 million per year to support local authority-led stop smoking services and £15 million per year for new national campaigns which will include communicating the benefits of quitting and the support available. In 2023 other policies were announced which included the national 'swap to stop' scheme, which offers up to a million smokers across England a free vaping starter kit and funding for financial incentives for all pregnant smokers to encourage them to quit.

5.3 B&NES Smoking Grant allocation for financial year 24/25 is £202,171 based on an average 3 year smoking prevalence (2020 – 2022) of 10.83%. The funding has been committed for 5 years and will be calculated yearly based on rolling 3 year smoking prevalence and therefore is likely to decrease over time. The funding will be issued through a new Section 31 grant agreement in addition to the existing Public Health Grant.

5.4 A key criteria of the Grant is that Local Authorities must maintain their existing spend on stop smoking services, based on the stop smoking service data submitted for the year 2022 to 2023. For B&NES this was £302,322.

⁵ <https://www.gov.uk/government/consultations/vaping-products-duty-consultation>

⁶ <https://researchbriefings.files.parliament.uk/documents/CBP-9992/CBP-9992.pdf>

5.5 The Government ambition for the funding is for 360,000 additional smokers to set a quit date per annum and 198,000 smokers to quit, which is a quit rate of 55%. The suggested contribution to this ambition for B&NES is to generate an additional 2,800 people making a quit attempt over the 5 year period which equates to 560 additional smokers setting a quit date per year. Currently around 300 smokers set a quit date per year in B&NES.

5.6 Further announcements and consultation are expected on allocation of the enforcement funding over the coming months.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 The Government has published an impact assessment for the Tobacco and Vapes Bill which is available online.⁷

7.2 Concerns around the introduction of age of sale legislation predominantly focus on treating adults differently based on age, in relation to policy. However it is important to note that current smokers will not be affected or criminalised by this legislation. Equally it will not be illegal to smoke. The Bill will make it illegal to sell tobacco to those born on or after 1 January 2009 so the focus is on retailers.

7.3 Smoking attributable mortality rates are significantly higher amongst smokers living in more disadvantaged areas than those living in more affluent areas⁸.

7.4 The Tobacco and Vapes Bill aims to protect future generations from the harms of smoking, tackle youth vaping and strengthen enforcement of age of sale legislation for tobacco and vaping products.

8 CLIMATE CHANGE

8.1 DEFRA published a draft impact assessment on the disposable vapes ban for consultation in March 2024.⁹

8.2 The environmental impact of disposable vapes include leakage of hazardous substances into soil, ground water and waterways due to inappropriate disposal or littering and contribution to greenhouse gas emissions when incinerated. Critical raw materials such as lithium, oil and copper are used in the production of the product. The products are also made with non-renewable resources which are not designed to be reused or recycled. The aim of a ban on single use vapes is to reduce these negative environmental impacts.

9 OTHER OPTIONS CONSIDERED

9.1 None

⁷ <https://assets.publishing.service.gov.uk/media/65f9bd0a9316f5001164c351/tobacco-vapes-bill-impact-assessment.pdf>

⁸ <https://fingertips.phe.org.uk/profile/tobacco-control>

⁹ <https://www.gov.uk/government/publications/the-environmental-protection-single-use-vapes-england-regulations-2024-draft-si>

10 CONSULTATION

10.1 This report has been agreed with Liz Beazer, Senior Finance Manager and Michael Hewitt, Head of Legal and Democratic Services.

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Background papers	Single Use Vaping Item https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=492&Mid=6127&Ver=4
Please contact the report author if you need to access this report in an alternative format	