
Report To:	Environment & Regeneration Committee	Date:	14 March 2024
Report By:	Director, Environment & Regeneration	Report No:	ENV028/24/SJ/MM
Contact Officer:	Martin McNab	Contact No:	01475 714246
Subject:	Single Use Vapes		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 To update Committee on controls on the sale of single use vapes and future actions.
- 1.3 This report updates the Committee on progress on the control of single use vapes following the motion by Councillor Reynolds to Inverclyde Council on the subject in September 2023. At that time the Scottish Government and UK governments were consulting on future controls on single use vapes.
- 1.4 Following the consultation the UK Government announced a future ban on the sale of single use vapes followed by the Scottish Government. This ban is now expected to come into force in April next year.
- 1.5 In the interim Inverclyde Council will continue to enforce current controls on the sale of single use vapes and will ensure that local retailers are aware of their responsibilities ahead of the proposed ban.

2.0 RECOMMENDATIONS

- 2.1 That Committee notes the progress nationally on banning the sale of single use vapes and the actions locally in enforcing current legal requirements.

Stuart Jamieson
Director
Environment & Regeneration

3.0 BACKGROUND AND CONTEXT

- 3.1 Single use vapes have been the cause of significant concerns over both the environmental impact of their disposal and their popularity with young people with the consequent potential health risks. On the former retailers are obliged to offer facilities to return vapes for recycling. It is clear however that a sizeable proportion of users do not do so however resulting in littering with these products. Members will also be aware of concerns that these products may have been the cause of fires at recycling plants.
- 3.2 On the issue of under-age sales, sale of vapes to under 18s was banned in Scotland in 2016. This ban included proxy sales to adults on behalf of under 18s and effectively placed vapes under similar controls to cigarettes and other tobacco products. Clearly however the ban has not been effective in preventing access to vapes by under 18s. Trading Standards staff visit retailers selling vapes to ensure that controls on under-age sales are in place however effective enforcement is only possible through the use of test purchasing. There have been practical difficulties in test purchasing for under-age sales of vapes owing to the nature of some of the retailers selling these products. The layouts and size of some of these retailers creates practical difficulties around monitoring test -purchases. Regardless of these practical issues the service will look to carry out a round of test purchases in 2024-25.
- 3.3 All retailers of tobacco and nicotine vaping products are subject to registration by the Scottish Government. The tobacco registration scheme was extended to NVP's, and it has been an offence since 1st October 2017 for any retailer to supply these products without registration. Inspections are carried out at all these premises to ensure compliance with the legislation. Non-compliances, which range from a lack of a suitable age restricted sales policy, a failure to display signage or store products in accordance with the legislation, sale or supply to someone under the age of 18, are dealt with by fixed penalty notices issued by Trading Standards Officers. These increase in scale for repeat offences; if 3 are issued within a 2-year period, application can be made to the Sheriff Court seeking a banning order on the premises.
- 3.4 Members will be aware that following both a UK and Scottish consultation on controls on single use vapes in autumn 2023 the UK Government announced that it would be introducing an outright ban on the sale and supply of single use vapes together with new and progressive age controls on the sale of tobacco products. Shortly after this announcement the Scottish Government announced that equivalent controls will be introduced in Scotland. In the past couple of weeks, it has been announced that the proposed controls will be introduced from April 2025. As these controls appear to have all party support it is safe to assume that these proposals will be taken forward regardless of the outcome of the UK general election. This single measure should be effective in drastically reducing the availability of single use vapes.

4.0 PROPOSALS

4.1 Enforcement

Inverclyde Council Trading Standards will continue to enforce current controls on the sale of e-cigarettes and tobacco products. As and when the new legislation is published we will also undertake an awareness campaign with local retailers.

4.2 Vaping Sensor Trial

A pilot is ongoing in a secondary school to test the effectiveness of vaping sensors placed in toilets. There was success in the sensor detecting pupils vaping in the toilet where the trial sensor was installed and the school has seen a reduction in disposable vapes being found discarded in the school building, since the sensor was installed week beginning 15 January

2024. The pilot identified issues with connection to the Wi-Fi signal in the building and the trial has now been adapted to attempt to resolve the connection issues. Once the trial has concluded, decisions will be taken on whether a roll out can be implemented in the remaining five secondary schools. Funding has been provided for the trial to take place, through the funding provided by HSCP from the NHS funding. Should the trial be successful, funding through this same fund could be provided for further roll out.

4.3 Vaping Input in Secondary Schools

Vaping was introduced into the Substance Use Framework (2023/ 24) used by the newly appointed substance officers where they discussed nicotine being a drug. This was highlighted within a video the officers created discussing the 7 types of drugs, including nicotine as a stimulant. During this part of the lesson, the officers discuss the addictiveness and health implications of stimulants, highlighting nicotine specifically.

Vaping is looked at in more detail during the Risky Behaviour lesson where the officers created a vaping specific video that went into great detail about the effects of vaping on individuals. This session is delivered to all S1-6 pupils.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk		X
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

None

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 **Legal/Risk**

N/A

5.4 **Human Resources**

N/A

5.5 **Strategic**

N/A

5.6 **Equalities, Fairer Scotland Duty & Children/Young People**

N/A

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
--	---

X

NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

5.7 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

None.

Has a Strategic Environmental Assessment been carried out?

--

YES – assessed as relevant and a Strategic Environmental Assessment is required.

X

NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

5.8 Data Protection

Has a Data Protection Impact Assessment been carried out?

--

YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.

X

NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 The Corporate Director Education & Communities was consulted on this report.

7.0 BACKGROUND PAPERS

7.1 Disposable Vapes – Notice of Motion by Councillor Reynolds Inverclyde Council 28 September 2023 **LS/098/23**