

Lancashire Health and Wellbeing Board

Meeting to be held on Tuesday, 5 September 2023

Corporate Priorities:

Caring for the vulnerable;
Protecting the environment;
Delivering better services;

Tackling Illicit Vapes and Youth Vaping in Lancashire

(Appendices 'A', 'B' and 'C' refer)

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Brief Summary

Smoking tobacco is still the single biggest cause of preventable illness and death and the priority remains to achieve a Smoke Free Lancashire. Youth smoking is at its lowest rate, however, there has been a concerning rise in young people under 18 years of age vaping.

The Trading Standards North West Youth Survey 2023 (Appendix 'A') highlighted that young people are attracted by fruit flavours, attractive packaging, and cheap products with nearly half of the 14–17-year-olds involved in the survey having tried e-cigarettes but not cigarettes. Lancashire Trading Standards Service has seen a significant rise in complaints in relation to underage sales of vape products and in 2023/24 (April–June) seized over 20000 non-compliant/illicit vapes and removed them from the shelves of Lancashire businesses, depriving traders of approximately £100,000 of illicit income.

This increase in youth vaping and illicit products raises several challenges including enforcement capacity and combatting the marketing of products to young people under 18.

The report outlines current work and opportunities to address these challenges by joint working across public health, schools and colleges, Trading Standards Service and Lancashire's new Stop Smoking Service. It also sets out a Lancashire County Council position statement on youth vaping.

Recommendations

The Health and Wellbeing Board is asked to endorse the following:

- i) Work with schools and colleges to promote a whole school approach to tackling smoking and vaping including the distribution of curriculum support materials from Trading Standards and Office of Health Inequalities and Determinants for use in Personal, Social, and Health Education lessons to inform young people about the harms of vaping.
- ii) Development with partners including Trading Standards of a marketing campaign targeted at reducing children and young people vaping by Lancashire County Council's new Smoking Cessation Service in the autumn.
- iii) Work by Trading Standards on tackling illicit products and underage sales in relation to vaping and explore the need for funding to focus solely on Underage Sales and illicit vapes this could include a Responsible Retailer Scheme and/or additional targeted Test Purchase exercises.
- iv) Lancashire County Council's position statement (Appendix 'B') on vaping which supports delivery of the ambitions in the refreshed Lancashire Tobacco Strategy 2023-28 to 'make Smokefree the norm', and address children and young people smoking and vaping.
- v) Work with colleagues across the Lancashire and South Cumbria Integrated Care Partnership to influence the national team around limiting promotions online.

Detail

Purpose

To set out Lancashire County Council's position on vaping and respond to the Council's motion, 13 July 2023, to bring a report to Health and Wellbeing Board outlining current enforcement action on vaping in relation to sales to young people in Lancashire, to consider educational opportunities for young people (under the age of 18) in relation to vapes and making available funds for a Trading Standards campaign.

Context

Smoking tobacco is still the single biggest cause of preventable illness and death linked to over 100 different conditions including 15 cancers, nine mental health conditions and numerous respiratory, cardiovascular, and other disorders. Between 2017 and 2019 smoking killed an estimated 191,903 people in England and 5,174 people in Lancashire. In the Lancashire 12 area, smoking prevalence is 14.7% of adults (18+) smoke (Office for Health Improvement and Disparities (OHID) 2021) which is in line with the England average, however that varies significantly by areas from 9.3% to 21% (Annual Population Survey 2021), it is estimated that in Lancashire we have approximately 151,161 smokers. Smoking tobacco products is also a significant driver of health inequalities and our priority should remain on tobacco control and the reducing the number of people who smoke (Lancashire Tobacco Strategy 2023-2028).



The Government set out an ambition for a Smokefree England in its Tobacco Control Plan 2017 and although there have been many improvements in reducing the harms from tobacco the recent 'Khan review: making smoking obsolete' (2022) highlighted the need to do much more to meet this target. It recommended several actions including offering vaping as an alternative for smoking (adults), alongside accurate information on the benefits of switching and enhanced illicit local enforcement.

In April 2023 Neil O'Brien MP gave a ministerial speech regarding the next steps by the Government to work towards their 2030 Smokefree ambition. These included:

- **Youth vaping:** A call for evidence in June 2023 to collect information and explore issues such as accessibility of vapes to children and young people, regulation, marketing, promotion, and environmental impacts of disposable vapes. Results awaited.
- **Swap to stop:** Announcement of a two year “swap-to-stop” scheme of nationally funded vaping kits distributed to a million smokers to be used as quit aids to stop smoking targeting the most at-risk communities first.
- **Illicit products:** £3m to be used to set up a new national “flying squad” to tackle underage and illicit vape sales through trading standards.

The use of vapes by adults has grown from around 700,000 in 2012 to 4.7 million in 2023, Action for Smoking on Health (ASH 2023). National Institute for Health and Care Excellence (NICE) evidence found that vaping was nearly twice as effective as Nicotine Replacement Therapy in helping smokers quit in a Stop Smoking Service setting in England. Several evidence reviews have also found e-cigarettes to be 95% less harmful than smoking when used for 12 months, although not risk free.

The Trading Standards North West Youth Survey 2023 (TSNWS), undertaken by almost 14000 young people including those from Lancashire, showed there has been a significant increase in the numbers of young people vaping. 17% claim to vape more than once a week, compared to 6% in 2020. Respondents said that flavours were a key factor in tempting them to vape. 1 in 7 now claim to vape regularly, more than double the level recorded in 2020. Young people in the North West are increasingly trying vaping rather than smoking tobacco cigarettes. 18% had tried a cigarette first, 20% had tried vaping first 54% of young people have tried a vape but not a cigarette.

Lancashire – Smoking, Vaping and Young People

The Trading Standards North West Youth Survey showed in Lancashire, of 2285 young people aged 14-17 years old from 17 different secondary schools, that tobacco smoking amongst this age group has reached its lowest ever level, 6% of respondents claimed to smoke (a reduction from 10% since the last survey in 2020).

Although this is not a representative sample, it shows that unfortunately the pattern of vaping in Lancashire follows the national and regional picture of a concerning rise in young people vaping with 1 in 6 young people saying they vape regularly. The



survey also evaluated changing attitudes and behaviours including vaping. The results of the survey on vaping can be found in Appendix 'A'.

In the last three years, up until March 2023, Trading Standards Service (TSS) received 510 complaints relating to the Underage Sale (UAS) of E-Cigarettes. The number of complaints received has significantly increase by 2000% from 10 in 2020/21 to 269 last year. In 2022/23 the service received in total 389 Underage Sale (UAS) complaints, with e-Cigarettes making up 69% of these (269). It is anticipated that this will continue to rise.

Challenges presented by the increase in youth vaping and illicit e-cigarettes

This increase in vaping in young people and illicit e-cigarettes presents several challenges:

- Combatting the marketing and promotion of products to under 18s eg attractive packaging, fruit flavours, and the use of social influencers whilst targeting smokers and raising the awareness of promoting e-cigarettes as an evidence based quit aid for adults who smoke. Among the 1.8 million smokers who are yet to try vaping 43% believe e-cigarettes are as harmful or more than smoking up from 27% in 2019 (ASH,2023).
- Accessibility of e-cigarettes despite it being illegal to sell to under 18s.
- Affordability of e-cigarettes such as disposable vapes being offered at discount prices for multiple purchases at pocket money prices.
- Limited insight into understanding and addressing the drivers of vaping behaviours in children and young people.
- Environmental impact particularly of disposal vapes which are plastic and contain lithium batteries.
- Enforcement of regulations on illicit e-cigarettes, Underage Sales, and capacity of Lancashire Trading Standards Service to address significant increase in Underage Sales (UAS).

Current work to tackle smoking, illicit vapes and young people vaping

i) Public Health

A refreshed Lancashire Tobacco Strategy 2023-2028 has been produced with colleagues across Lancashire and South Cumbria. It has four priorities including, 'Making Smokefree the new norm' with an ambition to address smoking and vaping in children and young people, recommendations for action and a position statement on vaping. Several of these statements have been incorporated in developing the Lancashire County Council position on vaping in Appendix 'B'.

Lancashire County Council's Public Health Team are in the process of recommissioning its Smokefree Lancashire Service. The new service, to commence October 2023, will include supporting delivery of 'making Smokefree the norm' and



development of campaigns and educational materials working with a range of organisations including Trading Standards and children and young people.

ii) Schools and Colleges

National Institute for Health and Care Excellence (NICE) has recommended a whole school approach to smoking and vaping including coverage in the curriculum. Schools and colleges have policies on smoking and vaping and a statutory requirement to deliver sessions which cover tobacco as part of the Personal Social and Health Education (PSHE) curriculum. There is also a focus on young people within the new tobacco cessation service offer to work with education settings.

Further work is underway to support schools and colleges including distribution of 'Where's the Harm' booklet to pupils in Years 8 and 9 across the county in September. A total of 30,000 copies to 214 schools by Trading Standards Service (TSS), this has been funded by Supplementary Misuse Treatment and Recovery Grant.

The Office for Health Improvement and Disparities (OHID) is also producing a new resource pack for schools on vaping, aimed at Years 7 and 8 linked to the national curriculum. The activities will feature films made with young people in which they will talk in their own words about the issues around vaping, as well as a clear presentation of the latest evidence.

iii) Trading Standards

E-cigarettes is a priority for Trading Standards and additional work for 2023/24 includes:

- Introduction of an e-cigarette awareness face to face training course as an alternative enforcement disposal method developed with colleagues at Blackburn with Darwen Council. Any business who fails an attempted test purchase will be invited to undertake this training. The initial course took place in July. Evaluation is positive.
- 213 businesses who have been the subject of an Underage Sales (UAS) complaint in the last 12 months have been identified written to and reminded of their legal obligations when it comes to vape sales.
- Writing to a further 1,700 businesses who may sell vapes, identified by type of business, and advised them of the law and their legal obligations when it comes to vape sales.
- In the first quarter of 2023/24 (April–June) seized over 20000 non-compliant/illicit vapes and removed them from the shelves of Lancashire businesses, depriving traders of approximately £100,000 of illicit income.
- Increase in test purchases where Trading Standards direct volunteer young people between the ages of 14 and 16.5 years (these ages are determined by The Age Restricted Sales Code of Practice) to attempt to purchase age restricted products including e-cigarettes.
- Enforcement action - several enforcement options are available to address traders who choose to break the law. For information relating to the law see Appendix 'C'.



As a result of increasing complaints, Trading Standards has reviewed its work plan and set challenging targets for 2023/24 in relation to work e-cigarettes such as increasing the number of Test Purchase (TP) attempts this would also result in a reduction of Test Purchase (TP) for other age restricted products such as tobacco and alcohol.

Appendices

Appendices 'A'-'C' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Trading Standards North West Young People Survey 2023–Vape responses. This summarises the responses from young people in Lancashire on vaping behaviour.
Appendix 'B'	Lancashire County Council's Vaping Position.
Appendix 'C'	Legislation applicable to e-cigarettes – summary of product regulations.

