

Smokefree generation and vaping consultation

Purpose of Report

For information.

Is this report confidential? No

Summary

This report provides the context to the update from Richard Boden, Head of Tobacco Control and Gambling, Office for Health Improvement and Disparities (OHID), who will give an update on the *Smokefree generation and vaping consultation* announced on 12 October 2023. The report also sets out the LGA's policy position.

LGA Plan Theme: Putting people first

Recommendation(s)

That the Community Wellbeing Board note the contents of this report by way of background to the Board's discussion with Richard Boden.

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Smokefree generation and vaping consultation

Background

1. On 4 October 2023, the Department of Health and Social Care (DHSC) published a command paper [Stopping the start: our new plan to create a smokefree generation](#) setting out proposed action to protect future generations from the harms of smoking by creating the first smokefree generation, which the UK Government and devolved administrations are now seeking to consult on.
2. Smoking remains one of the leading causes of preventable ill health, disability, and death in England. [The proposal to incrementally raise the age of sale of tobacco products](#) has garnered support from MPs, health experts, policymakers, and the public alike.
3. The government has tabled plans to raise the legal age for buying cigarettes in England by one year every year, so that children who turn 14 this year will never legally be sold a cigarette. Proposed new legislation will make it an offence for anyone born from 1 January 2009 to be sold tobacco products—effectively raising the legal smoking age by a year each year until it applies to the whole population.
4. The UK Government and devolved administrations are also consulting on several proposals on youth vaping including:
 - 4.1. restricting flavours
 - 4.2. regulating point of sale displays
 - 4.3. regulating packaging and presentation
 - 4.4. considering restricting the supply and sale of disposable vapes
 - 4.5. whether regulations should extend to non-nicotine vapes
 - 4.6. taking action on the affordability of vapes
 - 4.7. new measures to ensure the law is enforced

Proposal

5. Due to the cross-cutting nature of the consultation, the LGA response takes into consideration feedback from the Children and Young People Board, Safer Stronger Communities and Local Infrastructure and Net Zero lead members and officers.

The LGA's response to the consultation is summarised below:

- 5.1. We **support the government's progressive move to consider raising the legal age of sale for tobacco products**. To make such a policy effective, we support strict enforcement measures and tough penalties for selling tobacco and e-cigarettes to those underage.
 - 5.2. We call on the government to **boost the future pipeline of qualified trading standards officers** through a dedicated apprenticeship fund, investing in regional support networks, and enabling councils to recover regulatory service costs.
 - 5.3. We state that the **marketing of vapes to children is utterly unacceptable**. It is crucial to strike the right balance between reducing the appeal to children while also preserving the appeal of vapes to adults who want to quit.
 - 5.4. We call for **tighter restrictions on the flavours, colours, availability and marketing** of these products to reduce their appeal to children, and for vapes to be treated the same way as cigarettes, including introducing standardised (or plain) packaging as an effective intervention.
 - 5.5. We continue to call for a **complete prohibition of the sale and supply of disposable vapes**. Disposable vapes are inherently unsustainable, and when you weigh up every environmental and public health consequence, we believe a ban is justified.
 - 5.6. We call on **tougher penalties for those selling tobacco products and vapes to children** and support proposals around issuing Fixed Penalty Notices (FPN) around breaches of sale of both tobacco products and vaping products. The use of FPNs is quicker and cheaper to administer and reduce pressure on the courts.
6. In parallel with shaping the consultation response, the LGA continues to promote our position via blogs, social media and through correspondence with Parliamentarians, Ministers and with organisations that share the LGA's position on smoking and on teenage vaping. On Tuesday 7 November, the LGA held a webinar with Professor Chris Whitty and officials leading the consultation response. Over 600 delegates dialled in and submitted over 130 questions.
- 6.1. [A smoke-free generation: a vision for a healthier future](#)
 - 6.2. [King's Speech: LGA statement on Tobacco and Vapes Bill](#)
 - 6.3. [Disposable vapes FAQs](#)

Implications for Wales

7. The consultation is UK Government and devolved administrations.

Financial Implications

8. Bolstering efforts to phase out smoking, £70million has been allocated by the government for local stop smoking services and support in every local authority in England. This is more than double the current funding available for these services. £30million has been allocated to enforcement.

Equalities implications

9. Smoking is the single largest driver of health inequalities in England. Smoking is far more common among people with lower incomes. The more disadvantaged someone is, the more likely they are to smoke and to suffer from smoking-related disease and premature death.

Next steps

10. Members' views will inform the LGA's ongoing lobbying and influencing work as the Bill progresses through Parliament.