

## Smokefree generation and vaping consultation

### Purpose of Report

For information.

**Is this report confidential? No**

### Summary

This update on the *Smokefree generation and vaping consultation* announced on 12 October 2023.

**LGA Plan Theme:** Putting people first

### Recommendation

**That the Community Wellbeing Board note the contents of this update report.**

### Contact details

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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 consulted on.
2. The government has consulted on 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. The consultation also consulted on enforcement and plans to tackle youth vaping.
3. In December [the LGA responded](#) to the Government's smokefree consultation, this was published on the LGA's website and letters were sent out to our Vice Presidents and members of the health and social care committee. Letters outlining our policy position were also sent out to Health and Social Care Secretary Victoria Atkins and Public Health Minister, Andrea Leadsom MP, who has since asked for a meeting with the LGA.
4. The consultation was open for 8 weeks from 12 October to 6 December 2023. In total, 118,756 responses to the consultation were received. Of these, 90,835 were unambiguously identified as having been submitted by automated programmes, commonly known as bots, and so deemed to be fraudulent.
5. 27,921 responses were analysed from 896 organisations, and 27,025 individuals in both personal and professional capacities. Of the organisations or individuals in professional capacities, 148 also submitted further evidence as attachments.
6. The consultation asked questions in 3 areas:
  - 6.1. creating a smokefree generation
  - 6.2. tackling youth vaping
  - 6.3. enforcement
7. The large majority of responses supported the government proposal to create a smokefree generation. Respondents were mostly in favour of the proposed measures to tackle youth vaping, particularly restricting point of sale displays and restricting packaging. 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.

8. Respondents were strongly in favour of introducing a ban on the sale and supply of disposable vaping products.
9. There was significant support for enforcement across the tobacco and vaping measures including introducing new fixed penalty notices (FPNs) in England.
10. The government will now bring forward legislation at the earliest opportunity that will take measures to:
  - 10.1. Change the age of sale for all tobacco products, cigarette papers and herbal smoking products whereby anyone born on or after 1 January 2009 will never legally be sold tobacco products alongside prohibiting proxy sales, and change warning notices
  - 10.2. Introduce regulation making powers to restrict flavours, point of sale and packaging for vaping products (nicotine and non-nicotine) as well as other consumer nicotine products
  - 10.3. Introduce new Fixed Penalty Notices (FPNs) for England and Wales with a penalty of £100 where it is believed an offence has been committed in relation to age of sale and free distribution legislation for tobacco and vapes (nicotine and non-nicotine) and regulate to extend these provisions to other consumer nicotine products
11. Separately, the UK Government, the Scottish Government and the Welsh Government intend to introduce legislation to implement a ban on the sale and supply of disposable vapes. The UK Government will work with the devolved administrations to explore an import ban.
12. The UK Government thinks there is a strong case to take action to reduce the affordability of vapes and is continuing to consider options, including a new duty, to achieve this. The Government and devolved administrations will work together to ensure as far as possible that recommendations are adopted in a consistent manner across the UK, to ensure regulatory alignment.
13. We anticipate that the Bill for raising the age of sale and for vaping will be announced after parliamentary recess.
14. We're delighted that the government has listened to the longstanding concerns of the LGA and councils and is taking decisive action to ban single-use vapes. Disposable vapes are inherently unsustainable products, meaning an outright ban remains the most effective solution to this problem. We look forward to working with the government and others to enforce this ban as well as ensure plans for a smokefree generation are a success.

### **Implications for Wales**

15. The consultation is UK Government and devolved administrations.

### **Financial Implications**

16. Bolstering efforts to phase out smoking, £70m 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. £30m has been allocated to enforcement.

### **Equalities implications**

17. 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**

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