

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

TOBACCO AND VAPES BILL

Second Sitting

Tuesday 30 April 2024

(Afternoon)

CONTENTS

Examination of witnesses.

Adjourned till Wednesday 1 May at twenty-five minutes past Nine o'clock.

Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 4 May 2024

© Parliamentary Copyright House of Commons 2024

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chairs: GORDON HENDERSON, SIR GEORGE HOWARTH, † SIR GARY STREETER, DAME SIOBHAIN McDONAGH

† Aiken, Nickie (<i>Cities of London and Westminster</i>) (Con)	† Johnson, Dr Caroline (<i>Sleaford and North Hykeham</i>) (Con)
† Baker, Duncan (<i>North Norfolk</i>) (Con)	† Leadsom, Dame Andrea (<i>Parliamentary Under-Secretary of State for Health and Social Care</i>)
† Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con)	† Maskell, Rachael (<i>York Central</i>) (Lab/Co-op)
† Blackman, Bob (<i>Harrow East</i>) (Con)	† Oswald, Kirsten (<i>East Renfrewshire</i>) (SNP)
† Cameron, Dr Lisa (<i>East Kilbride, Strathaven and Lesmahagow</i>) (Con)	† Richardson, Angela (<i>Guildford</i>) (Con)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	† Tuckwell, Steve (<i>Uxbridge and South Ruislip</i>) (Con)
† Foy, Mary Kelly (<i>City of Durham</i>) (Lab)	† Wakeford, Christian (<i>Bury South</i>) (Lab)
† Gill, Preet Kaur (<i>Birmingham, Edgbaston</i>) (Lab/Co-op)	Katya Cassidy, Kevin Maddison, Lucinda Maer, <i>Committee Clerks</i>
† Glindon, Mary (<i>North Tyneside</i>) (Lab)	
† Harrison, Trudy (<i>Copeland</i>) (Con)	† attended the Committee

Witnesses

Cllr David Fothergill, Deputy Chair of the LGA, Chairman of the LGA Community Wellbeing Board and Leader of the Opposition at Somerset Council, Local Government Association

Greg Fell, President, Association of Directors of Public Health

Ailsa Rutter OBE, Director, Fresh and Balance North East

Adrian Simpson, Policy Adviser – Retail Products, British Retail Consortium

John Herriman, CEO, Chartered Trading Standards Institute

Kate Pike, CTSI Lead Officer for Vaping, Chartered Trading Standards Institute

Laura Young, Centre for Water Law, Policy and Science, University of Dundee

Public Bill Committee

Tuesday 30 April 2024

(Afternoon)

[SIR GARY STREETER *in the Chair*]

Tobacco and Vapes Bill

Examination of Witnesses

Councillor David Fothergill and Greg Fell gave evidence.

2 pm

The Chair: We will now hear from Councillor David Fothergill, deputy chair of the Local Government Association, and Greg Fell, president of the Association of Directors of Public Health. We have until 2.30 pm for this session. I ask the witnesses to introduce themselves for the record—I do not really need opening statements, because we will have plenty of questions for you, but if you want to add a sentence to your introduction, I will not object.

Cllr Fothergill: Thank you for the invite this afternoon to speak on behalf of the Local Government Association, which speaks for all councils across England and Wales. I will present a combined view to you. I am chair of the community wellbeing board, the lead policy board, which is responsible for adult social care and health matters. I am delighted to be here. On the whole, we are supportive of the Bill, and that will be the thrust of the evidence I give.

Greg Fell: I, too, thank the Committee. I am Greg Fell, director of public health in Sheffield and president of the UK Association of Directors of Public Health, thus representing DPH. Similarly, all DPH strongly support the Bill—I have yet to find a public health professional who does not, as I do not think that one exists, particularly on the smoking elements. No other product is as uniquely dangerous as smoking; we strongly support both the smoking and vaping elements of the Bill. I look forward to talking more.

Q36 Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): Effective enforcement will be key to the success of part 1 of the Bill, yet some local authorities tell me that they do not have even a single full-time trading standards officer. The illicit market in vapes is substantial—in Birmingham, 17,000 illicit vapes were removed. Do you think that local authorities have the resource needed to enforce the new measures on age for the sale of tobacco, and the new regulations on vapes?

Cllr Fothergill: Our view is that enforcement is key to the success of the legislation, and enforcement has to be through trading standards. Over the past few years, trading standards has had a number of reductions in its budget and cuts, as well as a restriction on the number of people being trained to come through in this area. We believe that we need clarity from the Government as to what the responsibilities for trading standards will be, and we need clarity about the funding that will be allocated. We also want to see an apprenticeship fund

set aside for the training of new trading standards officers to come through. We need a longer-term view of trading standards. It is worth noting that trading standards is responsible for enforcing more than 300 pieces of legislation, so this is just another one, but it will add strain unless we get those clear responsibilities, clearer funding and apprenticeship levy put aside for the future.

Greg Fell: I agree with all those points. There has definitely been a reduction in funding for trading standards over the years. It still exists—many local authorities spend quite heavily on trading standards—and it makes a difference. Enforcement against illegal vapes and tobacco is a clear example. Our trading standards team in Sheffield regularly confiscate very large quantities of illegal tobacco, which we know are linked to organised crime. Trading standards still exists and it does make a difference, but to make the Bill—hopefully Act—as successful as possible, we will need to invest sustainably in trading standards and other enforcement.

Q37 Preet Kaur Gill: In what circumstances do you envision that local enforcement would not be enough and the Secretary of State would need to use the powers to intervene granted to her by the Bill? That is in clause 64.

Cllr Fothergill: We fully support the local penalty notice being issued by the councils. We believe that that is the right way to go and that it will not clog the courts, but there is always the option to refer to the magistrates court if required. Our big concern is the size of the fine, which we believe needs to be reviewed: £100 or, if paid within 14 days, £50 is hardly a penalty. We argue that we need to have greater opportunity to fine those in contravention of the law. Then, we believe, there would be less and less need for the Secretary of State to be involved. The reason he or she would need to be involved is if we cannot contain it—because we cannot issue enough penalty notices to contain it locally.

Greg Fell: A similar issue would be multi-local authority enforcement scenarios. We know that organised crime networks are not linked to an individual area, so it stands to reason that there will be a need for enforcement that cuts across many authority areas, hence there is a need for networked trading standards. That might also include, possibly, the borders—stopping the imports of illegal vapes and tobacco.

Additionally, as Councillor Fothergill said, we are concerned about the size of the fine. Certainly I hear through DPH parochially, who talk to their trading standards and licensing teams, that when there is a much larger fine that may or may not be linked to the removal of an alcohol licence, that will make a retailer really sit up and think.

Q38 The Parliamentary Under-Secretary of State for Health and Social Care (Dame Andrea Leadsom): I appreciate you being here. Can you give me an idea of the LGA's view of a licensing regime? That is not proposed in the Bill, but some people say that licensing would be a better alternative than the measures we are proposing here.

Cllr Fothergill: Certainly. Although we fully support the Bill, we think there could be one or two changes, which I have already referred to—we would like to see amendments—and there is the option of a licensing

scheme, which we would support. If it was done on a similar basis to liquor licensing, we would be able to enforce that, because it would be backed by legislation. Of course, we would need to make sure that trading standards were fully funded for that. We would support that, if it was something that the Government brought forward.

Greg Fell: I cannot speak for the LGA's position; ADPH does not have a formal view on licensing. I would broadly support it, but there is a danger that putting that into the mix delays getting the Bill through Parliament and turned into an Act, and getting the Bill through Parliament is arguably the most important thing.

I would broadly support that, but I come back to the complexity. Vapes are sold in hairdressers and beauty parlours and so on, so we would need to think it through. Arguably, if we are going to get into a licensing scheme, that should be for tobacco and nicotine-containing products, not just vapes; I would personally go to tobacco as well. Critically, the resourcing to make it work properly would need some very careful thought and consideration. All of that would need to be in the mix, but broadly I would support it, with those caveats.

Q39 Dame Andrea Leadsom: You have already said that you do not think the penalties are high enough, but do you think that the enforcement rules as they are, with the proposals to change the packaging, move the location of vapes and so on, will make it easier or harder to enforce? Do you think that enforcement officers will have sufficient time to train and gear up to meet the challenge of the legislation?

Cllr Fothergill: Specifically on vaping, we support the move to plain packaging, moving them away from the counter and restricting flavours—we support all those things. I have to say that we recognise the role of vaping in helping people to give up smoking, but where children and younger people are involved, we want to move the vapes away and make them less accessible. Trading standards will enforce that, as long as there are clear definitions of what can be sold, where it can be sold and who it can be sold to. A lot of the work that they do is evidence-led, so they will work on people who are giving them tip-offs or where they are seeing that there is a trend in an area where those products are being sold. As long as we are resourced and we recognise that a lot of that evidence-led work is required, it is entirely achievable.

Greg Fell: I have a fairly similar view. Largely, trading standards do this work now. The easier and simpler we can make it, and the more we make sure that it is resourced appropriately, the better, but they largely do this job now pretty well.

Q40 Rachael Maskell (York Central) (Lab/Co-op): My question is for Greg Fell. The clarity and simplicity of knowing where you can smoke has meant that the universal principle of that bar has largely been applied, but it has not applied to vaping to date. Given that vapes contain not just nicotine but cannabis, Spice and other illicit substances, should the same restrictions be applied to vaping?

Greg Fell: Hopefully only illegal vapes contain cannabis or Spice, and not legally produced ones—I sincerely hope that is the case. I have mixed views on vaping in public. I think that Prof McNeill will talk later this

afternoon. It is worth reading her evidence review for the Office for Health Improvement and Disparities, which has a whole chapter on the passive inhalation of vapes. The ADPH does not have an official position on the passive inhalation of vapes, but my personal view is that in open spaces I am not too worried about it. In enclosed spaces, I might be, particularly for people who have pre-existing respiratory conditions, but I do not think that the evidence supports it being as big an issue as people think. However, that is definitely a question for Prof McNeill, who is the expert on such matters.

Q41 Steve Tuckwell (Uxbridge and South Ruislip) (Con): The LGA has previously called for strict enforcement measures for those selling tobacco to those under-age. Do you think the Bill goes far enough in achieving that?

Cllr Fothergill: I have already said that we believe the amount of the fine needs to be reviewed. We believe it is right to do it by a local penalty notice, which is issued locally and can be enforced. We do not believe that £100, reduced to £50 if it is paid within 14 days, is sufficient. It will not have the effect that it needs to have and it should be reviewed.

We are also keen, as part of the Bill, for a review of whether we should be brought into line with Scotland on age verification. Scotland has very clear guidelines that legally, people have to produce identification that they are of an age to buy, and we think this is an opportunity for us to bring that in as well. There are two things where we would like to see enforcement strengthened: mandatory age verification and an increase to local penalty notices.

Q42 Nickie Aiken (Cities of London and Westminster) (Con): I have a question for Mr Fell. Obviously the Bill will cover shisha, so I would welcome your views on shisha smoking and whether there is more we can do within the Bill or in general to tighten up shisha smoking.

Greg Fell: I would say that we need a licensing scheme for shisha smoking, and probably more education about the fact that it is a potent way to consume large amounts of tobacco really quickly and is quite damaging for people's lungs. I am not sure what more could be achieved in the Bill, but I would like to see a licensing scheme for shisha bars. We enforce the law to its limits, but there are some limits to it.

Q43 Bob Blackman (Harrow East) (Con): I thank you for covering the issue of age verification; I think it is important to have a similar scheme across the UK. The other issue relating to licensing is that there are potentially two ways of licensing. One is to add to the existing alcohol licensing regime, and the other is to have a separate regime for vaping and tobacco. Which would you prefer to operate if we were to introduce a licensing scheme?

Cllr Fothergill: It is not a topic that we have a policy position on, but my personal view is that it would need to be a separate scheme, because it would have separate enforcement and separate legalities within it. It needs to be very clear for trading standards what they are enforcing against, whereas alcohol is quite different. We should not mix the two just because they both need licensing. I think that they need to be separate.

Q44 Bob Blackman: What is your view on the limitation of the number of premises that would be allowed to sell tobacco or vaping products?

Cllr Fothergill: I could not answer that one, I am afraid, but I would be happy to come back to you with a view on that.

Greg Fell: I have the same view. It is not my area of expertise so I would rather think about that one carefully.

Q45 Mary Kelly Foy (City of Durham) (Lab): This is a question for Greg. It would be useful for the Committee and for people watching to hear your view on the impact of smoking and tobacco on public health.

Greg Fell: It is the single biggest cause of death. There is no real question about that. It may not be in many years' time when smoking prevalence has come down, but right here, right now, it is. No other product is available that kills more than half its users when used according to the manufacturer's instructions. Death is often preceded by a long illness—sometimes a short illness, but often a long one—often in folk of working age. Most people who die from smoking-related illnesses die too early.

Sheffield-wise—I know my numbers locally—it is a bit north of 700 deaths a year out of 5,000 or so, so not insignificant. To give you a reference, covid killed 1,500 people over the period of the pandemic. Smoking kills 700 people every year, year on year, and that is before we get into the illnesses. Aggregated across the country, that is 80,000-odd people—a Wembley stadium-sized group of people, a non-trivial number. It is also very inequitable and led by addiction. People spend enormous amounts of money on smoking, so stopping smoking would free up that money to be spent in other ways. Smoking remains the No. 1 cause of death and it is very inequitable—almost certainly causing the largest gap in healthy life expectancy and life expectancy inequality.

Mary Kelly Foy: David, do you want to add anything?

Cllr Fothergill: I think Greg summed that up perfectly.

Q46 Preet Kaur Gill: Why do you support the complete ban as opposed to raising the age from 18 to 21, as many people often say? I know the Khan review has talked about not getting to a smoke-free future if we did that, but is there anything you would like to say about that?

Greg Fell: Years and years ago, the narrative was about raising the age of sale to 21, but I think the evidence has shifted. I hear from a number of stakeholders and sources that the tobacco industry is targeting its public relations at slightly older young people—the 18 to 25 age group. If you were to stop at 21, the tobacco industry would just change its marketing and you would therefore get a new target group recruited into smoking. Nobody thinks that that is a good idea, so the evidence is shifting.

The ban sets a really important norm. We can all remember walking out of a pub smelling of cigarettes. We cannot imagine that now, so continually shifting the norm changes population behaviour just by norm shifting, which is important and often underplayed. I would support the lifting lid—I think that is the right phrase.

Cllr Fothergill: I think Greg is absolutely right. At the LGA, we support the progressive lifting of the age as opposed to raising it to 21. We think that is the right way to go. It will then move through the population over a number of years rather than just being static at a single point.

Q47 Kirsten Oswald (East Renfrewshire) (SNP): We heard in an evidence session earlier about the challenges in schools, with children vaping in increasing numbers. There is an impact on their education because of their becoming addicted, and that causes challenges in their interactions with the learning process. Do you think that the measures in the Bill are sufficient to deal with that growing problem? Do you have a view on whether we have a handle on the quantum of that problem, and are the measures on advertising sufficient to try to remedy that?

Greg Fell: Yes, in part, in terms of the measures in the Bill. I would treat vapes like I would treat cigarettes in terms of colours and marketing, with plain packs out of sight behind the counter and strongly enforced. I would take care, though: we use and want to continue to use vapes as a route out of smoking cigarettes, so getting the balance right remains important, but I would be quite aggressive about the regulation and the deterrent.

Education in schools by itself will not be sufficient. It might or might not be effective, but it will not be sufficient. Action on Smoking and Health has co-produced with a number of local authorities a range of resource packs for parents, teachers and others, which are fairly widely used, but they are not sufficient by themselves to stop the rise in young people vaping, so we need strong regulation with the enforcement of that to boot.

Cllr Fothergill: It is not part of this Bill, but it is part of LGA policy that we would like to see a ban on disposable vapes. There are 5 million sold every week, with the vast majority sold to younger people. The vast majority are thrown away. Those that are thrown away responsibly finish up in one of our recycling lorries where the lithium batteries cause major problems with fires. It is not part of this legislation, but we think that that needs to be tackled separately; I think it will be.

Greg Fell: One point that I just remembered on the resource pack that has been widely circulated to headteachers and schools: a line was taken in that to tell the truth—not to over-egg the pudding but to tell the truth and say what we do and do not know, because in my experience scaring kids usually switches them on to something rather than turning them off something. In the pack, we have also told the truth about the methods and tactics that the tobacco industry has used to get kids hooked on vapes, and that as a rule makes kids pretty angry. It certainly makes parents pretty angry when they realise what has happened.

Q48 Dr Caroline Johnson (Sleaford and North Hykeham) (Con): If I may, Mr Fell, I will bring you back to the issue of passive vaping. You talked about there not being so much evidence on the harms of passive vaping compared with passive smoking, which is correct. Of course, smoking has been around much longer for the effects to be understood. However, there are papers, published in reliable journals such as *The BMJ*, saying

that those people—in particular, young adults who do not smoke or vape—who are exposed to passive vaping do get an increase in bronchial symptoms.

Greg Fell: Agreed.

Q49 Dr Johnson: There are effects. One reason why a former Government brought in the ban on smoking in enclosed public spaces was so that people would not be forced to experience such a risk, either at work or socially, which was one that they did not want to take. Would you, as a director of public health, support a ban in enclosed spaces for vaping, too?

Greg Fell: Possibly. I would need to go back to the science and have a really careful look at it. There is the danger of unintended consequences and turning people away from vaping as a route out of smoking. Outdoors it is not a thing; indoors—for me, it is a carefully balanced thing and I would want to go back to read the science. It is a while since I have read it, to be fair.

Q50 Dr Johnson: If someone cannot smoke in a pub, why would not being able to vape in a pub make them smoke?

Greg Fell: I am thinking of my logic now, and would agree. What I would not want is for somebody to not switch from smoking tobacco to vaping because they fear they would not be able to vape in a pub. That would be the unintended consequence I would try to avoid.

The Chair: David, do you want to add anything?

Cllr Fothergill: I have nothing to add.

Q51 Rachael Maskell: Again, the question is to Greg Fell. We know that there is a risk around a transition between vaping and smoking. I understand that a paper will soon be published on that in Sweden. A York schools survey has shown that 42% of children think that vaping is as dangerous as smoking and that 17% think that vaping is more harmful than smoking. How are we going to avoid future risk around young people taking up smoking, even if that is in later life? They are young people, obviously, today, but I am talking about young people outside the age group for the year-on-year increase.

Greg Fell: I do not know that there is a lot of evidence on the gateway effect of switching from vaping to smoking. Again, there are proper experts, some of whom are sitting behind me. It might be something that you want to test them on later, but I do not know that there is lots of evidence of that. Nobody thinks it would be a good thing to do. I think it is fair to say that there is widespread misunderstanding, and occasionally misinformation, about the dangers of vaping in much of the popular press. When we read a study about immensely high doses of vape in the lungs of mice, that leads to awfully lurid headlines, and that causes people to have misunderstandings and misinformation about the relative risks and benefits of vaping compared with smoking. Sadly, I cannot stop that, but it is a problem and I do not think there is an easy solution, because the media like to publish good headlines. I get that; I understand it, but it often skews us away from what the science is actually telling us.

Q52 Bob Blackman: One issue that was raised on Second Reading but which is not in the Bill at the moment is the practice, particularly by people originating from the Indian subcontinent, of chewing tobacco, particularly paan, and the fact that it can be bought in any place. There are no regulations on it; there is no control over what the product is or what the contents of the product are. What is the view on bringing some regulation in? It is questionable whether it can be within the scope of this Bill, but clearly that causes throat and mouth cancer in large numbers of people.

Greg Fell: I do not have a view, Bob.

Bob Blackman: You do not? I am surprised.

Greg Fell: I do not think it is a terribly sensible thing to do. I do not think it would be possible to get it into this Bill. How one would regulate it I do not know. I shall give some consideration to that and get back to the Committee.

Bob Blackman: That would be helpful.

Cllr Fothergill: Again, from our perspective, it is not an area that we have looked at in terms of policy. We do have a policy on shisha, but we have not gone as far as the product you have just mentioned. But we will, I am sure.

Bob Blackman: I think we should have one.

Cllr Fothergill: I agree.

Q53 Dame Andrea Leadsom: You made a very good case for the age of sale rising each year, but as the LGA, do you think that will be tricky for enforcement purposes? An argument is often made that if you were 40 and I was 41, we would go into a store and I would have to buy your cigarettes for you. What would you say to that as an argument for continuing with the smoke-free generation legislation?

Cllr Fothergill: We have to be very careful that we do not spook ourselves out of doing something that is absolutely right. If people get to the age of 40 and have to show that they are 40 to be able to buy cigarettes, that is what they should do. I am sorry to say that I am 67. I have to show a bus pass every time I get on a bus to show that I am old enough to travel for free.

The Chair: You don't look it.

Cllr Fothergill: Thank you very much—I'll take that.

At every stage in life, you are asked for verification, and this is just another time. It should not stop us from doing the right thing and moving the age up so that we eventually achieve a smoke-free population.

Greg Fell: It is a long time since I have been asked my age. It may throw up some tricky moments, but as Councillor Fothergill said, let's not stop ourselves doing the right thing here. I think most people agree that it is broadly the right thing. The Bill itself is massively important for norm-setting. Even if the norm-setting achieves half of the goal, thousands of lives will still be saved.

The Chair: Greg, before I bring Andrea in again, you do not look 67 either. I want to get that on the record.

Greg Fell: Not a day over 25, Chair.

Q54 Dame Andrea Leadsom: I beg people to ask me my age when I am buying a drink, and they just will not.

The additional things—heated tobacco, shisha and so on—that come under this legislation include cigarette papers. We all know that they can be used for rolling joints and other purposes, and that cigarette papers contain carcinogens. However, some have quite a strong desire to exclude them—I do not know why. What is the view of the LGA and ADPH on that point?

Cllr Fothergill: We believe that the scope of the Bill as it is currently written is right, and that is what we would support. We would not want to see anything excluded. Every time there is a change to smoking legislation, we hear the argument that it will increase the amount of illicit trade coming into the country. That is not a reason not to do it. It is our responsibility as trading standards to enforce, and although people always use that argument, we have to do the right thing and enforce by properly funding trading standards.

Greg Fell: If I had £1 for every time I have heard the illicit trade argument, neither of us would be here. The heat-not-burn—the clue is in the title—is a tobacco product, and I would treat it like a tobacco product. It may be safer than burned tobacco—we do not know. I would like to see some independent research. However, I would not delay the Bill until I see independent research. I would personally argue to not allow exclusions. It may seem much harder to enforce, but there will already be some tricky points in enforcement; we already know that we need to resource that properly. I would keep the simplicity and not allow exclusions.

The Chair: We have two minutes left. Is anyone burning to ask the last question? We have had very clear evidence and it has been an excellent session, but is anyone sitting on a question they have not yet asked?

Q55 Angela Richardson (Guildford) (Con): Yes, Greg, I am picking up from the witnesses and evidence sessions we have had so far that there is almost an ideological feeling about vapes as a smoking cessation tool. You talked about the unintended consequences of people going back to smoking or not giving it up if we were to take a tougher line on vaping or the effects of vaping on others. I am slightly worried from a public health point of view: what if we discover that vaping is dreadful and we have taken the really strong stance of maybe not looking into it enough and giving it the urgency it needs?

Greg Fell: Again, without wanting to take the fifth amendment, that is a question for some of the experts behind me, who will give you a full view based on the science. We are 20 years into vaping now—we would probably have started to see significant amounts of vaping-related harm. Cases can always be found of somebody who has terrible lung damage as a result of vaping, but they are usually the exception rather than the rule. The comparator is always tobacco smoke: is it safer than tobacco smoke on the basis of all the science that we know, 20-odd years in? Yes, unequivocally. Is it safer than fresh air? No—hence we do not recommend

that people who do not smoke start vaping. As the chief medical officer has said repeatedly, the tobacco industry marketing vapes to kids is completely unacceptable. I am happy—hand on heart, I can say that ADPH pretty much follows the line that it is a route out of tobacco smoking, as we know that smoking kills half of its customers or more. Should the science change in another 10 years, then we would change our view, but on the basis of the evidence we have now, I am happy that we have got the right position.

The Chair: Thank you very much, David and Greg, for an excellent session with some very clear evidence.

Examination of Witness

Ailsa Rutter gave evidence.

2.30 pm

The Chair: We now move on to our next witness, Ailsa Rutter, who is the director of Fresh and Balance North East. I am looking forward to find out what that is. We have 20 minutes for this session. Ailsa, could you kindly introduce yourself for the record? By all means, add some more if you wish to, but the Committee will have plenty of questions for you.

Ailsa Rutter: Thank you so much. I am absolutely privileged to be here with you this afternoon, speaking on behalf of the north-east and the many partners in the region who will give you their overwhelming support for this absolutely crucial, complete once-in-a-lifetime opportunity to have the single biggest impact in addressing the biggest cause of cancer. For those of you who might not know what Fresh and Balance is, we are a regional tobacco and alcohol programme based in the north-east of England. We have been going for 20 years, we are funded by our local authorities and our NHS trusts, and we are doing a lot of work to drive down the harms on both tobacco and alcohol.

Q56 Preet Kaur Gill: My first question to you is, what is the impact of tobacco smoking on public health? Secondly, do you think the Bill's measures to prevent vaping products from being sold to children will be successful? That is essentially clauses 61 and 62.

Ailsa Rutter: Tobacco is devastating. It is devastating to every individual who dies way too young, and to the family who lose their loved one. In my region alone, just since the turn of the millennium, 120,000 of our loved ones have died from smoking. It is not an adult choice, but a childhood addiction. The vast majority of those smokers reach a point where they deeply regret having got hooked in childhood, not thinking that first puff on a cigarette would be so addictive. It is really important that we remember the 6.4 million remaining smokers in the UK and the fact that 350 18 to 24-year-olds will get hooked on lethal tobacco smoking today.

I would like the Committee to imagine that cigarettes did not exist. It is 2024, and here we are discussing a product that is designed to hook, kill, maim, and be completely addictive. This discussion today needs to be about the future world we want to strive for. We can talk a lot about how we will enforce it, which is very important, but for me this is about imagining that in 20 years' time we have created an entire new generation

protected from this uniquely lethal product. That is why in the north-east, all 12 local authorities, all 10 NHS trusts, our integrated care board—the biggest in the country—and our Association of Directors of Public Health have given whole-hearted, unanimous support to the “stopping the start” proposal on the age of sale of tobacco.

We absolutely recognise that smoking is much more harmful than vaping, but vaping is not risk-free. Vaping is playing a pivotal role in our region—with our higher levels of deprivation and addiction—to get people off lethal smoking, but that is not to say that we do not absolutely agree that much more needs to be done to reduce the appeal of vaping to young people. We wholeheartedly believe that we must address the inappropriate packaging that is too youth-friendly. Some of the in-store promotions are completely inappropriate, where children are really noticing it. We must ensure that we recognise that children are growing up within a family context; children do not live in isolation. There is also the importance in our region of sending clear, evidenced-based messaging. We can also see the positive impact on children’s health if we can get the parents and carers off lethal tobacco smoking and if we can reduce second-hand smoke harm. Really important as well is more money in people’s pockets, because cigarette smoking has such a negative effect on your income.

Q57 Dame Andrea Leadsom: Thank you so much for being here and for all you do in the north-east. It is fantastic.

As you will know, rates of smoking during pregnancy in the north-east are some of the highest in the country. Do you think this legislation will help to reduce those very high numbers? The rate is somewhere in the region of 14% in the north-east.

Ailsa Rutter: We have made really good progress in the north-east in reducing maternal smoking; that has come through very good collaboration between our local maternity services and our local authorities, as well as the fantastic leadership from key people in the local maternity and neonatal system, the LMNS, and the direction from directors of public health.

As with anything, there is not one magic solution; it is about taking comprehensive measures. The tobacco age of sale increase will undoubtedly have a really positive impact on reducing maternal smoking. It needs to be coupled with important things that we must continue to do as well, so we also welcome the increased investment for stop-smoking services.

We hugely welcome—thank you—the reinvestment in the evidence-based health harms campaigns. We are thrilled that nationally you are using our fantastic “smoking survivors” TV advert featuring Sue Mountain. The role of financial incentives is also really important; we know that they have a very strong evidence base. This will have a positive impact on maternal smoking.

Q58 Nickie Aiken: If there was one thing you could add to this Bill, what would it be?

Ailsa Rutter: Gosh! There are already some fantastic elements in the Bill. The key thing for me is to make sure that we can get the Bill through—particularly the focus on tobacco. It is really good to think that there is going to be subsequent consultation on the important

elements around vaping. Factoring in what colleagues said previously, we need a simple mandatory age verification scheme. That is already in place in Scotland, and I would certainly welcome its introduction in England.

Q59 Trudy Harrison (Copeland) (Con): Thank you, Ailsa, for all the work that you do up north in the north-east. I represent the north-west, Cumbria, which also has higher than national average rates of mothers saying that they are smoking at the point of birth—about 12.3%. I am told by our authority in Cumbria that about 3,500 hospital admissions, 74,000 GP appointments and 80,000 sick days are caused by smoking-related illnesses. But why not just do more of what you are doing in the north-east? Do you really need this Bill to tackle the problem?

Ailsa Rutter: I think we are doing some really good work in the north-east but I absolutely think that this Bill is required. I go back to the uniquely lethal nature of tobacco smoking; that is the one key argument that we need to think about. This is guaranteed to kill. For me, this is about a societal shift.

I am really pleased with the huge shift in the north-east on the social norms of smoking. We talk to people who smoke every single day, and you have their backing because they desperately do not want their own children to fall into the same trap. As I mentioned before, this is about aspiring into the future. We are all conscious of the pressure and strain on our NHS. Think about the impact—one in four beds in the north-east and elsewhere with somebody suffering from a smoking-related condition. I think our NHS colleagues in particular really welcome this.

There is another important aspect when it comes to the economic costs. We all get the healthcare costs and we also really understand the strain on social care, but actually it is business that bears the brunt of this. That can surprise people. It is about the lost productivity and people having to retire early and dying early. I would like to think about who these people are. I have mentioned the pivotal role of Sue Mountain and the showing of her TV advert, but so many other people have come forward who sadly were diagnosed in their late 40s—women in the north-east who are desperate to tell their stories. Cathy Hunt, diagnosed with lung cancer at 49; Claire Oldfield, diagnosed with lung cancer at 49. Their real appeal to you today is to think about taking this seismic leap forward and about the leadership the UK can show globally by recognising that smoking had a beginning and a middle, and it is down to us to say that it can have an end.

Q60 Mary Kelly Foy: Thanks to Ailsa for everything that Fresh does in the north-east and for the wonderful results we have seen in the north-east, which is a very deprived area in places. I want to follow up on the question on evidence in vaping. Although there are still a few grey areas and unknowns about vapes, we know that vaping is much less harmful than tobacco. Crucially, it is a really important tool for those people who do smoke. What evidence does Fresh use to back up this argument? Do you feel there is a worry that if we focus too much in the Bill on youth vaping, we will leave behind those dependent, addicted and, very often, deprived smokers?

Ailsa Rutter: I think we are really fortunate in the UK. The UK has shown great leadership by commissioning evidence-based reviews that are completely independent of Government; we have had eight of those now since 2014. That has been incredibly important. Fresh is not complacent. We have been monitoring the evidence around the rise in vaping and how this is positioned in terms of public health for the last 20 years—since we were set up. I would strongly recommend that many of the really useful questions we have had today could be answered by looking at those systematic reviews from the Office for Health Improvement and Disparities. In particular, when people say, “We don’t know what’s in vaping,” there is a significant chapter on the constituent chemicals and so on in vaping, and the magnitude of potential harm.

I have forgotten the second bit of your question, Mary.

Mary Kelly Foy: It was about the use of vapes by heavily dependent smokers.

Ailsa Rutter: Yes. In the north-east, vapes have been a “game changer” for some of our heavily addicted smokers. I have permission to share with you the fantastic role that vapes have played in our biggest mental health trust, Cumbria, Northumberland, Tyne and Wear. We are talking about people who have been smoking 40 or 50 cigarettes a day, often for decades, who have really struggled to imagine that they could ever get off lethal smoking. Being able to give them something that still gives them their nicotine, but in a much purer, safer and cleaner form, has been a game changer.

Vapes are being used successfully in our drug and alcohol treatment services—on the point about alcohol, the two often go hand in hand. If we are really intent on ending smoking, we must do more on alcohol. Wearing my Balance hat—Balance is the alcohol bit—it is really important that we do not think of risk-taking behaviour in youth as just vaping. Last week, the World Health Organisation published a report that shows that across 44 countries, the UK sadly has the highest use of alcohol among 11-year-olds. I hope nobody thinks that the amount of alcohol promotion, advertising, marketing and so on is okay. I think it is quite important that we look at risk-taking behaviours in the round.

Q61 Bob Blackman: In answer to my colleague, Nickie Aiken, you raised the primary issue of age verification. We get an opportunity to change the law on tobacco and vaping only once every 10 years or so, so it is quite important that we get as much in as we can. What other improvements would you like to make to the Bill to strengthen the argument you are putting, to get people to quit smoking or not even start in the first place?

Ailsa Rutter: That is a really good point. I think it goes back to not wanting to delay the progress of the Bill. It is not necessarily for legislation, but it is important that we have a very clear communications strategy. Reflecting on previous legislation, much of the high levels of compliance we have seen in this country have come from very proactive communications in advance. We need to be really careful that the narrative does not get overly confused. It worries me enormously that too many people are staying on smoking because they are scared of even trying to switch over to a significantly less harmful product. I worry enormously about scaring

people. It is absolutely right that we have evidence-based messaging to children and young people, but they are messengers who go back to their parents, and we know that it is very important that they are sending clear messages back. So, I will defer on your question about additional amendment—sorry.

Q62 Bob Blackman: May I prompt you? We have heard from previous witnesses about licensing. The Minister has talked about warning messages in packs and individual cigarette papers. Would you support those measures?

Ailsa Rutter: I absolutely would. Fresh has been advocating a tobacco licensing scheme for many years. I do not know whether it is in the parameters of the Bill, but it is wrong that anybody can set up their car boot and sell a lethal consumer product. I would also strongly recommend that previous consultations on things such as pack inserts are looked at again: there is a strong rationale for that. Canada is leading the way with a clear message on the cigarette stick itself. Those are called dissuasive cigarettes. There are certainly other things within that realm. I would also be really willing in the future to discuss the role of a “polluter pays” levy; that is something worth considering.

The Chair: Thank you. There are four minutes left and three people have already caught my eye, so short questions and short answers please, colleagues.

Q63 Mary Glendon (North Tyneside) (Lab): It is always great to see you and your enthusiasm shows through. We are very grateful for what you do in the north-east with Fresh and Balance. Does there need to be some kind of balance—no pun intended—between education and enforcement in order to make this a successful campaign, and to make the Bill as successful as we all want it to be?

Ailsa Rutter: We have a really good track record over the last two decades of collaboration and cross-party working, with fantastic support from civil society, the NHS and local authorities. The previous legislation has gone through really well, overall, because we have worked together to build up public awareness and support. It is really important that we have adequate resourcing for our important professional groups, such as trading standards.

For me, it is about the communication, the vision and the narrative that we can set. Undoubtedly, if we can get this through, it will not just stop a whole new generation starting; we also know that it will trigger many people to think, “You know what? I am going to give it another go. I am going to try to quit.” We know that it can take people many attempts to quit for good. That is why it is really good that this is being backed up by additional investment in the important stop-smoking support systems and in our NHS trusts.

Q64 Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (Con): We heard this morning that some individuals and families had misinformation about vaping. We were given the example that, where the flavour is grapefruit or another fruity flavour, people might think that it is actually beneficial for children to be using vapes. Should we tackle those types of flavours and do

more in terms of education, to make sure that families are aware that just because something has a fruity flavour, that does not necessarily mean that it is good for their health?

Ailsa Rutter: I note the aspects of the Bill that deal with flavours. We absolutely think that more should be done on the descriptors. We wholeheartedly agree that some of the description is completely inappropriate. However, flavours play a really important role. For example, in our mental health trust, it is the fruit flavours that have got addicted smokers to stop. I genuinely have not heard that come up in the north-east—parents thinking that it is somehow healthy for a young person if it has a fruit flavour. What is wrong, though, is when it is in a packet called “Unicorn bubbly shake” or whatever, with a cartoon image on it. Those are things that we should look at addressing.

On vaping by young people in the north east, I want to make the point that we need to be careful about the data. Sometimes people say that all young people are vaping, but the evidence does not stack up. All of our local authorities do health behaviour questionnaires and, across the board, around 10% occasionally vape. I am not at all saying that we should be happy with that, but the risk of a public narrative that all young people are vaping is that we inadvertently promote it as a norm. Schools North East—

The Chair: Order. I am sorry, but we have hit 2.50 pm. Caroline, I am sorry to you, too. We are not allowed to go over the time limit. Ailsa, thank you so much for your evidence; it has been absolutely first-class. We wish you well with all the important work.

Examination of Witness

Adrian Simpson gave evidence.

2.50 pm

The Chair: We now turn to our next witness, Adrian Simpson, a policy adviser at the British Retail Consortium. Colleagues, we have until 3.10 pm for this session, which is 20 minutes—it flies by when the witnesses are so good. Caroline, you can have the first question after Preet if that would help you. Witness, would you please introduce yourself and say an additional sentence, and then we will throw lots of questions at you?

Adrian Simpson: Good afternoon. My name is Adrian Simpson. I am from the British Retail Consortium. We are the trade association for large retailers throughout the UK.

Q65 Preet Kaur Gill: Hello Adrian. I know that ASH has done some surveys that show that the majority of small retailers are in support of age-of-sale legislation, and I know that the Association of Convenience Stores is equally supportive. Would you say that the retailers are broadly supportive of this Bill?

Adrian Simpson: Yes, the large retail sector, which we represent, is broadly in favour of the Bill. We recognise that these products do require regulation. Putting forward this Bill at this time certainly feels like the right thing to do. Our members take their responsibilities around safe,

responsible retailing very seriously indeed, but we feel that, for all this to be successful, there needs to be strong and robust enforcement behind it all.

Q66 Preet Kaur Gill: As you know, as well as introducing the £100 fixed penalty notice, the Bill grants new powers to trading standards to make restricted premises orders and restricted sale orders. Do you think that those new powers get the balance right between providing an effective deterrent and proportionality, and do you think that, at £100, the spot fines are set at the right level?

Adrian Simpson: I am not sure I can comment on whether the amount is right, but one thing we would like to caution on around fines is the need to make sure that businesses are adequately notified of those fines. Some of the big retailers might not always be aware that a fine has been issued at the store level. For this to be effective, we think that trading standards officers will need to work with, for example, head offices as well. Something to be aware of is that some of these fines will have substantial personal effects on the shop workers who are given them. We need to think about how that is communicated to the shop workers themselves, but also to the head offices of these large retailers.

Q67 Preet Kaur Gill: Is there anything you want to say on the age-of-sale verification process?

Adrian Simpson: In the large retail sector, we have worked on things such as Challenge 25 for many years, so we are used to challenging consumers buying products. One thing that we would like to make clear is that this can be a very controversial issue. We know that challenging consumers for proof of age leads to violence and aggression against shop workers. We think it would be beneficial if a long period were given for these regulations to come into effect, to give retailers the chance to educate their staff on these issues and to educate consumers.

Q68 Dr Johnson: I want to ask you about the licensing regime. You have to have a licence to sell alcohol and tobacco, and some have suggested that you should have to have a licence to sell nicotine full stop because it is an addictive substance. That would mean that you would need to have a licence to sell vapes, partly as a way of making them less accessible to children in the places that they may be sold. Would you support that?

Adrian Simpson: It is not an issue that we have discussed at any length in the British Retail Consortium. We are aware, of course, that there are parts of the UK where licensing is required for certain tobacco products. We are well used to the alcohol licensing that has been going on for many years. Unfortunately, I cannot comment on whether the whole sector would be in support of that. We would perhaps need to see how a potential licensing system would operate before we gave our full support to it.

Q69 Dame Andrea Leadsom: Thank you so much for being here. You will be aware that, in putting together legislation, huge effort is made to be balanced and not excessive and to make it doable and achievable, nowhere more so than for those who are trying to enforce it.

[*Dame Andrea Leadsom*]

May I press you a bit further on the point that Preet made about whether the fines are sufficient? You have said that it is a bit complicated and will require some lead-in time—which is obviously provided, with the 2027 date—to give appropriate training to shop staff. The quantum of the fine was intended to enable on-the-spot fines, rather than having lengthy litigation because the person who incurs the fine does not have the cash and needs to go away, may or may not pay it, may or may not have to be pursued, may or may not have to go to court, and so on. Understanding that there are different views on all sides, is the balance just about right or, if you could have put your own wish list together, are there things that you would have done differently?

Adrian Simpson: We would have liked to see more education provided to retailers who might have broken the rules. A fine can be life-changing for someone who is given one, so we like to see whether there might be a way around that; perhaps the shop worker could be educated first, rather than going straight to a fine, if at all possible. We would like to see that balance of education before strict enforcement, if possible. That would be our wish.

Q70 Steve Tuckwell: Thank you for coming in this afternoon. It is a pleasure to hear your thoughts. What will be the challenges for retailers in enforcing the ban on sales?

Adrian Simpson: The first challenge is education of all the shop staff. Our members are the very large, household-name retailers, and it will take a long time to get that education out to the hundreds of thousands—in some cases—of shop workers throughout the UK. We also think that there will be issues to do with changing our point of sale systems, things like where we are going to store some of these products if we need to, and even things like the size and nature of the tobacco notices. Retail operates in many different ways—we think of the large supermarkets, but there are very small stores as well—so a lot of thought needs to be given to the technical parts of the legislation, which of course we always work with you on.

Q71 Preet Kaur Gill: What conversations has the British Retail Consortium had with local authorities? They have a lot of data locally on the amount of illicit vapes or illicit tobacco being sold. They are already enforcing trading standards, so there should already be a level of awareness. What kinds of conversations have you been having with local authorities?

Adrian Simpson: Certainly. Ever since the point at which a potential vape ban and the rolling age restriction on tobacco were announced, we have been working very closely with the Chartered Trading Standards Institute, which represents local authority trading standards officials. Ever since the beginning, we have been in close conversation with them, talking about our concerns on the points I made about education and enforcement. Many of our members are closely linked to trading standards already, through the primary authority scheme. I am pleased to say that many of our BRC members have long-standing primary authority relationships, so they already work very closely with trading standards. Certainly at the BRC, I have been working closely with colleagues in the Chartered Trading Standards Institute.

Q72 Dame Andrea Leadsom: You mentioned that your members are used to working with Challenge 25. Do you see the Bill working in the same way? As the age of the smoke-free generation rises from year to year, will your colleagues in the retail sector manage to look at two different customers and ask the one that they are concerned about to verify their age?

Adrian Simpson: I think you made a wise point earlier, Minister, about the difference between a 40 and a 41-year-old. That is absolutely our concern: how will we do that? We hear a lot of things about artificial intelligence and new technology for age verification, but a lot of it is still down to human interaction—whether a human can tell the difference between 40 and 41, which can be difficult. That is certainly one of our biggest concerns. Again, we are keen to avoid situations where there could be a touchpoint for violence against shop workers.

Q73 Dame Andrea Leadsom: You will have heard Mr Fothergill from the LGA saying that he has to show his bus pass every time he wants free transport. Do you feel that that is where the solution lies?

Adrian Simpson: There certainly needs to be a bit more research into what the best methods are to keep this age restriction going. It is a new challenge in the retail sector. We have never had anything like this before, and the UK is a leader in this area. I think that, at the beginning, it will be about us all working together to try to get the age restriction going and to make sure that it is enforced, because—this is one point that I would like to make—our members are obviously very compliant and want to do the right thing. These household names are very protective of their reputations; they want to be good and to do the right thing for society. However, I certainly think that, with this new system that might come in, there could be some teething problems. We hope not, but that can naturally happen with all new systems.

Q74 Dame Andrea Leadsom: May I just clarify, then, that your members support the uplift in age, year on year? As you will no doubt be aware, there are some who challenge that and say, “Well, it shouldn’t keep escalating,” but the British Retail Consortium does support the idea of the increase, year on year, of the smoke-free generation, as so many of our other expert witnesses have done today. Would that be right? I do not want to put words in your mouth.

Adrian Simpson: It was definitely a point that came up quite a lot when we were debating this with members themselves. I would say that we are cautiously welcoming it, just because it will then bring about a level playing field for all retailers—because we know that these measures are not necessarily directed at our members, who are, as I say, in the legitimate, responsible retail sector. It will bring about a level playing field but, as I say, we might still need to see how it would operate in practice, I suppose, before we give it our wholehearted support.

Q75 Mary Glendon: I was just searching for a quote, which I think I cited in a debate last year, about a survey that had been commissioned about buying vapes. Out of the 28 vapes that were bought, 25 were illicit vapes. I presume that those are from places that are not responsible

retailers—they clearly are irresponsible if they sell those. Are there a lot of retailers that do not subscribe to your organisation where this sort of thing could be occurring? If that is the case, how can we encourage them to become responsible retailers and join the consortium? What should be done? Do you try to reach out to retailers that you know are perhaps not the best and that you would like to see engage with your organisation to help to prevent this kind of illicit sale?

Adrian Simpson: Exactly. Our membership is predominantly the household-name retailers—the large retailers; the ones that certainly would not be selling illicit vapes. We have comprehensive supply chains, and our members put a lot of effort into making sure that their supply chains are operating with integrity, so that illicit products cannot enter them. I have not seen that report, but my feeling would be that the sellers mentioned in it are highly unlikely to be members of a reputable trade organisation. They might be ones that would not be looking for the same standards that our members would operate to.

Q76 Dr Cameron: Do any of your members worry that they might get into some bother if they think that someone looks a bit older than they are, and they do not ask them for identification? I am just wondering what sort of training would be beneficial, because you mentioned that you were looking to put in place training prior to this going through.

Adrian Simpson: A lot of the training done by our members has been put together with the help of trading standards' services, so there is a lot in there about the law, but also about what perhaps is termed the soft skills—how to deal with the aggression, and with violence as well. Of course, this is a high-profile issue, and it is one of the top priorities at the British Retail Consortium as well.

We know that, with new rules, new regulations and new opportunities to challenge consumers, there will always be some resistance from consumers. We will certainly make sure that all our colleagues working in our members' stores are given all the support they need to deal with any potential aggression or any bother, and our members will comply with whatever the law says. They will not let someone who should not buy a product buy it just because they are worried, or something like that. They will follow whatever the in-store procedures are and the training from the work with trading standards.

Q77 Dr Cameron: But it is probably more difficult to tell whether someone is 35, 40 or 45 than whether someone is an older adult, going on a bus, or whether someone is a teenager rather than someone in their mid-20s. I am just wondering how that could work, in a sense, in terms of the training.

Adrian Simpson: I agree—that is difficult. It takes me back to discussions around Challenge 25, which we have mentioned. It started out as Challenge 21, and the age was raised because it was very difficult to tell the difference between a 21-year-old and an 18-year-old. Technology is evolving in this area. There are new things. We know that members are using new forms of technology to help with that. They rely on things like Government-issued ID. There are various ways of challenging someone. It comes down to things like the

training and how the consumer is around the till. Are they acting nervous or like they are up to something? It is then down to the retailer to use the training that they have been given to check the ID and use their own in-store procedures, as well to try to operate responsibly.

Q78 Kirsten Oswald: To follow on from that dialogue, it strikes me that a degree of social change will be needed, because it will have to become normal for you to go into a shop and provide whatever kind of ID. It seems to me unlikely that that will be a conversation that will centre on whether you look this age or a year older. Has that led you to any conversations with people who deal with things like bus passes or the voter ID that is required? Is the communication of that to the public—a different angle from the communication to the retail staff—something that you are working on?

Adrian Simpson: Yes, we do work closely with trading standards, who are very good at doing the education side. It is not just about educating our members, but educating the public and bringing about a cultural change where it is almost expected that you will be asked for ID. If you have been in any large retailer recently, you have probably seen the badges they wear that say, "It's our job to ask for your age", for example. Certainly, among our member businesses, it very much is the culture to go for the Challenge 25. Although these regulations with the rolling age will have challenges, I am sure our members are well placed to overcome them.

The Chair: Adrian, thank you so much for your evidence this afternoon. It has been clear and concise.

Adrian Simpson: Thank you, Sir Gary, and thank you, everyone.

The Chair: We will now move on to our next session—I am speaking slowly to allow John and Kate to find their way to their places.

To colleagues and anyone else tuning in, we are likely to have votes in the Chamber from about 3.30 pm or 3.45 pm—we are not quite sure; it is always fluid. That might do two things. It could curtail this session and prevent us from having the later sessions. Colleagues, in this session, in which we will hear extremely important evidence from the Chartered Trading Standards Institute, we might want to be concise for the first 20 minutes in case that dreadful bell goes and we all have to scarp. We will be voting four or five times and therefore not coming back. Let us get what we can from our two excellent witnesses.

Examination of Witnesses

John Herriman and Kate Pike gave evidence.

3.8 pm

The Chair: John Herriman and Kate Pike, will you introduce yourselves, please?

John Herriman: I am John Herriman, chief executive at the Chartered Trading Standards Institute. We welcome the Bill, as I hope has been clear from the stuff that we provided before. It provides important clarity for businesses

and enforcement agencies, as well as the public. We have also welcomed the early engagement in the development of the Bill.

Kate Pike: I am Kate Pike, lead officer for tobacco and vaping at the Chartered Trading Standards Institute. I have been involved for many years on the regulatory side. I was a member of the Department of Health tobacco expert group for many years, and I am now a member of the vaping expert panel as well, so hopefully I can answer your questions—fingers crossed.

Q79 Preet Kaur Gill: Can you talk a little bit about your work on illicit vapes and tobacco, and talk us through how trading standards works and how you share information between the Medicines and Healthcare products Regulatory Agency, Border Force and His Majesty's Revenue and Customs? One thing that I am concerned about in Birmingham, for example, is the fact that 17,000 illicit vapes were removed by trading standards. The notification process sits with MHRA. Is there triangulation in the feeding back of that information, so that products can be removed? Can you say something about that?

Kate Pike: I will separate out illicit tobacco and illegal vapes, if that is okay. Illicit tobacco is the day job, which we have been doing for years. You are probably aware that HMRC came up with the first strategy on tackling illicit tobacco around the turn of the century, and since that time the amounts of illegal tobacco consumed in this country have come down hugely. Seventeen billion illegal cigarettes were consumed in 2000 and we are now down at 2.5 billion to 3 billion—I always say that as though it is a small number, but I know it is still huge. We have the latest strategy from HMRC to tackle that. Trading standards undertakes a really important role locally on illicit tobacco—your colleagues in Birmingham will be doing that work locally—but we work closely with HMRC and Border Force overseas, at the borders and inland, so we are on that.

With vapes, however, it is a different story. Obviously, the illegal vape market is much newer. Trading standards is responsible at ports and borders, and inland. The rise of illegal vapes probably took us by surprise, but we are now getting all our ducks in a row and starting to seize the products that are illegal. We work incredibly closely with our colleagues at HMRC. The notification system is helpful—it could be better, so we welcome the Bill clarifying that it can be extended and strengthened. We are getting on to the case now. There is a huge illegal market for vapes at the moment, but we can learn from what we have done on illegal tobacco and apply it to vapes, to ensure that we tackle those as well.

Q80 Preet Kaur Gill: The Bill will ban the sale, rather than the import, of illicit vape products. Is that the right approach?

Kate Pike: The Bill gives enabling regulations to ensure that vape products can be reduced in attractiveness to children. There will be restrictions on the flavours, on the packaging and on the display to reduce the attractiveness of vapes to children. That is really important, because no problem has ever been solved by enforcement alone, whatever industry says. The approach has to be holistic:

demand reduction as well as supply disruption. No problem has ever been solved like that, so the enabling powers, on sale and supply, will be brilliant.

Other bits of legislation are going through, such as the statutory instrument to ban single-use disposables. Potentially, that is an opportunity to look at an import ban on such products. Obviously, we will never get an import ban on something that we make here and sell overseas, because that is just not allowed under international trade law, but we talk all the time about how the ports and borders are such a pinch point.

The Chair: John, did you want to say anything?

John Herriman: I want to pick up on Kate's point about the ports and borders. One of the challenges is that stuff coming in through the ports and borders is not being detected. Something will be flagged—we produced a manifesto in the past couple of months to highlight the importance of ensuring the right level of enforcement and activity at the ports and borders. If we think about it in the context of vapes—or any other illicit product, to be honest—the reason they get on to the high street is that they come through the ports and borders. At the end of the day, we are an island, so if we have the right level of activity there, in co-ordination with other agencies, hopefully we will stop it getting through to the high street, and that reduces the burden of activity on trading standards.

Q81 Preet Kaur Gill: Finally from me, in your response to the Government's "Creating a smokefree generation" consultation, you called for a fixed penalty notice of £200 and maybe the option of increasing that. Do you think that the fines and the monetary penalties in the Bill are appropriate?

Kate Pike: We really welcome the addition of a fixed penalty notice to our enforcement toolkit, but we absolutely want to have our own range of sanctions, which includes the opportunity to go to prosecution for persistent or egregious offenders. The fixed penalty notice can be a really quick solution, potentially against an individual salesperson, depending on the setting and the nature of the offending. I think that £100 can be quite a lot; £200 would be more. I think that is enough, given the opportunity in the Bill to increase it at a later stage if it is not working or having the impact that we want.

John Herriman: It is all relative at the end of the day. It needs to be tested first. To some illegitimate businesses, that will be seen just as a business cost. Whatever the amount is, we need to ensure that it is not seen as a business cost that can just be absorbed. It has to be a tangible deterrent: that is the key.

Q82 Dame Andrea Leadsom: It is great to see you—thanks for coming today. I think you are saying that at the moment the fine is set at the right level. It is a really important issue: by no means do we want it to appear to be a cost of doing business. Our previous witness was suggesting that for some shop workers it is a very significant sum and is quite problematic for them, so perhaps there should be training in the first instance.

We have sought to get the right balance, with a £100 fine that can be reduced to £50 if it is paid on the spot. For any of us, a day when we have to dish out £50 because we have done something wrong is a significant

bad day. On the other hand, there is an escalation process to criminal prosecution. I am really keen that we get the balance right up front, notwithstanding that there will be powers to change it. Can I press you a bit further: is this or is this not the right place to start?

John Herriman: Can I make a broader point, and then maybe Kate can come in on the specifics? This is all about the market surveillance activity that allows you to understand what is happening on your local high streets and your ability to take enforcement action where necessary, whether that is a £100 fine or a prosecution. Fundamentally, that is the challenge at the moment. It is about the ability to have the right level of market surveillance and the right level of enforcement activity. I am sure it is a question that will come up. It is a challenge for trading standards at the moment, because over the past decade or so it has had significant cuts, in the region of 50%.

There are two halves to this question. First, is this the right legislation and are the amounts right? Secondly, legislation is only as good as the ability to enforce it. It feels as though the legislation is right—I will let Kate comment further on that—but the ability to enforce it is critical.

Kate Pike: Absolutely. Whenever we look at a new piece of regulation—as I think somebody mentioned earlier, we enforce more than 300 pieces of legislation across the spectrum—we ask, “Do we have the powers to enforce?” In the Tobacco and Vapes Bill, yes, we do. “Are there criminal penalties in there?” Yes, there are. The key things from our point of view—the building blocks—are there.

Across the spectrum, how many businesses sell tobacco? The impact assessment for the Bill says that there are something like 60,000 or 70,000 across the United Kingdom. On that spectrum, there are big businesses that know what they are doing and do not need a lot of support from us. There is a big chunk in the middle that might need a bit of support and guidance—they may make a mistake, but we can support them, help them and train them. Then there are a small amount at the other end that are the dodgy ones. We need to focus our enforcement efforts on them, because we will never be able to put one trading standards officer outside every business to be watching all the time.

Q83 Dame Andrea Leadsom: It is clear to me, having done a visit with enforcement officers, that some so-called specialist vape shops and some newsagents just have the vapes next to the sweets. It is a free-for-all: you get your bubble gum and your vape there. Is that problematic? Will this legislation mean that enforcement officers shut them down? Will there be enough powers and resources to ensure that this can no longer happen?

Kate Pike: The Bill will have enabling regulations on vapes, with powers and criminal sanctions. That is good, but the specifics around where the vapes are positioned in store will be down to the next stage. We get calls all the time from people saying, “There’s a shop in my area called Toys and Vapes—do something about it!” There is actually no legislation that we can use to tackle that.

If you do not want the vapes next to the sweets, legislate for it. We will enforce what it says in the legislation, but we cannot make it up. People are always

saying, “That’s not right,” but we cannot enforce morals. We can only enforce the law, so get it in there. If you do not want the vapes there, for very good reasons, give us legislation and we can enforce it.

Q84 Rachael Maskell: My big concern is the illicit trade around vapes. What further measures would be helpful in the legislation to enable you to do your job? Vapes are clearly a delivery mechanism. We have particularly focused on lung health; I am more concerned about the use of vapes for synthetic drugs, which are available in my community and, I am sure, elsewhere. What more can be done to ensure that we do not see the growth of illicit vapes on our street corners or in our shops?

Kate Pike: Illegal drugs are not a trading standards issue. If drugs are consumed via vape or by injection or rolled up in a roll-up, that is not our issue; that is a police issue. We can only enforce the law around the products where the enforcement is given to trading standards. We have no role whatsoever in illegal drugs in vapes. But there is a huge amount of enforcement around illegal drugs in this country, with the police, and the public health approach, about ensuring that people do not use illegal drugs. However they consume them, it is really important that they are on board—

Q85 Rachael Maskell: But a vape product looks like a vape product, in all its various kinds. That is really what I am getting at.

Kate Pike: If you have intelligence around a vape seller selling an illegal drug in a vape, or in any other sort of format, that should be reported to the police. The police will take action against illegal drug sales, or Border Force at the ports and borders. There is a huge enforcement body around illegal drugs.

John Herriman: It is the market surveillance point again. If you have the right level of market surveillance, which is down to capacity, you will have trading standards officers, as well as those from other agencies, out and about who will detect the stuff. Then you can take the appropriate enforcement activity by whichever agency is appropriate at that particular point.

I take the point that was made earlier. I was walking down Hackney high street with trading standards just a couple of weeks ago. About every third or fourth shop, regardless of whatever the main thing it sold was, was also selling vapes on visible display. It is about making sure that we are aware of the level of vapes being sold, and that we therefore take the appropriate action, which is what the Bill should enable us to do.

The Chair: Colleagues, we might be voting fairly soon, so short questions, please, and concise answers.

Q86 Dr Johnson: My question follows on from that of my colleague. Lincolnshire police measured what was in vapes confiscated from children in my constituency. They found chemicals like diethylene glycol diacetate, antifreeze, Steol-M, poster varnish and others. As I understand it, when they look at a vape in a box, one of the challenges for enforcers is being able to tell whether it is a real, legitimate vape that contains what it is supposed to contain or a fake vape that contains a whole load of nonsense and potentially harmful chemicals. How could the legislation help you with that?

[Dr Caroline Johnson]

Secondly, someone showed me on packets of cigarettes recently that there is a scannable code, and trading standards have a special scanner that they can scan that with. Would that sort of thing help on so-called legitimate vapes?

Kate Pike: Potentially. The track-and-trace legislation on tobacco that enables us to scan a packet of tobacco and find out if it is where it should be—it is tracked all the way through the system—could potentially work on vapes. It would be very complicated to bring in—well, not complicated; it would be a big exercise to bring in track and trace for vapes, but it is potentially something. As you know, there is a consultation out at the moment for vapes to become an excise product, so it could possibly be that we introduce track and trace alongside that for vapes.

If you look at a vape and you look at the packaging, there are lots of red flags that tell us if it is illegal. We can usually tell by the packaging alone. We are doing some market surveillance work at the moment for vapes that look as if they should be compliant; they are notified to the MHRA, to check the ingredients. So far, touch wood, we are not finding too many issues in those nominally compliant vapes. But there are so many illegal vapes out there. It is actually quite easy to see that they are illegal, when you see them. We do know how to identify them at the moment, but obviously it could become more difficult. We will just have to make sure that the new regulations are still enforceable when they come in. For example, if there is a ban on types of flavour, we would want that to be really clear. We do not want to have to go round sniffing or tasting. It needs to be clear by the description, rather than just some sort of guess along the lines of, “Is that strawberry bakewell-flavoured?” It would be very difficult for us to manage that.

Q87 Kirsten Oswald: I do not know if others have had this experience, but I am aware that I am increasingly being advertised at online by products that, although I am not really sure what they are, are certainly connected or proximate to tobacco or vapes. That leads me to wonder whether there are any tobacco, vaping or other connected or related products that are not covered by this Bill, which you think perhaps should be.

Kate Pike: I think the Bill is really good at closing some of those loopholes. It will include an age restriction on 0% nicotine vapes, for example. There are other nicotine products, such as the little nicotine pouches. The popular term is, I think, snus, but we know that snus is already banned in this country. The enabling regulations to put a regulatory framework around products like that will be really helpful. These industries are very innovative, so we just need to make sure that we are keeping up with our regulation. I think that the enabling regulation powers will enable us to keep up with new products, but it is continually little steps, and regulation chasing after innovation. We would like it to be the other way round, really.

Q88 Trudy Harrison: You are both very effectively articulating the complexity of your programme of work within trading standards, but 2027 seems like a terribly long timeframe. Given what we know about nicotine

addiction and the outcomes, is it the right timeframe, and what will you need to be doing in that timeframe to achieve the deadline?

John Herriman: I think this is all about strategic resourcing. As I have already articulated, the profession has had a significant cut in resources over the last decade or so. Actually, we now have to go into a phase where we are rebuilding the capacity. We can do this; we know that we can enforce regulations, because we have seen that we can do it successfully within the world of tobacco. It is now about what we are doing as a profession to start building back that capacity. We are taking some new steps: for example, there are now apprenticeship schemes running in England, both at level 6 and level 4, and we are supporting the level 4 apprenticeships in Scotland and Wales.

One of the things that I think is really good about the Bill, and the work that DHSC and other Departments have been doing, is the taking of a strategic view. We have to build this capacity gradually—fairly swiftly, actually—into trading standards, but we also have to be clear on expectations with businesses, so that they know what is coming and we can therefore make sure that we are moving at the same sort of pace. By taking that strategic approach, it allows us to build the capacity at the right level and make sure we have trading standards officers who are qualified—it can sometimes take two to three years to train somebody as a fully-qualified trading standards officer. That way, we have a sustainable platform to make sure that the legislation can be enforced. Essentially, that is what we are seeing here. We have not seen this level of strategic approach to resourcing and tackling a problem in many other areas, so it is quite welcome.

Q89 Preet Kaur Gill: You mentioned that trading standards has faced huge amounts of cuts, with many telling us that in some places there is not even a single trading standards officer. The enabling regulation and the powers within that will be really important, especially when making it clear what trading standards officers must look for when they go into a shop, how vapes are being marketed, and so on. The Government have already consulted on that. Do you think the Government should release that information now, so that they can work with you and do the preparatory work? What kind of timescales do you think there should be? We heard today from ASH that there is some evidence—for example, from Canada—around descriptors that we could already put in the Bill, or that we could implement immediately—why should we wait? Would it have been helpful to have some of that consultation around the enabling regulations already there?

John Herriman: The Bill itself is helpful in that it has enabling regulations within it. It is about a phased approach. We cannot turn a switch overnight: we have to build it up gradually. We will need to do a lot of training—and not just training, but recruitment of new apprentices, students and trainees into local authorities, as well as doing the business education part, alongside that—and move in a very structured way. The worst thing that could happen is that we have the regulations, we have the law in place, but cannot enforce it. That would mean that it became ineffective. It is about having a phased approach, and the Bill does that quite nicely. It fits within where trading standards is as a profession.

We need to build back that capacity over time. We are still waiting to hear the outcome of the discussions on funding, which are happening at the moment.

Q90 Bob Blackman: You probably heard the previous witnesses giving their views about a licensing scheme. From your members' perspective, would that make the issue of where tobacco and vaping products can be sold more enforceable? You made a comment in relation to other tobacco products. I have raised the issue of chewing tobacco and paan, in particular, which does not come within the scope here but has no enforcement from Trading Standards at all. Do you see that happening in the future?

Kate Pike: We pushed for tobacco licensing for many years. Since the last time we did that we have had tobacco track-and-trace sanctions come in and the regulation around track and trace, which ensures that every single business selling tobacco in the UK has to have an economic operator identifier, so that, using our scanner, we can see whether a particular product is legal for sale, or whether a business is legally able to sell. Although that is not a licensing system, it does give us many of the advantages of a licensing system that we would look for. Although there are potential benefits in thinking about a licensing system for nicotine products, I am not sure that it is a silver bullet to some of the answers. We have said before that the issues are not just around tackling supply, which licensing does; they are also about tackling demand. We just need to get to grips with a holistic approach to vapes in order to do that. In terms of licensing on the tobacco side, we are probably okay now, as long as we can make use of the track-and-trace sanctions. We might be able to use those for vapes as well, further down the line, given the vape excise duty.

Q91 Bob Blackman: And the attitude to paan and chewing tobacco?

Kate Pike: We do enforce around products. Any tobacco product has to be notified to OHID—it was PHE when it first started. So, there is responsibility for enforcement around products that are legally allowed to be sold in the UK. If they are tobacco products, if they are not notified they cannot be sold. So, there is a role there, although it is more difficult—it is not a day job. Certain local authorities will have more of an issue than others. It is probably not going to be everywhere, but for some local authorities it is a big issue. Perhaps we need to do more enforcement around what we can already do, and see where the gaps are.

John Herriman: To go back to the first point, there is a layered approach, which I think Kate has just articulated. There is a lot in the Bill that should work, so we need to look at that and see how we can enforce it and whether it works. There is a subtlety to this whole issue, particularly with regard to vapes, given that although there are under-age sales and illicit vapes, there is also a positive public health benefit for those that are smokers. So, we do not want to withdraw that access. Trading standards sits right in the middle of that. We can do a really good job when the regulations are clear; so we would like to have that clarity at the outset, which the Bill will give us. We can see whether that works; and there are always opportunities to come back if it does not. We have proved, though, that we can make it work in other areas.

Bob Blackman: Thank you.

Q92 Dr Cameron: This question is for John. You stated in the response to the Bill that enforcing the new age restriction will present its own challenges. What challenges do you foresee? Will the sector be penalised if it cannot tell the difference between a 35-year-old and a 40-year-old? How do you manage those intricacies?

John Herriman: I will let Kate answer on this one as well. There was a really good, comprehensive answer earlier from one of the people giving evidence: if this is the right thing to do, the right idea, it is something we will have to get used to doing. I think that is probably the principle that we would apply within the world of trading standards as well. We just have to get used to the new legislation and what it asks us to do, and then make sure that sellers are following that legislation. Probably the problem will be more at the business end rather than at our end, and this is where there is a really important role for business education and the likes of the British Retail Consortium, the Association of Convenience Stores and other organisations.

We must get the balance right: this is about the enforcement activity and the right level of legislation, but we also have to make sure there is an onus of responsibility and accountability on businesses themselves to solve part of the problem. I do not think it is right to put all of the problem on enforcement, for example. Therefore I would definitely be looking towards businesses to make sure that they are embracing this and making sure that they are doing the right business education and training along the way. Have you anything else to say on that, Kate?

Kate Pike: Absolutely. The other point, obviously, is about resources, which John has already highlighted. We are in discussions, but we do need to make it clear that trading standards needs more resources to enable it to deliver the enforcement in this Bill.

The Chair: I think we have received that message very loud and very clear.

Kate Pike: Good.

John Herriman: Did I mention that? [*Laughter.*]

Q93 Steve Tuckwell: You may have touched on this in some of your previous answers, but are there any tobacco and vaping products that are not covered by the Bill but which you think should be?

Kate Pike: We think that the tobacco age of sale should definitely apply to all tobacco products, and that the enabling regulations for vapes also allow the opportunity to add other nicotine products. The definition of nicotine is really helpful. The closing of the loopholes is really helpful. Loopholes are not helpful to enforcement, but closing the loopholes is really important to enforcement, so we are happy with that.

Q94 Preet Kaur Gill: To come back to your answer about the track and trace that you have for tobacco, have you had any conversations with Border Force and the MHRA about perhaps doing this for vapes? As you said at the beginning, you did not imagine that the industry would grow in the way it actually has around illicit and illegal vapes.

Kate Pike: Yes. As I say, we are already in the consultation that HMRC has running now about a vape excise tax. One of the questions is, “Would you want to see these products subject to track and trace?”, and the CTSI will go back and say, “Yes, but let’s get the vape excise tax in now,” because of what that is going to give us. A number of you have said your worry is illegal vapes. HMRC being involved in this enforcement picture will be a real game changer, because there will be extra boots on the ground in addition to ours, and that will really help in tackling illegal vapes.

Q95 The Chair: There are no more questions around the table, so thank you to John and to Kate for your excellent and very clear evidence, and thank you for coming to see us.

Examination of Witness

Laura Young gave evidence.

3.38 pm

The Chair: Colleagues, we have at least 10 minutes left—perhaps 10 or 15 minutes. We are now, by the science and wonder of technology, zooming up to Dundee, I think. We welcome Laura Young from the Centre for Water Law, Policy and Science at the University of Dundee, via Zoom. I am going to ask you to introduce yourself in a moment, Laura, and I will just say that when Division bells start ringing in about 10 or 15 minutes, we will all be dashing off. It will be nothing you have done wrong or something you have said that we don’t like; it is nothing at all like that. Laura, over to you, please.

Laura Young: Well, I am Scottish, so I will try to speak as fast as we are known for. Hello, I am Laura. I am a PhD researcher in environmental science and a campaigner, and I have worked extensively, looking specifically at disposable vapes but also looking at vaping in general over the past 18 months. I very much welcome this Bill and support a lot of what has been said, but I also think there is room for taking more action and I am happy to be giving evidence today.

The Chair: Thank you very much. You will hear first from your own Member of Parliament, Kirsten Oswald, who will ask the first question.

Q96 Kirsten Oswald: I have kept you as a constituent, Laura, despite your being away studying. I know that you will have handled conversations probably significantly better than the rest of us on the prevalence of vapes in all our communities, particularly in areas near schools and the coast, where they can lead to plastic pollution. Can you tell us what change you have seen over the last couple of years in terms of the numbers and explain why that is problematic to the environment?

Laura Young: The environmental impact cannot be overstated. Vapes are a huge issue, especially for waste, and we have seen the numbers growing and growing. Material Focus, an environmental electronics charity, did some research specifically looking at disposable vapes in 2022 and 2023 and the number quadrupled.

In 2023 we were looking at about 5 million a week. Jam-packed inside each and every vape are lots of precious materials, which of course are going to waste after one single use. We know they are not being recycled, so those materials are just being wasted. We are not getting them back.

We also know that vapes pose a huge risk to our waste workers. They have lithium batteries inside them and we have seen some devastating fires already because of them. That represents what we have been hearing today. Walking down any high street you will see the prevalence of these being sold in almost every type of shop everywhere. We see them sold everywhere, wasted everywhere, and having a huge impact on the environment and the health of people and children who get their hands on them.

Q97 Preet Kaur Gill: Would you like to say a little more around how tobacco and vaping products impact the environment? There was an opportunity for the Government to do a lot more on cigarette butts. Do you want to say anything about that?

Laura Young: Of course, one of the obvious things is litter. Every single street has cigarette butts on it and that is very harmful. We do not want any litter, if possible. Disposable vapes have become an increasing site of litter as well. They are not just litter; they are electronic devices and are very damaging with lots of chemicals inside them. We have even had garage owners talking about people popping tyres with these shards of metal as they get squashed and run over, so they are very damaging.

All the way through the process of particularly vapes we see a lot of material resource—lithium, copper and cobalt, things that have to be mined around the world—put together for these devices to be used just once before they run out and are thrown away. The disposability speaks to a lot of the other problems. These are made as disposable. They are throwaway and cheap, and that leads to the fact that so many young people buy them because they are cheap, accessible and throwaway. Something that is absolutely an environmental issue with waste and litter is also a big problem in terms of accessibility for young people.

Q98 Preet Kaur Gill: What impact do you think the Bill will have on improving the environmental outcomes?

Laura Young: I think the regulations and how those are designed will be crucial. I know there will be follow-up legislation mopping up other parts of the issues, with disposable vapes hopefully being banned, but it is important that we look at the design. How we get the most circular economy version of vapes is crucial: limiting as much as possible single-use plastic, looking at how we can make them modular, making sure we do not just shove a charging port at the bottom and hope for the best, but actually looking at how they can be circular by design.

On design, it is also important that we are beginning to see vapes that are legal—there are the illegal ones, which are to one side—that I believe are getting around existing legislation in terms of capacity. You now see ones that have different cartridges, so it is almost like the pens that you had where you could switch between the inks. You can now do that with vapes that are being sold legally. They are getting over the limits because

they are saying, “This isn’t one big cartridge. This is four small ones.” We are already seeing the industry innovating in a negative way to get around the legislation, so we need to make sure that that does not happen when we bring in environmental topics as well as all the other ones for public health.

Q99 Trudy Harrison: You have expertly explained the concerns around plastic pollution from vapes, but what do we know so far about the impacts on nature and biodiversity from cigarette butts? Also, are you aware of any concerns about the air pollution risks on biodiversity from cigarettes?

Laura Young: This may be something that has gone under the radar: the No. 1 item littered is cigarette butts, particularly when you look by number. They have a huge environmental impact, particularly because plastic is inside the filters, and the filter is the butt that is left behind. Although there has been a lot of campaigning around the environmental impact of vapes, there have been amazing efforts to raise awareness of the environmental issues around tobacco by organisations like ASH Scotland and the Marine Conservation Society, one of which I know has already given evidence.

Globally, we also need to look at this as a huge industry. Of course, kind of like any other industry, they need to be looking at their footprint and their sustainability measures. We know of course that air pollution is absolutely key to the conversation, and that has an impact as well on wildlife and biodiversity. Neither tobacco or nicotine products, such as vaping, are good for the environment; they are very harmful to the environment. We are just beginning to see those harms with disposable vapes in particular, but we know that cigarette butts have had a longstanding impact on the environment. They are also just a nightmare to collect. They are so small and so problematic. On beaches, you will see them as much as you see sand. We definitely need a lot more action across both those sectors.

Q100 Mary Glendon: The concerns about the environment are important, but the other issue about banning the use is that it sends out a message that vapes may not be safe. I know a lot of vaping companies are trying their best to see how vapes can be disposed of safely. They have these new vapes where they are disposable, but they are not single use. Do you think there could be any alternative to a ban? Do you think a ban might deter people from giving up smoking because they think that because vapes are banned, they are not good for you? It is a complicated discussion to have about what should be done. Do you want to comment on some of the things I have said?

Laura Young: Absolutely. The first thing to remember is that vaping is not good for you. It is slightly better than smoking, but let us definitely not push the message that it is good for you.

On disposables, that is something I got to see first hand just last week. Only one place in Scotland has the capacity to recycle disposable vapes or any vapes at all. From watching that process, it takes an individual staff member with personal protective equipment under a ventilation hood—if you remember chemistry from when you were at school—pulling them apart manually with

pliers. They separate the parts of the vape out and put lots of it to the side because it cannot be recycled, and they take away things like the battery, covering it in this special type of tape to ensure that it does not combust and burn, because of course lithium is very explosive. The whole process of recycling one vape takes over a minute for one member of staff. It is a huge cost, and it is not an economically viable piece of WEEE—waste electrical and electronic equipment—to recycle.

We know that only a tiny number of vapes are actually being recycled. If all five million a week that are currently being thrown away in the UK were sent to recycling centres, it would be a huge cost to local authorities, which often are the ones collecting them, and it would take a lot of infrastructure and people hours to process them.

I will just say that nobody wants to ban things—I certainly do not want to ban things. Nobody started by saying, “Here, these seem like a bit of an issue. Should we ban them?” We actually went through the process of asking all the questions that you and many others have asked. What are the solutions? What can we do? How can we raise awareness?

Unfortunately, with an item that is just so damaging and dangerous and is the complete opposite of a circular economy, which is what we are trying to achieve, they just cannot exist. Disposable electronic devices should not exist, and that is really important. It is our job—the rest of us—to ensure that the public health messaging comes across clearly, which is, “One of the main reasons we are banning these is the environmental impact and youth access, but we still want to help adult smokers quit smoking and move to really just breathing fresh air. We want to move them completely away from tobacco and nicotine products.”

Mary Glendon: I would just like to say that vaping is 95% safer than smoking.

Q101 Dr Johnson: I proposed a ten-minute rule Bill to ban disposable vapes last February, so I am delighted to see that the Government have brought in a statutory instrument to do exactly that. I am disappointed, but not surprised, to hear you say that industry is doing its best to circumnavigate the regulations before they are even brought in.

I have two questions. First, how do we ensure that the regulations are flexible enough for us to be able to stay ahead of such measures? Secondly, could you say a bit about the effect on wildlife? My hon. Friend the Member for Penrith and The Border (Dr Hudson) has talked about puppies picking these things up in their mouths and the danger they can pose if the puppies bite into them. Could you talk a bit more about the danger that they pose to wildlife when they are thrown away?

Laura Young: Of course. On the regulations, I think that we have to think creatively and innovatively about some of the workarounds that might be being used. We are already seeing charging ports just being popped on the bottom. Of course, that might mean that the battery can be recharged a few extra times, but if it cannot be refilled with the solution, it is still, in practice, a single-use item and will have to be thrown away eventually.

The issue is about ensuring that we look at the builds and make sure that they are modular and that the circular-economy principles that we want to achieve are set in stone. I think that that means working as best as possible with the retailers and the manufacturers—although that will be really difficult—and looking to other initiatives, whether that is single-use plastics bans or treaties on plastic, one of which has just come to an end globally, to see what we can do.

I will tell you a story about the wildlife. A wildlife photographer, a birdwatcher, was taking some images of a marine bird doing a very normal activity, which was picking up a shellfish—what looked like a razorfish—and dropping it from a height to smash it open to get some delicious dinner. But after this young gull had failed multiple times, this photographer realised that, unfortunately, what it was actually picking up and dropping was a disposable vape. We are seeing not only domestic animals, such as cats and dogs and things that we love as pets, getting hold of disposable vapes and potentially breaking them open, but actual wildlife being impacted—picking them up, thinking they are shells on the beach, and trying to eat what is inside them.

That is just from the very short time that we have been paying attention and looking out for this, and from keen birdwatchers capturing it, so we know that there will be extensive wildlife impacts. We are only now scrambling around to try to find more evidence, but we know that it is already happening, and that that is just one example. The photographs are on Twitter, if anyone did want to go and find them. It is sad, but it is definitely the reality of what we are seeing.

Q102 Mary Kelly Foy: Just a very quick question: would you agree that this is symptomatic of the throwaway society that we live in? We have disposable vapes, plastic

toys with happy meals and toasters—all small appliances that do not last long enough. They are all thrown away and are damaging the environment. I know that, in Durham, all sorts of electronic devices are thrown in the river, and that is interfering with wildlife.

The Chair: It is a fair question; it is not within scope of the Bill, but it is a fair question.

Laura Young: Yes, absolutely. Just last week, I and other leading scientists from across the UK published a piece in *Science*, the science magazine: a letter about disposable technology, using vapes as an example—the first in a wave of disposable, cheap tech that is having an impact—and about the need for a global effort to tackle this. That is absolutely a hot topic right now; if we do not get a grapple on it now and use vapes as an example of how to tackle it, we will just continue to see disposable electronics, which are all jam-packed full of things that we need for other devices for a green economy.

The Chair: Laura, thank you so much for your evidence this afternoon. There are no more questions—we are about to zoom off and vote right now—but you have brought the subject to life with your very colourful descriptions. Thank you so much for that.

Aaron Bell (Newcastle-under-Lyme) (Con): We apologise to the remaining witnesses, who we will try to squeeze in tomorrow.

Ordered, That further consideration be now adjourned.—(Aaron Bell.)

3.53 pm

Adjourned till Wednesday 1 May at twenty-five past Nine o'clock.

Written evidence reported to the House

TVB 01 J.J. Fox (St James's) Limited

TVB 02 Barkers of Harrogate

TVB 03 C.Gars Ltd & Turmeaus Tobacconist

TVB 04 Havana House

TVB 05 Davidoff of London

TVB 06 Association of Convenience Stores (ACS)

TVB 07 Tor Imports Ltd

TVB 08 The Imported Tobacco Products Advisory Council (ITPAC)

TVB 09 Tobacco Manufacturers' Association (TMA)

TVB 10 Scandinavian Tobacco Group A/S

TVB 11 Local Government Association (LGA)

TVB 12 European Cigar Manufacturers Association (ECMA)

TVB 13 Cigars Unlimited

TVB 14 Gawith Hoggarth & Co. Ltd

TVB 15 Paul Cheema

TVB 16 Sautter Cigars

TVB 17 BAT UK

TVB 18 Dr Jasmine Khouja, Senior Research Associate in Smoking Studies, University of Bristol

