

## Trading Standards Vapes Enforcement Update

This paper is an update on the latest position with vapes, both at a national policy and funding level, and an update on our local work related to vapes.

### National Position:

Following the previous Government's intention of "Creating a smokefree generation and tackling youth vaping" the new Government appear to be following the same approach, and the Tobacco and Vapes Bill was in the Kings Speech in July. On 24<sup>th</sup> October 2024 the Government announced a ban on single use disposable vapes, intended to come into force from June 2025. This appears to be in addition to the Tobacco and Vapes Bill, although we await confirmation of this and further detail about the Tobacco and Vapes bill such as when that legislation will come into force. [Tobacco and Vapes Bill - Parliamentary Bills - UK Parliament](#)

Funding associated with the new legislation has not been confirmed and the latest suggestions are that it is part of the Spending Review, so we are unlikely to have confirmation of what funding may be available for what purposes until Spring 2025.

Where the opportunity arises, representations will be made to the Government via the Association of Chief Trading Standards Officers (ACTSO) as to how any money allocated could be maximised. The previous most likely options suggested that the funding would not be allocated to each LA individually.

Separately Trading Standards are able to make use of a small amount of funding from central government through 'Op Joseph' for specific elements related to vapes enforcement. We continue to make use of this for storage and disposal costs, which are significant considering the complexity of the products and the need for care in both areas to avoid fires and health risks of unknown chemical components of illegal vapes.

Vapes continue to regularly make national media stories and headlines including these in the last couple of months:

[Number of UK adults who vape reaches record level, report finds | Health policy | The Guardian](#)

[Northallerton man jailed after sex abuse in exchange for vapes - BBC News](#)

[Sharp rise in vaping among young adults who never regularly smoked - BBC News](#)

[Steep fall in young smokers in past decade - BBC News](#)

[Is vaping bad for you and how are the rules changing? - BBC News](#)

[Call for crackdown on illegal youth vaping sales - BBC News](#)

[How a 14-year-old boy became addicted to Spice through vapes - BBC News](#)

[Pupils unwittingly smoking spiked vapes University of Bath study finds - BBC News](#)

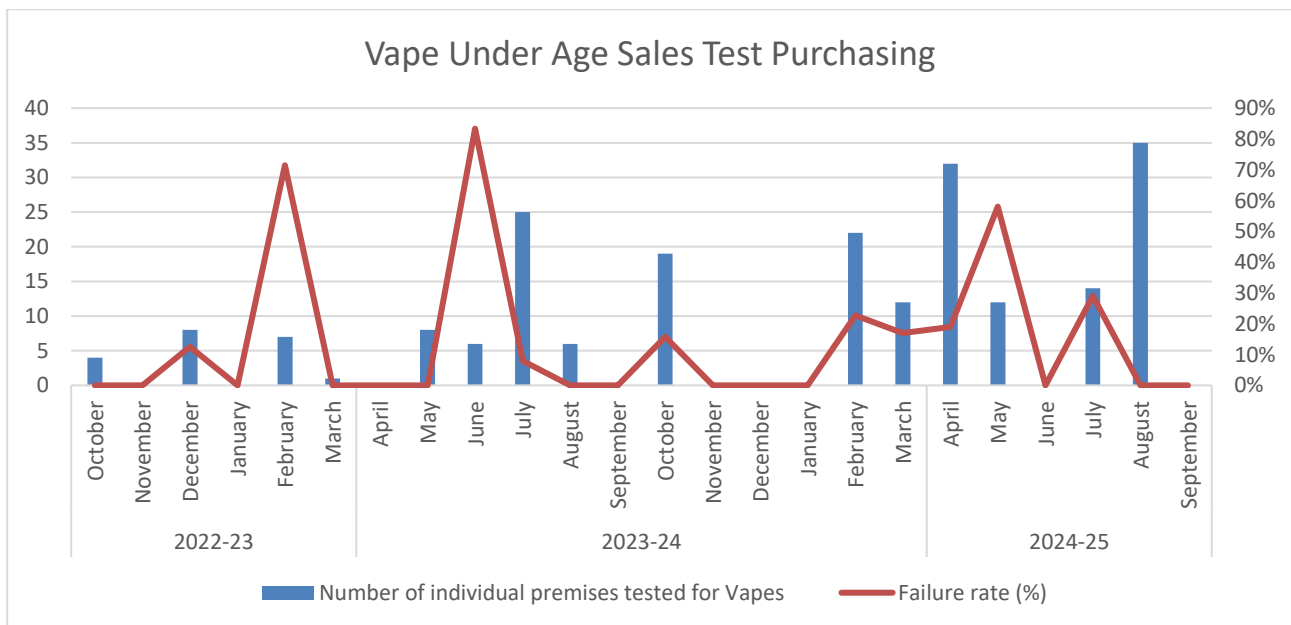


**Local Position:**

From April 2024 to the end of September, locally we have received 72 complaints about illegal vapes and alleged underage sales of vapes (compared to 256 last financial year and 214 in the previous year). These reports have been received from a mixture of residents and partner organisations such as the police. Although beginning to show a reduction, these numbers remain starkly higher than any other area of our work including other age restricted products.

The Service is continuing to do a high level of underage test purchasing of vapes (92 so far this year, compared to 98 in 23/24 and 24 in 22/23). The failure rates vary between operations which may have different test purchasers and may be in different locations. However, there are promising signs that retailers are beginning to pay this issue more attention with no sales across 35 attempts in the summer in Surrey and some qualitative feedback in Bucks suggesting that they can't sell to under 18's because they know Trading Standards are checking up. More test purchases are planned to keep awareness of underage sales at the centre of vape sellers minds.

In the graph below the blocks show the number of attempts made each month of the last two years by an underage volunteer to buy vapes – the numbers are given on the scale on the left-hand side. The line relates to the percentages on the scale on the right-hand side and shows the failure rate (what percentage of shops sold vapes to an underage volunteer).



Since April, 11 warnings have been given to premises who have sold vapes to under 18's. All these are or will be followed up with further test purchases to ensure that they have

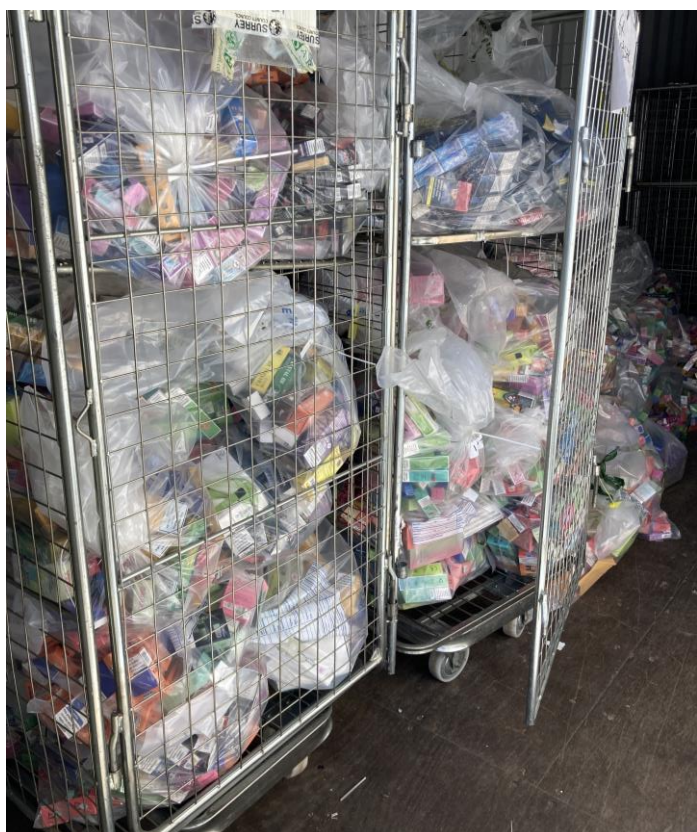


taken on board the warning and adjusted their selling accordingly. A further three cases are in the investigation stage.

Following the success of having a fixed term officer to focus on the enforcement of illegal tobacco, vapes and age restricted products in Bucks funded by Buckinghamshire Council's Public Health Team, Surrey's Public Health Team have also offered funding for an equivalent post in Surrey. We are trying to recruit a fixed term officer but at the time of writing the report have not yet been successful finding a suitable candidate.

We are conducting frequent enforcement activity around vapes, not only carrying out under-age test purchases but also looking for illegal vapes for sale which are then seized to remove them from the marketplace. This latter activity is carried out in local retail premises and in other locations which we become aware of. We work closely with partners, including the police, licensing teams and schools, to share information and sometimes to conduct enforcement operations. We also now have access to sniffer dogs who have learnt to identify vapes enabling us to locate hidden vapes in the same way as we have been doing for some time to identify hidden tobacco.

Some of the illegal vapes seized by the Service were recently taken away for destruction and recycling:



13 investigations into illegal vapes as the primary issue of concern have been completed this year with advice / written warnings being the outcome in all cases so far, alongside which the businesses loses the seized vapes. As with underage sales, the Service carries out repeat checks on businesses where previous problems have been found and advice given to ensure this has been appropriately acted upon.

In two cases illegal vapes were found alongside illegal tobacco that was repeatedly being supplied by the two premises over a sustained period of time, and the illegal tobacco was hidden in a variety of sophisticated hides. These two businesses were shut for 3 months by court order and below is one of the local news articles that ran about it [Two shops selling illegal vapes shut down by council | Bucks Free Press](#):

## *Bucks Free Press*

News Sport What's On Your Area Nostalgia E-Editions Announcements

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### Two shops selling illegal vapes shut down by council

26th July

LOCAL GOVERNMENT AYLESBURY



By Charlie Smith

Local Democracy Reporter

[Xhttps://twitter.com/CharlieSmithNQ](https://twitter.com/CharlieSmithNQ)

Share   

Two shops that sold illegal vapes and counterfeit cigarettes and tobacco in Aylesbury have been shut down by Buckinghamshire Council.



There are six investigations ongoing either where the situation is complex or where the illegal vapes have been found recently.

Sharing our work in this area with both residents and businesses to raise awareness of the issues remains important and below are some examples of social media posts about our activity:

**Buckinghamshire & Surrey Trading Standards** · 3 May · 🌐

Our officers and a sniffer dog were very busy in High Wycombe yesterday on the trail of illicit tobacco and illegal vapes .

As you can see by the photo it was a successful day! Having sniffed it all out, the very smart sniffer dog proudly guards it .



**Trading Standards @Bucks...** · 23/08/2024 · 🌐

**#DidYouKnow** 20.5% of 11 to 17 years olds tried **vaping** in 2023

This week we were out with a volunteer and @SurreyPolice to see if any shops sold to an underage person.

Happy to report that no-one did!

Report illegal tobacco/vapes or underage sales: [orlo.uk/NOIIX](http://orlo.uk/NOIIX)



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**Trading Standards @Bucks...** · 06/08/2024 · 🌐

Success in cracking down on illicit vapes!

@SurreyFRS Chief Fire Officer, Dan joined us for the day in Addlestone recently, where we seized 239 illegal vapes and imported food with unauthorised additives.

Here's how to report illegal **tobacco** and vapes: [orlo.uk/I368v](http://orlo.uk/I368v)



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**Trading Standards @Bucks...** · 02/09/2024 · 🌐

We were out with our colleagues from @Thames Valley Police in Aylesbury last week, on the look out for illegal **tobacco** and vapes.

As you can see we were once again successful!



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We continue to support schools in Surrey by providing information through the Healthy Schools initiative and asking them to contact us if they have an issue with vapes they would like us to support them with.

[Advice and wider support - managing vapes in schools | Healthy Surrey](#)

We are also working with our Public Health colleagues in Buckinghamshire as part of the whole system approach on a pilot scheme to identify how we can work with businesses near schools to support them to not supply illegal vapes, tobacco and alcohol.

[Vaping | SchoolsWeb \(buckscc.gov.uk\)](#)

The Tobacco Control strategy groups in each authority have offered us the opportunity to discuss information sharing with the smoking cessation support organisations and this has yielded some useful information but we continue to work to improve the channels to support this process.

We continue to provide advice to businesses on their obligations to sell legal vapes and only to over 18's. This advice may be direct to a single business or through our Primary Authority Partners, particularly the Association of Convenience Stores (ACS).

Following the [advice to their members](#) about selling vapes we have recently been working with the Association of Convenience Stores on using digital proof of age, which has been evolving over recent years and is viewed as a more effective and modern option for ensuring age restricted goods are sold to the right people. The precise timing of the solution coming to market is yet to be fully confirmed but to ensure readiness, we have been working closely with The Association of Convenience stores to add to an existing suite of 14 guides to develop assured advice for their members clarifying the acceptance of appropriate digital proof of age.

This solution will enable retail members to check the validity of digital proof of age using a common approach. Retailers will be able to train colleagues on that common approach, and ACS can issue guidance on how to conduct those checks and complete a transaction using digital proof of age. ACS are aiming to produce the industry-standard guidance that may also be used by other retailers / acceptors of proof of age and are working together with the national Proof of Age Standards Scheme on this.

Issuing guidance in this way means local regulators don't need to individually review it in each shop as it has been done centrally, they just need to ensure it is being implemented correctly, thus reducing the burden on both businesses and enforcers.



“We enjoy working with trading standards and our members really value the high quality and reliable information we can give through this partnership. We also benefit from a different perspective on regulation and we find that their input is extremely helpful when we are developing new ideas” **James Lowman ACS**



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