

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY PANEL

10 JANUARY 2024

VAPING IN WORCESTERSHIRE

Summary

1. The Cabinet Member for Health and Wellbeing and the Director of Public Health have been invited to the meeting to update the Panel on Public Health activity in relation to:
 - a. tackling the supply of vaping products to minors; and
 - b. supporting both educational settings and young people to prevent the further development of vaping as a normal habit for teens.

Executive Summary

2. E-cigarettes or vapes are subject to a range of rules and regulations regarding quality, safety, and packaging. They contain nicotine and as such, it is illegal to sell to those under the age of 18 years. Despite this, there is a rise in the sale of illegal vaping materials, popularity of disposable vapes, and experimentation and use by young people both nationally and across Worcestershire.
3. Worcestershire's Trading Standards Team, within the Public Health Directorate, proactively remove non-compliant vapes from the market by working with local businesses or using powers of seizure with the threat of prosecution. To address underage sales, Officers provide training and resources and conduct test purchasing.
4. Communication around the use of vapes and social norms is important, specifically within educational settings and Worcestershire County Council's (the Council) innovative and creative posters have been distributed to schools, colleges, and district councils.
5. Schools across the country are experiencing an increase in vaping amongst pupils. Public Health has been working with a local college to deliver a social norms pilot, addressing the perceived informal, mostly unwritten, rules that define acceptable actions within groups, thus guiding their behaviour. This project, whilst in its infancy, has received positive national media attention and if successful in reducing in the numbers of young people vaping or changing their perception of peer vaping, could be explored with other secondary schools in the county.
6. Vaping can act as a tool in helping smokers quit. Worcestershire Smoking Cessation Service is piloting the inclusion of vapes as a support option which to date has been very positive in aiding users to quit smoking and eventually quit vaping. Regardless, the national guidance is clear that if you **don't smoke, don't vape**.

Background

7. Nicotine inhaling products, commonly known as 'E-cigarettes' or 'vapes' are battery-operated devices that people use to inhale an aerosol, which typically contains nicotine (though not always), flavourings, and other chemicals. They can resemble traditional tobacco products such as cigarettes or cigars. They can even resemble everyday items like pens or USB memory sticks. Other devices, such as those with fillable tanks, may look different. Regardless of their design and appearance, these devices generally operate in a similar manner and are made of similar components.
8. Under the Tobacco and Related Products Regulations 2016, nicotine containing e-cigarette products are subject to minimum standards of quality and safety, as well as packaging and labelling requirements. They must be licensed with the Medicines and Healthcare products Regulatory Authority and must:
 - have a tank size not exceeding 2ml (approximately 600 puffs);
 - be clearly labelled with ingredients, nicotine content and delivery per dose and a UK supplier name and address;
 - contain clear prominent health warnings and warnings to keep out of reach of children; and
 - not be manufactured or packaged in any way such that a person, in particular a child, is likely to confuse them with food and place them in their mouths.
9. It is illegal to sell any tobacco product to a person under the age of 18 by virtue of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

Supply of vapes

10. The Council's Trading Standards service is responsible for enforcing the authority's statutory duties under Tobacco and Related Products Regulations 2016 and the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. There is a range of other legislative duties the service can use including the Children and Families Act 2014, the Consumer Protection Act 1987, the Food Imitations (Safety) Regulations 1989, and the Trade Marks Act 1990.
11. Reports around illegal vaping materials are relatively new to Trading Standards and coincide with a rise in popularity of disposable vapes. Officers began encountering illegal vapes at the end of 2021 to beginning of 2022. Around the same time, Trading Standards began to see an increase in intelligence about illegal vapes and the sale of vapes to persons under the age of 18.
12. There are a range of compliance issues most often found with vapes including:
 - products not being registered with the Medicines and Healthcare products Regulatory Agency (MHRA) for sale in the UK, meaning no assurance about the chemicals they contain and whether they are safe to be inhaled. Products must be registered before they can be sold legally;
 - having a liquid tank size that is larger than the maximum permitted. This enables excessive consumption of nicotine, which is increasingly harmful as the quantity of it being inhaled rises;

- having incorrect labelling (often designed for outside the UK) which may mean it does not have the information required by legislation; and
- products being counterfeit versions, with no knowledge of the chemicals they contain and no assurance that they are safe.

13. There are several reasons for the rise in demand from under 18's including:

- child appealing flavours such as popcorn, blueberry, and bubble-gum;
- child appealing packaging, with bright colours and imagery (examples below);
- low cost, particularly of disposable vapes, making them accessible. Disposable vapes can be bought for a little as £2 and are often under £5 (compared to around £15 for a typical packet of cigarettes);
- widely available, often from businesses that have no experience of controlling the sale of age restricted product; and
- children becoming quickly addicted due to nicotine, with cravings impacting on behaviours that can be particularly problematic for schools.



Images 1 & 2 – example of vaping packaging appealing to young people

Addressing demand

Non-Compliant Vapes

14. Trading Standards main concern has been to protect the residents of Worcestershire, removing non-compliant vapes from the market by either persuading businesses (in the case of those stocking small amounts) to sign them over for destruction or (in the case larger amounts) using powers of seizure, with the threat of potential prosecution. Products seized are subsequently forfeited, which creates storage and disposal issues as they need to be appropriately recycled and are a complex product.
15. Businesses where non-compliant product has been found will always be subject to a follow up visit. In the main businesses have been co-operative.
16. Since the end of 2021, Officers have seized 23,877 illegal e-cigarettes from 52 premises, the majority of which contained liquid in excess the of 2ml limit.

Underage Sales

17. When conducting test purchasing, Trading Standards comply with national Codes of Practice. This protects the underage volunteer, officers, the authority, and the business by ensuring activity is used where necessary and proportionate.
18. Before a test purchase is made, the business will receive a visit and comprehensive advice about how they can ensure they do not sell age restricted products to those to

whom sale is restricted. They have the option of joining, free of charge, [No Proof of Age – No Sale](#) providing online training and resources.

19. For financial years 2022/23 and 2023/24 to date 2023, Trading Standards conducted the following visits and test purchases:

Table 1 Trading Standards Visits and Test Purchases 2022/23 and 2023/24

Year	No. advisory visits	No. of test purchases	No. of Sales to a minor during test	Percentage failure rate
2022/2023	50	21	3	14%
2023/2024	40	44	10	23%

Trading Standards Work with Schools

20. Parents, teachers, and carers play a key role in reporting underage sales and Trading Standards rely on that to identify shops that might be selling to children.
21. In February 2023, a bulletin was issued to all Worcestershire schools regarding the sale of vapes to under 18's, with information on how to report to Trading Standards if traders are believed to be selling to under 18's.
22. In August 2023, a bespoke poster on vaping was designed by the Council and offered to every school. This poster has further been distributed to any Local Authority who requested it.



Image 3 – the Council's Vaping & the Law poster

Young People and Vaping

23. Nationally, in 2023, it was reported that most 11–17-year-olds had never tried e-cigarettes/ vapes (79%). However, the growth in experimentation had been significant, but this was not the case for current users¹.
24. The percentages, nationally, of young people who have tried vaping once or twice and are current users is shown in the table below:

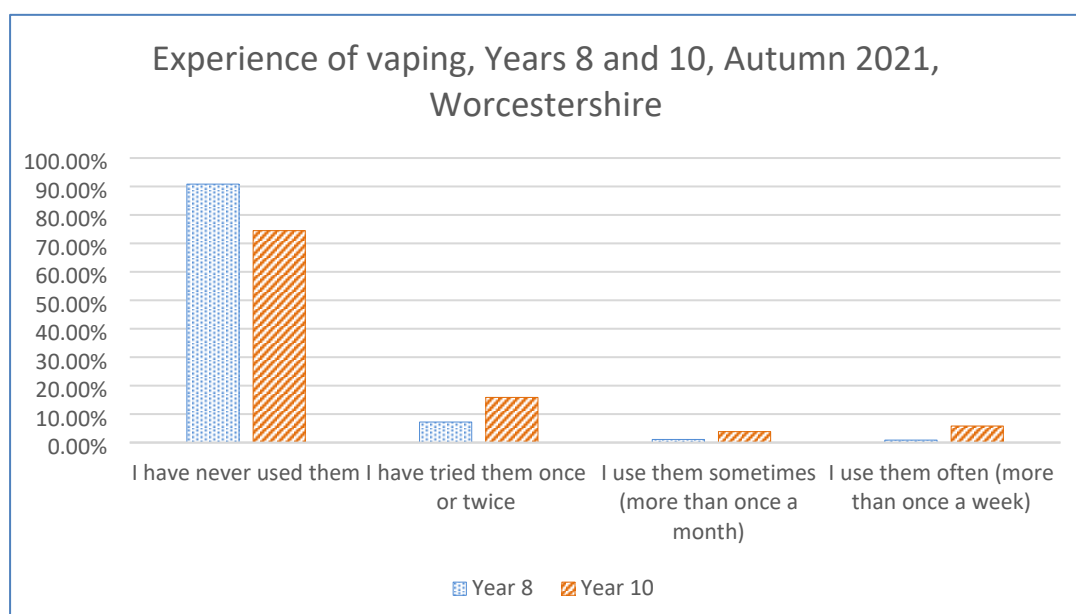
11–17-year-olds who have tried vaping once or twice

2021	2022	2023
7.2%	7.7%	11.6%

11–17-year-olds who are current vapers (includes regular and occasional users)

2021	2022	2023
3.2%	7.0%	7.6%

25. In Worcestershire, in 2021, 22 middle and high schools completed the Health-Related Behaviours Survey, predominantly with Year 8 pupils (12/13-year-olds) and Year 10 pupils (14/15 year olds). The sample size (n-2,859) is higher than national surveys covering the whole country, a fact that was commended by the BBC in their coverage of the work in Worcestershire (see below paragraph 31).
26. The survey revealed that 91% of Year 8 pupils had never used vapes, 7% had tried them once or twice and 2% used them weekly or monthly. These percentages increased for Year 10 pupils where 74% had never used them, 16% had tried them once or twice and 9.5% used them weekly or monthly. Therefore, most pupils had never tried vaping. Data is provided in the table below:



Graph 1 – Experience of vaping, Years 8 and 10, Autumn 2021

27. Public Health has been working with Baxter College on a social norms pilot. Social norms are the perceived informal, mostly unwritten, rules that define acceptable and appropriate actions within a given group or community, thus guiding human behaviour. They consist of what we do, what we believe others do, and what we

believe others approve of and expect us to do. Social norms are therefore situated at the interplay between behaviour, beliefs, and expectations. If people conform to the norm, they expect to be socially accepted or rewarded; if they do not conform, they expect to be socially punished or excluded. A social norm exists when individuals practise a behaviour because they believe that others, like them or in their community, practise the behaviour or because they believe that those who matter to them approve of them practising the behaviour. However, the belief about the majority behaviour can be misinformed and correcting this understanding can reduce the number of a community who chose a particular behaviour. This is especially important where the behaviour has harmful consequences such as smoking, alcohol consumption or drug use.

28. The social norms pilot at Baxter College is still underway however, the first survey of pupils revealed that not vaping is the normal behaviour for most pupils who completed the survey, although this may not be the understanding of many pupils. The survey (Summer term 2023) revealed that:

- 91% of pupils do not vape;
- 93% of Year 8 pupils do not vape;
- 8 out of 10 pupils say “no one influences me to vape”;
- 8 out of 10 Year 12 pupils say, “vaping isn’t a good thing to do”;
- 9 out of 10 girls do not vape; and
- 9 out of 10 boys do not vape.

29. Posters and banners are in use in school and assembly material shared. Website material was provided: [Vaping Prevention - Baxter College](#). Examples of the posters designed by the Council and in use in the school are below:



Image 4 – the Council’s Vaping Posters used in Schools

30. Future plans are dependent on the outcome of the pilot project. If positive and there is a reduction in the numbers of young people vaping or a change in perception about the numbers who vape, then there is the option to offer a similar programme to other secondary schools in the county.

31. In the meantime, work in Worcestershire to address school vaping has been featured in local and national media including BBC One Breakfast and BBC Herefordshire & Worcestershire.

The use of Vapes within Worcestershire Smoking Cessation Services

32. In response to national guidance and the developing evidence base, Worcestershire smoking services have recently started piloting the inclusion of vapes in addition to its menu of pharmacotherapy support (NRT) to help smokers quit. Since vapes were included as a support option, 68% of service users have opted to use this method.
33. The outcomes following the introduction of vapes have been very positive. Since the introduction in July 2023, 133 service users have set a quit date (July-October) which is a 40% increase compared to the same time period the year before (95). The four-week quit rate has increased to 49% (July-October), which is an increase from 37% for the same time period the previous year.
34. The national guidance is clear that if you **don't smoke, don't vape**. However, the evidence is clear that vapes can be a valuable tool to help people quit smoking. Worcestershire is keen to ensure the supply of vapes is responsible and that it is supporting service users to then also cease vaping once they have successfully quit tobacco. Public Health is working with the vape supplier to ensure the vapes are the minimum strength possible, including 0% strength vapes. In addition, smoking advisors are trained to advise service users to never vape in front of children. Finally, no disposable vapes are offered within Worcestershire.

Purpose of the Meeting

35. The Panel is asked to:
 - consider and comment on the information provided regarding the work to tackle the supply of vapes to minors and prevention of vaping for young people; and
 - agree any comments to highlight to the Cabinet Member, determining whether further information or scrutiny is required.

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.

[All agendas and minutes are available on the Council's website here.](#)

ⁱ [Use-of-vapes-among-young-people-GB-2023-v2.pdf \(ash.org.uk\)](#)