

## Cross Party Group on Smoking and Health

At a Cross Party Group meeting on Tuesday 27<sup>th</sup> February 2024, chaired by John Griffiths MS, we discussed whether a retail register or licensing scheme for **tobacco, vapes and nicotine** is the next step in tobacco control in Wales.

Speakers were Professor Jamie Pearce, from Edinburgh University; Marie Brousseau-Navarro, the deputy Future Generations Commissioner for Wales; Claire Howells, manager in licensing and trading standards with Torfaen County Borough Council and Fatma Nur Aksoy, a member of the Welsh Youth Parliament.

More than 40 stakeholders took part in the event, including Members of the Senedd and their representatives, Welsh Government, Trading Standards, WLGA, third sector public health bodies, NHS Wales including consultants and smoking cessation leads and Public Health Wales, Royal College of Midwives, BMA Cymru.

### Background

Welsh Government's long-term tobacco control strategy 2022-24 states the importance of a focus on the prevention of the uptake of smoking, vaping or other nicotine products in teenagers and young people.

Legislation paving the way for a national scheme to support delivery of this strategy already exists in Wales.

But the implementation of a registration system for tobacco, vape and nicotine retailers, contained in the [Public Health \(Wales\) Act 2017 \(legislation.gov.uk\)](https://legislation.gov.uk) is yet to be enacted.

A national retail register would require all retailers who sell tobacco products, vapes or other novel nicotine products in Wales to sign up to the register, in order to be permitted to sell these products.

It would therefore be an offence to sell tobacco, vapes and nicotine products from premises (including mobile units) in Wales if they are not on the national register.

## Why is it needed?

Wales is experiencing a marked increase in reports of young people vaping, coupled with a sharp increase in the number of retailers selling nicotine products.

The latest School Health Research Network (SHRN) study shows an increase in regular vaping among young people between 2019/21 and 2021/22 rising from 3% to 5% of young people reporting current (at least weekly) use of vapes.

Concerns have also been raised about the safety of vaping products, with increasing numbers of illegal devices being seized by trading standards teams in Wales.

Laboratory testing is also finding high levels of contaminants and levels of nicotine that are above those allowed in UK law.

Those working in enforcement across Wales report a recent 3x increase in the numbers of suspected illegal traders, driven they say, by criminals taking advantage of the explosion in the vape market.

The implementation of a retail register would provide a much needed and much wanted additional control measure; contributing positively to each and every one of Welsh Government's five priority action areas:

1. Smoke-Free environments
2. Continuous improvement and supporting innovation
3. Priority groups
4. Tackle illegal tobacco and the tobacco control legal framework
5. Working across the UK

A retail register would put Wales in a much better position to tackle youth nicotine dependency and vaping as well as the serious health harms and premature deaths caused by smoking.

By providing local authorities with a definitive list of retailers in their areas who sell tobacco, vapes or nicotine products, it's envisaged the register will aid enforcement of tobacco, vape and nicotine legislation.

The register will also be a crucial communication tool, to disseminate information, training and guidance to support retailers navigate the complexities of any legislation and / or regulation.

## CPG speakers

**Professor Jamie Pearce**, Centre for Research on Environment, Society and Health; University of Edinburgh

***"How can a retail register support work to challenge health inequalities?"***

### **Key points:**

- A clear link between availability of tobacco and health outcomes, tackling availability should be a central pillar of our work to eradicate health inequalities
- In areas with high tobacco retailer density, adolescents are more likely to have ever smoked and adults and pregnant women are both more likely to smoke and less likely to quit
- A retail register or licensing scheme would allow stricter enforcement of those in breach; greater protection for future generations and a more agile response to novel nicotine products

**Marie Brousseau-Navarro**, Deputy Future Generations Commissioner for Wales and Director for Health

### **Key points:**

- The wellbeing of future generations is one of the key themes of the Welsh Government's Tobacco Control Strategy
- The Wellbeing of Future Generations Act 2015 requires action, to both protect today's generation and future generations - doing nothing is not an option
- A retail scheme should be expandable and flexible, so it can capture new ways of consuming nicotine or different types of new chemicals or drugs

**Claire Howells**, Torfaen County Borough Council Trading Standards

### **Key Points:**

- Retailers: A register would increase accountability, facilitate targeted advice and guidance and make retailers aware of legislation and emerging issues
- Consumers: A register would provide greater consumer protection with the sale of products only from premises meeting all legal and regulatory requirements

**Fatma Nur Aksoy**, member of the Welsh Youth Parliament.

### **Key Points:**

- Children and teenagers need more information, support and understanding when dealing with addiction
- Reported seeing people from her own Kurdish community selling illegally to young people, which leaves her feeling shocked and ashamed. "You are trying to kill a child."

## What we learned:

- The Wellbeing of Future Generations requires us to act now. Doing nothing is not an option
- Data and evidence from the UK's only retail register in Scotland reveals a clear link between tobacco availability and health outcomes
- Illegal vapes and tobacco were characterised as a "massive challenge" to the enforcement community
- Evidence from Trading Standards at the CPG showed there were previously around 100 suspected illegal tobacco traders in Wales– but this has tripled with criminals reportedly taking opportunities since the explosion of the vape market
- A tobacco, vapes and nicotine retail register is low cost and requires a low administrative burden
- Support for a retail register or licensing scheme is strong among public health and enforcement professionals and the Welsh public (85% approval [ASH Wales / YouGov Annual Survey 2023](#) )

## CPG recommendations:

- Action is required to ensure health inequalities are not being exacerbated due to a rise in the number of retailers of tobacco, vape and nicotine products across Wales
- The Tobacco Control Board for Wales to oversee the delivery of a Tobacco and Nicotine Retail Register as outlined in the Public Health Wales Act 2017
- The implementation of a retail register to be included the second phase of the implementation of the Tobacco Control Plan for Wales 2024/2026
- Task and Finish Group to explore how the retail register could provide a pathway to the development of a licensing approach