



<b>Subject:</b>	Vaping Notice of Motion - Update
<b>Date:</b>	13 June 2023
<b>Reporting Officer:</b>	Siobhan Toland, Director City Services
<b>Contact Officers:</b>	David Cuthbert, City Protection Manager Emma Eaton, Corporate Health and Safety Manager

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<i>After Committee Decision</i>	<input type="checkbox"/>
<i>After Council Decision</i>	<input type="checkbox"/>
<i>Some time in the future</i>	<input type="checkbox"/>
<i>Never</i>	<input type="checkbox"/>

<b>Call-in</b>
<b>Is the decision eligible for Call-in?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To brief the Committee on the motion passed at Council in relating to vaping, which was proposed by Councillor John Kyle and seconded by Councillor Donal Lyons, and to update Members on relevant partner activity underway in this area, along with next steps for consideration and implementation of the motion.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to note the updates on current policy context and existing strategic level engagements in relation to tobacco control and vaping issues, and to agree: i) to receive a further report on proposals for Elected Member engagement with partners and stakeholders on a range of issues surrounding use of vapes

	ii) to receive a further report on the use of vapes in Council premises
<b>3.0</b>	<b>Main report</b>
3.1	<p>The Standards and Business Committee at its meeting on 28<sup>th</sup> March 2023 agreed a proposal for the following motion to be referred to Council for debate:</p> <p><i>“Belfast faces a growing problem of vaping by children and young adults. These products are addictive, damaging to health and often contain illegal substances.</i></p> <p><i>The legislation covering their sale is inadequate. While it is illegal to sell them to under 18s there is no registration of retailers, no restriction on the display of the products and no resources to identify illegal and harmful additives.</i></p> <p><i>Some disposable vapes are designed to be attractive to children and many are discarded in the street posing an environmental and health risk.</i></p> <p><i>In the face of a developing public health crisis this Council will convene a working group with other stakeholders, including the Department of Health, the Public Health Agency and the PSNI to consider measures to strengthen current legislation and enforcement, including the consideration of a ban on the sale of disposable vapes.</i></p> <p><i>Furthermore, the Council will ban the use of vapes by under 18s in all its sites and premises.”</i></p>
3.2	<p>The proposer of the motion addressed the Council and provided an overview of the motion. The motion was seconded by Councillor Lyons and Council agreed that the motion be passed.</p> <p><b>Regional policy context and existing partnerships</b></p>
3.3	<p>Issues surrounding the sale and use of nicotine inhaling product (NIPs), including disposable vapes are currently being considered by a range of agencies, partners and working groups. Design proposals for a Council working group will need to consider the current policy and partnership landscape in this area, to ensure that Belfast City Council’s voice is effective in influencing policy and legislative developments, while also ensuring that all impacts of vaping on the city (such as health and environment) are explored.</p>
3.4	<p>NIPs are an emergent area of focus as more research on the impacts of these products becomes available. Policy and legislative matters in this area are mostly devolved matters for the NI Assembly and the other regional legislatures in GB. In Scotland retailers who wish to</p>

	<p>sell NIPs must be registered to do so, however registration is currently not required in England or Northern Ireland. In England, Ministers recently announced they are looking at regulation of NIPs and committed £3 million additional funding for English Authorities to tackle the issue. This includes looking at accessibility to children, the marketing and flavourings of e-cigarettes, the environmental impact of disposables and strengthening the current Regulations.</p> <p>3.5 In Northern Ireland, Belfast City Council participates in a number of regional groups with key partners, including other NI Councils, Department of Health and the Public Health Agency. Whilst these groups have been focused on tobacco control for many years, they are also now looking at how best to deal with the emerging issues around NIPs.</p> <p>3.6 The Tobacco Strategy Implementation Steering Group (TSISG) was set up to oversee the implementation of a ten-year Tobacco Control Strategy for NI and a successor strategy is set to be published in 2024. TSISG are monitoring the various issues around NIPs and will be taken account of when shaping the aims of the new strategy. The Council are represented on the TSISG at Officer level, along with multiple partner organisations including the Department of Health and Public Health Agency. In addition the Council are also a member of the TSISG Policy, Legislation and Enforcement Sub-Group which focuses on the policy, enforcement, and legislative aspects of the Strategy.</p> <p>3.7 The Tobacco Control Group (TCG) is a regional sub-group of EHNI. All 11 NI Councils are represented and they identify priorities for tobacco control work undertaken by Councils to support the implementation of the NI Tobacco Control Strategy. This year the TCG intend to carry out a scoping exercise to identify the major issues around NIPs and in collaboration with the Department of Health and put forward recommendations to influence future decision making.</p> <p><b>Product safety regulation - MHRA and Consumer Protection Subgroup (EHNI)</b></p> <p>3.8 The Medicines and Healthcare products Regulatory Agency (MHRA) is the competent authority for a notification scheme for manufacturers of e-cigarettes and refill containers within Great Britain and Northern Ireland. MHRA is responsible for implementing technical and safety provisions of the Tobacco and Related Products Regulations 2016 (TRPR), as amended. The Consumer Protection Subgroup of EHNI have engaged with MHRA on a number of occasions detailing concerns regarding enforcement of the Regulations at the ever growing and changing retail level.</p>
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	<p><b>Belfast City Council regulatory activities</b></p>
3.9	<p>Belfast City Council investigate complaints regarding unregistered products which fail to meet the safety requirements of the above Regulations, on most occasions these complaints relate to products with a tank size greater than the prescribed maximum 2ml volume. Council officers also routinely provide advice to businesses and have developed a leaflet (with associated website content) to advise retailers of the product safety requirements regarding e-cigarettes and e-liquids.</p>
3.10	<p>Belfast City Council also carries out test purchasing to monitor/ assess compliance with underage sale legislation (selling to under 18s). In 2022/23, 40 fixed penalty notices were issued for underage sales offences. A Restricted Premises Order was also obtained as a result of repeat occurrences, banning a retailer from selling both tobacco and vaping products for a period 12 months.</p>
	<p><b>Environmental concerns</b></p>
3.11	<p>Use of disposable vapes creates additional environmental issues including disposal/littering and impacts on waste treatment. Disposable vapes are classed as waste electrical and electronic equipment (WEEE) as they are made of plastic and contain lithium batteries and copper. They are not straightforward to recycle and many end up in landfill, with some estimates saying that over 1.3 million are disposed of weekly. In addition, many are simply discarded on the street, and in public open spaces such as parks.</p>
	<p><b>Proposal for a working group to consider options for a ban on sales of disposable vapes</b></p>
3.12	<p>In view of the existing engagement structures and policy development processes currently ongoing at regional level, officers plan to initially consult with relevant partners and groups, to identify the most effective and appropriate options for a specific Belfast City Council engagement on this issue. Officers will bring back a proposal for partner engagement on this issue to a future committee for Member consideration.</p>
	<p><b>Use of vapes in Council premises:</b></p>
3.13	<p>With regards to the proposal for 'the Council to ban the use of vapes by under 18s in all its sites and premises', the Corporate Health and Safety Manager will bring a report back to Committee regarding the use of electronic cigarettes in Council sites and premises.</p>
	<p><b><u>Finance and Resource Implications</u></b></p>
3.14	<p>None</p>

	<b><u>Equality or Good Relations Implications/ Rural Needs Assessment</u></b>
3.15	None.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None