

ABERDEEN CITY COUNCIL

COMMITTEE	Net Zero, Environment and Transport Committee
DATE	31 October 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Policy review and communications plan relating to single-use vapes
REPORT NUMBER	COM/23/331
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHORS	Sandy Gustar and Urenna Adegbotolu
TERMS OF REFERENCE	6 and general 8.7

1. PURPOSE OF REPORT

- 1.1 This report responds to the instruction of the Net Zero, Environment and Transport Committee on the 9th May 2023, for the Chief Officer – Strategic Place Planning to report to the Net Zero, Environment and Transport Committee to outline the policy implications of a ban on single use vapes on the Council and to report on a communications plan highlighting their environmental and health impacts.

2. RECOMMENDATIONS

That the Committee :-

- 2.1 Note the policy implications of a ban on single-use vapes on the Council; and
- 2.2 Approve the Communications Plan as described in Appendix 1.

3. CURRENT SITUATION

- 3.1 The policy review of the implications of a ban on single-use vapes to the Council can be summarised as follows:- No change would be required to policy within schools or within Council premises as vapes are already banned. A national ban would lead to less litter to pick-up and less potential associated litter enforcement. There would be a reduced risk of fire from litter impacting Aberdeen's infrastructure and green spaces. There would be a reduced fire risk for the Council in its waste management operations. There would be improved health and well-being outcomes for Aberdeen's citizens and especially its young people. It is likely that any ban would fall to Trading Standards to enforce which would result in an increased work load.
- 3.2 As a ban on single-use vapes would impact on different teams across the Council, this paper has been compiled collaboratively with colleagues from Trading Standards, Education, Operations, Climate and Sustainability Policy, Communications and Employee Relations and Wellbeing.

- 3.3 As requested, letters have been sent to the Scottish Government and Zero Waste Scotland expressing Aberdeen City Council's support for a proposed ban on single use vapes and management of single-use vapes (Appendix 2).
- 3.4 It should be noted that most, but not all, vapes contain nicotine, which is a harmful and addictive chemical, most often found in cigarettes and related products. Vapes are promoted as a smoking cessation aid but are being used among young people attracted to start vaping (Scottish Government research published 10/5/23). Vapes are also known as electronic cigarettes. This policy review focuses on single-use vapes designed for disposal which cannot be refilled nor recharged.
- 3.5 In June 2023 Zero Waste Scotland delivered a Scottish Government commissioned review of the environmental impact of single use vapes and potential policy options. These include: a ban on sales, regulations to set certain design criteria, and charges to encourage behaviour change or producer fees to offset some of the environmental impacts.
- 3.6 On the 5th September 2023 the Scottish Government outlined a commitment to take action to reduce vaping among non-smokers and young people and to tackle the environmental impact of single-use vapes, including consulting on a proposal to ban their sale and other appropriate measures. The UK government has initiated an eight-week consultation ending on the 6th December, on behalf of itself and the devolved administrations, which includes seeking feedback on potentially prohibiting the sale and supply of single-use vapes.
- 3.7 In its response to Petition [PE2033: Introduce a full ban on disposable vapes](#) the Scottish Government indicated that it was considering a range of next steps which will form part of the refreshed Tobacco Action Plan due to be published later this year.
- 3.8 Officers understand that there are legislative routes from which a ban on single-use vapes could be advanced:
- 1) new legislation;
 - 2) amendment to The Tobacco and Related Product Regulations 2016 which is UK legislation that regulates the manufacture, presentation and sale of tobacco and related products, including vapes; or
 - 3) amendment to The Tobacco and Primary Medical Services (Scotland) Act 2010 which is Scottish legislation that makes provision about the retailing of tobacco products and nicotine vapour products (vapes).
- 3.9 In its press release on the 5 September 2023 the Scottish Government noted that: '*The Scottish Parliament has successfully taken action to ban the supply and manufacture of certain single use plastic products due to their environmental impact. Action on single use vapes is likely to require a similar exclusion from the Internal Market Act*'.
- 3.10 According to the Zero Waste Scotland report an estimated 10.8% of the adult population of Scotland, and 22% of those aged under-18 were users of vapes (both single-use and reusable); of those, more than a quarter (27%) are estimated to be users, mainly, of single-use vapes.

- 3.11 The 2023 Health and Wellbeing survey, reported to the Aberdeen Education and Children's Services Committee of 23 May 2023 showed that: 6.7%, 473 of learners (P6-S6) reported that they have tried smoking cigarettes or e-cigarettes, showing a reduction of 1.3% from the previous year. The number of young people reporting that they use e-cigarettes or vapes once a week or more is 2% (149). In comparison, the number of young people reporting that they smoked tobacco cigarettes once a week or more was 0.7% (49).
- 3.12 At the request of headteachers, vaping was added to the '*Procedure for Managing Substance Use Incidents and Supporting the Wellbeing of Adults, Children and Young People in Schools*' guidance in April 2023. It states: '*Scottish Directors of Public Health strongly advocate that legal e-cigarettes or vapes as they stand should be treated in the same way as normal cigarettes in relation to local policy and procedures. Smoking or vaping on school premises is strictly prohibited. If pupils are found vaping or smoking the product can be confiscated. It is illegal to sell tobacco or nicotine containing e-cigarettes to under-18s, or to purchase such products for them....*'
- 3.13 Education Support Officers have developed and evaluated a programme for primary schools to communicate the issues associated with vaping in an age-appropriate way. A train the trainer event is to be held for Aberdeen primary school staff in November and a wider vaping awareness event is to be delivered as part of the Stronger Families series also in November.
- 3.14 As of 1st April 2023, there were 162 retailers in Aberdeen registered with the Scottish Government to sell vapes (as required by the Tobacco and Primary Medical Services [Scotland] Act 2010). Each year Aberdeen City Council Trading Standards Service report on two performance indicators:
- 1) provide business advice to at least 20% of premises registered to sell vapes and
 - 2) send a 16 or 17-year old in to at least 10% of registered premises in order to try and buy a vape.
- In 2022-23 advice was provided to 82 retailers and a 16-year old was sent into 43 shops to try and buy a vape. There were seven sales to one of our volunteers which resulted in £200 fixed penalties being given to two businesses. Trading Standards also investigate complaints relating to under-age sales and proxy sales. Trading Standards enforce the Tobacco and Related Product Regulations 2016 and Part 1 the Tobacco and Primary Medical Services (Scotland) Act 2010 therefore it is likely that they would have a duty to enforce any ban. This would result in an increased work load for Trading Standards.
- 3.15 A report to the Communities, Housing and Public Protection Committee of the 5th September 2023 outlined an *Aberdeen City Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products*. This aims to target 'proxy purchasing' where adults are buying vapes for people under 18 years of age. The charter would require that vaping products and tobacco products could not be bought with cash in participating retailers. The initial focus of the Charter will be Union Street.

- 3.16 Single-use vapes are classed as electrical and electronic equipment and fall within category 7 (toys, leisure and sports equipment) of The Waste Electrical and Electronic Equipment Regulations 2013. They should therefore be disposed of at local Household Waste and Recycling Centres, most vape stores and electrical recycling bins at supermarkets and electrical stores. Single-use vapes cannot be disposed of at home and should not be put in any household and public general waste bins, mixed recycling or food bins. A communications plan has already begun to inform people of how to dispose of their single-use vapes (see appendix 1). Committee are asked to approve the communications plan, in accordance with Recommendation 2 of this report.
- 3.17 A report to the Audit, Risk and Scrutiny Committee of 2 February 2023 included the Fire Investigation Report into the Altens East Recycling and Resource Facility (OPE/23/030). It was noted that: *'the CCTV footage was not conclusive on the cause of the fire however it was likely to be a battery or similar electronic device deposited in recycling.'* The fire risk from batteries is a recognised and significant issue in the waste industry and waste fires have caused millions of pounds worth of damage as well as the risk to life. If single-use vapes are banned this will result in less chance they will find their way into the wrong waste-stream and therefore lead to a reduced risk of fires within waste management infrastructure.
- 3.18 Single-use vapes and their packaging are increasingly being seen within litter in Aberdeen. An internal ACC Operations survey of known, regular litter pickers found that two thirds were picking up single-use vapes more frequently. Anecdotally, some schools have problems with increasing vaping litter around their buildings. A ban on single-use vapes would stop this form of litter. Litter-pickers will be considered in the communications plan to ensure they are informed of how to dispose of them correctly.
- 3.19 Aberdeen City Council has its own '*Smoke Free at Work Policy*', and it states that the use of vapes is prohibited wherever smoking is prohibited.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report. Costs for items in the communications plan will be covered by the ongoing engagement provided by the Waste and Recycling Service.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The Zero Waste Scotland report estimates that 26 million single-use vapes were used in Scotland in the last year, of which an estimated 10 per cent were littered and more than half were disposed of incorrectly. The communications plan in this report could lead to fewer single-use vapes adversely impacting the

environment. A reduction of single-use vapes littered or disposed of incorrectly will impact on the environment in the following ways:

- 6.2 Wasteful use of resources: Single-use products which are difficult to recycle do not support the transition to a circular economy. The lithium batteries used in the most popular single-use vapes could be recharged up to 500 times if the product design allowed. Lithium is a valuable limited resource which is needed for the energy transition. Throwing them away undermines the energy transition aspect of our journey to a more sustainable future.
- 6.3 Embodied greenhouse gas emissions: Total emissions associated with single-use vapes in 2022 are estimated in the Zero Waste Scotland report to have been up to 4,292 tonnes CO₂e.
- 6.4 Impact of littering and incorrect disposal: single use vapes create waste which includes plastics, metal, paper packaging, lithium, copper and nicotine. Lithium is hazardous and if left to degrade in the environment will leak into the soil and groundwater and adversely affect biodiversity. Littered batteries and heating elements within single-use vapes could also trigger fires in the natural environment. Incorrect disposal into collected waste-streams can lead to fires in waste management infrastructure which could compromise the overall efficiency of recycling and resource recovery.

7. RISK

The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			Yes
Compliance	No significant risks identified			Yes
Operational	Where vapes are incorrectly disposed of, the batteries increase risk of fires at waste centres and on collection vehicles that can damage equipment or be a risk to personal safety.	The communication proposals in this paper seek to improve the likelihood that single-use vapes will be disposed of correctly by users		Yes

Financial	No significant risks identified			Yes
Reputational	No significant risks identified			Yes
Environment / Climate	Where vapes are incorrectly disposed of and become litter, the batteries increase risk of fires and degradation over time will be a risk to biodiversity.	The communication proposals in this paper seek to improve the likelihood that single-use vapes will be disposed of correctly by users and not end up in the environment.		Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
	Impact of Report
<p>Aberdeen City Council Policy Statement</p> <p><u>Working in Partnership for Aberdeen</u></p>	<p>The proposals within this report support the delivery of the following aspects of the policy statement: -</p> <ul style="list-style-type: none"> • Building a Greener and Sustainable City - work with communities to review the management of council-managed open spaces to create more sustainable and safer green areas and open spaces • Caring for Each Other - work with partners to identify and agree specific integrated solutions for tackling the health and social problems caused by misuse of alcohol and drugs.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	The proposal within this report supports the delivery of LOIP Stretch Outcomes (11) Healthy life expectancy (time lived in good health) is five years longer by 2026. It is also relevant to the LOIP Improvement Project Aim 'Reduce tobacco smoking by 5% overall by 2023'.
Prosperous Place Stretch Outcomes	The proposal within this report supports the delivery of LOIP Stretch Outcomes 13-15 Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and addressing the nature crisis by protecting/ managing 26% of Aberdeen's area for nature by 2026. Communication of how to dispose of single-use vapes will lead to fewer of them entering the wider environment or contaminating existing waste-streams

<p>Regional and City Strategies</p> <p><i>Regional Strategies: (i.e. Regional Economic Strategy, Regional Skills Strategy)</i></p> <p><i>City Strategies and Strategic Plans (i.e. Local Development Plan; Local Housing Strategy; Children's Services Plan; Net Zero Route map for the City)</i></p> <p><i>Council Strategies (i.e. Medium Term Financial Strategy; Estates and Assets Strategy)</i></p>	<p>The proposal within this report supports the Aberdeen City Waste Strategy and the Net Zero Aberdeen routemap (circular economy and natural environment strategies).</p>
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9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 assessment has been completed.
Data Protection Impact Assessment	Not required.
Other	None

10. BACKGROUND PAPERS

- 10.1 UK-wide consultation closing 6th December 2023: [Creating a smokefree generation and tackling youth vaping](#).
- 10.2 [Stopping the Start](#) presented to the UK Parliament on 4th October 2023
- 10.3 Press Release by the Scottish Government announcing a consultation on a proposal to ban the sale of single-use vapes and other measures, 5th September 2023: [Single use vapes ban considered - gov.scot \(www.gov.scot\)](#)
- 10.4 Communities, Housing and Public Protection Committee paper RES/23/258, 5th September 2023 [The Aberdeen City Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products](#)
- 10.5 Zero Waste Scotland's [review of the environmental impacts of single use vapes](#) (released 30 June 23)

- 10.6 [Leading respiratory paediatricians urge First Minister to act now to tackle Scotland's 'adolescent vaping epidemic' | ASH Scotland](#) (22 June 2023)
- 10.7 Parliamentary Petition and response [PE2033 Introduce a full ban on disposable vapes | Scottish Parliament Website](#) (20 June 2023)
- 10.8 [ACC Health and Wellbeing Survey Analysis \(April 2023\)](#) appended to report CFS/23/117 to the [Education and Children's Services Committee of 23 May 2023](#)
- 10.9 Scottish Government Research published 10th May 2023: [Data on Vaping among Children - Vaping - understanding prevalence and trends among adults and children: research - gov.scot \(www.gov.scot\)](#)
- 10.10 Notice of Motion by Councillor van Sweeden to the [Net Zero, Environment and Transport committee](#) 9th May 2023
- 10.11 Report OPE/23/030 to the Audit, Risk and Scrutiny Committee of 2 February 2023: [Altens East Recycling and Resource Facility – Fire Investigation report](#)
- 10.12 [Raising Scotland's tobacco-free generation: our tobacco control action plan 2018](#)
- 10.13 [Waste Electrical and Electronic Equipment \(WEEE\) Regulations 2013](#)
- 10.14 [Environmental Protection Act 1990 \(legislation.gov.uk\)](#) section 87 which contains the offence of leaving litter

11. APPENDICES

Appendix 1- the proposed Single Use Vapes Communications Plan

Appendix 2 - letter text to the Scottish Government and Zero Waste Scotland

12. REPORT AUTHOR CONTACT DETAILS

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