



North Tyneside Council

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Briefing note

To: Caring Sub Committee

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Title of Briefing: Stopping the start: a smokefree generation

Purpose of the report: To provide a brief update on the national plan 'Stopping the start: our new plan to create a smokefree generation' and the supporting the consultation 'Creating a smokefree generation and tackling youth vaping'.

1. Summary

Smoking remains the single largest cause of preventable deaths in England. Despite reductions in prevalence, there are still approximately 7.3 million adult smokers and more than 200 people a day die from smoking related illness, which could have been prevented. 14.3% of the adult population in North Tyneside currently smoke - an estimated 30,000 adults.

The Government published a command paper on 4 October 2023 'Stopping the start: a smokefree generation' setting out proposals to protect future generations of the harms of smoking, to save tens of thousands of lives and save the NHS billions of pounds.

These measures could have a significant impact on their health of our communities, and they will require significant local support to ensure they are implemented at a national level. They include:

- changes to age of sale
- support for smokers to quit
- support for enforcement
- approaches to protect children from vaping

The measures are aimed at protecting future generations from the harms of smoking. Additional funding will be provided to local authorities for enforcement and stop smoking support.

The national consultation on the youth vaping element of the plan is currently open until 6 December covering the legislative proposals that will be required.

The national consultation asks questions in three areas for which new legislation would be needed:

1. Creating a smokefree generation: consulting on the policy and its scope to inform future legislation.
2. Tackling youth vaping: while there is also significant evidence for action to tackle youth vaping, there are several options to consider.
3. Enforcement: the consultation also asks questions on the proposal to introduce new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation of tobacco products and vapes.

Key professional bodies such as the Association of the Directors of Public Health and leading charities such as Action on Smoking and Health, have already stated their support for these packages of measures to reduce the harm caused by smoking, and prevent ill health disability and death.

Fresh North East, the regional tobacco office on behalf of the NE Directors of Public Health, have created draft responses to the national consultation. Many consultation questions are accompanied with the opportunity to provide supporting evidence. Working in partnership with ASH and international stakeholders, Fresh NE has provided access to the best international evidence in relation to each aspect of the consultation to ensure that responses are framed to best protect the health of our communities.

2. Recommendations

It is recommended that the committee:

- Responds to the consultation using the endorsed responses from Fresh North East (appendix 1).
- Encourages support for a smokefree generation throughout the authority and their communities.

Background

1. Stopping the start: a smokefree generation' UK Government.

The Government have published a command paper (4 October) 'Stopping the start: a smokefree generation' setting out proposals to protect future generations of the harms of smoking and to save tens of thousands of lives. The government is committed to reducing the harms of smoking and has a strong history of taking bold and comprehensive action on tobacco control.

There is no more addictive product that is legally sold in our shops than tobacco, which is why 'stopping the start' of addiction is vital. Three-quarters of smokers would never have started if they had the choice again.

The command paper (October 6) covers four main areas, three of which are accompanied by a national consultation.

1.1 Raising the age of sale

The proposed new legislation will make it an offence for anyone born on or after 1 January 2009 to be sold tobacco products in England effectively raising the age of sale each year. That child born on or after 1 January 2009, would never legally be sold tobacco products. This would mean a change in law from 2027 for any children who turn 18.

This will not ban smoking for adults who already smoke. The emphasis will be on those who sell tobacco products to those of a certain age, it will not criminalise smoking.

The consultation will also consider whether this would apply to proxy sale, as it currently does for age of sale. This would continue to prohibit people from buying tobacco products for someone under the legal age of sale.

The great majority of smokers start as teenagers, and three quarters of smokers would never have started if they had their choice again. No other consumer product kills up to two thirds of its users. Public support is high for raising the age of sale.

In 2007 the age of sale was raised from 16 to 18 (which led to a 30% reduction in smoking prevalence for 16- and 17-year-olds) and there have been repeated calls to continue to raise the age of sale. The national review, 'The Khan Review: making smoking obsolete' proposed this legislation change in 2022 and this was endorsed by the North Tyneside Health and Wellbeing Board.

1.2 Helping smokers to quit

Quitting smoking is the best thing a smoker can do for their health. Alongside taking bold action to stop the start of smoking, there are proposals to help current smokers to quit through the existing infrastructure across local authorities and the NHS.

Nationally the funding available for stop smoking services will be doubled, and local allocation will be weighted in line with smoking prevalence. The funding for North Tyneside will ensure there is a comprehensive and universal offer across the borough.

Alongside this investment, there will be a significant uplift in spending on anti-smoking campaigns designed to encourage smokers to quit with local services.

There will also be additional funding for incentive schemes for pregnant women and further investment in national 'swap to stop' schemes encouraging smokers to swap cigarettes for vapes.

1.3 Protecting children from vaping- Tackling the rise in youth vaping

Vapes are an effective tool for adult smokers to quit, especially when combined with expert support. Ensuring vapes are available to help adult smokers is vital to reducing smoking rates.

However further measures are proposed to tackle the rising rates in youth vaping. The health advice is clear: young people and those who have never smoked should not vape. Selling nicotine vapes to children (under 18) is an offence.

Proposals to be consulted on this year include restricting flavours, regulating point of sales, regulating packaging, considering restricting the sale of disposable vapes and closing loopholes in the law on free samples and non-nicotine vapes. Each proposal has several options on how that may be addressed:

- restricting vape flavours
 - product description (ie. blueberry, not blueberry muffin), limiting the ingredients, limiting the range of taste and smells
- regulating vape packaging and product presentation
 - behind the counter, on or off display, consider exceptions for specialist vape shops, and the removal of child friendly imagery through to standardised packaging
- regulating point of sale displays
 - currently no regulation hence the very visible and frequent display, options include behind the counter, displayed or not
- restricting the supply and sale of disposable vapes
 - restrictions (i.e. product design) or prohibitions
- exploring further restrictions for non-nicotine vapes and other nicotine consumer products such as nicotine pouches
- action on the affordability of vapes, exploring a new duty on vapes

1.4 Enforcement

Underage and illicit sale of tobacco, and more recently vapes is undermining the work nationally and locally to regulate the industry and protect public health. The sale of illicit tobacco undermines efforts to protect our communities, and the sale of illicit products frequently targets children and young people in disadvantaged communities.

National proposals include additional national funding for agencies such as Trading Standards, Border Force and HRMC.

Local authorities will receive new powers to issue on the spot fines (Fixed Penalty Notices) to enforce the age of sale legislation.

Additional funding and enforcement powers will strengthen the role and impact of North Tyneside's Trading Standards team who already provide a vital service across the borough.

The national consultation acknowledges the role of enforcement if the smokefree generation and you vaping policy are to have an impact. Current regimes require local authorities to prosecute a business (or individual) to be convicted in a magistrates court. This is time consuming and limits the ability to issue fines. The consultation will seek to understand whether

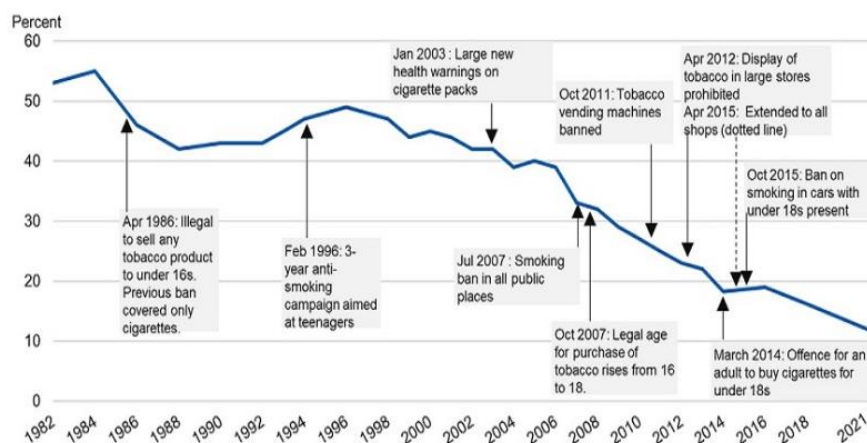
- fixed penalty notices should be issued for breaches of age of sale
- the size of fine for underage sale for tobacco and vapes

2. Support for the proposals

Key professional bodies such as the Association of the Directors of Public Health and leading charities such as Action on Smoking and Health, have already stated their support for these packages of measures to reduce the harm caused by smoking, and prevent ill health disability and death.

Nationally, there will be debates around individual choice and personal responsibility. However, the packages are designed to help those who smoke to quit and protect children from starting an addiction which will kill 2 out of 3 users.

Consideration of smoking prevalence over time, highlights the impact of legislation in helping to drive down smoking rates. Each legislative proposal will have been met with challenge around individual choice and responsibility. Yet, legislative action has made long-lasting change, particularly legislation to discourage young people from taking up smoking.



Source: Smoking, drinking and drug use among young people in England, 2021

Whilst there is national public support for the proposed measures, it is important that there is continued local support, especially for the immediate priority of raising the age of sale, to help create a smokefree generation.

3. North Tyneside Tobacco Control Alliance

The North Tyneside Tobacco Alliance reports through the North Tyneside Health and Wellbeing Board and has a comprehensive plan to address tobacco control in North Tyneside.

Any additional funding, powers or initiatives available at a local level will be implemented through the alliance to ensure a co-ordinated approach to tackling smoking locally.

The tobacco alliance can also provide the opportunity to encourage participation in the national consultation from a range of partners

4. Smoking in North Tyneside

In North Tyneside the Smoking Prevalence in adults (18+) - current smokers (APS) (2020 definition) is currently 14.3% whilst the England average is 12.1%.

Smoking is the largest avoidable cause of social health inequalities. No other consumer product kills up to two thirds of its users. In North Tyneside half of the gap in life expectancy between our most and least affluent communities is attributed to smoking related mortality. The burden of smoking is estimated to cost the North Tyneside economy £47.6m.

Healthy life expectancy in North Tyneside continues to be worse than the England average. Men and women in our most deprived areas on average spend 14.5 less years in good health compared their counterparts in our least deprived communities.

As well as dying prematurely, smokers also suffer from poor quality of life. Smokers proportionately are less likely to be in work.

Smokers see their GP over a third more often than non-smokers, and smoking is linked to nearly half a million hospital admissions each year.

Women from the most deprived communities are 12 times more likely to smoke during pregnancy than women from more affluent areas.

Breathing in secondhand smoke also has detrimental impacts babies, children, and other family members.

However, research shows that most smokers want to quit. Many lack confidence, have low awareness and/or underestimate the risks. They need as many options and routes as possible to quit.

5. Vaping in England

Current smoking and vaping in adults

Smoking	12.1%
Vaping	8.3%

Current smoking and vaping in 11-18 year olds

Smoking	6%
Vaping	8.6%

There has been 50% growth in experimentation of vaping of young people (trying once or twice) from 7.7% in 2022 to 11.6% in 2023 which was significant, while the change in continued use of vapes (from 6.9% to 7.6%) is not significant.

The Office of Health Improvement and Disparities (OHID) completed the most comprehensive report yet on the international evidence for nicotine vaping. The three most important findings are:

- In **the short and medium term, vaping poses a small fraction of the risks of smoking**. There is significantly lower exposure to harmful substances from vaping compared with smoking, as shown by biomarkers associated with the risk of cancer, respiratory and cardiovascular conditions.
- But **vaping is not risk-free, particularly for people who have never smoked**. There is similar or higher exposure to harmful substances from vaping compared with not using any nicotine products.
- There is **no significant increase of toxic biomarkers after short-term second-hand exposure to vaping** among people who do not smoke or vape.

The Association of Directors of Public Health North East (ADPHNE), FRESH, the regional North East tobacco office and ASH (Action on Smoking and Health) have identified two key priorities:

- Supporting smokers to quit and providing them with all available options including switching to vaping, and
- Protecting young people by: reducing the accessibility and appeal of nicotine products – including vapes – and to remove from the market products that do not comply with regulations.

6. Supporting people to stop smoking North Tyneside

Stop smoking services in North Tyneside are delivered through a range of community pharmacies to ensure that services are accessible to smokers throughout the borough. Close working relationships with NHS colleagues locally and regionally help to ensure any specific initiatives are aligned to and supported by local activity. Over 1000 smokers have quit through North Tyneside Stop Smoking services over the last two years.

7. North Tyneside trading standards

Over the past nine months trading standards have been successful in obtaining seven closure orders on shops selling illicit tobacco and vapes. In some seizures, over 65,000 cigarettes have been removed. These premises often change their name or ownership to evade inspection alongside displaying significant efforts to hide their illicit products, which highlights the organised approaches of these establishments to sell illicit goods. Closure orders help ensure that these shops, who often sell to underage children, are no longer able to trade.

Appendix 1

Abridged version of the Fresh and ASH response.



Creating a smokefree generation and tackling youth vaping

Published 12th October 2023 (edited Nov 2023)

Closes 6th December 2023, 11.59pm

This is an outline response drafted by Fresh with input from ASH. It does not represent the final submission from either organisation but is intended to inform responses from others.

It has also been edited (Nov 2023) to provide shorter responses.

Creating a smokefree generation

1. Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?

- **Agree**
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Tobacco is a uniquely lethal product which kills up to 2 in 3 long term users when used as intended. Smoking is an addiction most start as teenagers rather than an adult choice with 4 in 5 starting before the age of 20. Among those who try smoking 70% will go on to be daily smokers. Raising the age of sale is likely to both delay smoking uptake and reduce the number of young people who start smoking in the first place. Raising the age of sale from 16 to 18 in 2007 in England reduced rates of smoking in the relevant age group by around a third. There is already significant levels of public support for this measure.

2. Do you think that proxy sales should also be prohibited?

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Yes, it will be important for proxy sales laws to be in line with age of sale laws to ensure consistency. (21 words)

3. Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

We believe that all tobacco containing products as well as cigarette papers should be covered by the new legislation, mirroring current age of sale laws. If tobacco products are not all included it will make enforcement more challenging and create opportunities for the industry to find loopholes. (63 words)

4. Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

It would make sense for the warning notices in retail premises to be changed to reflect the new legislation.

We welcome the commitment from the Government to increase funding for tobacco enforcement, recognising how crucial our regulatory partners are in the journey towards creating a smokefree generation. (119 words)

Tackling the rise in youth vaping

5. Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

We support the introduction of evidence-based measures to reduce youth vaping while supporting smokers to quit tobacco using whichever means is most appropriate for them, including through the use of vapes.

We support restricting how flavours are described, but do not think that there is sufficient evidence to restrict the number of vape flavours currently on the market. It remains unclear how important they are to the increase in teen vaping though they clearly have a function in ensuring vapes are appealing and utilised by adult smokers.

6. Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)

- **Option 1: limiting how the vape is described**
- Option 2: limiting the ingredients in vapes
- Option 3: limiting the characterising flavours (the taste and smell) of vapes
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As a minimum and as a priority, we recommend the Government urgently explores options to limit the ways in which flavours are described in order to limit their appeal to children. This could include regulating how vape products are named, described and portrayed and limiting descriptors shown to appeal to children.

7. Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?

- Option A: flavours limited to tobacco only
- Option B: flavours limited to tobacco, mint and menthol only
- **Option C: flavours limited to tobacco, mint, menthol and fruits only**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Given that more research is essential before any decisions on restricting the number of vape flavours, we do not currently recommend any of the above options.

However, if Government were to proceed with flavour restrictions then it should ensure that fruit flavours remain available. Among current adult vapers ASH/ YouGov research finds that 47% are using fruit flavours compared to 12% who use tobacco flavours.

8. Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As outlined above flavour descriptors should be limited through regulations.

9. Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

If rules are in place to restrict how flavours are described this should be in place for all vaping products to avoid risk of companies finding loopholes in the law to continue to promote products inappropriately.
(66 words)

10. Which option do you think would be the most effective way to restrict vapes to children and young people?

- Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products
- Option 2: vapes must be kept behind the counter but can be on display

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

There are currently too many inappropriate examples of point of sale displays of vape products in shops leading to increasing awareness of vape promotion among children and young people. To address this, we believe that vapes should only be kept behind the counter but can still remain on limited display with no other instore or externally visible promotion and providing that regulations have been implemented to remove child-friendly packaging and labelling. This reflects the different levels of risk between tobacco products and vape products.

11. Do you think exemptions should be made for specialist vape shops?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

However, we believe that there should still be some regulations around vape displays in specialist vape shops, particularly those in shop fronts that are visible from the street and also restrictions should be considered around any on street marketing boards.

12. If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Not applicable – we agree that point of sale displays need to be regulated.

13. Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?

- Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design
- Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names
- Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

We recognise that there is compelling evidence in favour of introducing restrictions on how vapes are packaged and we are confident that such restrictions can reduce the appeal to children while still appealing to adults who want to quit smoking. Some of the current imagery and branding is highly inappropriate and deemed to be too child appealing.

14. If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Not applicable – we agree that there needs to be improvements in the way that vape packaging is regulated. (18 words)

15. Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?

That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

It would be desirable from an environmental and teen vaping perspective to reduce the use of 'disposable' vapes. We call for an excise tax on vape products that would be zero rated for refillable/rechargeable devices but set at such a level for disposable vapes to increase their price by at least £5 per unit. This should make products less affordable for teenagers and incentivise adults to use more sustainable (and ultimately cost saving) refillable products. (105 words)

16. Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

- Agree
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

A ban would limit the use of products with vulnerable groups of smokers such as those in mental health and custodial settings and individuals with dexterity issues such as older smokers. It should be noted that many stop smoking services remain keen to have access to disposable vapes as part of the Government's swap to stop programme specifically because of the benefits to some groups of smokers.

Restricting the marketing of whole products as a category (as noted above) is more likely to impact on teen vaping, alongside addressing the illicit and underage supply.

17. Are there any other types of product or descriptions of products that you think should be included in these restrictions?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Once the priority regulations are in place around promotion, marketing and the introduction of an excise tax to increase the price of single use products, the Government may wish to consider regulating the shape and form of such devices and seek to standardise these.

18. Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

- Agree
- **Disagree**
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The loophole which enables free distribution of any vape to anyone of any age needs to be closed urgently and we have been calling for this for quite some time.

19. Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As with many single use products, we note there are concerns about the environmental aspect of single use vapes that need to be addressed urgently. The full environmental costs of collecting and recycling vapes – including raising public awareness – should be met by industry and not by public finances.

20. Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

ASH monitor the use of non-nicotine vapes and, among young people in 2023, their [survey](#) showed the following: 51% of 11-17 year olds who currently vape said that the e-cigarette they used most often always contained nicotine; 30% said it sometimes contained nicotine; 9.5% that it never contained nicotine; with 10% saying they didn't know.

According to the ASH/ YouGov survey around 10% of current vapers report using zero-nicotine products and these vapers are twice as likely to be ex-smokers than smokers.

21. Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

We believe that non-nicotine vapes should be regulated in the same way as nicotine containing vapes. This will prevent industry from using them to promote vaping in ways that they aren't allowed to communicate with nicotine-containing vapes.

22. Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

To date, we understand that no local authority has granted such a request for reasons including Article 5.3 and also the lack of a regulatory framework for these products. These need to come under a new framework.

Overall in 2023 adult use of nicotine pouches remained low despite heavy marketing by industry. However, there are currently limited marketing restrictions and product requirements and no age of sale.

23. Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?

- Yes
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Tobacco and Related Product Regulations only cover e-cigarettes and novel tobacco products, not novel nicotine products like pouches.

That means that for novel nicotine products there are:

- No age of sale regulations so they can be sold to anyone, as well as being handed out free.

- No standardised regulatory requirement for information on packaging to provide information to consumers
- No controls on their advertising, promotion and sponsorship – these products are being promoted online via influencers, free samples and competitions
The regulations need to be revised to include not just nicotine pouches but any novel nicotine products, as this is a market which is likely to continue to evolve.

24. Do you think that an increase in the price of vapes would reduce the number of young people who vape?

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Young people are particularly price sensitive and increasing the price of single use vapes through taxation would reduce the number of young people vaping. This should be implemented in the form of an excise tax for vaping products which is zero-rated for refillable/rechargeable – to maintain their affordability in comparison to tobacco – and, for single use products, set at a level which increases their price by at least £5. However, it is important that vaping remain more affordable for adults than smoking. Any tax needs to be calibrated to ensure that tobacco remains the most expensive product.

Enforcement

25. Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

In principle, we welcome the proposal to increase the enforcement options available to Trading Standards to take action against those who breach age of sale regulations, particularly in light of the challenges of taking forward prosecutions. **We would welcome Trading Standards views on the technical aspects of this**

26. What level of fixed penalty notice should be given for an underage tobacco sale?

- £100
- £200
- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level and an appropriate sliding scale for persistent offenders.

27. What level of fixed penalty notice should be given for an underage vape sale?

- £100
- £200
- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level and an appropriate sliding scale for persistent offenders.