

HEALTH AND WELLBEING BOARD

MINUTES OF MEETING Wednesday, 8 November 2023

PRESENT: Councillor Ali (Chair); Councillors Taylor and Wardle, Kuiama Thompson (Director of Public Health), Nichola Thompson (Director of Integrated Care and Health), Dr. Jiva (Primary Care Network), Margaret Parker (HealthWatch Rochdale), Charlotte Mitchell (Assistant Director for Integration and Health, Children's Services)

ADVISORS: Donna Bowler (Director of Neighbourhoods), Steve Taylor (Local Care Organisation Chief Officer), DCI Round (Greater Manchester Police)

OFFICERS: Lianne Davies (Assistant Director Public Health), William Townsend (Public Health Programme Officer), Diane Higgins (Senior Youth Officer), Peter Varey (Senior Public Health Specialist), Kerry Ambrose (Trading Standards Operational Manager), Fabiola Fuschi (Senior Governance and Committees Officer)

ALSO IN ATTENDANCE: Andrea Crossfield (Tobacco Free Future), Claire Hesbrook (Living Well), Councillor J. Blundell, Councillor A. Brown

14 **APOLOGIES**

Apologies for absence were received from Councillors Emsley and R. Massey, Dr. Alam and Sharon Hubber.

Apologies were also received from the following advisors to the Board: Steve Rumbelow, Maddy Hubbard, Chief Superintendent Nicky Porter, Sam Lawton.

Dr. Jiva attended as a substitute for Dr. Alam
Charlotte Mitchell attended as a substitute for Sharon Hubber
DCI Round attended as a substitute for Chief Superintendent Nicky Porter

15 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

16 **ITEMS FOR EXCLUSION OF PUBLIC AND PRESS**

There were no items for exclusion of press and public.

17 **URGENT ITEMS OF BUSINESS**

There were no items of urgent business received.

18 **MINUTES**

Resolved that the minutes of the meeting held on 14th June 2023 be approved as a correct record.

19 **NOTES OF THE INQUORATE MEETING OF 6TH SEPTEMBER 2023**

Resolved that the notes of the inquorate meeting of the Board held on 6th September 2023 be approved as a correct record.

20 ITEM FOR RATIFICATION: LONELINESS AND ISOLATION DEEP DIVE

The Board considered a report of the Director of Public Health which sought to inform of loneliness and isolation as key cause of population's ill health and early mortality. This was a new and increasing priority area for which a number of initiatives were ongoing but often happening in silos and a more strategic and coordinated approach between all interested agencies and stakeholders was necessary.

The Board had received a presentation at its last meeting and an in depth conversation had taken place. However, as the meeting was not quorate, the report had to be resubmitted to today's meeting for approval.

Resolved:

1. That the current position and ongoing loneliness related initiatives in the Borough be noted;
2. That requests and suggestions for future work related to loneliness and isolation as outlined in the presentation appended to the report be noted;
3. That loneliness and isolation be maintained as a Public Health priority;
4. That a more coordinated approach to addressing loneliness and isolation be endorsed.

21 TACKLING SMOKING AND YOUTH VAPING - RESPONSE TO GOVERNMENT'S CONSULTATION

The Board considered a report of the Director of Public Health which outlined that smoking continued to be the lead cause of preventable deaths in the UK, representing approximately 74,600 deaths a year in England. In Rochdale, approximately 15.3% of the population smoked; this percentage was higher than the England and North West average and represented approximately 25,000 people. Each year, smoking costed the Council £90.3M and this figure included productivity loss, health care costs, social care costs and fire related costs.

The report also informed that vaping was safer than smoking and it was an effective stop smoking tool, but it was not risk free and it was not for children and non-smokers. However, vaping amongst children and young people had increased over recent years, particularly with the proliferation of disposable vapes.

The UK Government was keen to achieve the target of a smoke free England by 2030. To achieve this, the Government planned to ban the sale of tobacco products to future generations, to provide a million vapes to encourage smokers to "swap to stop", to increase funding for stop smoking services, to improve resourcing, capacity, and powers of trading standards, to tackle youth vaping and increase funding for smoking awareness campaigns.

The UK Government had launched a consultation titled “Creating a smoke free generation and tackling youth vaping” which covered three main areas: smoke free generation policy, tackling youth vaping and enforcement.

The Board agreed to undertake the consultation at today’s meeting as a collective exercise and to formulate a cross system response.

This is how the Board responded to the consultation.

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)

With a higher than average smoking rate, smoking costs the borough of Rochdale £90.3million annually. It also leads to disproportionate ill health and early preventable deaths in our more deprived communities.

We strongly agree that the age of sale for tobacco products should be changed so that anyone born on or after 1st January 2009 will never be legally sold tobacco products. We see this as an appropriate and welcome progression from previous anti-smoking legislation, such as the banning of smoking in pubs and previous increase in age of sale from 16 to 18. We welcome that this approach would not criminalise the general public for possession of tobacco.

It was also the opinion of some on the board that an immediate ban on all tobacco products would be welcome but we note that a phased approach will allow the system to appropriately adapt to this significant and positive change.

We also noted the importance of supporting current smokers to quit, through community stop smoking services, and welcome the additional funding that has been committed for this purpose.

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, we think that proxy sales should also be prohibited.

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)

Yes, we agree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation.

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)

Yes, we agree 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.

We note that there are likely challenges for retailers with the age changing every year (for example, we currently have 'challenge 25' which will need to change in the future) and there are associated risks of violence and abuse for retailers associated with the ban. Careful consideration is therefore needed to ensure that legislation is as simple as possible for retailers to comply with. This could include guidance for retailers on the best way to deal with challenging a customer's age and also the provision of supporting materials, similar to those provided by: www.noidnosale.com/retail-pack.

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 recognise the relative safety of vaping compared with cigarettes, and their effectiveness as a quit-smoking aid. We note that part of this effectiveness is likely due to the availability of a diverse choice of flavours.

However, we agree that there needs to be some degree of the UK Government and devolved administrations restricting vape flavours to reduce their appeal to and use by children and non-smokers.

The form of any restrictions needs to be carefully managed to ensure a variety of vape flavours continue to be easily accessible for current smokers to use as a quit aid, and that restrictions don't result in negative unintended consequences. For example, limiting the flavour of vapes to tobacco could result in people opting to smoke instead.

Restrictions also need to account for the fact that the current issues with young people and vaping stem from the proliferation of disposable/single-use vapes and not the availability of flavours which predate the recent increases in youth vaping.

Though, we do recognise that flavours are likely to be one of several factors that makes vaping appealing to young people. Board members stressed the importance of looking at these several factors together, and not in isolation, as the appeal is likely to be a combination of the convenience, price, flavours, design etc. of vapes.

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)

Overall, we believe that limiting how the vape is described would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours.

We believe limiting descriptions to generic flavours, like mixed fruit, would be an appropriate way of doing this. We recognise that there is clear and insidious marketing of vape flavours that seek to attract young people, and these types of description (e.g. mixed fruit ice-cream blast) should be restricted.

It should be noted that there was not consensus on this option and a proportion of people voted for option 2 and 3.

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)

We believe limiting flavours to tobacco, mint, menthol and fruits only would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people.

As mentioned, we recognise the importance of a variety of flavour options being available to support smokers to quit successfully while restricting the way vape flavours are described to limit their appeal to children.

Current vapers in the room stated they would be likely to begin smoking again if they could not continue to use their fruit flavoured vapes. It was also discussed that more should be done to emphasise that vapes are specifically a stop smoking aid, and nothing else.

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)

Most board members answered don't know to this question.

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)

Yes, we believe non-nicotine e-liquid should also be included in restrictions on vape flavours to avoid the vaping industry finding and exploiting loop-holes in regulations. This will also make legislation simpler and easier to comply with.

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)

60% of board members voted for "Option 1: vapes must be kept behind the counter, and cannot be on display, like tobacco products" as being the most

effective way to restrict vapes to children and young people.

There was unanimous agreement that the current way in which vapes can be on display at the point of sale is inappropriate (e.g. next to confectionery).

Concerns, however, were raised about the possibility of this option making it appear as though vaping is equivalent to tobacco and any way that this can be mitigated, through Option 1, should be considered. This is particularly important given the high levels of misinformation around the safety of vapes.

There should also be consideration for online sales of vapes and the way in which these may be displayed.

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)

54% of board members agreed that exemptions should be made for specialist vape shops.

It was recognised that specialist vape shops have the potential to play a more tailored and important role in supporting smokers trying to quit. However, there would need to be a clear definition of, and possible registration scheme, for specialist vape shops. In the borough of Rochdale, for example, there is a shop advertised as a vape shop in which you can also buy toys, gadgets, and confectionery. This type of shop should not qualify as a specialist vape shop.

The government should also consider specialist vape shops needing to have on-site smoking cessation advisors.

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)

N/A

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)

The branding of many vapes is inappropriate and clearly marketed at children and young people, rather than adults. Our Trading Standards team have confiscated many illicit vapes that demonstrate this, with recurrent use of popular cartoons, soft drinks and novelties like multi-coloured lights to attract children.

Local evidence also suggests that vapes are often used as fashion accessories, with young people, for instance, selecting vapes based on what they believe will best match their chosen outfit.

We believe, therefore, that Option 3, “prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device” 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.

This will reduce the appeal to young people without reducing appeal to smokers looking to quit. We note that there may be risks with this option of making it seem that smoking and vaping are both as harmful as each other, and so there should be considerations to address this misconception.

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)

N/A

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)

We note the likelihood that the availability of disposable vapes is a key driving factor in the alarming recent surge in youth vaping in our borough. We are particularly concerned, as these are the ones most likely to be illicit and thus in contravention of safety and nicotine limits.

There are also reports of illicit substances (e.g. THC and Spice) being consumed via disposable vapes in neighbouring localities with reports of children fainting and needing hospital treatment following their use.

The environmental impact of single-use vapes is huge, with there being many thousands littering the streets of our borough. This is in addition to high and unsustainable costs accrued by Trading Standards to safely dispose of the thousands of confiscated illicit vapes.

Rochdale's Health and Wellbeing Board therefore agrees that there should be restrictions on the sale and supply of disposable vapes.

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)

52% of the board agreed that restrictions on disposable vapes should take the form of prohibiting their sale and supply and 33% disagreed.

There are a concerning proportion of children vaping, and this is likely because of the proliferation of disposables, particularly in the illicit market. The high environmental and disposal costs are also key factors behind the agreement, particularly now single-use plastics are prohibited.

Despite concerns raised by other trading standards teams regarding the effectiveness of a ban, including the risk of a larger black market, trading standards representatives from Rochdale Council are in favour of a ban. They also noted that they have never had any issues with re-usable and re-chargeable vapes.

However, in the borough of Rochdale we know that the illicit disposable vape market can also involve grooming and child sexual exploitation. Any restriction on disposable vapes that leads to the illicit market flourishing is unwelcome and resources, if there is a ban, are needed to adequately address this nationally and locally.

We also note the utility of vapes for certain groups (e.g. those with disabilities). The UK government should consider ways in which it can restrict the sale and supply of disposable vapes while ensuring suitable products for these groups are available.

Availability of disposable vapes may have a role in reducing relapse for smokers. When smoking cravings occur (for example while consuming alcohol), disposable vapes are a quick and convenient option for smokers to obtain. It was felt that this lack of availability could cause some to opt for

cigarettes instead. This factor should be further researched to ensure an appropriate policy is formulated.

If a ban is implemented, careful communications are needed so that the ban is not misinterpreted as being because of higher health risks than tobacco, which will continue to be purchasable.

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)

The construction materials should be subject to restrictions to ensure there are no environmental costs.

The government may want to consider a limited list of descriptors for vapes that companies can use to demonstrate relative safety of the product (compared to tobacco), but that it should be used only as a quitting tool and not as a permanent swap.

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)

We agree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced.

Several stated that 6 months is too long and that implementation should be immediate.

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)

There should be assistance and funding for local authorities to safely and cost-effectively dispose of the items collected through enforcement and those littering our streets, particularly the single-use plastic and lithium batteries.

There needs to be funding/campaigns to raise awareness of disposable vapes and why they are banned/restricted to ensure the population understand that vapes are significantly safer than smoking and are an effective quit aid.

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)

'Non-nicotine' vapes confiscated locally have, upon testing, proven to contain nicotine. Packaging on confiscated non-nicotine vapes can also be contradictory, with parts of the packaging stating there is no-nicotine, and parts of the packaging showing a nicotine warning label.

The Youth Service has noted some children using caffeine vapes in the Rochdale borough too.

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)

Yes, we agree that the UK Government should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes. This would ensure the industry is unable to exploit any loopholes and allow for more consistent messaging and understanding of regulations.

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)

We note the recent promotion of nicotine pouches, and the potential for these to become an issue amongst children and young people. It is particularly concerning that you can access these without age restrictions, and that it is extremely easy to get free next-day-delivery, high-quantity samples of these products which often contain very high levels of nicotine and thus carry a high chance of successfully addicting children to the product.

The lack of regulation is a concern, particularly as the tobacco industry is heavily promoting such products, and so the UK government should ensure these products are restricted in appropriate ways.

While nicotine pouches are distinct from tobacco pouches (i.e. snus), it was noted that the latter can severely damage the mouths of users. Similar effects of nicotine pouches and other products needs to be rigorously researched and assessed before being available on the market.

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)

Based on the answer to the previous question, yes we believe the UK Government should regulate other consumer nicotine products under a similar regulatory framework as nicotine vapes.

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)

55% of the board believed that an increase in the price of vapes would reduce the number of young people who vape.

It was recognised that the current price differential between smoking and vaping is an important motivating factor in swapping to vapes in order to quit smoking and that this differential should be maintained.

However, it was noted that an increase in price on disposable vapes, and not re-usable ones, should be considered if there is evidence that this will reduce use in children and young people.

Dependent on how much, a price increase on disposable vapes has the potential to make them seem as bad for you as smoking. This should be considered when formulating any policy regarding higher prices for disposable vapes.

Some believed that price increases will not deter a young person addicted and that they will get them by any means necessary.

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)

Yes, we believed that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes.

The current maximum penalty notice is insufficient and often treated as a business cost as the profitability of disposable vapes and tobacco are so high.

Unlimited fines and prosecution should therefore be allowed, as part of a graduated response, with repeat offenders getting more severe penalties.

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)

The level of fixed penalty notice for an underage tobacco sale should be significantly higher than the options here.

As part of a graduated response this should include an unlimited fine and prosecution.

Enforcement teams should also no longer have to give businesses advance warning that they will be carrying out spot testing.

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)

The level of fixed penalty notice for an underage vape sale should be significantly higher than the options here.

As part of a graduated response this should include an unlimited fine and prosecution.

Enforcement teams should also no longer have to give businesses advance warning that they will be carrying out spot testing.