

Item: 14

General Meeting of the Council: 4 July 2023.

Notice of Motion.

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To consider the implications of the suggested course of action contained in the Notice of Motion, lodged by Councillor Scott, as detailed on the agenda for this meeting.

2. Recommendations

The Council is invited to note:

2.1.

That the Chief Executive has received a Notice of Motion seeking support to implement a ban on the sale of single use vapes.

2.2.

That the Notice of Motion requests that the Council:

- Calls upon the Scottish Government to implement a ban on the sale of single use vapes, on the basis of both environmental and health related concerns, particularly for children, including their highly addictive nature.
- Calls for disposal points to be provided, similar to that available at Tesco in Kirkwall, in any retail outlet selling these products.
- Instructs Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these products for all businesses in Orkney.
- Instructs officers to consider implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups highlighting the consequences of vaping, complementing the teaching currently covered in the PSE curriculum.
- Asks the Leader to join with other Councils in Scotland in writing to the First Minister welcoming the review into disposable vapes and support the ban.

2.3.

That the main implications of the suggested course of action are officer time associated with enforcement and education activities, as well as writing to the First Minister.

It is recommended:

2.4.

That the Council considers whether to support the Notice of Motion.

2.5.

That, should the Notice of Motion be carried, the actions referred to in section 2.2 of this report be duly undertaken.

3. Notice of Motion

3.1.

The Notice of Motion, as detailed on the agenda for this meeting, was lodged on 13 June 2023 in accordance with Standing Order 17.1, and requests that the Council:

- Calls upon the Scottish Government to implement a ban on the sale of single use vapes, on the basis of both environmental and health related concerns, particularly for children, including their highly addictive nature.
- Calls for disposal points to be provided, similar to that available at Tesco in Kirkwall, in any retail outlet selling these products.
- Instructs Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these products for all businesses in Orkney.
- Instructs officers to consider implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups highlighting the consequences of vaping, complementing the teaching currently covered in the PSE curriculum.
- Asks the Leader to join with other Councils in Scotland in writing to the First Minister welcoming the review into disposable vapes and support the ban.

3.2.

Standing Order 17.2 provides that a Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.

3.3.

Standing Order 17.3 states that a Notice of Motion shall be accompanied by a report from the Chief Executive or the relevant Corporate Director on the implications of any suggested course of action.

4. Background

4.1.

A number of local authorities across Scotland have debated Notices of Motion similar to the one lodged by Councillor Scott, with at least 11 supporting a call to the Scottish Government to implement a ban on the sale of single use vapes.

4.2.

From a review of press coverage on the subject, the following has been ascertained:

- There is concern the devices, which should only be sold to over 18s, are being marketed towards children.
- There is a risk of fires at waste facilities, and the Marine Conservation Society are finding vapes littering beaches and leaking toxic chemicals into our seas.”
- An elected member, who runs a shop in Forres, was unaware of the responsibilities on retailers to offer a returns service for the devices.
- Those selling them are supposed to provide a take back scheme or join the distributor one.
- Supermarket giant Waitrose recently stopped selling single-use vaping products because of their negative impact on the environment and the health of young people.
- The Scottish Government has commissioned a review into the impact of single-use vapes after campaigners called for action over littering of e-cigarettes, which include lithium batteries.

5. Trading Standards – Enforcement

5.1.

The Notice of Motion seeks to “instruct Trading Standards staff to ensure enforcement of existing regulations on the control of the sale and retailing of these product for all businesses in Orkney”.

5.2.

The Trading Standards Service contacted all registered retailers of vaping products in Orkney in early 2023 to ensure that their products complied with labelling requirements and that they were operating age verification controls. In the majority of cases the initial contact was followed up with an inspection of the premises and compliance check.

5.3.

The Trading Standards Service commits to contacting any newly established retailers of vaping products in Orkney to ensure that their products are legislatively compliant and that they operate an age verification process in accordance with any statutory instrument and in accordance with the Service Enforcement Policy.

6. Assessment of Implications of Notice of Motion

The main implications of the Notice of Motion, should it be approved, are as follows:

- Officer time in undertaking enforcement action through its Trading Standards service.
- Officer time in implementing a programme of educational resources to be rolled out in schools (including upper primary) and through youth and community groups.
- Officer time in reviewing and developing the present Health and Wellbeing and environmental programmes of learning and teaching in this area.
- Officer time in upskilling teaching staff in this area.
- The Leader writing to the Scottish Government in accordance with the decision of Council.

7. Island Communities Impact

The policy being reviewed in terms of this report is unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in Orkney. Therefore, no Island Communities Impact Assessment is required.

8. Corporate Governance

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

9. Financial Implications

There are not anticipated to be any significant financial implications arising directly from the recommendations in this report. There will be officer time required for Trading Standards enforcement and in implementing a programme of educational resources, although it may be possible to deliver these within the current staffing establishment.

10. Legal Aspects

There are no significant legal implications arising directly from the recommendations contained in this report.

11. Contact Officers

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