

1<sup>st</sup> December 2023



The Rt Hon Vicotria Atkins MP  
Department of Health and Social Care  
39 Victoria Street  
London  
SW1H 0EU  
United Kingdom

Dear Secretary of State,

Congratulations on your appointment as Secretary of State at the Department for Health and Social Care. We look forward to working with and your officials closely as we did during your time at the Home Office in tackling violence and abuse towards shopworkers. We are writing to share our position and concerns with you in relation to the *Creating a smokefree generation* consultation. ACS (the Association of Convenience Stores) represents the UK's 49,000 convenience stores. We are working closely with your officials in the tobacco team to ensure the impact of the generational tobacco ban and new vaping regulations on convenience retailers are properly considered.

We agree there is need for a tighter regulatory framework for the sale of vapes in the UK to prevent young people accessing them and addressing their environmental impact. However, new regulations must allow adult vapers to identify and access vapes in local shops to realise their benefits as a smoking cessation tool. Any regulation must be enforceable, and the scale of the illicit vaping market now gives us little faith that new regulations would be enforced effectively. Enforcement must be the first consideration in framing regulations rather than only being considered once regulations are in place. We have two primary concerns about new regulatory proposals for vaping, which are a potential ban on disposable vapes and restrictions on displays of vapes in shops.

We do not support a ban on disposable vapes. The majority of the UK vape market sales come from disposable vapes, it is inconceivable that trading standards teams could enforce a complete ban of disposable vapes that are so widely used by consumers. Moreover, an outright ban would immediately create a boom in the illicit vaping market. Instead of restricting the sale of disposable vapes, we believe that the government should increase the availability of recycling infrastructure, increase consumer awareness of how to dispose of vapes and make suppliers of vaping products contribute more towards their recovery. We are awaiting a decision from DEFRA on the implementation of the Distributor Takeback Scheme that we have led in developing and that will increase recycling facilities for disposable vapes in local shops in 2024.

We agree that displays of vaping products should be restricted in stores, but we do not support the options offered in the consultation for restricting retail displays. There is significant pressure on space behind counters in shops with retailers are already hosting tobacco products, alcohol, pharmacy and, due to rising theft, a growing range of other high value products behind checkouts. We believe that the government can still achieve its objective of reducing youth access to vaping product by restricting displays of vaping products to within two metres of checkouts. Keeping vaping products close to the checkout will enable store teams to closely monitor vaping products for theft and young people seeking to purchase them while giving retailers the space to stock the range of vaping product consumers demand.

In your decision-making on the generational tobacco ban, we want you to consider the operational changes that retailers will need to make to accommodate this. We have set out the details of the operational burdens on retailers in our submission, for example Challenge 25 policy will in time cease to apply to the tobacco category. We will need the government to take a lead in communicating the regulatory changes to consumers. We would value more information of how the £15m of allocated funding for a public awareness campaign will go towards highlighting changes in procedures in shops. As you know, requesting identification from a consumer is major trigger point for abuse and violence towards shopworkers.

We will contact your private office to see if there is an opportunity to meet with you to discuss our position in more detail. For more information, please contact me or [REDACTED]

Yours sincerely,

[REDACTED]