



Department of Health & Social Care

The Rt Hon Dame Andrea Leadsom DBE MP
Parliamentary Under Secretary of State for Primary Care and Public Health
39 Victoria Street
London
SW1H 0EU

Herbert Smith Freehills LLP
Exchange House
Primrose Street
London
EC2A 2EG
United Kingdom

4 December 2023

Dear Herbert Smith Freehills, British American Tobacco UK Limited and Nicoventures Trading Limited,

Thank you for your letter of 3 November.

As you will be aware, the UK government is required, under Article 5.3 of the WHO Framework Convention on Tobacco Control, to protect public policy from the commercial and other vested interests of tobacco companies. As such, we are responding to the points related to process raised in your letter and will not be responding on issues related to public policy. In line with Article 5.3, we will be publishing both your correspondence and this response.

Point a: Publish or provide the modelling by the DHSC which forecasts smoking prevalence in all smokefree generation scenarios, including disclosure of all the underlying data sets used, with a precise and complete description of all of the steps performed with that data (including all assumptions and calculations made) to produce the final outputs shown in Figure 9 in the command paper.

DHSC response: On 4 October alongside publication of Stopping the start: our new plan to create a smokefree generation, the government also published the modelling assumptions in Annex 1 which is available here Annex 1: modelling assumptions - GOV.UK (www.gov.uk). As stated in the paper, this modelling was preliminary and will continue to be further refined ahead of publication of a full impact assessment. To this end, on 1 December we published a further detailed explanation of the methodology and data sets used to estimate the impact of the smokefree generation policy under the different scenarios. This is available here https://www.gov.uk/government/publications/smokefree-generation-policy-modelling-report. The government considers that sufficient information was given within the consultation and further documents are being published on a voluntary basis.

Point b: Publish or provide copies of the New Zealand modelling relied upon.

DHSC response: Links to information on modelling of New Zealand's policies were included in the command paper (available here). Further information on the assessment of New Zealand's policies is available in the regulatory impact statement (available here).

Point c: Publish or provide copies of the research by Material Focus relied upon.

DEFRA response: Material Focus provide insights on a range of electrical waste issues. Their report on vapes can be found here [Vapes recycling: An industry briefing for retailers and producers - Material Focus.](#)

Point d: Confirm that once the impact assessments on the proposals have been completed, a further consultation will be conducted to allow stakeholders to provide their comments/critiques substantiated by expert reports on the impact assessments before any decisions are taken on the proposals.

DHSC response: the impact assessment for the Tobacco and Vapes Bill will be published in due course. Parliament will have further opportunity to scrutinise our approach, including the impact assessment, as the Bill progresses.

Point e: Confirm that the Government would be willing to consider alternative options to those proposed in the Consultation, that it has not decided upon the policy options proposed, and appropriately inform stakeholders and invite representations on such options. Insofar as the Government has already considered and rejected alternative options, we ask that the Consultation is amended to refer expressly to those options and the basis for their rejection.

DHSC response: the government is consulting against the policy proposals being considered. The free text boxes allow for respondents to make alternative suggestions.

Point f: Amend the Consultation to remove the word limits for the free-text responses and allow documents to be uploaded as attachments. These changes should be drawn to the attention of consultees (e.g., by expressly stating these changes in the preface to the Consultation).

DHSC response: An organisation or individual sharing professional views on behalf of an organisation, can already upload documents to support their response at the end of the survey. However, to make this clearer, we have amended language on the consultation landing page to make it clear that uploads can be made within the survey and provided an email address for any issues respondents may have in completing the survey. This now reads:

If you're responding as an individual sharing your professional views or on behalf of an organisation, you may upload a document to support your response at the end of the survey. Please do not upload information that could identify an individual or member of the public.

If you have any issues completing the online survey, contact sfgconsultation@dhsc.gov.uk. Please do not include any personal information in your email.

Point g: Amend the multiple-choice options for responding to the questions to ensure that

there is always an option to indicate that the consultee disagrees with the premise of the question or all of the options provided.

DHSC response: Throughout the consultation there are free text boxes for respondents to provide further information, including to express disagreement with the options suggested or the premise of the question.

Point h: Extend the time period for responding to the Consultation to 12 weeks from the taking of the steps referred to above.

DHSC response: The government's guidance consultation principles state that: 'Consultations should last for a proportionate amount of time on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.'

The duration of the consultation is consistent with this guidance. There will be further opportunities to scrutinise any proposal which the government decides to take forward following the consultation, as part of the parliamentary process.

Yours sincerely,



THE RT HON DAME ANDREA LEADSOM DBE MP