

Trading Standards Service to tackle underage sales of alcohol and vapes

Committee name	Residents' Services Select Committee
Officer reporting	Martin King, Trading Standards Manager
Papers with report	None
Ward	All

HEADLINES

To inform the Residents' Services Select Committee of the work being carried out by the Council's Trading Standards Service to tackle the underage sales of alcohol and vapes.

To inform the Residents' Services Select Committee of the work being carried out by the Council's Trading Standards Service to tackle the importation, sale and supply of unsafe and non-compliant e-cigarettes.

RECOMMENDATIONS

That the Committee:

1. Notes the important work being carried out by the Trading Standards Service in relation to underage sales of alcohol and vapes; and
2. Notes the important work being carried out by the Trading Standards Service in relation to the importation, sale and supply of unsafe and non-compliant e-cigarettes.

SUPPORTING INFORMATION

The Trading Standards Service is responsible for enforcing over 200 pieces of trading standards and consumer protection legislation. This includes the sale of age restricted goods including alcohol, tobacco, knives and e-cigarettes (vapes).

The Service also has a statutory duty to enforce product safety legislation ensuring that consumer goods being sold in the Borough are safe and comply with all relevant product safety legislation.

Underage Sales

The Licensing Act 2003 makes it a criminal offence to supply alcohol to a person under the age of 18. The Children & Families Act 2014 makes it a criminal offence to supply an e-cigarette (nicotine inhaling product) to a person under the age of 18.

Upon receipt of an underage sales allegation, a Trading Standards Officer will visit the business and offer the necessary advice and provide guidance on good practice. A Hillingdon Council produced underage sales booklet will also be left with the owner of the business. The booklet includes guidance on the legislation, staff training information, staff training logs and a refusals register.

This initial advice visit will then be followed up by a test purchase using volunteers under the age of 18. In the event that a sale is made, both the person who sold the product and the owner of the business will be invited to attend an interview under caution at the Civic Centre. An infringement report will be completed by the investigating Trading Standards Officer and a decision made as to the most appropriate course of action. This could be a written warning, a formal caution, or prosecution. Due regard is given to the Code for Crown Prosecutors including whether it is in the public interest to prosecute. In the majority of cases, the public interest criteria are met and legal proceedings instituted.

Test purchasing operations are typically carried out quarterly, during evenings and weekends or in the school holidays.

The Tobacco and Vapes Bill, currently going through Parliament, will give Trading Standards Officers the power to issue £200 fixed penalty notices to persons and businesses who sell cigarettes and e-cigarettes to persons below the permitted age of purchase. Other measures in the Bill include:

- prohibiting the sale of tobacco to persons born on or after 1 January 2009;
- provisions concerning the licensing of retail sales and the registration of retailers.

The Bill gives the government the ability to introduce a new licensing scheme for the retail sale of tobacco products, herbal smoking products, cigarette papers, vapes and nicotine products. The scheme will be introduced in regulations and will cover online and retail sales. Once the scheme is introduced, selling relevant products not in accordance with the correct licenses and their accompanying conditions could result in criminal prosecution or civil financial penalties. Further details are awaited from the government. There will be consultation ahead of introducing the regulations. Applications for a tobacco licence will be made to the licensing authority (Hillingdon Council). Exact details are unknown at this point, but the new law will allow for regulations to impose conditions on licence holders. The Bill will also control the advertising, promotion, and display of tobacco and vapes.

Many persons under the age of 18 who purchase vapes tend to purchase disposable ones as they are cheap and readily available. The Environmental Protection (Single Use Vapes) (England) Regulations 2024 will ban disposable vapes from 1 June 2025. The ban affects all products that are intended for one use, typically providing around 600-650 puffs in a single device. The only products that will be legal from 1 June 2025 must be both rechargeable and refillable with a maximum tank size of 10ml. Trading Standards Officers will have the power to issue £200 fixed penalty notices for shops stocking and supplying disposable vapes after this date.

Unsafe and non-compliant vapes

Operation Joseph is a national trading standards initiative targeting the sale and supply of unsafe and non-compliant vapes. Hillingdon Council's Trading Standards Service actively participates in this operation.

Trading Standards Officers act on intelligence received and will visit retailers suspected of selling unsafe and non-compliant vapes. Infringing product is seized, detained and disposed of at an approved waste facility.

Recognising that Hillingdon has Heathrow Airport within its boundary, National Trading Standards provide additional funding to Hillingdon Council. Regular cargo inspections are carried out at Heathrow and non-compliant vapes are seized, detained and disposed of at an approved waste facility.

PERFORMANCE DATA

Underage sales

Since 1 January 2024, the Trading Standards Service has received 35 complaints alleging that retailers are selling vapes to persons under the age of 18, and 12 complaints alleging that retailers are selling alcohol to persons under the age of 18. Some of these were multiple complaints about the same retailers.

During this period, the service conducted 40 test purchases at those retailers complained about using volunteers under the age of 18. On five occasions the volunteers were able to make a purchase. This represents a 12½ % failure rate. On all five occasions, the volunteers were sold vapes.

The Metropolitan Police Service also carry out test purchases using police cadets under the age of 18. They have provided the following figures for Hillingdon Borough:

- Since 1 January 2024, police cadets were able to purchase alcohol on 11 occasions and vapes on five occasions.

It is believed that, due to issues with the collating of figures, further test purchases were made by the Metropolitan Police Service in Hillingdon.

Since 1 January 2024, the Trading Standards Service has successfully prosecuted four businesses for selling vapes or alcohol to persons under the age of 18. Three prosecutions related to vapes and one related to alcohol. It is usual to prosecute both the person who made the sale and the owners of the business. Fines imposed by the court varied between £150 and £440.

Unsafe and non-compliant vapes

Since 1 January 2024, Trading Standards Officers have made the following seizures of unsafe and non-compliant vapes:

- At Heathrow Airport (during importation): 545,851 vapes seized
- From Hillingdon businesses: 3,838 vapes seized

All seized vapes were subsequently destroyed at an approved disposal facility.

RESIDENT BENEFIT

The protection of children from harm – underage sales continues to be an issue across the London region. Tackling the sale of vapes and alcohol to persons under the age of 18 continues to be a local priority and may help contribute to a reduction in anti-social behaviour as well as providing long-term population health benefits.

Removing unsafe products from the marketplace ensures Hillingdon residents are kept safe. They are less likely to sustain an injury by using an unsafe product.

FINANCIAL IMPLICATIONS

The cost of underage sales test purchasing operations are met from the general Trading Standards budget. The volunteers are not paid; instead, they receive a thank you letter and a gift card (typically £20). The only other cost, apart from officer time, is the cost of the alcohol or vapes should a sale be made. Excluding officer time, the cost of underage sales operations in 2024 was in the region of £200.

The seizure, detention and disposal of non-compliant vapes at Heathrow Airport is funded by an annual grant from National Trading Standards. In 2024-2025 the grant was £750,000. The grant is used to employ a full time Trading Standards contractor to carry out the cargo inspections at the airport and to cover the disposal costs of the seized products at an approved disposal facility. Hillingdon Council invoices National Trading Standards quarterly in relation to this expenditure meaning that there is no cost to Hillingdon Council for this airport work.

Disposal costs for non-compliant vapes seized from other Hillingdon businesses are currently met by our regional body, London Trading Standards, meaning there is no cost to Hillingdon Council.

BACKGROUND PAPERS

Nil.

APPENDICES

Nil.