This is a submission authored by Andrew Allison, Head of Campaigns at The Freedom Association, on behalf of The Freedom Association’s Freedom to Vape campaign. The Freedom to Vape campaign was launched in August 2016. The campaign has three main aims:

- To remove the regulations imposed on the vaping industry imposed by the European Union’s Tobacco Products Directive (TPD) 2016, including the ban on advertising, the maximum size of tanks, the size of e-liquid bottles, and the strength of e-liquids.
- To raise awareness of the differences between vaping and smoking combustible tobacco.
- To set-up a ‘freedom to vape’ scheme for businesses who welcome vapers.

More about the campaign can be found here: http://www.tfa.net/freedom_to_vape

Introduction

1. We have published two reports on the vaping policies of UK councils. It is the most recent report published in November 2017 that we wish to submit as evidence to the committee as we think it will be useful for the committee to see how councils across the UK are ignoring current advice from Public Health England, and are also ignoring the latest research into e-cigarettes, so as that included in ‘POSTNOTE 533’ published by the Parliamentary Office of Science and Technology in August 2016. Instead, most councils are basing their policies on prejudice, outdated research, and in some cases, discredited research from the USA.

Below is a summary of the report. The full report can be viewed here: http://d3n8a8pro7vhmx.cloudfront.net/freedomtovape/mailings/135/attachments/original/Download_File.pdf?1510586977


2. In November 2016, we published a groundbreaking report looking at the vaping policies of all UK councils. In November 2017 we did the same again to see if any councils have changed their policies as a result of advice from Public Health England which was included in the Government’s Tobacco Control Plan.

3. In total, 391 councils responded to our freedom of information requests - a successful response rate of just under 94 per cent. The key findings of this research show that:

- 126 councils (32 per cent of those who responded) require vapers to use designated smoking areas in all or some circumstances, despite that fact that vapers are not smokers. This is an increase from 112 councils in 2016.
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- When asked if councillors are due to debate the Government’s Tobacco Control Plan and/or PHE’s advice on vaping policies, a total of 287 councils replied no.
- When asked if the council’s policy will be reviewed as a result of the Government's Tobacco Control Plan, 150 councils either said yes, was scheduled for review later this year or in 2018, or that the policy was under review - a measly 38% of those councils who replied.

4. Electronic cigarettes are, according to Public Health England (PHE), the number one stop smoking aid in the UK.\(^1\) It is estimated that there are 2.9 million vapers in the UK\(^2\) and around 97 per cent of users are current or former smokers.\(^3\) The Royal College of Physicians (RCP) has stated that vaping is at least 95 per cent safer than smoking combustible tobacco.\(^4\) E-cigarettes were recommended as a quit aid for smoking in PHE’s ‘Stoptober’ campaign. PHE has also issued advice\(^5\) to organisations that they should “ensure policies are informed by the evidence on health risks to bystanders”.

5. Despite an overwhelming body of evidence that vaping is at least 95 per cent safer than smoking combustible tobacco, most councils choose to ignore it. Here are some examples:

- **Cumbria County Council** said that “use of e-cigarettes or ENDS in the workplace is currently unregulated. Extensive trials have not been undertaken to establish if they are safe and tests by Trading Standards have shown that some e-cigarettes are in contravention of product safety regulations. Using e-cigarettes simulates smoking behaviour. Allowing use of e-cigarettes can be viewed as condoning smoking. Cumbria County Council, in line with British Medical Association Occupational Medicine Committee and the Board of Science guidance, does not support the use of e-cigarettes in the workplace. It actively supports employees to stop smoking for their health and also supports actions to denormalise smoking. Consequently Cumbria County Council applies the same restrictions to the use of e-cigarettes that apply to smoking tobacco products.”

- **East Lindsey District Council** replied by saying that “there is no established evidence that e-cigarettes are safe, effective or produced to any standard or quality. There is evidence that such products produce emissions which could be harmful to others. The use of e-cigarettes in the workplace is therefore prohibited.” The council has no intention of reviewing its policy in the light of recent evidence and councillors are not due to debate the issue.

- **Southend-on-Sea Council** does not encourage staff to use ENDS (Electronic Nicotine Delivery Systems), and said “that is not an oversight, it is by design”.

6. Although councils in Scotland, Wales, and Northern Ireland do not look to PHE for guidance, we asked the same questions. Councils are free to set their own policies and can look to any body or report for guidance. Most councils in the devolved nations refused to answer the question as to whether or not they would review their policies as a result of advice from PHE included in the Government’s Tobacco Control Plan.
7. East Renfrewshire was one of the few that did, and replied by saying:

“East Renfrewshire Council is based in Scotland and considers all appropriate advice. For example, there has been recent guidance from NHS Scotland in terms of E-cigarettes published in September 2017. As such the Council would consider potential UK guidance from the relevant governing bodies or national guidance which may apply rather than only one specific publication guidance.” East Renfrewshire is very much the exception to the rule.

8. The Shetland Islands Council replied by saying that the policy will be reviewed "only when Scottish guidance is issued".

9. Glasgow Council, though, has one of the worst policies of any council in the UK. Instead of looking to the RCP for guidance, it instead looks to a discredited report that has been proven to be wrong:

“Impartial studies such as Harvard reports and US Food and Drug Administration research state that the vapour has been found to contain detectable levels of several known carcinogens and toxic chemicals to which users could potentially be exposed. The reports also suggest that by simulating the use of cigarettes, E-Cigarettes might reactivate the habit in ex-smokers.”

Unsurprisingly, Glasgow Council doesn't have any intention to update this outdated policy.

10. Here are the full recommendations from our report published in November 2017, based on freedom of information requests sent in September 2017.

- Councils regards themselves leaders in their communities. They often say that it is important that they set a standard that others will follow. If all of this is true, then faced with the overwhelming evidence that e-cigarettes and other tobacco harm reduction products could save millions of lives, the overwhelming majority of councils in the UK need to change their policies.
- Councillors are our elected representatives. They should always be involved in the decision making process.
- All councils should immediately end the policy of making vapers use designated smoking areas.
- One of the attractions of vaping over smoking is that it is something you can do indoors. No-one enjoys standing out in the cold and rain. Introducing indoor vaping areas would encourage more employees to quit smoking.
- Following the lead of Public Health England, all councils should promote e-cigarettes as a quit aid to staff and the wider communities they serve.

11. Although our submission may not exactly fit the terms of reference of the committee’s inquiry, we hope that you will will find it useful. We believe that all public bodies in the UK should be basing their e-cigarette policies using the latest research - such as that found in the excellent POSTNOTE from the Parliamentary Office of Science and Technology published in August.
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2016. It is important that science wins the day, rather than prejudice and ignorance. Sadly, the latter appears to be ahead in local authorities across all parts of the UK.

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References: