



*Community Council
of the
Royal Burgh of Peebles & District*

31 March 2025

Stuart Fletcher – Local Area Commander Police Scotland
c.c. Jo Farrell – Chief Constable Police Scotland

By email

Dear Mr. Fletcher

Policing of illegal vapes and tobacco products

My community council has tasked me with writing to you to express significant concern relating to the above. The concern is both general and specific. In terms of our specific concerns, members of the public approached us over the arrival of a vape shop and the level of advertising that it had in the window which many considered exceeded that allowed in legislation. Following an intervention by Scottish Borders Council and Trading Standards, the advertising was toned down a little. However, of more concern is that the shop has been identified as having been selling illegal vapes and it is alleged, illegal tobacco products, the first during an inspection by Scottish Borders Council /Trading Standards and the second by members of the public, who have reported this to police. As it stands, vaping is not illegal and if the shop obeys the advertising standards and sells only legal products, then however much we think this is a potential problem for the public, we acknowledge that there is little that can be done. Our community council considers stronger legislation to be justified, and we would argue that it is also very much a local issue and that we cannot ignore it.

We have concerns that relate directly to our own High Street shop, but also again concerns that are affected by national issues and indeed have national implications.

When one inspects the shop windows and indeed when we research similar premises elsewhere, the vapes often have mixed marketing alongside sweets. It is therefore difficult not to conclude that at least part of the target market in



these shops are children. It is illegal to sell to those under the age of 18 and we also believe that it is both undesirable and immoral.

A Daily Mail report (02/03/24) noted that 1.2M vapes had been seized in the previous 12 months within the UK with a value of circa £9M. Presumably this is the tip of the iceberg. This, together with the sale of illegal tobacco is defrauding the nation's finances (See postscript). The report from the Daily Mail is reinforced by another from "Talking Retail" magazine, dated April 2024 that considers that 95% of illegal sellers go unpunished. This we believe is totally unacceptable. Further, a report from the Daily Record dated 20 February 2025 identifies that in Scotland last year, 15,000 illegal vapes were seized. Immediately, one cannot but draw any conclusion other than in Scotland, we are hardly policing the problem at all. This view is then reinforced by another comparison. In Scotland only £850 in fines were issued within that same period. A trawl of the internet provides numerous examples of more effective action and heavier fines across the rest of the UK. One example notes "Hammersmith couple who sold illegal vapes with 9 times the legal e-liquid limit fined £4K". Scottish Borders Council reported illegal vapes being found in a Peebles shop. We are not aware of any effective action being taken other than a warning being issued.

If a shop owner has illegal vapes or tobacco amongst the stock, it is seriously unlikely that they were delivered either by a reputable wholesaler or by an itinerant street vender. The likelihood must be considered that a link with organised crime may exist. The lack of any effective action could very well be the turning of a blind eye to something far more serious.

Leaving to one side the loss of revenue to the state and the potential for links to more serious crime, there is a tendency to think that well, it's only tobacco and lots of folk vape, so what? However, lab research has identified lead, nickel and chromium amongst other things that can be found in illegal products and these heavy metals are closely linked to many adverse health conditions including those affecting the Central Nervous System (BBC 23/05/23). The extract below from an email passed to us recently should give all of you who are copied with this letter a pause for thought.

"On Tuesday 4th March, at around approximately 10:35am in Dalkeith High School my 14-year-old son and his best friend, (both 3rd year pupils at Dalkeith High) were offered 1 DRAW of a vape (by a 4th year St David's High pupil). They both stupidly accepted, unaware that it was



THC laced with SPICE! Within 10/15 minutes both boys were in a very unwell state being violently sick, drifting in and out of consciousness & not responding well! One of the boys had a severely low temperature and the other had low blood pressure and low sugar levels, very nearly causing him to have a hypo. They were both then taken by ambulance from the high school to hospital where they had to undergo numerous tests, heart tracings, bloods and be monitored very closely. After several hours my son's best friend was thankfully discharged from hospital later that evening under close observation from his Mum. Unfortunately, my son was admitted to hospital as his bloods came back with a high level of CK (creatinine kinase) causing concern of damage to his kidneys. Over a 12-hour period he received 4 bags of fluid, another heart tracing and more bloods which confirmed the fluids were working".

Weakness encourages crime. A community councilor attempted to make a report on the alleged illegal sales activity on 101 and was told that it wasn't a police matter. Advertising Standards have stated that marketing has nothing to do with them and councils, Trading Standards, the police and the courts appear weak across Scotland in addressing this. Although we acknowledge the efforts being made by our own local Police Constable.

The NHS considers vapes to be a means of weaning users off tobacco. As such they should perhaps be treated as medicines. Or failing this, consideration should be given to shops being licensed to sell vapes and tobacco (amazingly, tobacco requires registration but not a license) and any breach of their terms should result in their license being revoked. Premises selling these illegal products are not doing so as a one-off and are very likely to be flouting the law as a matter of course. Punishment should be punitive and society, and in particular children, should be protected.

Yours faithfully

Peter Maudsley
Chair

Postscript - Nis Bandara, Deputy Director for Excise and Environmental Taxes for HMRC said in July 2023: "Trade in illicit tobacco costs the Exchequer more than £2 billion in lost tax revenue each year. It also damages legitimate businesses, undermines public health and facilitates the supply of tobacco to young people.



[The trade in illegal vapes is no different].

Addressees

David Mundell MP

David Robertson CEO Scottish Borders Council

Jackson Carlaw MSP

jackson.carlaw.msp@parliament.scot

Alex Cole-Hamilton MSP

alex.cole-hamilton.msp@parliament.scot

Russel Finlay MSP

russel.finlay.msp@parliament.scot

Kate Forbes MSP

kate.forbes.msp@parliament.scot

Christine Grahame MSP

christine.graham.msp@parliament.scot

Rachael Hamilton MSP

rachael.hamilton.msp@parliament.scot

Craig Hoy MSP

craig.hoy.msp@parliament.scot

Oliver Mundell MSP

oliver.mundell.msp@parliament.scot

Willie Rennie MSP

willie.rennie.msp@parliament.scot

Anas Sarwar MSP

anas.sarwar.msp@parliament.scot

John Swinney MSP

john.swinnie.msp@parliament.scot

Jo Farrell Chief of Police

Stuart Fletcher Local Area Commander Police Scotland

via local police force