

Peebles & District Community Council

Chairman's Report – May 2025

1.0 Tweeddale Area Partnership

A letter was written to SBC's CEO, and a meeting was arranged with him to discuss this and other issues. However, unfortunately, due to illness this meeting was cancelled by SBC.

2.0 Illegal Vapes and Tobacco

Following our letter sent to VIPs their responses are described below.

	Recipient	reply	Description
1	David Mundell MP	√	Supportive of our position
2	David Robertson CEO SBC	√	Thank you for your email regarding the concerns about illegal vapes and tobacco in our community. I appreciate you bringing this issue to our attention. We will follow up on the concerns raised and get back to you as soon as possible with our response.
3	Jackson Carlaw MSP		
4	Alex Cole-Hamilton MSP	√	I certainly share your concerns here and will fold into my continuing discussions with Ministers.
5	Russel Finlay MSP	√	Supportive
6	Kate Forbes as Deputy first Minister	√	Detailed response in brown below by Jenni Minto MSP
7	Christine Grahame MSP	√	Christine's response in blue below. It is typical of other responses received
8	Rachael Hamilton MSP		
9	Craig Hoy MSP	√	Telephone meeting – This was a good meeting that demonstrated a good appreciation of the facts and aligned very much with our discussions. He indicated that he would be asking questions of the Scottish Government to identify if the position was weak compared to that being taken in England.
10	Oliver Mundell MSP	√	Standard response
11	Willie Rennie MSP	√	Standard response
12	Anas Sarwar MSP		
13	John Swinney MSP	√	Detailed response in brown below by Jenni Minto MSP
14	Jo Farrel – Chief Constable	√	Reply below in Red
15	Stuart Fletcher – Police Area Commander	√	Reply below in Red

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Without going into detail. Gary Beaumont our local PC and Trading Standards continue to have this on their radar. Sunday Times magazine 04/05/25 carries a long article on what is obviously becoming a serious issue across Britain.

Christine [Grahame] has asked me to send you this information

<https://www.gov.scot/policies/smoking/electronic-cigarettes/>

For retailers To sell these products you must be on the free [Register of Tobacco and Nicotine Vapour Product retailers](#). Selling NVPs without being on the register is against the law and could lead to heavy fines or even imprisonment. Laws are also in place to control the sale of electronic cigarettes. These laws:

- restrict the size of NVP liquid bottle which can be sold -10 ml/bottle
- restrict the size of the NVP liquid tank on devices sold – 2 ml/tank
- restrict the type of device and type of liquids sold – e-liquids cannot contain caffeine, taurine or vitamins for example
- restrict the strength of nicotine sold in e-liquids to 20 mg/ml
- packaging must be tamper-evident and child resistant
- ban TV, radio, Internet and e-mail advertising of electronic cigarettes containing nicotine
- ban the sale of NVPs to under 18s
- ban the purchase of them for under 18s
- ban the unauthorised sale of tobacco and NVPs by under 18s
- require shops to have age verification policies for the sale of tobacco and NVPs

A [guide to the regulations for retailers](#) is available from the Tobacco Register Scotland website. Further information on complying with the law on electronic cigarettes can be provided by local authorities in Scotland. Licensing of vapes is a Westminster matter, specifically addressed in the Tobacco and Vapes Bill. The bill grants the Secretary of State powers to amend the Tobacco and Related Products Regulations 2016 (TRPR 2016) to include vaping products. While the specific details of licensing are still under consideration, the overarching policy and legislation are being developed at the Westminster level

Dear Mr Maudsley

Policing of illegal vapes and tobacco products

Thank you for your letter regarding the above subject and the shop premises in Peebles. I understand the Community Council's concerns regarding items such as vapes being sold and marketed alongside confectionary products and how this may be perceived as being targeted at children. Through joint work with Trading standards, we have established that the business in Peebles is not in breach of

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any legislation regarding the way they display items for sale. Change in legislation is primarily a matter for the Scottish Government and I see from your letter that you have written to MSPs regarding your concerns. In relation to local enforcement, Trading Standards have primacy in the investigation and prosecution of legislation relating to the sale of vapes and tobacco and we continue to work in partnership with that agency via the local Community Officer, PC Gary Beaumont, who has visited the shop several times to speak to staff and carry out checks. On a recent occasion Police and Trading Standards Officers carried out a joint visit to the shop premises. As you are aware, a quantity of vapes which were suspected to be illegal were seized by Trading Standards for further enquiry. No offences were detected in relation to the supply of tobacco during this visit. We will continue to work in partnership with Trading Standards and all information will be acted upon, including through the use of enforcement tactics. Education on such matters is vital and both PC Viv Carsley (Peebles Cluster Schools Officer) and PC Gary Beaumont carry out talks within Schools and Youth Groups in relation to substance misuse including vapes.

Dear Peter

Thank you for your letter of 31 March regarding the policing of illegal vapes and tobacco products to John Swinney MSP, First Minister and Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic. As Minister for Public Health and Women's Health with responsibility for tobacco and vaping policy I am responding. I too was shocked by the incident at Dalkeith High School, I want to reassure you that my officials work closely with the Society of Chief Officers of Trading Standards in Scotland (SCOTSS) to provide more rigorous enforcement of existing legislation, including on underage sales and illicit tobacco and vapes. Local authorities receive £1.6m per year to rigorously enforce tobacco sales law, including test purchasing and joint working. SCOTSS have set outcomes based on the numbers of registered retailers. In addition, Local Authorities receive treasury funding to support action of the UK-wide Operation CeCe, which is a joint initiative between National Trading Standards (NTS) and HMRC, to remove illicit product from sale. To support the enforcement of the legislation around the sale and purchase of Nicotine Vapour Products (vapes), Local Authorities also receive an additional £1.34m. A strong approach to enforcement is vital to meeting our 2034 target of a Tobacco free Scotland. The purchase of vaping and tobacco products is age restricted, and it is illegal to sell to, or buy them for, anyone under the age of 18. In Scotland, local authorities already have powers to issue fixed penalty notices to retailers and individuals who commit offences related to the age of sale, so the adult who makes the purchase on behalf of an underage person commits an offence and may be reported to the Procurator Fiscal or may receive a Fixed Penalty Notice (FPN) of £200 as an alternative. The availability of FPNs does not remove the ability of authorities to report matters to the Crown Office Procurator Fiscal Service if appropriate.

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If a premises is subject to more than three enforcement actions in a two-year period, the local authority may apply to court for an order banning sale of tobacco or vaping products from that premises for up to 24 months. In 2024 banning orders were issued to two premises for a period of 12 and 24 months respectively. I too am concerned by the advertising of vapes which appear to be specifically aimed to children and displayed alongside sweets. I cannot believe that flavours such as “gummy bear” are being marketed towards adults. Which is why I'm delighted that the Scottish Government has welcomed the reintroduction of the UK-wide Tobacco and Vapes Bill Tobacco and Vapes Bill to the UK Parliament. Taking forward actions from our Tobacco and Vaping Framework, we have worked closely with the UK and Devolved Governments on the development of this Bill. We brought forward a Legislative Consent Memorandum on 21 November 2024 and a supplementary LCM on 28 March 2025 for consideration by the Scottish Parliament. The Bill will gradually increase the age of sale for tobacco products and provide powers to legislate on vape flavours, displays, packaging, as well as introduce an advertising ban for vapes and nicotine products. The Bill will create a generational change, meaning that children born after 1 January 2009 will never legally be able to buy tobacco. This landmark legislation bans vapes and nicotine products from being deliberately promoted and advertised to children to stop the next generation from becoming Currently we are the only nation in the UK with a functioning Tobacco and Nicotine Vapour Product Register. The Tobacco and Vaping Framework set out our intention to consider how the previous register could be improved, including attaching conditions to registration. A refreshed digital product went live in January 2025. This will ensure that the register is a more effective and efficient tool for enforcement as well as for engagement with retailers on compliance with current and future legislation.

The Tobacco and Vapes Bill will expand Scotland's existing tobacco and nicotine vapour product registration scheme to include the retailers selling herbal smoking products and nicotine products including nicotine pouches. The extension of the register to retailers of herbal tobacco and nicotine products will be brought into force by regulations by the Scottish Ministers following the Bill's royal ascent. If the Bill is passed, we will work closely with retailers and will utilise the long lead-in time to best support them in preparing for and implementing these changes, including through improved guidance and messaging. As part of our commitment to New Deal for Business, we are already engaging at an early stage in the process to work with businesses (and a range of other key stakeholders) to ensure that any impact of proposals on business is fully understood and that policy implementation is effective and proportionate, while still delivering the beneficial outcomes for population health that we are seeking. We are committed to doing everything in our power to tackle youth vaping in Scotland. In Scotland based on 2024 data from the ASH Smoke Free GB Youth survey, vaping prevalence is 7.4% among young people aged 11-17, with 18.8% of respondents saying they had tried vaping. Vapes are part of a range of possible cessation tools available to existing smokers to

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help stop tobacco use. They are not a lifestyle accessory for children or adult nonsmokers. We do not yet fully understand the long-term effects vaping has on our health, though evidence shows that they are not harm-free. Our 'Take Hold' marketing campaign educates parents, carers and children about the dangers of vaping and increased the awareness of the harms and risks of nicotine addiction.

The use of vapes which contain illegal and harmful substances amongst young people is deeply concerning. We are taking forward substance use education work in our schools through Curriculum for Excellence. Children and young people learn about a variety of substances including alcohol, medicines, drugs, tobacco and solvents. Through educating young people about substance use and the impact it can have on their life and health, this will prevent them making unhealthy choices. Education alone will not turn the tide of substance use but it is an important strand within a broad range of measures designed to tackle this issue. The Scottish Government will implement the single use vape ban from 1 June 2025. The Environmental Protection (Single use Vapes) (Scotland) Regulations 2024 set out that in order for a vape to be considered reusable, it must be both refillable and rechargeable. We have seen manufacturers move towards "high puff-count vapes", which are typically designed to include a USB charging port to allow for the battery to be recharged. However, if they do not allow for the coil to be replaced or for the replacement or refilling of the e-liquid container by the user, they remain single-use vapes and will be captured by the ban. The Scottish Government recognises that manufacturers are likely to try to circumvent the definition of single use vape and we continued to work closely with Trading Standards to monitor developments in vape design to ensure that the definition is fit for purpose. I hope you find this response helpful.

Yours sincerely

JENNI MINTO.

3.0 Baptist Church Hall – Cleland Site

At the time of writing, no new information received by the writer. Councillor Tatler appears to continue to have some positive information. Hopefully, he will feel able to share this with our team.

4.0 Meetings Attended This Month

10.04.25	PCC Meeting
17.04.25	PCC/PCS meeting on planning
22.04.25	SBC CEO and Legal Department on Teams (with Malcolm & Sam) – Subject the Old School House
23.04.25	Pre-meeting meeting
25.04.25	Meet the Innerleithen Chair
28.04.25	Drill Hall emergency meeting
29.04.25	Peeblesshire Foodbank meeting

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30.04.25 Meeting with SBC CEO cancelled due to illness
01.05.25 Craig How MSP on vapes and tobacco
02.05.25 Public meeting on Live Borders
08.05.25 VE Day at the Cenotaph

5.0 Working party on non-financial support to community councils and the working party on the Community Councils Network.

Again, no update from SBC on the working group on non-financial support. This appears to have died!

There is no update on the SBCCN. This is now 12 months since the last actions. It also appears to be dead!

6.0 Tweeddale Area Flood Advisory Group

The 2-way radios have been delivered.

7.0 Place Making – Town Action Plan

The community council's article in Peebles Life generated no interest from the community. In the absence of anyone else taking a lead, your Chair has scheduled a Town Team (embryonic) meeting for 12 May. At the time of writing there will be around a dozen attendees with a good spread of responsibilities. Those highlighted in green below are covered.

- Peebles Community Council
- Peebles Community Trust
- Peebles Civic Society
- Peebles Traders Association
- Youth Leaders
- Peebles Food Bank
- Elected Councillors (Robin Tatler as lead)
- Peebles Resilience Group
- Pensioners
- Disability Groups
- Sports
- Citizens Advice (apologies)
- Callants and Guiterbluids

The present agenda is

1. How we create a formal structure that is acceptable to all parties
2. Formally adopt the letters that have gone out (Windfarm letters)

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3. Identify additional persons and organisations who should be invited to join the team
4. Consider how a Town Manager can be funded and appointed.
5. Live borders, SBC report
6. PRM is only an interim Chair, the Town Team needs a properly appointed Chair.
7. Anything else?

8.0 Live Borders

The SBC consultants report dropped on the community as a bombshell just a few days ago. Since then, your Chair has analysed the report and found it somewhat wanting. Borders Community Action has also signified their serious concern, and we have had a Drill Hall team specific meeting and a public meeting called by councillors, that was held in the Drill Hall. This latter meeting attracted over 200 attendees. The meeting was unanimous in concluding that the report was seriously flawed and that the assets listed should be protected wherever possible. Your Chair's report on the Live Borders consultancy report has been circulated far and wide and has been copied to SBC and to our local councillors. Evidence about the Drill Hall within the SBC report was zero. Evidence supporting retention of the Hall is extensive. Due to this, this writer isn't too concerned on this front. The concern is the recommendation for the Gytes, and we need to collate all relevant data for making our case.

Peter Maudsley
Chair
Peebles and District Community Council