

**Stopping the Start- a plan to create a  
smokefree generation**

**DHSC consultation and new North East  
Declaration for a Smokefree Future**



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**Report of Jane Robinson, Corporate Director of Adult and Health  
Services, Durham County Council;**

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**Cllr Hood Portfolio Holder for Adult and Health Services**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 The Department of Health and Social Care (DHSC) set out an intention to create the first 'smokefree generation'. The purpose of this report is to give the Health and Wellbeing Board an overview of the proposals and an opportunity to respond to the national consultation.

**Executive summary**

- 2 Tobacco is the single most important entirely preventable cause of ill health, disability and death in this country, responsible for 64,000 deaths in England a year.
- 3 No other consumer product kills up to two-thirds of its users. The independent Khan Review in 2022 found that, if we do not act to reverse the harms of smoking, nearly half a million more people will die from smoking by 2030.
- 4 For many years people have been made aware of the harms caused by tobacco and smoking impacting on the lives of individuals, their families and local communities throughout the life course. Despite this, people still continue to smoke resulting in smokers losing an average of ten years of life expectancy, or around one year for every four smoking years.
- 5 Tobacco Control is one of four key priorities identified by the Health and Wellbeing Board for action to help reduce harms of smoking experienced by the population of County Durham.

- 6 The County Durham Tobacco Control Alliance has an ambition to reduce smoking prevalence in the County to 5% or less by 2030. The latest prevalence data for 2020 suggests that there are approximately 65,000 people in County Durham who continue to smoke (15.4% of the total population). To reach this target, 43,993 of these people are required to stop smoking by 2030.
- 7 In County Durham, 894 people die each year from causes linked to smoking, with 1 in 6 adult deaths being smoking-related. These early deaths equate to 4,357 lost years of life each year.
- 8 Smoking at time of delivery rates are currently 14.6% in County Durham in comparison to 12.6% for the North East and 9.1% in England. This equates to 568 mothers who are smoking at time of delivery.
- 9 To address the ongoing challenge to help reduce tobacco dependency in our populations the UK Government have committed themselves to creating the first Smokefree generation and to tackle youth vaping. This will prevent future generations from ever taking up smoking and irradiate the impact of smoking on health and wellbeing.
- 10 DHSC have produced a command paper: [Stopping the start- our new plan to create a smokefree generation](#). This has been coupled with the DHSC consultation launched on 12 October 2023 [Creating a smokefree generation and tackling youth vaping: your views](#) which requires partners and stakeholders to submit evidence in support of the proposed legislation until 6 December 2023.
- 11 DHSC is seeking views on introducing new legislation to raise the age of sale for tobacco, further regulating vaping to reduce its appeal to children, and introducing new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation for tobacco products and vapes.
- 12 The County Durham Tobacco Alliance will work with ASH, FRESH, the Association of Directors of Public Health for the NE and the OHID Regional Group to support a consultation process consultation on the plan to ensure a broad range of partners submit their knowledge, expertise and local evidence base to help support the proposed measures by the 6<sup>th</sup> December 2023.

## **Recommendations**

- 13 Health and Wellbeing Board is recommended to:
  - (a) Note the content of the report;

- (b) Endorse the proposals highlighted within the DHSC as a plan for Stopping the Start – planning for a Smokefree generation;
- (c) Support the roll-out of the consultation process across the system to ensure the voice of smokers, ex-smokers, professionals, young people and their families are heard in relation to the proposed legislation.

## Background

### *Impact of Tobacco Smoking County Durham*

- 14 Tobacco is the [single most important entirely preventable cause of ill health, disability and death](#) in this country, responsible for [64,000 deaths in England](#) a year. [No other consumer product kills up to two-thirds of its users](#). Smoking causes harm throughout people's lives. It is a [major risk factor for poor maternal and infant outcomes](#), significantly increasing the chance of stillbirth and can trigger asthma in children. It leads to people needing care and support on average [a decade earlier than they would have otherwise](#), often while still of working age. [Smokers lose an average of ten years of life expectancy](#), or around one year for every 4 smoking years.
- 15 Smoking causes around 1 in 4 of all UK cancer deaths and is responsible for the [great majority of lung cancer cases](#). Smoking is also a major cause of [premature heart disease, stroke and heart failure](#) and [increases the risk of dementia in the elderly](#). Non-smokers are exposed to second-hand smoke (passive smoking) which means that through no choice of their own many come to harm - in particular children, pregnant women, and their babies.
- 16 Tobacco Control is one of four key priorities identified by the Health and Wellbeing Board for action to help reduce harms experienced by the population of County Durham from smoking.
- 17 The County Durham Tobacco Control Alliance has an ambition to reduce smoking prevalence in the County to 5% or less by 2030. The latest prevalence data for 2020 suggests that there are approximately 65,000 people in County Durham who continue to smoke (15.4% of the total population). To reach this target, 43,993 of these people are required to stop smoking by 2030.
- 18 In County Durham, 894 people die each year from causes linked to smoking, with 1 in 6 adult deaths being smoking-related. These early deaths equate to 4,357 lost years of life each year.
- 19 Smoking at time of delivery rates are currently 14.6% in County Durham in comparison to 12.6% for the North East and 9.1% in England. This equates to 568 mothers who are smoking at time of delivery.
- 20 Smoking puts significant pressure on the NHS. [Almost every minute of every day](#) someone is admitted to hospital because of smoking, and up to [75,000 GP appointments could be attributed to smoking each month](#) - equivalent to over 100 appointments every hour.

- 21 Those who are [unemployed, on low incomes or living in areas of deprivation are far more likely to smoke than the general population](#). Smoking attributable mortality rates are [2.1 times higher](#) in the most deprived local authorities than in the least deprived.
- 22 Most smokers know about these risks and, because of them, want to quit - but the addictive nature of cigarettes means they cannot. [Three-quarters of current smokers would never have started if they had the choice again](#) and on average [it takes around 30 quit attempts to succeed](#). The majority of smokers start in their youth and are then addicted for life. [More than 4 in 5 smokers start before the age of 20](#). In short, it is much easier to prevent people from starting smoking in the first place.
- 23 [It is estimated that the total costs of smoking in England are over £17 billion](#). This includes an annual £14 billion loss to productivity, through smoking related lost earnings, unemployment, and early death, as well as costs to the NHS and social care of £3 billion.
- 24 As estimated by ASH in their ready reckoner [tool](#) based on 2021 smoking rates in County Durham it costs £189.2M in costs incurred by the NHS, local authority, Fire and Rescue Service and productivity across the county.

**Table 1 The Cost of Smoking in County Durham**

Area Name	Number of smokers	Overall cost	Healthcare costs	Productivity costs	Social care costs	Fire costs
North East	313,000	£992.5M	£102.6M	£811.6M	£64.3M	£14.0M
County Durham	68,000	£189.2M	£22.2M	£150.4M	£14.0M	£2.5M
Darlington	9,000	£24.3M	£2.3M	£20.6M	£1.1M	£288K
Gateshead	22,000	£79.6M	£7.0M	£66.1M	£5.4M	£1.1M
Hartlepool	13,000	£51.8M	£4.2M	£44.8M	£2.4M	£429K
Middlesbrough	20,000	£64.0M	£6.4M	£52.7M	£4.1M	£674K
Newcastle	38,000	£145.6M	£11.4M	£126.0M	£6.4M	£1.8M
North Tyneside	26,000	£88.4M	£8.3M	£74.0M	£4.8M	£1.2M
Northumberland	31,000	£87.3M	£11.4M	£67.5M	£7.0M	£1.4M
Redcar and Cleveland	15,000	£47.8M	£4.9M	£38.9M	£3.5M	£496K
South Tyneside	19,000	£54.6M	£6.4M	£42.9M	£4.5M	£827K
Stockton on Tees	19,000	£66.6M	£6.3M	£55.6M	£4.1M	£655K
Sunderland	34,000	£98.7M	£11.9M	£78.4M	£6.9M	£1.4M

## Background to DHSC consultation

### *The smokefree 2030 ambition for England*

- 25 In 2019, the government published its green paper on preventative health; Advancing our health: prevention in the 2020s. Here, it announced an ambition for England to become ‘smokefree’ by 2030 – achieved when adult smoking prevalence falls to 5% or less.
- 26 **The APPG on Smoking or Health** published a report on a Smokefree 2030 in June 2021 which set out detailed recommendations on how to reduce smoking to 5% by 2030. Durham County Council endorsed this report.

### **The Khan Review**

- 27 The government commissioned Javed Khan, former CEO of children’s charity Barnardo’s to carry out a review into the government’s ambition to make England smokefree by 2030. Mr Khan published his independent review, the Khan Review: making smoking obsolete, in June 2022. The review found that “without further action, England will miss the smokefree 2030 target by at least 7 years, and the poorest areas in society will not meet it until 2044”.
- 28 The review set out a package of 15 recommendations aimed at supporting the 2030 ambition. This included four “critical must dos” for the Government, centred on increasing investment in smokefree 2030 policies, increasing the age of sale of tobacco by one year every year, promoting vaping as a smoking cessation tool, and improving the prevention of ill health by offering smokers advice and support to quit at every interaction within the NHS.
- 29 The County Durham Tobacco Control Alliance endorsed the Khan review and welcomed the overall recommendations.

### **Raising the age of sale of tobacco for those born on or after 1 January 2009**

- 30 In October 2023, Prime Minister Rishi Sunak set out plans to introduce legislation to prohibit children born on or after 1 January 2009 from legally buying cigarettes in England. This would effectively raise the smoking age by one year, every year, until it applies to the whole population. The government would also prohibit people above the age of sale from purchasing tobacco products for people below the age of sale (‘proxy purchases’).

- 31 The proposal formed part of the government's ambition to create the first 'smokefree generation', discussed below.

### **Creating the first 'smokefree generation'**

- 32 In October 2023, the Department of Health and Social Care (DHSC) published its policy paper, Stopping the start: our new plan to create a smokefree generation, where the government set out an intention to create the first 'smokefree generation'.
- 33 The government introduced several proposals to reduce youth vaping, including restricting vape flavours, regulating vape packaging and point of sale displays, and restricting the sale of disposable vapes.
- 34 The government also committed to funding several initiatives to improve smoking cessation support, including an additional £70 million annually to support local authority led stop smoking services, and £45 million over two years to roll out the national 'Swap to Stop' scheme, supporting people to stop smoking with the free provision of a vape kit and behavioural support.

### **Consulting on the new proposals**

- 35 The Department of Health and Social Care launched a consultation on the proposals set out in the policy paper on 12 October 2023, and is inviting responses until 6 December 2023.
- 36 Specifically, DHSC is seeking views on introducing new legislation to raise the age of sale for tobacco, further regulating vaping to reduce its appeal to children, and introducing new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation for tobacco products and vapes.

### **Age of sale of tobacco proposal**

- 37 It is recommended that County Durham HWB responds to this important consultation and given its previous endorsement to both the APPG on Smoking or Health report and Khan Review and supports the key recommendation around raising the age of sale of tobacco to those born after 1<sup>st</sup> January 2009.
- 38 Rationale for this support is clear:

- Smoking is not a free choice it is an addiction**  
 Smoking is an addiction, not a free choice. The only free choice is whether to smoke that first cigarette. Two thirds of those trying just one cigarette, usually as children, go on to become daily smokers, and daily smokers are addicted smokers. Most adult smokers want to stop smoking, but on average it takes 30 attempts, and many never succeed. Two out of three long-term smokers die prematurely, often after years of disability, from the cancers, respiratory and cardiovascular diseases caused by their smoking.
- This is a package of measures including significant investment in measures to help smokers quit**  
 The proposal is coupled with a package of measures to help smokers quit which includes doubling the grant for local authority stop smoking services for the next five years, increasing funding for awareness raising campaigns about the harms of smoking, providing one million free vapes to smokers to help them quit, financial incentives and stop smoking support to all pregnant smokers. These are all welcomed and will help County Durham to reduce smoking rates to 5% by 2030 as per our local and regional ambition.
- Raising the age of sale will not increase the black market**  
 Concerns have also been raised that it would lead to an increase in black market, but raising the age of sale will have a gradual impact over time. When the age of sale increased from 16 to 18 in 2007 it had no impact on the illicit market. The illicit market share of cigarettes was 15% in 2006-7 went down to 13% in 2007-8 and stayed there in 2008-9. In 2022 it was 11% but of course smoking has also declined so the total volume of illicit cigarettes has declined more significantly from 7.5 billion sticks in 2006-7 to 3 billion in 2022.
- This is a major step towards a smokefree future.**  
 This is only possible because smoking rates among children have now fallen from one in five at the turn of the century to only 3% now. Already shortly after it was first announced it has majority public support, far higher than for the ban on smoking in pubs and clubs when it was first introduced. When first proposed the ban on smoking in public places was considered a step too far and people said it would be unenforceable. Compliance was 97% from the outset and it was largely self-enforcing. No-one would now consider repealing the law on smoking in public places.



## Vaping proposals

- 39 It is also recommended that that for the proposals to reduce youth vaping that the HWB responds in alignment with the key recommendations from the Association of Directors of Public Health North East to the summer 2023 youth vaping evidence review and the key recommendations from Fresh, the North East Tobacco Control Programme (which County Durham commissions).
- 40 We support measures to reduce the appeal of vaping amongst children and young people by:
- restrictions on their marketing
  - descriptions of flavours
  - branding/imagery (to not allow child friendly imagery like cartoons)
  - instore promotion
  - raising price of single use vapes.
- 41 We also recognise that vaping is a useful aid for smokers to quit their lethal addiction to cigarettes and why we do not support an outright ban on the sale of disposable vapes, or restrict flavours. The Association of Directors of Public Health North East has a position statement on nicotine vaping which might be of interest.

## Enforcement proposals

- 42 We support proposals around issuing Fixed Penalty Notices around breaches of sale of both tobacco products and vaping products. We believe that £200 is too low given the lethal nature of tobacco products and the potentially lethal outcome of selling such a product to someone who is underage. This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level.

## North East Declaration for a Smoke Free Future

- 43 On September 27th a new North East Declaration for Smoke Free Future was launched by Fresh, the Association of Directors of Public Health North East and the North East and North Cumbrian NHS Integrated Care Board. This is a UK first for any regional to have such a clear statement of intent and to demonstrate the scale of commitment and collaboration. FRESH recommend that the HWB also formal endorses this declaration. Public support for more action on smoking is high.

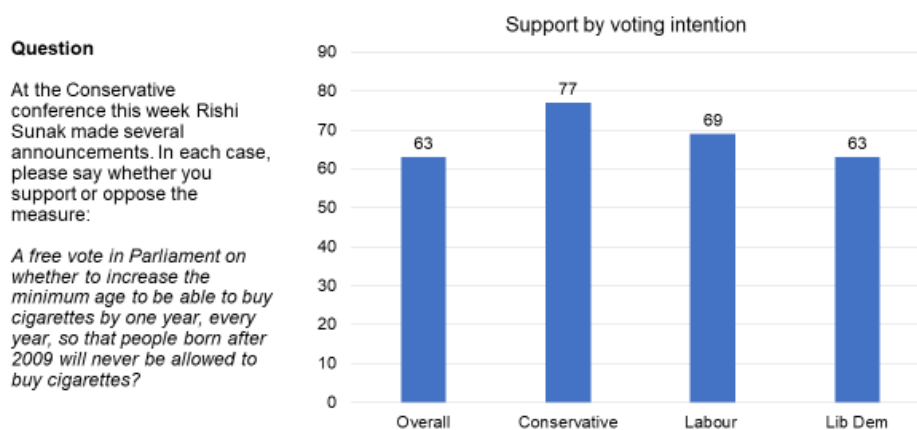
There is strong support across the North East for national measures to reduce tobacco harm and in the North East over half of the proportion of adults believe the Government could be doing more to limit smoking, with 78% of the public continuing to support the ambition of Smokefree 2030 (YouGOV PLC Adult Smokefree England Survey (2023), based on an unweighted North East sample of 465).

44 The North East continues to support a range of measures to tackle tobacco harm across the region; backing measures to include introducing a levy on tobacco manufacturers investing in public health campaigns, increasing the age of sale for tobacco from 18 to 21.

45 An independent survey of smokers across the North East (2023) by Fresh (Fresh: Don't Be The One Pre-campaign Report (2023) based on an unweighted North East and North Cumbria sample of 757 Smokers) found:

- 77% regret they ever started to smoke
- 46% say they really want to stop smoking
- 53% are trying to either quit (13%) or cut down (40%)
- 81% want to quit for health and 46% want to also quit for finances
- 83% of smokers under-estimate the one in two risk of dying early (2 in 3 for heavier smokers) – almost half believe it to be 1 in 10 or fewer

46 Specifically in relation to the proposal around age of sale there is already high support from voters across main parties:



Poll following announcement by YouGov for The Times:  
[https://d3nkl3psvxxpe9.cloudfront.net/documents/TheTimes\\_VI\\_AdHoc\\_231005\\_W.pdf](https://d3nkl3psvxxpe9.cloudfront.net/documents/TheTimes_VI_AdHoc_231005_W.pdf)

## **Conclusion**

- 47 Tobacco is the single most important entirely preventable cause of ill health, disability and death in this country, responsible for 64,000 deaths in England a year.
- 48 The County Durham has an ambition to reduce smoking prevalence in the County to 5% or less by 2030. The latest prevalence data for 2020 suggests that there are approximately 65,000 people in County Durham who continue to smoke (15.4% of the total population). To reach this target, 43,993 of these people are required to stop smoking by 2030.
- 49 To address the ongoing challenge to help reduce tobacco dependency in our populations the UK Government have committed themselves to creating the first Smokefree generation and to tackle youth vaping. The proposed action will include bringing forward legislation to ensure children turning 14 this year or younger will never be legally sold tobacco products.
- 50 The Stopping the Start consultation is just the first stage and there will be ongoing discussions. This could take months and may not be completed within this parliament.
- 51 The County Durham Tobacco Control Alliance are working closely with ASH, FRESH the ADPHNE and the regional Tobacco control Commissioners group to coordinate a response to the consultation and provide ongoing support to the debate as the parliamentary process around any planned legislation starts.
- 52 A Stopping the Start Task and Finish Group is being convened to help inform partners and stakeholders about the consultation process and collate the submissions on behalf of County Durham, and provide a direct response to UK Government by 6th December 2023

## **Author**

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## **Appendix 1: Implications**

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### **Legal Implications**

The proposed Stopping the Start consultation will provide the DHSC with views from Smokers, ex smokers, professionals, young people and their families on proposed legislation. The outcome of the legislation will directly impact on introducing new legislation to raise the age of sale for tobacco, further regulating vaping to reduce its appeal to children, and introducing new powers for local authorities to issue fixed penalty notices to enforce age of sale legislation for tobacco products and vapes.

### **Finance**

There are no financial implications for implementing the proposed consultation at this current time.

### **Consultation**

A Stopping the Start Task and Finish Group is being convened to help inform and coordinate partners and stakeholders to engage in the consultation process. The responses will be collated to help inform the submission to the DHSC on behalf of County Durham as a direct response to UK Government by 6th December 2023

### **Equality and Diversity / Public Sector Equality Duty**

Smoking has the biggest negative impact on those living in social deprivation and experiencing social exclusion, therefore the proposed legislation will help to reduce inequalities in our population and increase levels of health and wellbeing across the life course.

### **Climate Change**

The reduction of the need for raw materials grown and manufactured for the production of tobacco products and the by-products incurred in the disposal of cigarettes and their packaging will directly help to reduce climate change.

### **Human Rights**

Tobacco is the single most important entirely preventable cause of ill health, disability and death in this country, responsible for 64,000 deaths in England a year. The UK Government proposals to legislate against smoking overtime by increasing the age of sale does raise important questions about whether this goal is ethical and legally defensible in light of a human rights debate. The WHO Framework Convention of Tobacco Control (2000), endorsed an “endgame,” to end smoking all together, which has been used in several countries to reduce the harms caused by tobacco and has been widely supported by the general public. Human Rights were established to protect fundamental values such as the ability to live, have a family and be free from

cruel treatment. The restriction on individual human rights and compromise upon personal liberty and self-determination when implementing Smokefree legislation has long been debated. However, within that debate, the rights of non-smokers to be protected from the actions of others that impact on their own health and wellbeing are also worth noting e.g. the effects of smoking on the unborn child and exposure to secondhand smoke. These factors and governments duty to protect children from active smoking, or developing a nicotine addiction can never be fully mitigated against until an entire generation is shielded from seeing smoking as a cultural norm.

### **Crime and Disorder**

The proposed legislation supports issuing Fixed Penalty Notices around breaches of sale of both tobacco products and vaping products. FRESH believe that £200 is too low given the lethal nature of tobacco products and the potentially lethal outcome of selling such a product to someone who is underage. This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level.

### **Staffing**

No Implications

### **Accommodation**

No Implications

### **Risk**

A risk register has been developed as part of the Stopping the Start Project Initiation document and will be monitored by the T&F group.

### **Procurement**

Nothing required