

# Cross-Party Group on Independent Convenience Stores

The Scottish Parliament, Committee Room 3  
6pm, Tuesday 12<sup>th</sup> November 2024  
Minute

## Present

### MSPs

Gordon Macdonald MSP (Convener)

Daniel Johnson MSP

Murdo Fraser MSP

### Invited Guests

Paul Stockall, Senior Consultant (Capital Counsel) (Speaker)

Ross Cowie, Scottish Environment Protection Agency (SEPA) (Speaker)

David MacKenzie, Society of Chief Officers of Trading Standards in Scotland  
(SCOTSS) (Speaker)

Shamly Sud, Independent retailer and Co-Founder of Racetrack Pitstop (Speaker)

Alex Tiley, BAT

Andrew Dignam, Pheonix2retail

Eric McGill, Independent Retailer

Gabi Cecchini Ruiz de Villa, University of Stirling

Gary Cox, Scottish Government

George Maglaras, University of Stirling

Guna Sud, Racetrack Pitstop

Jamie Sanders, JTI

John Dunne, UKVIA

Matt Famaline, MJL Counsel

Mehwash Fatima, University of Stirling

Michael Gordon, BT Internet

Rits Sud, Racetrack Pitstop

Saleem Ahmed, Independent Retailer

Stephen Little, BAT

Tom Vasnaver, University of Stirling

Vikas Sud, Racetrack Pitstop

## Non-MSP Group Members

Luke McGarty, Scottish Grocers' Federation (SGF) (CPG Secretary)

Aidan Smith, Scottish Grocers' Federation  
Brian Boyle, Scotmid  
Dan McNamara, Scotmid  
Gordy McIntyre, BP  
Graeme Thomson, One'o'One  
Graham Watson, Premier Watson's Grocer  
Jamie Buchanan, SGF Go Local program  
Jamie Mackie, Scottish Grocers' Federation  
Jayne Swanson, Scottish Wholesale Association  
Kevin White, Scotmid  
Martin Devlin, SGF PGMA  
Mike Leonard, Costcutter

## Apologies

Gordon Macdonald MSP (Convener) noted that apologies had been received from John Mason MSP, Foysol Choudhury MSP and Jackie Baillie MSP.

## Welcome and Introductions

Gordon Macdonald MSP (Convener) welcomed attendees to the meeting.

## Approval of Minutes and Action Points

Gordon Macdonald MSP (Convener) asked for the approval of the previous minutes of the meeting of 17<sup>th</sup> September 2024. These were approved.

## Annual General Meeting & Election of Office Bearers

The proposed Office Bearers were elected with the unanimous agreement of the meeting. There were no challenges, and the appointments are as follows:

- Gordon MacDonald MSP re-elected as Convenor
- Daniel Johnson MSP re-reflected as Vice Convenor
- Luke McGarty (SGF, Head of Policy & Public Affairs) elected as Secretary

## Topic: UK Vaping Regulation: Compliance & Illicit Trade

An overview of various aspects of UK vaping regulation, compliance and illicit trade in Scotland, including possible impacts of the upcoming ban on single-use Nicotine Vaping Products and regulations on the specifications, advertising and marketing of vape products.

Paul Stockall informed attendees that there are a range of restrictions being introduced at both a UK and Scottish level. This will include a ban on the sale of single-use vapes in each of the four UK nations. The UK Government has now reintroduced the UK Tobacco and Vapes Bill, which will set out provisions for Ministers to allow further regulation of the vape industry. Including a new registration scheme for the sale of vape products in England and Wales. It is expected to pass into law in 2025. Representing a significant change to the vape market in the UK. The UK Government has ruled out a 'Track and Trace' system but does intend to introduce excise stamps. However, the new duty on vape goods will bring in HMRC into the enforcement of vape regulation.

Ross Cowie outlined that SEPA regulates the WEEE recycling and waste management of small electric items such as vaping products. This includes the retailers' obligation to offer a takeback system, which is enforced by the OPSS. Due to the changes in regulations coming in 2025, SEPA are proposing to expand the enforcement and management of the regulations. The current packaging regulations will soon be replaced, in 2025, with the new ERP.

David MacKenzie discussed enforcement and illicit trade. The role of Trading Standards is carried out by small Local Authority teams, however, SCOTSS also takes a wider view of the issue. David outlined two significant problems with the vape market, these are unregulated and illicit goods and the sale of vapes to under eighteens. Highlighting that the impact of illicit vapes is a significant issue across all areas and communities in Scotland. SCOTSS are attempting to build constructive engagement across the retail sector. However, Trading Standards are using intelligence to target specific bad actors, who are persistently non-compliant. However, it is not yet clear how effective the provisions set out in the new regulation will be. There is no additional funding for Trading Standards to enforce the new regulation.

Shamly Sud welcomed the opportunity to represent responsible retailers in the discussion. Shamly outlined the work that compliant stores carry out to ensure that they meet all their regulatory obligations. This includes Challenge 25 and a vigilant use of a refusal book. The store only uses legitimate and fully compliant sources. Unfortunately, the consequence of regulation is that a minority of actions from a small group of non-compliant retailers have resulted in restrictions being placed on all legitimate traders. As such, Shamly's store has already decided to move away from

selling items which will soon be restricted. This includes full transition to post-ban to non-disposable products. Trading Standards need to take action to enforce the law, and there also needs to be a wider range of public awareness. Shamly agreed that there should be a licencing system to ensure that traders are compliant, similar to alcohol premises licenses. The ban will inevitably add to the illicit trade in Scotland.

## Questions and Answers

Following the four presentations there was general discussion and questions from a range of those present. Some of the points made were:

- Retailers are concerned that there are concerned that Trading Standards do not have the resource to tackle of all the non-convenience traders that are not compliant with the regulations. Arguing that the penalties should be extended to ensure greater compliance.
- David MacKenzie agreed that Trading Standards do not have the resources to fully enforce the new regulations. Noting that the justice system in Scotland is also under resourced.
- It was also noted that there is currently no import ban for single use vapes in process. Potentially leading to significant additional import of illicit goods into the UK market.
- There were several calls for a licencing system to be put in place in Scotland, and stronger penalties for non-compliance.
- It was highlighted that vapes are difficult and labour intensive to recycle and only a small percentage of vapes are returned via takeback.
- Outlining that consumer understanding and public awareness of takeback is very limited.
- Many vape 'pods' may still be covered by WEEE regulations, and therefore will require retailer takeback.
- There were concerns that the ban and restrictions will inevitably add to the illicit trade in Scotland. Impacting on wider issues with funding for organised crime, retail crime, and potentially harmful products entering the market.

Gordon Macdonald MSP (Convener) thanked all the speakers for their presentations and attendees for their participation.

## Action Points

There were no action points from the meeting.

## Any Other Business

Gordon Macdonald MSP (Convener) confirmed that there was no other business.

## Date of Next Meeting

Gordon Macdonald MSP (Convener) confirmed that the next Cross Party Group meeting (AGM) would take place at 6pm on Tuesday 18<sup>th</sup> February 2025. The meeting will be held in the Scottish Parliament.