HOUSE OF COMMONS
LONDON SW1A 0AA

Jim McMahon OBE MP
Minister for Local Government, Devolution and Growth

03/11/26

Dear Minister McMahon,

We are writing following your response during MHCLG questions in which you defined a vape shop as "a shop that primarily sells vapes".

We are concerned with a definition which would imply that a majority of sales, stock, or some other metric, would be the only definition that would quantify that shop as a vape shop. Especially as this could create an easily exploitable loophole for the illicit retailers selling vapes who we agree are a significant issue.

This will not capture many shops which have a neon sign over their door saying 'vape' that appear on high streets across the country.

We support what the Government is trying to achieve with high streets.

The age-of-sale and proxy-purchasing provisions of the Tobacco and Vapes Act, and the £30 million for enforcement against the illicit and underage sale of tobacco and vapes set out in Hope on the High Street are both welcome.

Hope on the High Street commits to consult on a retail licensing scheme to "support responsible retailers and better protect young people". We are concerned that the planning and rates relief exemption measures rest on a definition, as outlined in the chamber, that draws no distinction between a specialist dedicated vape shop whose primary purpose is responsibly supporting adults through a smoking cessation journey and a shop that sells vapes which we would intuitively understand as part of the problem that we are seeking to address.

The definition matters because it will decide which premises need planning permission once vape shops are taken out of the general retail use class and therefore lose eligibility for Small Business Rates Relief and the retail, hospitality and leisure multipliers from April 2027.

For example, presuming the definition in the chamber is used, specialist retailers who work directly with in-store trained stop-smoking practitioners and partnered with the NHS in the Swap to Stop Scheme, who can sign members of the public up to Swap to Stop and hand over a starter kit in their shop, would be targeted.

While a shop that may sell a large amount of vapes, alongside items like bongs, sweets, cigarettes and soft drinks would continue operating unencumbered with no additional tax increases or regulatory burdens.

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It is also not clear how such a loose definition would close the loophole the Government has identified, of businesses which sell large numbers of vapes, often illegally, presenting themselves as general convenience stores.

We would therefore be grateful for clarity on the following:

1. Is "a shop that primarily sells vapes" the definition of vape shop the Government intends to use?
    - If so, how will "primarily" be measured; by turnover, floor area, product range or display, and what guidance will be provided to those making this judgement?

2. Does the Government have, or intend to develop measures specifically targeting premises selling illicit products or selling to under-18s, rather than vape retail as a whole?
    - If not, how will the proposed planning measures distinguish between them?

3. Will the following premises be exempt from, or treated differently, under the new rules:
    - specialist vape retailers working in partnership with local stop smoking services
    - vape retail on NHS or other healthcare premises
    - any other setting where vapes are supplied, whether sold or provided primarily as an aid to quitting smoking?

4. Will the same definition be used for the business rates changes taking effect from April 2027?

5. Will the new rules apply only to new premises or will existing responsible retailers be affected, for example on a change of ownership or a change in the mix of products they sell?

6. How will the planning changes relate to the proposed retail licensing scheme? Is licensing intended to be how responsible retailers are recognised, and will it be in place before or alongside the planning changes?

Yours sincerely,

Euan Stainbank MP – Member of Parliament for Falkirk