

UNDERAGE SALES TEST PURCHASE EXERCISE	4th October 2016
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR INFORMATION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Resilient, Healthy and Engaged Communities
Outcome	To advise members of the outcome of an initiative aimed at raising awareness and assessing compliance of age restricted legislation in relation to sale and display of tobacco products.
Lead Officer	Head of Health & Built Environment
Cost: (If applicable)	Officer Time Spend

1.0 Background

District Councils in Northern Ireland have a statutory duty to enforce the legislation relating to the sale of certain age-restricted products such as cigarettes and tobacco products.

The Children and Young Persons (Protection from Tobacco) (NI) Order 1991 and Children & Young Persons (Sale of Tobacco,) Regulations (NI) 2008 make it an offence to supply any cigarettes or tobacco products to any person under the age of 18. Both the sales person and the business owner can be liable for any illegal sales, even if they thought the purchase was being made on behalf of an adult, or if the person looked like they were over 18.

The Tobacco Advertising and Promotion (Display) Regulations (NI) 2012 make it an offence to display tobacco products on sale in public view in all retailers of tobacco. Where appropriate, age checks **must** be carried out before any tobacco product is shown to a customer who asks to buy or asks for information about a tobacco product. Temporary display is permitted following requests to purchase tobacco products by customers over 18; incidental displays while staff are actively assessing stock levels, restocking, undertaking staff training, cleaning, maintaining or refurbishing the storage unit or upon request by an enforcement officer.

To raise awareness of the above legislation and assess compliance by commercial premises a test purchase exercise was conducted on 24th August 2016 across the legacy Coleraine Council area.

1.1 Test Purchase Exercise Protocol

The test purchase exercise was carried out in accordance with Local Government Regulation (formerly LACORS) “Code of Best Practice” on test purchasing as endorsed by the Home Office. The test purchase involved sending a young person under 18 years of age into retail premises to ask for cigarettes. All retailers selling relevant products were written to on the 25th July 2016, prior to the test exercise taking place, reminding them of their legal responsibilities with guidance on how to prevent the underage display/sale of age restricted goods. Within said letter the retailers were informed that a test purchase exercise was to be carried out by Council in August or September 2016.

1.2 Outcome

The test purchase exercise was carried out on Wednesday 24th August 2016. A total of 16 premises were visited and all refused sales of cigarettes to the child.

In one premises however there was an instance where there was a momentary illegal display of a packet of cigarettes to the young person before the sale was refused. This is in contravention of the Tobacco Advertising and Promotion (Display) Regulations (NI) 2012 and a written warning has been issued to the retailer. Council’s Tobacco Control Officer has also provided further training to the retailer on the requirements of these regulations.

A 100% compliance rate was therefore achieved for retailers tested in relation to the selling of tobacco and a 94% compliance rate in relation to the display of tobacco to an underage person.

1.3 Discussion

It is reassuring to note the high compliance rate for this exercise which can be attributed to the diligence shown by retailers in applying the legislation when conducting sales of age restricted products, working closely with Council officers and the ongoing commitment shown by Council in this education and enforcement programme. Similar exercises are planned in the three remaining legacy Council areas later in the year.