

Title of Report:	Underage Sales Test Purchase Exercises - Tobacco and Nicotine Inhaling Products
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	12th November 2024
For Decision or For Information	For Information
To be discussed In Committee	NO

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy and Engaged Communities
Outcome	Implementation of statutory requirements
Lead Officer	Head of Health & Built Environment

Estimated Timescale for Completion	
Date to be Completed	N/A

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 **Purpose of Report**

- 1.1 The purpose of this report is to update Council on the outcome of underage sales test purchase exercises for tobacco and nicotine inhaling products undertaken during 2023-24.

2.0 **Background**

- 2.1 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, tobacco products, nicotine inhaling products (i.e. e-cigarettes/vapes) and cigarette lighter refill products.
- 2.2 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 salesperson 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.
- 2.3 The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations (NI) 2021 contain provisions making it an offence to sell nicotine inhaling products to persons aged under 18 and for an adult to purchase nicotine inhaling products on behalf of a person aged under 18.
- 2.4 The Tobacco Advertising and Promotion (Display) Regulations (NI) 2012 make it an offence to display tobacco products on sale in public view in all tobacco retail premises. 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.
- 2.5 To raise awareness of the above legislation and assess compliance by commercial premises test purchase exercises were conducted throughout the borough during 2023-24.

3.0 **Test Purchase Exercise Protocol**

- 3.1 All test purchase exercises are carried out in accordance with best practice followed by other Local Authorities in addition to following guidance laid down in the Department for Business Innovation & Skills, Better Regulation Delivery Office Age Restricted Products and Services: A Code of Practice for Regulatory Delivery and Local Government Regulation (formerly LACORS) 'Code of Best Practice' on test purchasing as endorsed by the Home Office.

- 3.2 The test purchase involved sending a young person under 18 years of age into retail premises to ask for cigarettes or nicotine inhaling products.
- 3.3 As per Council policy all retailers selling relevant products are written to once per year reminding them of their legal responsibilities with guidance on how to prevent the underage display/sale of age restricted goods and advising they may be subject to a test purchase exercise.

4.0 Outcome

- 4.1 A total of 25 test purchase visits were carried out at premises for tobacco and 31 visits made for nicotine inhaling products throughout the Borough during 2023/2024.
- 4.2 No sales of cigarettes were made. However, cigarettes were displayed at one premises resulting in a written warning.
- 4.3 There were no sales of nicotine inhaling products to the young person. This represents a 100% compliance rate by the retailers tested in relation to tobacco and nicotine inhaling product sales to an underage person.

5.0 Discussion

- 5.1 The overall compliance rate indicates that the majority of retail premises are diligent in applying the legislation, which reflects the ongoing commitment of the Council and staff of the Environmental Health Department staff to its education and enforcement programme.
- 5.2 Councils test purchase programme for 2024/25 is ongoing.

6.0 Recommendation

- 6.1 **It is recommended** that the report is noted.