

Report on	2023/2024 Tobacco Control Test Purchasing Activity
Date of Meeting	14 th March 2024
Reporting Officer	Kieran Gordon, Assistant Director Health, Leisure and Wellbeing
Contact Officer	Melanie Patterson, Environmental Health Service Manager Monica McDonnell, Principal Environmental Health Officer

Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	X

1.0	Purpose of Report
1.1	To update Members on the Tobacco Control Officer's test purchase activity during 2023/2024
2.0	Background
2.1	Mid Ulster District Council operate a Service Level Agreement (SLA) with Armagh City Banbridge and Craigavon Borough Council in relation to tobacco control. The SLA provides a framework under which Armagh City Banbridge and Craigavon Borough Council provides Public Health Agency (PHA) Commissioned Tobacco Control Enforcement Services within the Mid Ulster area on behalf of Mid Ulster District Council. This service is delivered by the Tobacco Control Officer (TCO).
2.2	The duties undertaken by the TCO include carrying out test purchase exercises across the Mid Ulster District Council area at tobacco retailers. The aim of the exercise is to check that all retailers of age restricted products are endeavouring to prevent young people under 18 years old from purchasing any tobacco, tobacco products, nicotine inhaling products (including e-cigarettes/vapes) and butane gas.
2.3	Each year, the PHA agree a workplan for the TCOs across the 11 District Councils. A target of 50 test purchase visits was set for Mid Ulster District Council for the year 2023/2024.
3.0	Main Report
3.1	The Environmental Health Service issued pre-test purchasing letters to 198 retailers in April 2023, advising them of Council's plan to undertake test purchasing exercises within the Mid Ulster District Council area in the coming 12 months. The letter reminded owners and management at the retail premises of their responsibilities to ensure all aspects of legislation relating to the sale and display of tobacco products, the sale of nicotine inhaling products and the sale of butane gas were adhered to; and that staff were fully trained.
3.2	In addition, prior to commencement of the test purchasing activity the TCO completed visits to 116 tobacco, butane gas and e-cigarette/vape retailers throughout the district. During these visits, compliance monitoring was carried out, information packs on legislation were issued, and advice on staff training and how to comply was provided.

3.3	Between April 2023 – March 2024, a total 75 test purchases of cigarettes, tobacco products, disposable vapes, and butane gas products were carried out within the Mid Ulster District Council area.
3.4	<p>Six retailers sold age restricted products to a volunteer aged 14 years old. After a full investigation of each sale was conducted on an individual basis, the most appropriate course of action was determined, with a graduated approach being taken in line with the Council’s General Regulatory and Enforcement Policy.</p> <p>(i) Two of the six retailers breached the <i>Children and Young Person (Sale of Tobacco etc) Regulations (NI) 2008</i>.</p> <p>In each case, written warnings were issued for both sales.</p> <p>(ii) Four of the six retailers breached the <i>Nicotine Inhaling Products Regulations (NI) 2021</i>.</p> <p>One sale resulted in a Fixed Penalty Notice (FPN) being issued as a number of complaints had been received prior to test purchase exercises. The three other sales were dealt with via written warnings.</p> <p>(iii) Additionally, one retailer breached the <i>Tobacco Advertising and Promotions (Display) Regulations (NI) 2012</i></p> <p>A written warning was issued for this breach.</p>
3.5	All retailers will receive another pre-test purchase letter prior to test purchase activity in the new 2024/2025 reporting year.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Expenditure associated with the purchase of the age restricted products being tested and for any associated costs for the volunteers during the exercises (e.g. food/drinks) are derived via existing annual revenue budgets.
	Human: Officer time to prepare and undertake the Test Purchase Exercises.
	Risk Management: Considered in line with relevant Council policies and procedures.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation
5.1	To note the contents of this report.
6.0	Documents Attached & References
	N/A