



Belfast City Council

Report to: Health and Environmental Services Committee

Subject: **Consultation Document - Proposals to Strengthen Sanctions against Retailers for Underage Sale of Tobacco Products**

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Relevant Background Information

On 14 December 2009 the Department of Health, Social Services and Public Safety launched a public consultation to seek views on proposals for strengthening sanctions against retailers who sell tobacco products to children and young people under 18 years of age. The public consultation paper and completed response questionnaire are attached. The consultation closes on 12 March 2010.

Children and Smoking

Smoking is the single greatest cause of preventable illness and premature death in Northern Ireland, killing around 2,300 people each year. Recent research in NI indicates that 77% of adult smokers started to smoke in their teens and that almost 9% of children aged 11-16 are now regular smokers. More work needs to be done to prevent children and young people from starting to smoke and reducing the availability of tobacco products to under 18s is key to this.

Studies done with children who smoke in England and Scotland show that their primary source for purchasing tobacco is shops (England – 57% of children; Scotland – 82% of 15 year olds & 47% of 13 year olds).

Current Controls

On 30 April 2007 the Smoking (Northern Ireland) Order 2006 came into effect to protect people from second hand smoke by preventing smoking in most workplaces and public places.

On 1 September 2009 the minimum age to purchase tobacco products was increased from 16 to 18 years old by the introduction of the Children and Young Persons (Sale of Tobacco etc) Regulations (Northern Ireland) 2008. Following this, Belfast City Council has provided advice to all retailers to inform them of this and have been monitoring compliance by carrying out test purchases with children. Since April 2009 Council officers have carried out 30 test purchasing exercises in Belfast and 16 premises have sold cigarettes to the 13 and 14 year old volunteers. To date, 14 of these have been successfully prosecuted.

England introduced a negative licensing scheme for retailers on 1 April 2009. A negative licensing scheme is where a shop does not need an official licence to sell tobacco but when they are found to be selling tobacco to persons under 18 years of age, their right to sell tobacco could be suspended or withdrawn for a period of time. The Scottish Government is also proposing a registration scheme that would create a national database administered by the Scottish Government along with negative licensing.

Key Issues

There are six options put forward for consideration in the consultation by the Department of Health, Social Services and Public Safety. These are:-

Option 1 – Do nothing

Option 2 – Require registration of retailers

Option 3 – Introduce accreditation for retailers (a non mandatory licence)

Option 4 – Introduce a negative licensing system

Option 5 – Introduce a positive licensing system administered by either the Northern Ireland Courts Service or District Councils

Option 6 – Combining a registration scheme with a negative licensing system.

The Department is recommending option 6 as the preferred option.

The attached draft Council response is largely supportive of the Department's recommendation. This option is similar to what is being proposed in Scotland. The draft also suggests that the Council is in favour of the introduction of a Fixed Penalty Notice for selling tobacco to persons under the age of 18.

Resource Implications

There are no significant resource implications as Council officers currently enforce legislation relating to underage sales.

Recommendation

It is recommended that the Committee agrees with the attached response to the Consultation.

Decision Tracking

The Head of Environmental Health will, by 12th March, oversee the forwarding of the final response to the Department of Health, Social Services and Public Safety, following its ratification by Council

Document Attached

The Department of Health, Social Services and Public Safety's consultation paper: Proposals to Strengthen Sanctions Against Retailers for Underage Sales of Tobacco Products and the Council's response.