

Health and Environmental Services Department

Investing in Health



Our ref: Being dealt with by: Mrs V. Brown
Your ref: Ext: 3301
Date: 10th January 2008

DHSSPS
Investing for Health Unit
Health Improvement Policy Branch (Tobacco Control)
Room C4.22
Castle Buildings
Belfast BT4 3SQ

Dear Sir/Madam,

Please find enclosed Belfast City Council's response to the Consultation on the Minimum Age of Sale of Tobacco Products.

Yours faithfully,

A handwritten signature in black ink that reads 'V Brown'.

Valerie Brown
Environmental Health Manager
(Health and Safety)

Enc.

Suzanne Wylie B.Sc., M.B.A., M.C.I.E.H.
Head of Environmental Health

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Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

CONSULTATION QUESTIONNAIRE

ON

MINIMUM AGE OF SALE OF TOBACCO PRODUCTS

October 2007

INTRODUCTION

Purpose

1. This Questionnaire seeks views on whether the Department of Health, Social Services and Public Safety should use the power contained in the Smoking (Northern Ireland) Order 2006, to amend, by regulations, the age of sale of tobacco products.
2. The Department carried out an Integrated Impact Assessment (IIA) screening exercise on the proposed legislation. The results, which include equality considerations and a Partial Regulatory Impact Assessment, are set out in Annexes 1 and 2 of the consultation package.

Background

3. In March 2006, the Department undertook a public consultation exercise on the content of the then draft Smoking (Northern Ireland) Order 2006. Article 14 of the draft Order included a power for the Department to amend, by regulations, the age limit for the sale of tobacco products – currently 16 years - and respondents were invited to comment on whether the Department should take this power. It was made clear that any proposal to raise the age of sale would be the subject of further consultation.
4. There was strong support for the Department taking the power, with 78% in favour of this action. The majority of those in favour felt that the Department should go further and raise the age limit immediately. The main reasons offered were that such action would enable the age of sale to be brought into line with that for alcohol sales (18 years); that it would also bring Northern Ireland into line with the Republic of Ireland; and that it might make enforcement easier, particularly in border areas.
5. The age of sale has been raised to 18 in England, Wales and Scotland with effect from 1 October 2007. The Smoking (Northern Ireland) Order 2006, the main provisions of which came into operation on 30 April 2007, contains the power for the Department to amend the age of sale of tobacco products.

Consultation - How to Respond

6. **The consultation will run from 29 October 2007 to 18 January 2008.** The Questionnaire sets out three options on the minimum age of sale of tobacco products about which the Department would welcome views. It also seeks views on the Integrated Impact Assessment Overview and Partial Regulatory Impact Assessment.

7. In order to facilitate analysis it is important that respondents use the Questionnaire. Completed Questionnaires **must be received by the Department by 5.00pm on Friday 18 January 2008**. Responses should be posted to:

**DHSSPS
Investing for Health Unit
Health Improvement Policy Branch (Tobacco Control)
Room C4.22
Castle Buildings
Belfast
BT4 3SQ
Tel: 028 90520534**

Alternatively responses can be submitted via the online response form using the following web link:

<http://www.dhsspsni.gov.uk/tobacco-age-of-sale.htm>

Alternative formats

8. If you require the consultation documents in an alternative format (such as in large print, in braille, on audio cassette, easy read or computer disc) and/or in another language please contact Heather Rainey on 028 90520525 or text phone 02890527668 to discuss your requirements.

QUESTIONNAIRE

Q1. Article 14 of the Smoking (Northern Ireland) Order 2006 provides the power for the Department to amend the age of sale of tobacco products, but this must not be lower than the present age of 16 years. Do you think the Department should:

continue with the present age limit of 16;

increase the age limit to 17; or

increase the age limit to 18?

Please tick the appropriate box to indicate which of the options you favour.

No Change

Increase to 17

Increase to 18



If you wish to comment on your preferred option, please do so here.

Belfast City Council fully endorses an increase of the minimum age for the sale of tobacco products to 18 years. The Council believes such an increase would have a positive impact on the health and wellbeing of young persons and would contribute to the attainment of wider health objectives for the population as a whole.

Increasing the age for tobacco sales in Northern Ireland to 18 would bring it into line with the age limit for such products in the UK and Republic of Ireland.

Belfast City Council recognises that an increase of the minimum age to 18 would also benefit retailers. It would make the age limit for tobacco products consistent with a number of other age restricted products such as cigarette lighter refill and alcohol. Consequently this would avoid confusion amongst retailers.

Increasing the age to 18 would also allow district councils to provide a more coordinated programme of education, monitoring and enforcement in relation to such products.

In the past, district councils have had difficulties in obtaining volunteers to participate in test purchasing exercises to monitor compliance with the existing Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991. Increasing the age limit to 18 should make this task somewhat easier.

General

Q2. Do you have any views on the conclusions reached by the Department to screen out from further assessment the implications of the proposals in respect of:

- (a) **Social Impact Assessment (New TSN, Homelessness etc);**
- (b) **Rural ;**
- (c) **Environmental;**
- (d) **Human Rights;**
- (e) **Victims;**
- (f) **Community Safety & Other Areas?**

Is there any other evidence which you consider should have been taken into account in these assessments?

No

The Department would particularly welcome comments on the following:

Q3. Do you agree with the decision that the proposals do not require a full equality impact assessment? (see Annex 1 of consultation package). If not, please explain why?

Yes

Q4. Is there any other qualitative or quantitative information which you consider should have been taken into account in performing this exercise?

No

Q5. Are you aware of any evidence - qualitative or quantitative - that the proposals may have an adverse impact on equality of opportunity or on good relations? If so, please provide details. Can you suggest any ways of avoiding or minimising such adverse impact?

No

Q6. Are you aware of any other equality implications likely to arise from the proposals?

No

Partial Regulatory Impact Assessment (RIA)

(see Annex 2 of consultation package)

Health

Q7. Do you have any views on the assessment of health impacts?

Belfast City Council agrees with and welcomes the proposed positive impact on the health and wellbeing of young persons and the population as a whole.

Q8. Are there any other potential health impacts that you consider should have been addressed?

No

Q9. Is there any other material evidence which you consider should have been taken into account in this assessment of health impacts?

No

Economic

Q10. Do you have any general comments on the overall approach that was taken in completing the RIA?

No

Q11. Do you consider that there are other issues which need to be taken into account in the assessment of the impact on business?

Section 6.17 of the consultation estimates there will be a cost of £22,000 for the alteration of existing signage to reflect the proposed regulations and new age limit. It is however unclear as to who will bear this cost, whether it will be businesses or the Department. Belfast City Council feels it may help compliance if there is central production and distribution of guidance and signage for all premises affected by a change to the minimum age limit for the sale of tobacco products. Consideration should also be made for Non-English speaking retailers.

Q12. Do you agree with the analysis of the sectors and business/organisations which might be particularly affected by the proposals?

Yes

Q13. What are your views on the identification and assessment of the costs and benefits?

Section 6.20 of the consultation refers to the 12 Tobacco Control Officers who were recruited to assist with the enforcement of the Smoking (Northern Ireland) Order 2006 throughout Northern Ireland. The consultation states that “these staff will provide a focus for tobacco control activity across district councils to include activity on underage sales and the new age of sale regulation”. Funding for these posts is currently only guaranteed until July 2008. As a matter of urgency, District Councils need to know that this funding will continue and indeed become permanent to allow for the planning and implementation of future monitoring and enforcement action under the Smoking (NI) Order and underage sales legislation.

Public Expenditure and Public Service

Q14. Do you agree with the Department’s view that a separate Economic Appraisal is not required?

Yes

Impact on Small Businesses

Q15. Do you agree that the proposals will not have a disproportionate impact on small businesses?

Yes

Q16. Are there any impacts on small businesses that you consider should have been addressed?

No

Q17. Is there any other material evidence which you consider should have been taken into account in assessing the impact on small businesses?

No

Rural Proofing

Q18. Do you agree that the proposals will not have a disproportionate adverse impact on rural business?

Yes

Q19. Are there any rural impacts that you consider should have been addressed?

No

Q20. Is there any other material evidence which you consider should have been taken into account in this assessment of rural impacts?

No

Additional Comments

Q21. Do you have any other comments or suggestions on the Integrated Impact Assessment Overview? (Annex 1 of consultation package)

No

Thank you for taking time to complete this Questionnaire.

