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1. Introduction

Council has a statutory duty to enforce a range of legislation, including some which relates to the sale, use or hire of age restricted products. Specific statutes also require Councils to carry out a programme of enforcement action. As part of this enforcement action the Council includes test purchasing as a measure, to reduce the incidence of offences of the sale, use or hire of harmful or nuisance products to children and young people.

2. Aim/Purpose

This policy sets out how the Council will use test purchasing to ensure compliance with legislation controlling the sale, use or hire of age-restricted products, reduce the level of offending in relation to the sale, use or hire of age restricted products and fulfilment of the Councils statutory duty.

3. Scope

Council has a statutory duty to enforce legislation which applies to the sale, use or hire of age restricted products. In order to adequately assess compliance with this legislation and also to meet the requirements of Service Level Agreements with partner organisations, Council will use test purchasing to ensure compliance with the relevant legislation.

Test purchasing is carried out by a child under the relevant age restriction relating to the specific product and under the care and supervision of an authorised officer.

The age-restricted products currently within legislation enforced by the Council are:

- Tobacco and Tobacco Products
- Cigarette Lighter Refills Containing Butane
- Aerosol Paint
- Sunbeds
- Nicotine Inhaling Products

The policy therefore sets out the Councils commitment to the use of test purchasing as means of ensuring compliance with relevant legislation.

4. General Principles

4.1 Relevant Legislation

4.1.1 Tobacco & Tobacco Products

- Health and Personal Social Services (Northern Ireland) Order 1978
- Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991
- The Children and Young Persons (Sale of Tobacco etc.) Regulations (Northern Ireland)

2008. It is currently an offence to sell tobacco or tobacco products to anyone under the age of 18 years.

4.1.2 Cigarette Lighter Refills Containing Butane

- The Cigarette Lighter Refill (Safety) Regulations 1999.

It is currently an offence to sell butane or products with butane as a constituent part to anyone under the age of 18 years.

4.1.3 Aerosol Paint

- The Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 Article 37.

It is currently an offence to sell an aerosol paint container to anyone under the age of 18 years.

4.1.4 Sunbeds Act (Northern Ireland) 2011

- It is currently an offence to permit the use, sale or hire of a sunbed or entry into restricted zones within a sunbed premises to a person under the age of 18 years.

4.1.5 Nicotine Inhaling Products

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations (N.I) 2021

It is currently an offence to sell nicotine inhaling products to a person under the age of 18 years.

4.2 Achieving Compliance

The Council will use a range of interventions with retailers to encourage compliance with the above legislation, including:

- The provision of information and resources to businesses
- Advisory visits
- Wider publicity to the general public,
- Work with trade bodies and other interest groups and
- Programme of enforcement action to include test purchasing

4.3 Detection of Offences

As an offence is generally only committed when an age restricted product is sold, used or hired to a person under the stipulated age, the Council recognises that test purchases are the only reliable method of assessing the extent to which a retailer has acted upon the information and advice provided by the Council and ensured that harmful products are not sold to young persons.

The evidence obtained from a test purchase exercise will be used as the basis of legal proceedings should a decision to prosecute be taken in accordance with the Council's General Enforcement Policy.

The Council requires all test purchase exercises to be carried out in a manner that is both legally correct and fair. To ensure that this is achieved, the Council has also established a test purchase procedure which includes details of how retailers are advised about a test purchase exercise and child protection measures to be followed by the Council.

All authorised officers undertaking test purchase exercises will have received appropriate training in the application of the procedure. Test purchasing will be carried out under the direction of a designated senior Officer.

4.4 Child Protection

The safety and welfare of the young person participating in any test purchase is the most important consideration. All exercises will be risk assessed and controls implemented to safeguard the young person as far as is reasonably practicable. Records of assessments and actions will be maintained.

All officers involved in test purchase exercises will receive appropriate training in Child Protection commensurate with their role and the Council will conduct appropriate checks to ascertain their suitability to work with children in accordance with current regimes. All exercises will be conducted in accordance with the Council's test purchase procedure and under the direction of a senior officer of the Council.

5. Related Policies

General Enforcement Policy

Child Protection and Safeguarding Policy

Appendix 1 Equality Screening Form

Policy Scoping

Policy Title:

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

The policy sets out how the Council will use test purchasing to ensure compliance with legislation controlling the sale, use or hire of age-restricted products.

Intended aims/outcomes. What is the policy trying to achieve?

The policy sets out the Councils commitment to the use of test purchasing as means of ensuring compliance with relevant legislation, reducing the level of offending in relation to the sale, use or hire of age restricted products and fulfilment of Council statutory duty.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

Policy is based on the provisions contained in various legislation that requires the use of test purchasing and takes cognisance of any guidance and best practice.

Are there any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

No.

Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote the policy?	Existing regional policy template amended by EH department
Who is responsible for implementation?	Head of Environmental Health

Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

None foreseen.

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Retailers/suppliers of age-restricted products.

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

General Enforcement Policy –this policy will be followed by Officers when considering any follow up action and in particular any formal enforcement action when offences have been detected as a result of test purchasing.

Child Protection and Safeguarding Policy – this policy will be followed by Officers in relation to the young persons who assist them in any test purchasing.

Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories. For up to date [S75 Borough Statistics](#)

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	N/A
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	N/A
Dependants	N/A

Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?

Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependents	None	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependents		None

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

This is a technical document which implements legislation requirements.

B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, an EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Policy Criterion

Rating (1-3)

Effect on equality of opportunity and good relations

Social need

Effect on people's daily lives

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring (www.equalityni.org).

Identify how the impact of the policy is to be monitored

Policy will be reviewed should issues arise.

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Paula O'Neill	Environmental Health Manager	24/10/2023
Approved by	Position/Job Title	Date
Elizabeth Reaney	Head of Department, Environmental Health	22/11/2023

Please forward a copy of the completed policy and form to:

equality@armaghbanbridgecraigavon.gov.uk

who will ensure these are made available on the Council's website.

The above officer is also responsible for issuing reports on a quarterly basis on those policies "screened out for EQIA". This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.

Appendix 2 Rural Needs Impact Assessment (RNIA)

SECTION 1

Defining the activity subject to Section 1(1) of the Rural Needs Act (NI) 2016

1A. Name of Public Authority: Armagh City, Banbridge & Craigavon Borough Council

1B. Please provide a short title which describes the activity being undertaken by the Public Authority that is subject to Section 1(1) of the Rural Needs Act (NI) 2016.

Test Purchasing Policy

1C Please indicate which category the activity specified in Section 1B above relates to:

Developing a

Adopting a

Implementing a

Revising a Policy

Designing a Public Service

Delivering a Public Service

1D. Please provide the official title (if any) of the Policy, Strategy, Plan or Public Service document or initiative relating to the category indicated in Section 1C above

Test Purchasing Policy

1E. Please provide details of the aims and/or objectives of the Policy, Strategy, Plan or Public Service

The policy sets out the Councils commitment to the use of test purchasing as means of ensuring compliance with relevant legislation, reducing the level of offending in relation to the sale, use or hire of age restricted products and fulfilment of Council statutory duty.

1F. What definition of 'rural' is the Public Authority using in respect of the Policy, Strategy, Plan or Public Service?

Population Settlements of less than 5,000 (Default definition)

Other Definition (Provide details and the rationale below)

A definition of 'rural' is not applicable

Details of alternative definition of 'rural' used

Rationale for using alternative definition of 'rural'.

Reasons why a definition of 'rural' is not applicable.

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 2

Understanding the impact of the Policy, Strategy, Plan or Public Service

2A. Is the Policy, Strategy, Plan or Public Service likely to impact on people in rural areas?

Yes No If response is No go to 2E

2B. Please explain how the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas.

2C. If the Policy, Strategy, Plan or Public Service is likely to impact on people in rural areas *differently* from people in urban areas, please explain how it is likely to impact on people in rural areas differently.

2D. Please indicate which of the following rural policy areas the Policy, Strategy, Plan or Public Service is likely to primarily impact on.

- Rural Businesses
- Rural Tourism
- Rural Housing
- Jobs or Employment in Rural Areas
- Education or Training in Rural Areas
- Broadband or Mobile Communications in Rural Areas
- Transport Services or Infrastructure in Rural Areas
- Health or Social Care Services in Rural Areas
- Poverty in Rural Areas
- Deprivation in Rural Areas
- Rural Crime or Community Safety
- Rural Development
- Agri-Environment
- Other (Please state)

If the response to Section 2A was YES GO TO Section 3A.

2E. Please explain why the Policy, Strategy, Plan or Public Service is NOT likely to impact on people in rural areas.

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 3

Identifying the Social and Economic Needs of Persons in Rural Areas

3A. Has the Public Authority taken steps to identify the social and economic needs of people in rural areas that are relevant to the Policy, Strategy, Plan or Public Service?

Yes No If response is No go to 3E

3B. Please indicate which of the following methods or information sources were used by the Public Authority to identify the social and economic needs of people in rural areas.

Consultation with Rural Stakeholders

- Consultation with Other organisations
- Published Statistics
- Research Papers
- Surveys or Questionnaires
- Other Publications
- Other Methods or Information Sources
- (include details in Question 3C below)

3C. Please provide details of the methods and information sources used to identify the social and economic needs of people in rural areas including relevant dates, names of organisations, titles of publications, website references, details of surveys or consultations undertaken etc.

3D. Please provide details of the social and economic needs of people in rural areas which have been identified by the Public Authority?

If the response to Section 3A was YES GO TO Section 4A.

3E. Please explain why no steps were taken by the Public Authority to identify the social and economic needs of people in rural areas?

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 4

Considering the Social and Economic Needs of Persons in Rural Areas

4A. Please provide details of the issues considered in relation to the social and economic needs of people in rural areas.

N/A

SECTION 5

Influencing the Policy, Strategy, Plan or Public Service

5A. Has the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, been influenced by the rural needs identified?

Yes No If response is No go to 5C

5B. Please explain how the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or delivery of the Public Service, has been influenced by the rural needs identified.

If the response to Section 5A was YES go to 6A.

5C. Please explain why the development, adoption, implementation or revising of the Policy, Strategy or Plan, or the design or the delivery of the Public Service, has NOT been influenced by the rural needs identified.

This is a technical policy. It will not have a differential impact on people living in rural areas.

SECTION 6

Documenting and Recording

6A. Please tick below to confirm that the RNIA Template will be retained by the Public Authority and relevant information on the Section 1 activity compiled in accordance with paragraph 6.7 of the guidance.

I confirm that the RNIA Template will be retained and relevant information compiled.

Rural Needs Impact Assessment undertaken by: (Paula O'Neill)

Position: (Environmental Health Manager)

Department / Directorate: (Environmental Health)

Signature: Paula O'Neill

Date: 24/10/2023

Rural Needs Impact Assessment approved by: (Elizabeth Reaney)

Position: (Head of Department)

Department / Directorate: (Environmental Health)

Signature: Elizabeth Reaney

Date: 22/11/2023