

2009

Office of Tobacco Control Annual Report



Mission Statement

The Office of Tobacco Control (OTC) is committed to supporting Government's policy of promoting a tobacco free society by performing the functions assigned to it under the Public Health (Tobacco) Acts 2002 to 2009 in a professional and independent manner.

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“It is crucial that tobacco control ranks as a top priority for political and public health leaders. The new organisation that emerges must reflect that priority. Tobacco control should continue to have a prominent role and identity with strong political support and leadership.”

Chairperson's Statement

I am very pleased to introduce this, the 2009 Annual Report of the Office of Tobacco Control. This has been a particularly productive year for the Office with the commencement in July by the Minister for Health and Children of additional sections of the Public Health (Tobacco) Acts 2002 to 2009. The Office worked closely with all stakeholders to ensure the removal of point of sale tobacco advertising and displays from shops, garages, supermarkets and licensed premises by the July deadline.

Research clearly shows how powerful and pervasive advertising can be in initiating young people into smoking. I am pleased to report that initial findings from research conducted in Ireland into the impact of the removal of point of sale tobacco advertising suggests that this important public health measure is already beginning to have a positive effect.

I am very confident that over time this measure will prove to be a valuable intervention in the struggle against the tobacco epidemic. Once again, Ireland has displayed leadership in tobacco control as we continue to restrict opportunities to promote tobacco to the next generation.

In November, the Office published its latest research on compliance levels regarding sales of tobacco to minors. This is the third year that we have monitored progress in this area and the results show a steady improvement year on year. However, the fact remains that one third of retailers are still prepared to sell tobacco to minors and this is not acceptable.

We must continue our collective efforts to ensure that minors cannot easily access tobacco from local shops. I urge all retailers of tobacco to ensure that tobacco is not sold to minors and thus prevent the start of a serious addiction to nicotine. I also wish to commend the work of the Environmental Health Officers of the Health Service Executive in this important area. I believe the three key elements which will drive compliance levels are public support, retailer vigilance and enforcement where necessary.

The Office also accepted applications from tobacco retailers and vending machine operators for the National Register of Tobacco Retailers which came into operation on 1 July. If a registered person is convicted of an offence under the Public Health (Tobacco) Acts 2002 to 2009, they will not be permitted to sell tobacco for a period of time as determined by the Courts. Again, this is an important measure to deter sales of tobacco to minors.

However, while the successful commencement in 2009 of the additional sections of the Public Health (Tobacco) Acts 2002 to 2009 is a clear and measurable step forward, tobacco as an issue is far from done and we must not become complacent.

In terms of overall population smoking rates, the most recent Slán survey indicated a smoking prevalence rate of 29 per cent. This rate is high by international standards and much higher than England. We have clearly some way to go if the legislative initiatives are to translate into outcomes in terms of reduced smoking rates and tobacco related deaths.

As we approach the 10th anniversary of the publication of the seminal policy document *"Towards a Tobacco Free Society"* we must certainly acknowledge the progress we have made. However, the fact remains that tobacco is the leading cause of preventable deaths in Ireland, over 6,000 people die from the effects of tobacco use every year and smoking kills half of all long term users in middle age. The World Health Organisation has clearly set out the measures that countries can take to tackle this epidemic and we, in Ireland, can learn from the experience of other countries that have successfully driven down smoking prevalence rates.

Building on what has been achieved to date, it is now essential to formulate a new progressive and comprehensive tobacco control strategy for Ireland.

This brings me to the future of tobacco control in Ireland. The Government has decided that the Office is to amalgamate in 2011. The Executive and the Board have been working diligently in 2009 to ensure this amalgamation is a success. It is crucial that tobacco control ranks as a top priority for political and public health leaders. The new organisation that emerges must reflect that priority. Tobacco control should continue to have a prominent role and identity with strong political support and leadership.

Finally, I wish to sincerely thank my fellow Board members for their support and hard work throughout the year and acknowledge the work of the outgoing CEO, Éamonn Rossi, and staff of the Office, whose dedicated professionalism contributed to a very successful year.

I wish to acknowledge the commitment and support of the Minister for Health and Children, Ms Mary Harney and the Minister of State at the Department of Health and Children, Ms Áine Brady and the officials in the Department of Health and Children, in particular the Tobacco Control Unit.

In addition, I also wish to thank the management and staff of the Environmental Health Services of the Health Service Executive for their continued support, co-operation and professionalism. I look forward to working together with all our partners to achieve the vision of a tobacco free society.

Report of the Chairperson on Corporate Governance Matters

The Office is committed to ensuring that its policies and practices reflect good corporate governance and that it is compliant with the Code of Practice for the Governance of State Bodies.

I as Chairperson acknowledge the following;

1. I confirm that all appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposals are being performed by the Office.
2. Codes of Business Conduct for Members and Employees agreed by the Board have been put in place and are adhered to.
3. I confirm that the Government policy on the pay of Chief Executives and all state body employees is being complied with.

4. Eight Meetings of the Board were scheduled in 2009. Six meetings took place. The absence of a quorum resulted in two committee meetings being held. Attendance at Board Meetings by its Members was as follows:

Ms Norma Cronin	6
Prof. Shane Allwright	6
Prof. Farrel Corcoran	6
Ms Mary Cunningham	5
Dr Patrick Doorley	0
Mr Paddy Donnelly (appointed 20 April 2009)	3
Mr Dennis Drought	5
Ms Annette Fitzgerald	5
Ms Stephanie Kelly (resigned 14 May 2009)	0
Ms Eimear Killian (appointed 17 April 2009)	1
Mr Owen Nulty	3
Cllr. Rosaleen O'Grady	5

5. I confirm that Government guidelines on the payment of Members' expenses are being complied with. No fees were payable to Members.

During the course of the year the following amounts were payable to Members of the Board regarding expenses:

	Expenses €
Ms Norma Cronin	816.76
Prof. Shane Allwright	27.91
Ms Annette Fitzgerald	645.79
Ms Eimear Killian	564.40
Mr Owen Nulty	18.20
Cllr Rosaleen O'Grady	2,084.09

6. The Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector are being complied with.
7. I certify that the Government travel policy requirements are being complied with in all respects.
8. I confirm that the Code of Practice for the Governance of State Bodies has been adopted in full by the Board and has been implemented by the Office.
9. I confirm that the Office has complied with its obligations under tax law.

Statement on Internal Financial Controls

Responsibility for System of Internal Financial Control

On behalf of the Board, I acknowledge our responsibility for ensuring that an effective system of internal financial control is maintained and operated in the Office.

The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.

Key Control Procedures

- The Board has taken steps to ensure an appropriate control environment by:
 - Clearly defining management responsibilities;
 - Establishing formal procedures for monitoring the activities and safeguarding the assets of the organisation;
 - Developing a culture of accountability across all levels of the organisation.
- The Board has established processes to identify and evaluate the main business risks facing the Office. The Office has developed a Corporate Risk Register which was reviewed and updated in 2008, and is monitored continuously by the Board.

The Risk Register:

 - Identifies the nature and impact of risks facing the Office
 - Assesses the likelihood of identified risks occurring
 - Assesses the impact on the Office should those risks occur.
- The system of internal financial control is based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability. In particular it includes:
 - Appropriate budgeting system with an annual budget which is reviewed by senior management;
 - Regular review by senior management of periodic and annual financial reports which indicate financial performance against forecasts;

- Regular management team meetings;
- Documented financial procedures.

iv. The Office of Tobacco Control has an outsourced internal audit function, which operates in accordance with the Framework Code of Best Practice set out in the Code of Practice for the Governance of State Bodies. The work of internal audit is informed by the analysis of the risk to which the Office is exposed, and annual internal audit plans are based on this analysis. The analysis of risk and the internal audit plans are endorsed by the Audit Committee and approved by the Board.

The Audit Committee normally meets quarterly to review with the Internal Auditor the outcome of their audits and to confirm the ongoing adequacy and effectiveness of the system of Internal Financial Control. The Audit Committee met five times in 2009.

The Committee's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the Internal Auditor, the executive managers within the Office who have responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller and Auditor General in his management letter.

Annual Review of Controls

I confirm that in the year to 31 December 2009, the Board conducted a review of the system of internal financial controls.



Norma Cronin
Chairperson



“Independent research commissioned by the Office shortly after commencement demonstrated that 98% of advertising and 97% of tobacco displays have now been removed from retail outlets throughout the country.”

Chief Executive's Review

2009 was an important year for the Office of Tobacco Control and tobacco control in Ireland. Further provisions of the Public Health (Tobacco) Acts 2002 to 2009 were commenced on 1 July 2009 which provided for the removal of all in-store point of sale advertising and display of tobacco products.

Prior to this date children saw tobacco almost invariably occupying the most prominent display space behind the counter of retail supermarkets, shops, newsagents and petrol stations. It was positioned among a whole range of familiar products in the shops creating the false impression that tobacco is much more socially acceptable and commonly used than is really the case.

I very much welcome the fact that tobacco advertising and display is now gone from the retail environment in Ireland. This is a strategic measure which will make a great difference and which protects children in particular.

The Office delivered a communication campaign and worked with colleagues in the Department of Health and Children and the Health Service Executive (HSE), in the lead in to the commencement, to ensure that retailers and others were apprised of the new provisions.

Independent research commissioned by the Office shortly after commencement demonstrated that 98% of advertising and 97% of tobacco displays have now been removed from retail outlets throughout the country.

This is a very important public health measure and closes off an important channel of tobacco advertising and display in premises regularly frequented by young people.

The Office completed the build of the National Register of Tobacco Retailers in advance of opening for applications on 1 July 2009. The work of registering tobacco retailers and collecting the retail registration fees peaked in September 2009 but continued throughout the remainder of the year.

In November 2009 the Office published its third National Tobacco Retail Audit Monitoring Report.

The Report examined the extent to which compliance levels with sales to minors legislation have changed and compared the baseline with findings from 2007 and 2008. While the Report indicates progress, one third of retailers are still prepared to allow the sale of cigarettes to children.

In addition to the commencement of additional provisions of the Public Health (Tobacco) Acts 2002 to 2009 the Office continued to discharge its statutory responsibility to co-ordinate the National Tobacco Control Inspection Programme in co-operation with the HSE. This is a key component of effective tobacco control policy.

The programme includes monitoring and enforcement of the smoke-free workplace legislation and a continued focus on combating sales to minors. The enforcement programme in 2009 also included compliance building work with retailers in advance of the introduction of the advertising and display restrictions. Highlights from the 2009 National Tobacco Control Inspection programme include:

- 25 cases taken for non-compliance with smoke-free workplace legislation, 18 of which were in respect of licensed premises;
- Eight cases taken for sales to minors offences resulting in six convictions.

The Office actively engages with civic society to advance the tobacco control agenda. In 2009 the Office worked with the Ulster Cancer Foundation and the Ulster Council of the GAA to promote the Armagh versus Tyrone Ulster Championship match in Clones as a smoke-free event.

Research published by the Office, in advance of the event, demonstrated that 83% of patrons of sports events support a smoke-free policy in all stadia with majority of smokers also supporting such a policy.

Throughout 2009 the Office was pleased to share its experience with international colleagues, in particular with regard to the removal of point of sale advertising and display.

The Office worked in 2009 to ensure the effective amalgamation of the Office and transfer of functions on foot of the announcement by the Minister for Health and Children of a major programme of agency rationalisation in the Health sector.

The last decade has seen comprehensive legislation introduced to underpin tobacco control in Ireland. As the Chair refers to in her report, our next challenge is to build on this legislative platform and to formulate a reinvigorated tobacco control strategy to address the challenges of preventing teen initiation into tobacco use and reducing overall smoking prevalence, leading to longer, healthier lives for people.



Éamonn Rossi
Chief Executive Officer

2009 Highlights

- **Legislation removing point of sale advertising and display of tobacco products at retail outlets and licensed premises came into effect on 1 July, 2009.**
- **Research carried out by the Office in the second half of 2009 demonstrated that: 98% of stores are compliant with the legislation prohibiting tobacco advertising and 97% of stores are complying with the legislation regarding the display of cigarettes for sale in-store.**
- **Research co-funded by the Office provides evidence that children are influenced by point of sale displays.**
- **A National Register of Tobacco Retailers for persons selling tobacco products came into effect on 1 July, 2009.**
- **The *National Tobacco Retail Audit – 2009 Monitoring Report* showed that the percentage of retailers refusing to sell cigarettes to under 18 year olds has increased by eight points to 68%. This compares to a 60% refusal rate in 2008 and 52% in 2007.**
- **Smoke-free workplaces continue to enjoy widespread support and compliance.**
- **A first-ever voluntary smoke-free stadium GAA match was held as part of the Ulster GAA championship. The event was a success demonstrating strong public support for the measure.**

Functions of the Office of Tobacco Control

The Office of Tobacco Control is a statutory body set up to implement and manage the Government's tobacco control policy as outlined in the report *Towards a Tobacco Free Society*, published in 2000.

The Office is committed to supporting the Government's policy of promoting a tobacco free society by performing the functions assigned to it under the Public Health (Tobacco) Act, 2002 in a professional and independent manner.

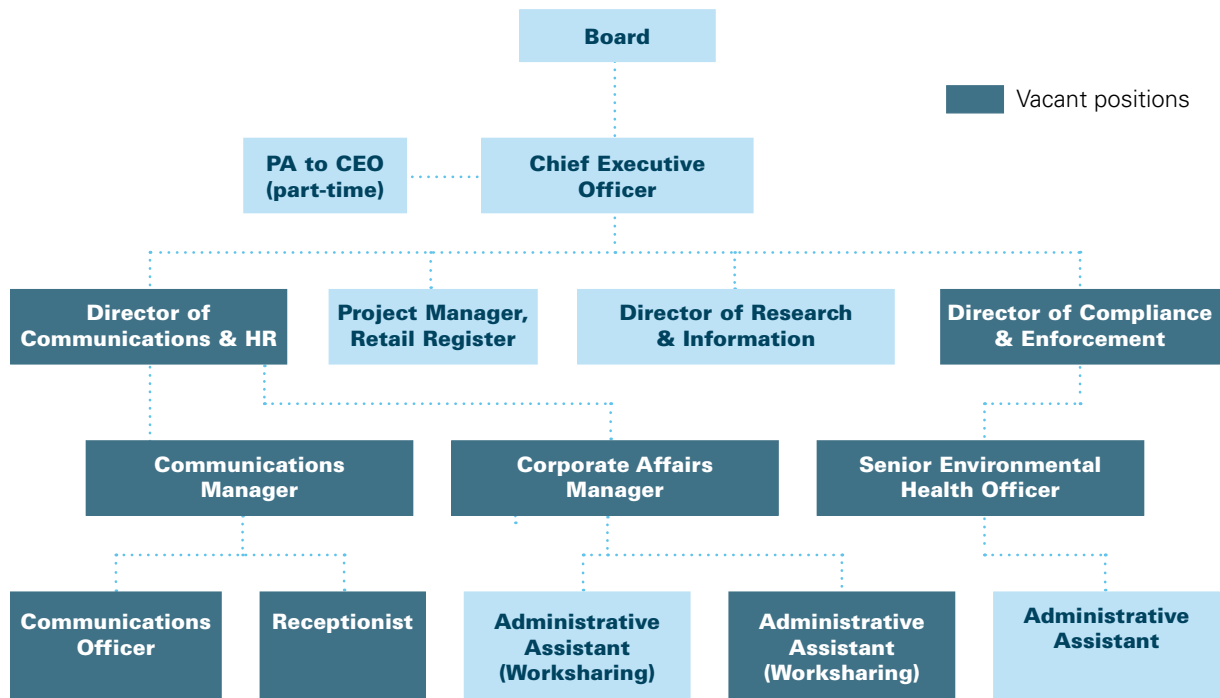
These functions are:

1. To advise the Minister for Health and Children, and assist him or her in the implementation of policies and objectives of the Government, on the control and regulation of tobacco products generally
2. To consult with relevant national and international bodies on developments in tobacco control

3. To advise the Minister on any further actions that should be taken to reduce or eliminate smoking or its effects
4. Organise research and disseminate the results
5. Co-ordinate a national inspection programme in cooperation with the Health Service Executive (HSE).
6. To advise the Minister as required on the manufacturing and marketing activities of the tobacco industry
7. To perform such other functions as the Minister may assign to the Office from time to time

In addition the Office of Tobacco Control will perform certain specific functions such as the maintenance of a register of retail premises and conduct compliance testing on tobacco products.

Organisational Chart 31 December 2009



Board Members

The current Board of the Office of Tobacco Control was appointed by the Minister for Health and Children, Ms Mary Harney TD, in March 2008. The Board members are drawn from a variety of backgrounds including healthcare, health service management, academia, business and the youth sector.

The Chair of the Board is Ms Norma Cronin who is the Health Promotion Manager, Tobacco Control at the Irish Cancer Society. Ms Cronin was appointed as Chair in October 2008.

Ms Norma Cronin, Chair

Health Promotion Manager,
Tobacco Control

Irish Cancer Society



Prof. Shane Allwright

Associate Professor,
Epidemiology

Trinity College Dublin



Prof. Farrel Corcoran

Professor of
Communications

Dublin City University



Ms Mary Cunningham

Director

National Youth Council of
Ireland



Dr Patrick Doorley

National Director,
Population Health

Health Service Executive



Mr Paddy Donnelly

Former Assistant Secretary

Office of the Revenue
Commissioners



Mr Dennis Drought

Student

**Ms Annette Fitzgerald**

Principal Environmental
Health Officer

HSE West

**Ms Eimear Killian**

Deputy Manager

Glenlo Abbey Hotel, Galway

**Mr Owen Nulty**

Former General Secretary

MANDATE Trade Union

**Ms Rosaleen O'Grady**

Senior Clinical Nurse
Manager, HSE West

Councillor, Sligo Borough
Council



Objective 1

To **ensure compliance** with the relevant provisions of the Public Health (Tobacco) Acts 2002 to 2009.





The Office has a series of monitoring and inspection responsibilities to ensure compliance with the relevant provisions of the Public Health (Tobacco) Acts 2002 to 2009. Specifically, the Office's role includes:

- Development and monitoring of the National Tobacco Control Inspection Programme;
- Acting as an authorised officer and initiating legal action as necessary;
- Development and monitoring of the national legal requirements on the tobacco and linked industries;
- Establishment and maintenance of a register of retailers of tobacco products.

The key focus of the Office in 2009 was preparing for the successful introduction of the in-store advertising provisions of the Public Health (Tobacco) Acts 2002 to 2009 and the National Register of Tobacco Retailers.

A significant feature of the Public Health (Tobacco) Acts 2002 to 2009 to date has been the high compliance levels achieved. These high levels of compliance have been achieved through a combination of widespread public support, stakeholder education initiatives and active enforcement.

Smoke-free workplace legislation continues to enjoy strong public support and high levels of compliance. Active enforcement by Environmental Health Officers (EHOs) from the Health Service Executive (HSE), through the National Tobacco Control Inspection Programme, is critical to maintaining these compliance levels.

There was also active enforcement of tobacco sales to minors legislation as part of the National Tobacco Control Inspection Programme. EHOs engaged in test purchasing programmes across all four HSE areas. Active enforcement plays a critical role in improving retailer behaviour in respect of this legislation.

The Office continued to provide support to the inspection programme through the operation and management of the lo call Compliance Line. In 2009, this facility was extended to incorporate all enquiries in relation to the Retail Register.

Commencement of Comprehensive Restrictions on Tobacco

On 1 July 2009 a number of key provisions of the Public Health (Tobacco) Acts 2002 to 2009 came into effect.

The provisions of the legislation include:

- No advertising or display of tobacco products permitted in a retail premises that sells tobacco products;
- A requirement that retailers must ensure that their tobacco products are stored out of view, within a closed container or dispenser only accessible by the retailer and retail staff;
- The retailer may use a pictorial list (in accordance with Regulations) to inform a member of the public aged 18 years and older who intends to purchase a tobacco product as to the products that are available;
- A requirement that a retailer must display a sign at their premises informing the public that tobacco products may be sold at those premises to persons aged 18 years and over;
- A prohibition on self-service vending machines except in licensed premises and registered clubs and must be operated in accordance with Regulations;
- A requirement that all retailers of tobacco products must register with the Office of Tobacco Control.

National Register of Tobacco Retailers

From 1 July 2009, all persons selling or intending to sell tobacco products by retail, whether over the counter or from a self-service vending machine, are required to register with the Office. Self-service vending machines are allowed only in licensed premises and registered clubs and both the vending machine operator and the licensed premises/club owner must register. A registration fee of €50 per applicant applies. A person registered under Section 37 of the Public Health (Tobacco) Acts 2002 to 2009 who is convicted of an offence under the Acts will be suspended from the Register for a period prescribed by the Courts.

A Project Steering Group, chaired by the Office, was established in 2008 to guide the development and implementation of the Register. The Group includes officials from the Department of Health and Children and the HSE and regular meetings were convened during 2009 to ensure successful and timely completion of the project.

Following a public procurement process in 2008, an IT system was designed and built to support the introduction of the Register. The system includes both on-line and paper application solutions. The project went live on 1 July 2009.

2,351 queries were handled by the help desk team and the Compliance and Enforcement Unit between June and December 2009.

A total of 8,104 applications were received in 2009 for inclusion on the Register and 4,202 registrations were completed by the Office.

Stakeholder Communication

The Office was actively involved in ensuring all stakeholders were aware of the new measures to be introduced.

In May 2009, the Office produced a guidance booklet entitled *Guidance for those Selling Tobacco Products*, which was issued to retailer and vintner trade associations, retailers, licensed premises owners and all Environmental Health Offices.

In May also, a Briefing Seminar was organised for Principal Environmental Health Officers of the HSE. The event was opened by Ms Áine Brady, TD Minister of State. Additional advice and support was provided to EHOs by the Office once these measures came into effect.

In June, the Office, in conjunction with the Department of Health and Children, co-hosted an Information Day for members of the tobacco retail trade.

The Office also planned and delivered an information campaign in retail and vintner trade magazines in advance of commencement of the new measures.

National Tobacco Control Inspection Programme

The Office is responsible for the co-ordination of the National Tobacco Control Inspection Programme in co-operation with the HSE. EHOs, the authorised officers under the Public Health (Tobacco) Acts 2002 to 2009, are charged with the investigation of any breaches of the legislation and are critical to its enforcement.

In 2009, the Office's work focused primarily on compliance building in respect of the newly commenced in-store advertising provisions. Compliance with sales to minors legislation was also a key focus of the national inspection programme. In addition, maintaining high compliance with the smoke-free workplace legislation remained important.

During 2009, a substantial plan of enforcement activity was carried out under the National Tobacco Control Inspection Programme:

- 25 cases were initiated for non-compliance with the smoke-free workplace legislation. These resulted in 19 convictions while the Probation of Offenders Act was applied in three cases;
- Eight cases were initiated for sales to minors offences where a retail premises sold cigarettes to a volunteer minor. These resulted in six convictions. Four cases were dismissed and the Probation of Offenders Act was applied in one case;
- One case was taken under Section 38 (1) of the Public Health (Tobacco) Acts 2002 to 2009, the sale of cigarettes by retail other than in a packet containing not less than 20 cigarettes, which resulted in a conviction. This case was taken against a retailer in the Dublin Mid-Leinster Area and was the first case under Section 38 (1).

Inspections

Tobacco control inspection data are drawn from the programme of inspections undertaken by each HSE area. This information is generated by the use of national protocols under the National Tobacco Control Inspection Programme. However, due to the ongoing public sector industrial action, inspection data are not available for 2009.

Prosecutions

Smoke-free Workplaces

Active enforcement by EHOs under the National Tobacco Control Inspection Programme plays a hugely important role in maintaining the success of the smoke-free workplace legislation.

During 2009, EHOs ensured that where evidence of a significant or sustained infringement of the legislation was found, that prosecutions were initiated in the District Courts. As in previous years, the vast majority of these prosecutions were successful.

25 cases were taken for offences under Section 47 of the Public Health (Tobacco) Acts 2002 to 2009 during the past 12 months. These cases resulted in 19 convictions. The Probation of Offenders Act was applied in three cases while there were six dismissals.

A yearly comparison of the smoke-free workplace prosecution data is outlined in Table 1. Table 2 outlines the number of prosecutions taken by each HSE area.

Analysis of the 25 cases from 2009 shows that:

- 18 were in respect of licensed premises;
- One related to an hotel;
- Five related to taxi companies;
- One was in respect of an amusement arcade.

Further analysis of the 19 convictions shows that:

- 11 were in relation to permitting smoking in non compliant outdoor smoking areas;
- 5 were for permitting smoking in another specified place;
- 3 related to persons smoking in a specified place.

Sales to Minors

The sales to minors inspection programme in 2009 resulted in six convictions in the District Courts under Section 45 of the Public Health (Tobacco) Acts 2002 to 2009.

The Probation of Offenders Act was applied in one case while there were four dismissals. In 2008, there were 19 convictions, four dismissals and one Probation of Offenders Act.

The number of prosecutions taken by HSE areas is shown in Table 3.

Lo-call Compliance Line (1890 333 100)

The lo-call Compliance Line (1890 333 100) offers an effective route through which the public can register complaints and concerns in respect of tobacco control. As a support mechanism for the National Tobacco Control Inspection Programme, the line plays an important role in building and maintaining compliance. The line has been in operation since 29 March 2004 coinciding with the introduction of the smoke-free workplace legislation and it has now been extended to capture all compliance related calls.

During 2009, a total of 399 complaints, shown below in Table 4, were made to the compliance line:

- Complaints in relation to smoke-free workplace legislation accounted for 86% of the calls received;
- 141 (35%) of these complaints related to the hospitality sector, of which 119 were in respect of licensed premises;
- Sales to minors complaints accounted for 5% of calls;
- In 2008, a total of 557 complaints were registered via the compliance line.

Public Enquiries

In addition to complaints received through the lo call Compliance Line, the Compliance and Enforcement Unit responded to over 1,000 queries concerning tobacco control legislation and related issues and provided information to employers, employees and members of the public.

HSE National Tobacco Control Database

During 2009, the Office continued to assist the HSE National Tobacco Control Database Steering Group, which is tasked with the development and implementation of a national tobacco control database. This database went live nationally on 1 July 2009 and provides a national platform for capturing information generated by the National Tobacco Control Inspection Programme.

Table 1: Smoke-free Workplaces – Total Prosecutions

Year	Cases	Convictions	Probation Act	Dismissed
2009	25	19	3	6
2008	24	19	6	2
2007	43	47	2	2
2006	35	37	4	1
2005	39	45	3	1
2004	13	16	2	0

Table 2: Smoke-free Workplaces – Prosecutions by HSE Area

HSE Area	Cases	Convictions	Probation Act	Dismissed
HSE Dublin Mid Leinster	1	0	0	1
HSE Dublin North East	10	10	0	2
HSE South	4	3	0	1
HSE West	10	6	3	2
Total	25	19	3	6

Table 3: Sales to Minors – Prosecutions by HSE Area

HSE Area	Cases	Convictions	Probation Act	Dismissed
HSE Dublin Mid Leinster	2	1	0	3
HSE Dublin North East	0	0	0	0
HSE South	2	2	0	0
HSE West	4	3	1	1
Total	8	6	1	4

Table 4: Complaints Received – Call Volumes

Complaint Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Smoke-free Workplaces	36	45	30	18	18	28	35	20	23	20	30	39	342
Sales to Minors	4	3	4	1	3	0	1	0	1	1	0	2	20
Advertising	0	0	0	0	0	0	11	7	4	1	3	0	26
Other	0	1	0	3	0	3	4	0	0	0	0	0	11
Total Calls	40	49	34	22	21	31	51	27	28	22	33	41	399

Objective 2

To **advise the Minister for Health and Children** and assist her in the implementation of policies and objectives of the Government on the control and regulation of tobacco products





One of the primary functions of the Office of Tobacco Control is to advise the Minister for Health and Children in relation to tobacco use, its effects generally on people and to recommend measures which would reduce or eliminate smoking and its effect on society.

This duty to advise and inform Government in relation to tobacco control also extends to other Ministers and relevant authorities where the Office deems it appropriate. The Office also advises the Minister and the Department of Health and Children on the effectiveness of Ireland's tobacco control legislation. This includes monitoring and reporting compliance with the smoke-free workplace measure, sales to minors and since 1 July 2009 the removal of point of sale and display and the retail register.

Specifically, the Office has responsibility for assisting the Minister in the implementation of policies and objectives of the Government concerning the control and regulation of tobacco products. The Office is tasked with providing advice on request regarding:

- The manufacture, importation, sale or supply and smoking of tobacco products;
- Strategies employed by manufacturers, importers, distributors or retailers of tobacco products;
- Technology used in the manufacture, production, marketing of tobacco products and related innovations in this regard.

Commencement of Tobacco Control Measures in the Retail Environment

During 2009, representatives from the Office met with Ms Áine Brady TD, Minister of State in preparation for the commencement of further significant provisions of the Public Health (Tobacco) Acts. The Office also provided advice in relation to legislative amendments for the Public Health (Tobacco) (Amendment) Bill, 2009.

Throughout 2009, the Office worked closely with officials from the Department of Health and Children, the Environmental Health Officers Association and the Health Service Executive as a member of the National Implementation Group which is chaired by the Department. The role of this Group is to ensure the smooth introduction and implementation of tobacco control legislation.

As part of its work in this regard, the Office commissioned IPSOS mrbi to conduct an audit of the retail environment to assess compliance with the newly commenced legislative provisions. This research data was provided to the Minister, her officials and the HSE to advise them on compliance building work.

Guidance for Retailers of Tobacco Products



In early 2009, a sub-group of the National Implementation Group was formed to prepare guidance for retailers on the new measures which came into effect on 1 July 2009. Its members include representatives from the Department of Health and

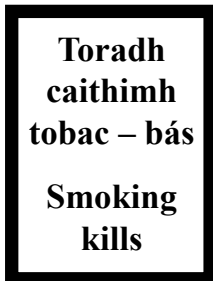
Children, Health Service Executive and Office of Tobacco Control.

In May 2009, the Office produced and issued this guidance material to stakeholders.

Combined Text and Photo Health Warnings

During 2008 the Office provided advice to the Minister in relation to combined text and photo health warnings. The Public Health (Tobacco) (Amendment) Act, 2009 provides for Regulations to be drafted to enable such warnings to be placed on cigarette packs. The images to be included were selected using qualitative research commissioned by the Office.

Bi-lingual Health Warnings



In July 2008, Minister Harney signed Statutory Instrument 255 / 2008 to provide for bi-lingual health warnings comprising both the Irish and English languages on tobacco products sold in Ireland. Since 1 October 2009, all health warnings now appear in both Irish and English.

Annual Report



The Office prepared and submitted to the Minister for Health and Children its 2008 Annual Report pursuant to the provisions of Section 25 of the Public Health (Tobacco) Act, 2002. This report outlined the main activities of the Office during 2008.

Objective 3

To **undertake research** and disseminate the results in support of evidence based tobacco control initiatives



A strong evidence base is required to underpin tobacco control programmes and in the development of effective public health policy. On-going, independent monitoring and evaluation of programmes is also necessary to assess effectiveness of existing measures, identify new measures to be considered, and to ensure best use of available resources. Accordingly, significant emphasis is given to both primary and secondary research within the Office's activities.

The Office's legal obligations in respect of research activities are outlined in Section 10 of the Public Health (Tobacco) Act, 2002:

- Undertaking, sponsoring or commissioning of research aimed at identifying measures likely to reduce the incidence of smoking or its effects;
- Preparing and publishing relevant research reports.

The Office fulfills this function in a number of ways. In addition to commissioning specific projects from specialist research agencies, joint research initiatives are also undertaken with other organisations to address areas of mutual interest. Developing research capacity through shared networks, nationally and internationally, continues to be a priority for the Office.

Audit of the Irish Retail Environment

During 2009, the Office published two research reports on the Irish retail environment – the first in March and the second in November. Both pieces of research were conducted by IPSOS mrbi on behalf of the Office.

March 2009 Report

The first report was based on research carried out during 2008 and this data was compared with findings from the baseline study in 2007. Among the key findings in the report were:

- Nationally, 40% of shops were willing to sell cigarettes to underage youth with 60% refusing the sale. Compliance levels have improved somewhat since 2007, when 48% of shops were willing to sell to underage youth with 52% refusing the sale;
- 63% of minors were not prevented from buying cigarettes from a vending machine in licensed premises. This is almost identical to the 2007 finding of 64%;
- 79% of premises with token operated cigarette vending machines prevented minors from buying cigarettes against 24% of premises with coin operated machines;

- 54% of shops asked the minor for ID in 2008 compared to 47% 12 months earlier. The figure for licensed premises remained almost unchanged in 2008 with 31% requesting ID;
- 96% of minors who were asked for ID were refused the sale;
- With regard to tobacco advertising, and in broadly similar findings to 2007:
 - 89% of stores visited had some form of tobacco advertising on display;
 - 40% of all stores surveyed had confectionery displayed beside the tobacco display.

November 2009 Report

The second report was based on research conducted by IPSOS mrbi during summer 2009. Among the key findings were:

Sales to Minors Compliance – Retail Premises

- 94% of 14 year olds, 88% of 15 year olds, 61% of 16 year olds and 52% of 17 year olds were refused cigarettes;
- 31% of all minors were asked their age when attempting to purchase cigarettes in a retail outlet, up one point on 2008;
- 61% of minors were asked for ID when attempting to purchase cigarettes in a retail outlet, this is a seven point increase on the 2008 figure;
- However, 39% of minors were not asked for any form of ID when attempting to purchase cigarettes.

Sales to Minors Compliance – Licensed Premises

- 38% of all minors were asked their age when attempting to purchase cigarettes in a licensed premises, up from 20% in 2008.
- 61% of minors were asked for ID when attempting to purchase cigarettes in a licensed premises, up from 31% in 2008.
- In 2007 and 2008 the proportion of token operated machines in licensed premises surveyed was 16% and 24% respectively. In 2009 this figure increased to 73% (disc/card activated or token operated).

Cigarette Advertising, Displays and Signage

A further part of the audit report published in November 2009 concerned compliance with the removal of in-store display and advertising of tobacco products which came into effect on 1 July. The audit found that:

- 98% of stores were compliant with the new legislation prohibiting advertising in-store;
- 97% of stores were compliant with the new legislation prohibiting the display of cigarettes for sale in-store.

Evaluation of Tobacco Point of sale, Advertising and Display Legislation

The Office of Tobacco Control is involved in co-funding a study on the retail legislation in Ireland along with Cancer Research UK, the Irish Cancer Society and ASH New Zealand. The research is being led by University of Nottingham.

While the research will not be completed until 2010, preliminary data show that there is evidence that children are influenced by point of sale displays. Early findings from the evaluation, which compare young people's attitudes and awareness levels before and after the introduction of the ban include:

- In a survey of 1,000 people aged 15 and over support grew for the new measures from 56% backing the ban in April to 68% by September;
- 180 13–15 year olds were interviewed in June and again in August. Before the ban 81% could recall seeing cigarette or tobacco packs in shops in the last month. After the ban this dropped to less than a quarter;
- A third of the teenagers also thought they or their friends could successfully buy cigarettes in June. After the ban only a quarter thought they could get away with it.

These findings are consistent with other research linking point of sale with:

- Susceptibility to smoking;
- Experimentation;
- Uptake of smoking;
- Perception of the prevalence of smoking.

Point of sale displays create the perception that cigarettes are easily obtainable from stores and are a 'normal' product.

Smoke-free Stadia

The Office commissioned IPSOS mrbi to research public attitudes to smoke-free stadia. Key findings from the research included:

- 83% of those who attended a stadium event in the past year support smoke-free stadia to protect others from second-hand smoke;
- 72% of smokers support smoke-free stadia.

Objective 4

To actively **communicate the benefits** of a move towards a tobacco free society





A primary objective for the Office of Tobacco Control is to inform public opinion and build support for tobacco control measures. Evidence shows that environmental controls and comprehensive regulation of tobacco products play a vital role in reducing tobacco consumption particularly among young people. Such controls, however, can only be effective when those affected by them are fully aware of their obligations, and when society in general supports them and demands compliance with them.

During 2009, the Office focused primarily on communications activities in support of the commencement of the new retail measures:

Research Publications

- The launch of the *National Tobacco Retail Audit 2008 Monitoring Report* in March 2009.
- The Office launched its research on Smoke-free Stadia before the first ever voluntary smoke-free GAA championship match, which was part of the Ulster Championship. The initiative was organised by the Ulster GAA and supported by the Office of Tobacco Control and the Ulster Cancer Foundation.
- The launch of the *National Tobacco Retail Audit – 2009 Monitoring Report* in November 2009. This report also included findings of the first research into compliance with the introduction of the ban on point of sale advertising and display of tobacco products.

Stakeholders Communication

- The Office produced a guidance booklet entitled *Guidance for those Selling Tobacco Products* in May 2009, which was issued to retailer and vintner trade associations, retailers and licensed premises owners and Environmental Health Offices.
- The Office planned and delivered an information campaign, on the removal of point of sale display and advertising, in retail and vintner trade magazines in May and June 2009.
- In May a Briefing Day was held in Dublin for Principal Environmental Health Officers and it was attended by the Minister of State, Ms Áine Brady TD.
- In June 2009 a Stakeholder Information Day was organised by the Department of Health and Children in Dublin. The programme focused on the obligations of tobacco retailers following the introduction of the new measures.

- There was extensive local radio advertising during September in advance of the closing date for applications for the Retail Register on 1 October. Advertisements were also placed in relevant trade publications.

International Presentations

- The Chief Executive presented a paper on tobacco point of sale display in the Irish retail environment at the 14th World Conference on Tobacco or Health in Mumbai. The Office was presented with a prize for one of the best poster presentations from 540 worldwide submissions.
- The Chief Executive addressed a number of other key events during the year which included:
 - Northern Ireland All-Party Assembly Group on Cancer, Stormont, September 2009;
 - Holyrood's Smoking Conference, Edinburgh, September 2009;
 - ASH Wales Conference, Cardiff, October 2009;
 - UK Select Committee on the Health Bill 2009, House of Commons, October 2009.

Media Relations

2008 Retail Audit Report

The first major media relations launch of the year for the Office was the *National Tobacco Retail Audit – 2008 Monitoring Report* in March. The launch received broad TV, radio and newspaper coverage.

5th Anniversary of Smoke-free Workplaces

In late March 2009, the Office issued a press release marking the fifth anniversary of the introduction of smoke-free workplaces. The release received broad national media coverage – helping to highlight the continuing high levels of compliance with the legislation.

Smoke-free Stadia

A press release was issued on the *Smoke-free Stadia* research with pictures of Tyrone and Armagh GAA players supporting the measure. Reports and pictures were secured in both Northern and Southern media – particularly the sports media, in advance of the first ever voluntary smoke-free GAA championship match.

Launch of Annual Report 2008

The contents of the Office's Annual Report for 2008 were launched to the media in June and received broad coverage. The Report showed continued high

levels of compliance with the smoke-free workplace legislation as well as the levels of sales to minors enforcement activity.

Removal of Point of Sale Advertising and Tobacco Displays

Numerous press releases were issued in June on the removal of point of sale advertising and display of tobacco products on 1 July. A broad base of national and local coverage was achieved.

Introduction of National Register of Tobacco Retailers

Several press releases were issued during September to highlight the closing date for applications for the Retail Register on 1 October, 2009 and national and local coverage was achieved.

2009 Retail Audit Report

The final major media relations launch of the year was the *National Tobacco Retail Audit – 2009 Monitoring Report* in November. The launch received wide radio and newspaper coverage. Following the launch, a feature on Tobacco Control in Ireland by the Office's Chairperson was published in the *Irish Times Health Supplement*.

Ongoing Press Queries

During 2009, there was considerable national and international interest in tobacco control measures. As a result, the Office responded to approximately 100 press enquiries during the year.

The Office also responded to, and initiated, some specific media communications such as *Letter to the Editor* and other written statements to media as appropriate.

Website

The website **www.otc.ie** plays an important role in the Office's communications programme. The site outlines the primary objectives and activities of the Office and facilitates the dissemination of information to a wide variety of national and international audiences.

As new content is regularly added to the website, continued development and enhancement is required to ensure it remains an attractive and user-friendly resource.

www.tobaccoregister.ie was launched on 1 July 2009, facilitating online applications to the National Register of Tobacco Retailers. The site presents comprehensive information for retailers.

Partnership

Ensuring a partnership approach to tobacco control efforts in Ireland is an important goal for the Office. Clearly, in the context of enforcement activities, maintaining close links with a wide range of agencies and organisations is essential.

Throughout 2009, the Office worked closely with the Department of Health and Children, the HSE and Office of the Revenue Commissioners.

During 2009, the Office also continued its close cooperation with non-governmental organisations. The ongoing contribution of ASH Ireland, the Irish Cancer Society and the Irish Heart Foundation is a key component in the move towards a tobacco free society.

National and International Collaboration

During 2009, staff of the Office contributed to various seminars and conferences on the development of tobacco control policy. The Office further strengthened its international links with complementary organisations and continued its contribution to collaborative projects.

Objective 5

To continue to develop **the effectiveness and capacity of the Office** and its people to ensure it meets its functions as a statutory body





Rationalisation of State Agencies

In October 2008, the Minister for Finance announced the amalgamation of the Office of Tobacco Control, with the Food Safety Authority of Ireland and the Irish Medicines Board to take effect in 2011. In pursuance of that objective the Office fully participated and co-operated with the Group CEOs with responsibility for the amalgamation of the three agencies. A number of working groups were established to identify common policies and work practices across the three organisations. The HR Department proactively participated with the cross-body exchange of information to prepare for the amalgamation in 2011. Participation involved attendance at meetings, policy and document reviews and co-ordination of key findings to report back to the Group CEOs.

Human Resources

The Office is committed to ensuring delivery of its statutory obligations through the continued development of staff using human resources best practice, policies and procedures and training and development initiatives.

In March 2009, the Minister for Finance announced, as part of a number of cost cutting initiatives, an embargo on all recruitment and related activities. This had a significant impact on the Office as vacancies that arose during the year could not be filled. The vacancies were due to the expiry of fixed term contracts and secondment arrangements between agencies. The staff complement of 13 at January 2009 has been reduced to 3 for 2010.

The Office managed key duties through redeployment, reassignment of functions and outsourcing critical support functions.

During 2009 a number of resourcing initiatives were organised. These included Data Processing and Helpdesk teams to assist in the successful delivery of the Retail Register. In addition, two key support functions were delivered by professionals in the following areas - Human Resources, Corporate Affairs and Company Secretarial, and Management Accounting.

Training and Development

In order to ensure the continued development of all staff a number of strategic training and development initiatives were completed in 2009 in the following areas:

- Irish Language – Introduction
- EHOA Conference
- Compliance Line – Managing Calls and Complaints Handling
- Retail Register Application Processing
- FAQs on Retail Register and Point of Sale
- The “Technical Directive” and its impact on Irish Legislation and Policy Making
- Basic Bookkeeping
- FOI Decision-Makers Programme
- Corporate Governance

Policies and Procedures

The Office firmly believes in the importance of relevant and staff focused policies and procedures that will enhance the work experience for all staff. The Office continued to review and update its HR policies and procedures in line with Directives and Circulars issued throughout 2009.

Of particular note in 2009 were changes to the:

- Incentivised Early Retirement Scheme, and
- Special Incentivised Career Break Scheme.

Corporate Governance

Robust corporate governance arrangements are in place to ensure compliance with Department of Finance guidelines. The Office reviewed and updated procedures in accordance with the recently revised Code of Practice for the Governance of State Bodies.

The Risk Register is an important part of the Office’s system of internal control. The purpose of the register is to ensure that appropriate actions are taken by management throughout the organisation to identify and manage effectively the risks, both financial and non financial, to which the Office may be exposed.

Finance

A core function of the Corporate Affairs department is to monitor and report frequently on the Office's allocated budget and ensure that it meets its requirements under accountability and prompt payments legislation.

In 2009, the Office received a budget allocation of €1.62m. In addition, €396,150 was generated through Retail Registration Fees. A Financial Statement outlining the Office's Income and Expenditure for the year is outlined in the following section of this Report.

In order to ensure the efficiency and effectiveness of the finance function the Office's Financial Procedures were reviewed and updated in accordance with Department of Finance Guidelines and Code of Practice on Governance of State Bodies.

In March 2009 the Minister announced, as part of a number of cost cutting initiatives, a requirement for bodies to secure an 8% reduction in Professional Services Fees. The Office successfully negotiated with service suppliers the required savings without compromising on quality or level of service received.

Financial Accounts

In accordance with Section 24 of the Public Health (Tobacco) Act, 2002, the Office shall submit financial accounts for the year ended 31 December 2009 to the Comptroller and Auditor General for audit before the end of March 2010. On completion of the audit, a copy of the report of the Comptroller and Auditor General shall be presented to the Minister for Health and Children who shall cause copies to be laid before each House of the Oireachtas.

Procurement

The Office complies with all appropriate public procurement procedures and guidelines. It is committed to discharging its public procurement function honestly and fairly, and in a manner that secures best value for public money.

A number of procurement processes were completed by the Office during 2009 including:

- The provision of temporary agency staff;
- The provision of Communications services;

- The provision of Management Accounting services;
- The provision of Human Resources/Corporate Affairs and Company Secretarial services.

Health and Safety

The Office is committed to complying fully with the requirements of the legislation relating to safety, health and welfare at work for staff working in the Office and visitors to the Office. In 2009 the Office Safety Statement was reviewed and updated. In 2009 a Safety Audit was carried out and recommendations implemented.

Information Technology

A number of improvements and system updates were introduced to facilitate the on-going IT requirements of the Office. In particular, the development of a Retail Registration system required additional support systems and infrastructure to improve broadband capability, interfacing and security. This work was carried out throughout 2009 in line with project deadlines. An encryption programme was installed on all laptops to enhance the security of information held by the Office.

Freedom of Information

During 2009, the Office received seven requests for information under the Freedom of Information (FOI) Acts 1997 and 2003. All seven requests were for non-personal information and were responded to appropriately. All FOI requests were managed in accordance with the Freedom of Information Acts by the FOI Officer and FOI Decision-makers.

Financial Statement 2009 (unaudited)*

The Office's income and expenditure is broken down as follows:

Income

Grant Income	1,620,000
Retail Register Income	396,150
Other Income	359
Total Income	2,016,509

Expenditure

Surplus/(Deficit) for the period	107,316
Balance at 1 January 2009	44,065

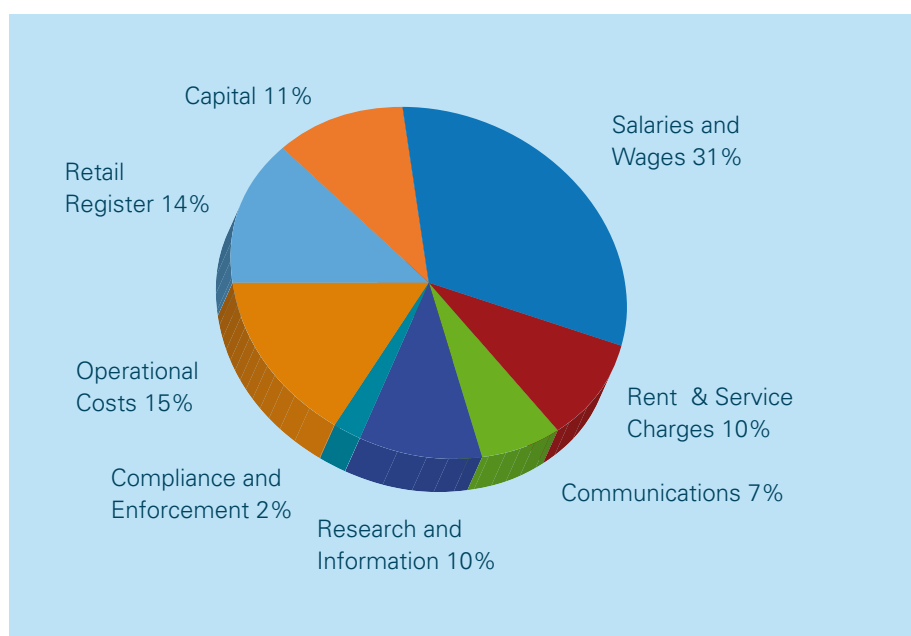
Balance at 31 December 2009

151,381

* The above figures are based on draft accounts for the year ended 31 December 2009 pending audit by Comptroller & Auditor General.

Financial Statement 2009 (unaudited)*

The Office's expenditure is broken down as follows:



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A vertical photograph of a coastal scene. The sky is filled with soft, white and grey clouds. The sea is a pale blue-grey color. In the foreground, white foam from waves is crashing against dark, wet rocks. The overall mood is serene and natural.

www.otc.ie