

Age Restricted Sales Plan 2010/2011

Introduction

The Children and Young Person's (Protection from Tobacco) Act 1991 requires a local authority to review its enforcement policy relating to the supply of cigarettes and tobacco to persons under the age of 18 on an annual basis.

The Licensing Act 2003, section 154, places a duty on every local weights and measures authority in England & Wales to enforce within its area the provisions of sections 146 & 147, so far as they apply to sales of alcohol made on or from premises to which the public have access.

The Clean Neighbourhoods and Environment Act 2005 (section 32) places a duty on local weights and measures authorities (Central Bedfordshire Council) to consider whether enforcement action is necessary with respect to the under age sale of aerosol paint and to undertake appropriate enforcement action if needed.

This Plan fulfils these obligations as part of the overall work by Public Protection to prevent illegal supplies of age restricted goods.

Range of activities

This Authority enforces legislation relating to the sale of the following age restricted products, namely:

- Aerosol paint
- Cigarettes and tobacco products
- Alcohol products
- Intoxicating substances (butane/solvents)
- Fireworks
- Petroleum spirit
- Video recordings
- Lottery and scratch cards
- Explicit printed sexual material
- Knives and blades

Background:

Public Protection works in partnership with others including Central Bedfordshire Council Community Safety and Bedfordshire Police as well as the Primary Care Trust and community groups to ensure accurate identification of growing and high-risk areas and so they can share best practice and perform collaborative work (e.g. joint operations and licence reviews).

The Performance Framework for Local Authorities gives an indicator directly relating to age restricted products in **NI 115** which measures substance misuse by young people, where substances include solvents and alcohol. This indicator is included in the Local Area Agreement set of indicators and as such it is a recognised priority for Bedfordshire. This priority flows from the obvious link between substance misuse and crime and anti-social behaviour as well as the negative impact on health and well being.

NI 123 measures smoking rates amongst those over 16 and the Service can contribute to reducing this figure through its work on under age sales.

In keeping with the Hampton agenda the Central Bedfordshire Council Public Protection recognises the need to not place unnecessary burdens on legitimate business but rather provide support to allow them to meet their legal obligations whilst not inhibiting their trade. Conversely we look to target those that disregard the law by taking effective enforcement action. We will also respond to intelligence indicating a need for intervention. This targeted approach does not preclude the Service from proactively providing advice and information to businesses as part of an awareness campaign or in response to requests.

Enforcement Plan 2010/11

Alcohol

Public Protection have contributed to the Alcohol Strategy for Central Bedfordshire and is committed to continuing to provide an intelligence led response that is tailored to meet the needs of businesses and the community with priority desired outcome to ensure compliance and so reduce the supply of alcohol to those under age within Central Bedfordshire. This plan recognises the need for a concerted response involving all stakeholders. Public Protection will continue to work with off and on licensed premises to reduce sales of alcohol to young people by providing the support to help licensees train staff and help them develop strategies that facilitate compliance. Where particular problems exist we will provide additional support and involve the police where necessary. This collaborative approach recognises that most businesses wish to comply with the law. Where traders are identified that flout the law the combined forces of Public Protection including Trading Standards and Licensing and the Police, will look to act and where necessary a licence review will be instigated. The Service will also consider the merits of a prosecution where warning and Fixed penalty notices have not provided compliance.

As part of its continued commitment to regional work this Service will also develop and lead an initiative looking at the age-restricted compliance of self service check-out tills and the diligence of stores using them.

Tobacco products

The Service will monitor complaints and intelligence and carry out test purchase operations as required.

Public Protection has secured £21,665 of funding from the Department of Health to carry out a campaign of work named Operation: OPTIMUS, targeting illicit tobacco sales. This involved advisory visits to retailers of tobacco products assisting them in implementing and maintaining systems, policies and procedures proven to work in reducing the sale of age restricted products to children. Following on from an alarming test purchase failure rate of 90% last year, Officers are carrying out a series of on-licence premise inspections requesting the relocation of poorly sited machines and advising on steps to prevent under age sales. The Operation also includes a series of test-purchase operations using undercover operatives to attempt to buy cigarettes. Due to the increasing reports that adults are buying cigarettes for children and supplying them (sale by proxy) away from a retail premises a series of covert surveillance operations targeting this supply are being conducted. This will enable Public Protection to gain sufficient evidence to identify and take further legal action against offenders. The operation also looks to target the supply of illicit/counterfeit tobacco products to vulnerable members of the community. These tobacco products are cheaper in price and therefore more appealing to younger smokers and people of a lower income and may encourage them to smoke more. The majority of these counterfeit products could also have a significant impact on health as they are often of a far lower quality, containing levels of chemical and foreign bodies that are far higher than acceptable safe standards. Officers are therefore carrying out a series of operations targeting counterfeit and non-duty paid tobacco products.

Knives

Public Protection will continue to work with the Police and other agencies in support of the Bedfordshire Police "Not in My Neighbourhood" & "Reducing Serious Youth Violence" initiatives. These were Home Office campaigns which funded Bedfordshire Police in response to knife

crime data highlighting Bedfordshire as having high levels of knife related crime. Further analysis of the intelligence showed that this was not the case in Central Bedfordshire. However national intelligence identifies knife crime as a serious concern and one which the government is keen to see effectively tackled. Trading Standards has a role to play in preventing the sale of knives to young people under the age of 18 and so will on an intelligence led basis conduct test purchase operations and provide advice and education to businesses. Where necessary formal action including prosecutions will be taken in accordance with our enforcement policy.

Other Age restricted products

Due to the anti-social behaviour and the identified increased fear of crime aspect of graffiti Public Protection will carry out a series of test-purchase operations targeting the sale of spray-paints to under 16's. This will enable action to be taken against those who sell age restricted goods to children as well as raising the profile of underage sales across the sale industry. Otherwise there are no plans to specifically target any other types of age restricted goods for test purchase operations or campaigns however the Service will respond to local, regional and national intelligence and consider actions in respect of all the products given above. For example during the firework "season" if complaints are received which indicate that fireworks have been supplied to young people under the age of 18 then advice will be given to the business and a test purchase operation may be conducted on those premises.

Current Service policy for age restricted products.

- To provide retailers of age restricted products with advice and guidance on their legal obligations by means of the Traders' Charter Pack and by follow up visits where non-compliances are identified.

- To carry out enforcement operations in response to intelligence
 - To work in partnership wherever possible in support of our aim to reduce the sale of age restricted products to those who are under age using the intelligence supplied by our partners and supporting them to deliver under age sales advice and education.
 - To provide a named contact officer for business supplying alcohol for on and off licences and to encourage ongoing communication recognising that most traders wish to comply with the law.

To take appropriate enforcement action against businesses that supply goods in contravention of the legislation where advice has not been acted upon and failed test purchases continue, in accordance with our enforcement policy.

- To conduct under age sales operations in compliance with Home Office policy and with reference to the new Lacors Practical Guide to Test Purchasing as adapted to reflect normal contingencies and to ensure compliance with the Human Rights Act.

To ensure all staff understand and meet Health and Safety obligations by following agreed safe systems of work for test purchase operations.

Review of 2009 / 2010

During 2009/10 Central Bedfordshire continued to be one of the leading Authorities in the Eastern Region in relation to age-restricted sales, piloting several initiatives such as test-purchase of knives from car-boot sales and the development of sale-by-proxy operations. The Service carried out 517 test purchases of age-restricted products more than any other authority in the East of England.

Continued close working relationships with Bedfordshire Police has led to funding being secured to conduct a series of alcohol initiatives to tackle high levels of anti-social behaviour in the Stotfold area. Operation SAINT carried out a series of test-purchase

operations as well as detailed covert surveillance operations targeting the sale-by-proxy of alcohol.

Alcohol sales to under 18's remained a priority area because of the problems identified at a local and national level. Visits were also conducted in relation to cigarettes, solvents, knives, fireworks, DVDs and spray paints.

The service has continued to issue Traders' Charter packs across the Central Bedfordshire which provide advice and guidance as well as detailing retailer obligations with regard to the sale of all age restricted products. Specifically packs were sent to new alcohol licence applicants and to retailers of tobacco, these were followed by an advice visit.

The table below indicates the test purchase visits conducted during 2009-10 for each product and the numbers that were found to be compliant and non-compliant. Of the 517 visits conducted by the Service 100% were brought into compliance either by being found to no longer supply to under age people or formal action was taken. In this respect there were 103 written warning letters, 18 fixed penalty notices, 4 formal cautions issued and two prosecution reports produced .

Product Type	Total Number of Tests	Number of Failures	Percentage
Alcohol Off-Licence	173	38	22%
Alcohol On-Licence	25	15	60%
Tobacco	237	35	14.7%
Knives	42	17	40%
DVD	4	0	0%
Solvents	3	0	0%
Spray-paints	16	4	25%
Fireworks	29	0	0%
Totals:	517	109	21%

Targets for 2010/11

The target set for enforcement work conducted in relation to under age sales is based on the outcome that **100% of business found to be supplying age restricted products by the Service are brought into compliance**. This requires us to ensure that traders found supplying age restricted products to young people no longer do so, this being the desired outcome. However, where enforcement action is ongoing this contributes to the measure of "bringing into compliance" which recognises that sanctions may be required for the minority of businesses who disregard the law.

The Service will review performance against the target for each product on a quarterly basis.