



**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

AGE RESTRICTED SALES PLAN

2011-2012

FOREWORD

Central Bedfordshire Council is committed to preventing the supply of age restricted products to those who are under age and to support legitimate businesses to this end. This work links goes towards the Council Priorities of educating, protecting and providing opportunities for children and young people; creating safer communities and promoting healthier lifestyles.

This plan details the work we have conducted and outlines how we will work in the coming year to help businesses comply with their obligations and take robust action against those who don't. This is in recognition of the detrimental affect on the health and well being of young people where they are supplied with age restricted products such as alcohol and tobacco. The Council also looks to contribute to reduced incidents of anti social behaviour and less fear of crime in the community through this work.

Better Regulation

Central Bedfordshire Council is fully committed to ensuring that regulations are fair and effective for everyone. Regulations are needed to protect people at work: but to avoid unnecessary burdens on business, it is important to strike the right balance.

Most businesses look to comply with the law and Public Protection seek to provide every such businesses the opportunity to do so through proactive advice and information. This approach is reflected in the age restricted sales work carried out. However, where businesses continue to break the law and ignore advice given then the full range of sanctions will be considered in line with the enforcement policy, including where appropriate, taking prosecutions and calling licence reviews.

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Portfolio Holder for Safer Communities and Healthier Lifestyles

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Age Restricted Sales Plan 2011/2012

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 (Central Bedfordshire Council) 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 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.

1. 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

2. Background:

Public Protection works in partnership with others including Central Bedfordshire Council Community Safety and Bedfordshire Police as well as the Bedfordshire Tobacco Alliance 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).

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 which allows 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.

3. Enforcement Plan 2011/12

3.1 Alcohol

Public Protection have contributed to the Alcohol Strategy for Central Bedfordshire and committed to continuing to provide an intelligence led response that is tailored to meet the needs of businesses and the communities with priority desired outcomes 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 where need is identified or assistance requested 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, 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 or fixed penalty notices have not provided compliance. As part of its continued commitment to regional work the Service will also develop and lead an initiative looking at sales-by-proxy of age-restricted products. Targeting members of the public who are willing to buy for and then supply age restricted products to children away from retail premises as well as working with retailers to recognise such exchanges and so prevent sales.

3.2 Tobacco products

The Service will monitor complaints and intelligence and carry out test purchase operations as required. Trading Standards has secured £8014 of regional funding from the Department of Health to carry out work under the Regional Tobacco Control Plan, targeting 12 areas of tobacco control and enforcement. The main areas of the regional tobacco plan include:

- Age restricted sales test purchases, including sales-by-proxy, surveillance of illegal tobacco supplies
- Enforcement checks against those supplying fake identifications as well as testing retailers acceptance of them
- Advisory leaflets and paperwork
- Compliance/enforcement visits
- Joint illicit tobacco visits with the HMRC
- Home Authority visits
- New Advertisement Regulations compliance

- Vending machine enforcement operations
- Composition and compliance testing of niche tobacco products.

In addition to this following on from funding secured last financial year an updated diligence pack is being produced and printed and will be given out to relevant retailers of age restricted products. The pack covers all age restricted goods and gives business a basic system that can be implemented to prevent any illegal sales from being made.

3.3 Knives

Public Protection is committed to supporting the impacting work carried out under last years Home Office initiatives “Not in My Neighbourhood” & “Reducing Serious Youth Violence”, two initiatives targeting the supply of knives and weapons. They will continue to advise retailers of such products how to implement systems and procedures to prevent age-restricted sales from being made.

Trading Standards will continue to carry out Intelligence led test-purchase operations concentrating efforts on car-boots sales where failures rates are as high as 90%.



Collection of weapons purchased by two 14 year olds in 1 Hour from GM Growers car-boot sale, Biggleswade.

3.4 Other Age restricted products

Due to the anti-social behaviour and the identified increased fear of crime aspect of graffiti Trading Standards will carry out a series of intelligence led 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 trade sector.

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.

4. 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 ‘Diligence 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, including taking licence reviews.
- 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.

5. Review of 2010 / 2011

During 2010/11 Central Bedfordshire continued to be one of the leading Authorities in the Eastern Region in relation to age-restricted sales leading on several initiatives such as development of the sale-by-proxy tests, and the use of covert surveillance in the supply of age restricted goods away from a retail premises. The Service carried out 237 test purchases of age-restricted products more than any other authority in the East of England.

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, spray paints and fireworks.

The table below indicates the test purchase visits conducted during 2010-11 for each product and the numbers that were found to be compliant and non-compliant. Of the 31 non compliances discovered below 100% were either brought into compliance (passed a second test-purchase) or formal action was taken.

There were 2 formal cautions and 38 written warnings issued within this financial year. Trading Standards also took 3 successful prosecutions.

The first of these prosecutions was for persistent selling of alcohol and tobacco products. Following the prosecution the Service successfully applied for a Tobacco Banning order (only the 3rd in the UK and the first in the south of England) as well as a Premises licence ban (prohibiting the sale of alcohol at the premises).

Following the second prosecution the service also successfully reviewed the premises licence (through the licensing committee) and all of the recommended conditions were put on the licence.

Product Type	Total Number of Tests	Number of Failures	Percentage
Alcohol Off-Licence	88	8	12.5%
Alcohol On-Licence	40	11	27.5%
Tobacco	65	7	10.7%
Tobacco – Vending M	5	4	80%
Knives	9	0	0%
DVD	9	0	0%
Solvents	3	0	0%
Spray-paints	4	1	25%
Fireworks	14	0	0%
Totals:	237	31	13%

6. Targets for 2011/12

The target set for enforcement work conducted in relation to under age sales is based on the outcome that **90% 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.