

Appendix B

Central Bedfordshire Council Public Protection

Age Restricted Sales Plan 2009/2010

Foreword

Central Bedfordshire Council, a new Unitary Authority, has a clear and influential role in safeguarding consumers and businesses of Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under consumer law.

This annually published plan provides a clear statement of enforcement policy and practice as well as detailing the Council's aims and objectives for the enforcement and improvement relating to restricted sales. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other LAs.

Better Regulation

This plan has taken into account and is fully committed to the Government's Better Regulation Agenda. Over the next few years and where possible the Public Protection Team will look at ways of

- Reducing the inspection burden on businesses
- Making it easier to read and improving health and safety letters for businesses
- Providing simple and helpful advice via the council website
- Providing face to face or telephone health and safety advice which does not automatically lead to enforcement
- Providing small business health and safety training courses
- Devising and provide positive incentive schemes
- Review sanctions and penalties for non compliance, in particular where such action will reduce the prospect of prosecution

The above and other initiatives in conjunction with new Public Protection managers and teams, and improvements in officer competency, will result in significant improvements in the regulation of restricted sales

Portfolio Holder for Sustainable Communities

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 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.

The Licensing Act 2003 (section 154) places a duty on local weights and measures authorities to enforce Sections 146 and 147 so far as they apply to sales of alcohol to children (under 18 made on or from premises to which the public have access).

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 (There is no age restriction on printed material only film – there is an industry code of practice)
- Knives and blades

Background

Public Protection works in partnership with others stakeholders including Central Bedfordshire Council's Community Safety and Licensing, Bedfordshire Police as well as the Health Protection Agency, Primary Care Trust and other community groups. The aforementioned partnership working ensures accurate identification of growing high-risk areas and enables the sharing of best practice and performance of collaborative work (e.g. joint operations/initiatives and licence reviews).

The Performance Framework for Local Authorities gives an indicator directly relating to age restricted products in **N1 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 Central 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.

N1 123 measures smoking rates amongst those over 16 and the Service can contribute to reducing this figure through its work on preventing children's access to tobacco products.

In keeping with the Hampton agenda 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 and efficient enforcement action. We will also proactively seek out, analyse and if appropriate respond to intelligence indicating a need for intervention. This targeted approach does not preclude the Service from proactively providing advice and information to businesses through individual on-site business advice consultations and the generic 'Traders Charter' Diligence Pack continuously updated and distributed.

Enforcement Plan 2009/10

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 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.

Tobacco products

The Service will monitor complaints and intelligence and carry out test purchase operations as required. Public Protection is also taking part in a Department of Health funded regional project on tobacco products. This has

involved test purchase operations followed by advice where businesses sell to those under 18. The work includes looking at sales from vending machines and online sales and again advice and support will be provided to businesses who fail including working with the suppliers of the vending machines where appropriate. The results will be collated regionally and looked at nationally and so inform future work and developments in this area for Trading Standards. Locally action will be taken in line with our enforcement policy where failures occur.

Knives

Public Protection will continue to work with the police and other agencies in support of the Bedfordshire Police “No more Knives” initiative. This was a Home Office campaign 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 so we will respond to local intelligence where problems are identified. 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 use their expertise to 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

There is potential for funding to be provided regionally for test purchase operations for age rated DVD's and computer games. Public Protection will consider the option of taking part in this work where capacity exists and in keeping with Service objectives. 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 operation 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 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 2008/2009

During 2008/9 there was still a high proportion of enforcement work relating to alcohol which remained a priority area because of the problems identified at a local and National level. There were a significantly higher number of operations for tobacco products. The latter was part of a regional Department of Health funded project which included work on reducing the supply of tobacco products to young people under the age of eighteen. The work comprised test purchase operations particularly targeting sales from vending machines and providing advisory visits to businesses in support of compliance. Visits were also conducted in relation to cigarettes, solvents, knives, fireworks, petrol, DVD's and spray paints.

In addition the Service conducted knife test purchase operations in support of the Bedfordshire Police knife crime initiative (referred to above) and provided staff training as required.

The service has continued to issue Trader' Charter packs across the County 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 these were followed by an advice visit.

Many of the test purchase operations conducted for alcohol were with the police. The Service also worked closely with colleagues in the licensing Department at both district councils and conducted operation in the "Mid Bedsafe" area with them to measure how well on-licences in the area were adhering to their licensing conditions. The results have lead to further operations and ongoing engagement with licensees in several of the towns.

The table in appendix 1 provides details of the test purchase operations conducted within the Central Bedfordshire area during 2008/9 for each product and where sales took place. The percentages shown are against an ambitious target set of 90% (see below). The results show that the overall percentage for all products combined was 78% however as the percentages for each product type show there is a variation with alcohol and tobacco

having much higher success rate than knives where failures outweigh passes on follow up visits. The results for knives indicate a need for more trader support and training along with intervention where supply is persistent.

Enforcement actions including warning letters, formal cautions, pre-review agreements and informal trader agreements have variously been employed as means of enhancing compliance levels across Central Bedfordshire during 2008/9.

Targets for 2009/10

The target set for enforcement work conducted in relation to under age sales will continue to be set at **90% of business found to be supplying age restricted products by the Service is 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 continue to review performance against the target for each product on a quarterly basis.

Proposed initiatives/projects for 2009/10

- ‘Proxy-Sale Clamp-Down’ campaign (in partnership with Beds Police) Start date May 2009.
- Night-time economy monitoring initiative – Following comparatively high sales of alcohol to underage operatives from on-licences premises, a series of Pub and night-club test purchase operations are planned in partnership with Beds Police.
- Alcohol harm reduction initiative – All alcohol retailers who failed a test purchase will be invited to attend additional training workshops. Start date Jan 2009.
- ‘Development of Young People and Peer Education’ initiative. Partnership working with Central Bedfordshire Council Youth Service. Young volunteers will be able to complete a services award through the Duke of Edinburgh Aware scheme. The Youth Service will nominate young people with a troubled background to gain valuable work experience with Trading Standards during test-purchase operations (including the possibility of a reference for further employment from the Service). The plan is to roll-out a peer education programme within the citizenship classes at selected upper schools around Central Bedfordshire. Start date Sep 2009.
- Enforcement of the ‘Persistent Sales of Alcohol’ sections of the Violent Crime Reduction Act 2006 which created an additional offence in section 147a of the Licensing Act 2003 for the persistent selling of alcohol to children. Premises which fail two test purchase operations

within a six weeks period will be subject to an additional three test purchases to ascertain if they are persistently selling to children.