

**REPORT TO:** CABINET MEMBER ENVIRONMENTAL

**DATE:** 6<sup>th</sup> April 2011

**SUBJECT:** **AGE RESTRICTED SALES – UPDATE 2010/11**

**WARDS AFFECTED:** All

**REPORT OF:** Peter Moore  
Environmental and Technical Services Director

**CONTACT OFFICER:** Andrew Naisbitt  
Section Manager, Trading Standards  
0151 934 4014

**EXEMPT/CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

To provide the statutory annual review of the enforcement action undertaken by the Trading Standards Section for 2010/11 in relation to legislation intended to control the sale of age restricted products and to advise the Cabinet Member – Environmental:

- a. Of the outcome of the enforcement programme in relation to age restricted products for 2010/11.
- b. Of the proposed enforcement programme in relation to age restricted products 2011/12.
- c. On the ongoing “Knock Back” scheme designed to assist licensees in the prevention of underage sales of alcohol.

**REASON WHY DECISION REQUIRED:**

An annual public report on this activity is a statutory requirement.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental,

- Notes the activities undertaken by the Trading Standards Section to control age related sales in 2010/11.
- Endorses the level and targeting of under age enforcement activities proposed for 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** No

**IMPLEMENTATION  
DATE:**

Following the expiry of the 'call-in' period for this meeting.

**ALTERNATIVE OPTIONS:**

Enforcement of underage sale legislation is a Statutory Duty.

Additional resources could be diverted to this area of enforcement however this would risk distorting the balanced work programme of the Trading Standards service.

**IMPLICATIONS:**

**Budget/Policy  
Framework:**

**Financial:** The proposed enforcement activities are being met by existing budgets.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources, within existing budget	-	-	-	-
Funded from External Resources				-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?				

**Legal:** Trading Standards has a Statutory Duty to enforce a

number of pieces of age restrictive legislation.

**Risk Assessment:** The Council is the Regulating Authority for underage sales. Failure to carry out this duty effectively could risk the claim that the Council has failed in its statutory obligations in this area.

**Asset Management:** Not Relevant

**CONSULTATION UNDERTAKEN/VIEWS**

After consultation, Merseyside Police, Sefton Chamber of Commerce and Industry and South Sefton Primary Care Trust all endorsed “Knock Back”. The ‘trade’ was also consulted and provided positive feedback.

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	√		
2	Creating Safe Communities	√		
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People	√		

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

‘Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services – Consultation Paper’. LBRO February 2011

## Background

- 1 The Council is responsible for enforcing age related sales legislation aimed at protecting the health and well being of young people. This statutory duty is undertaken by the Trading Standards service of the Environmental and Technical Services Department. Products such as tobacco, fireworks, solvents, videos, lottery tickets, spray paints and alcohol have their sale age restricted because they are believed to be harmful if purchased and used or misused by people under a specific age.
2. The sale of age restricted products to underage persons, particularly alcohol, contributes to the levels of offending or anti-social behaviour and wider community impact concerns. There is national and local concern relating to the negative health consequences of alcohol consumption particularly with respect to the increased detrimental effect of alcohol on physically immature bodies.
- 3 This report also provides the statutory annual review of the enforcement action undertaken by the Trading Standards service for the period 2010/11 in relation to sales of tobacco.

## Enforcement Activity in Sefton 2010/11

4. In 2010/11, the Trading Standards service received 24 complaints in relation to alleged underage sales. All have been dealt with by personal visits to the premises concerned. Advice has been given to the owner of each business in respect of the legislation controlling such sales, together with advice in respect of his/her legal responsibilities. This information was also used to inform the covert test purchasing exercises carried out by the Trading Standards service.
5. Premises selling tobacco products were visited as part of the Trading Standards annual risk related inspection programme of trade premises. During these inspections, officers checked that the prescribed warning notice was being correctly displayed.
6. The Trading Standards service, working with Merseyside Police, carried out *intelligence led* test-purchasing exercises as follows:

Survey Type	Date	No of Premises Visited	No of Sales
Alcohol	June 2010	9	1
Tobacco	August 2010	9	1
Alcohol	September 2010	7	1
Fireworks	October 2010	10	0
Tobacco	October 2010	4	0
Alcohol	October 2010	11	0
Alcohol	December 2010	9	2
Tobacco	February 2011	8	0

**NB** The number of premises visited is determined by complaint data, availability of underage volunteers and geographic spread of the premises.

The underage alcohol sales have led to 4 Fixed Penalty Notices and 4 Police Cautions. The underage tobacco sales have led to 1 written warning

7. The National Performance Framework for Trading Standards requires greater co-operation between neighbouring Local Authorities in respect of common problems. "Knock Back" is a joint initiative involving Liverpool, Knowsley, St Helens and Sefton Trading Standards in response to requests from the licence trade for practical guidance in the prevention of underage sales of alcohol. The guidance takes the form of a free pack and assists licensees in training their staff on underage sales prevention. The project addresses both 'On' and 'Off' licensed premises
8. The Trading Standards Service also played a lead role in the Council's Best Bar None Scheme, previously reported on 4<sup>th</sup> August 2010. Best Bar None is a well-recognised scheme, supported by the government and the licensed retail industry, which is being successfully run in a number of local authorities as an early intervention exercise to reduce the demand for traditional statutory enforcement methods. Such schemes also serve to promote the local economy whilst tackling anti-social behaviour, and act as a catalyst for joined up thinking on a wide range of policies in the management of the night time economy. The Trading Service will continue to contribute to coordinated multi agency enforcement exercises that form part of the Government's National Alcohol Strategy by continuing to develop the Best Bar None Scheme in 2011/12

### **Proposed Enforcement Programme for 2011/12.**

9. The "SEFTON TRADING STANDARDS ALCOHOL SURVEY OF YOUNG PEOPLE 2011" is currently underway as part of a regional initiative that is repeated every two years to help inform a strategy for dealing with the sale of alcohol to young people who are underage. The primary objective of the research was to identify how and where youngsters obtain alcohol in order to effectively plan intelligence led campaigns. This year's survey is due to be reported in July.
10. The '2009' report highlighted that in respect of purchasing alcohol:
  - The percentage of 14-17 year olds in Sefton claiming to buy their own alcohol has increased by 6% since the 2007 survey, but is still lower than reported in 2005.
  - In 2007 the proportion of 14-17 year olds purchasing their own alcohol in Sefton was in line with the regional average at 28%. In 2009 this figure has risen to 34%, 8% higher than the regional average. Across the North West, Sefton has the third highest incidence of 14-17 year olds purchasing their own alcohol.
  - The findings suggest that young females are more likely to purchase their own alcohol than young males in Sefton. The proportion of 15 year olds claiming to buy their own alcohol has increased by 6% since 2007, slightly higher than the rise amongst 16 year olds (3%).
11. Consequently the Trading Standards Service increased the number of enforcement exercises from six to eight intelligence led test purchasing exercises in 2010/11 and this level will be sustained in 2011/12. It is intended that these eight exercises will target alcohol sales, fireworks and cigarettes. This is consistent with the Trading Standards North West regional priorities. However, the service will respond to information supplied by the local community and the Police and target the exercises accordingly.

12. The Trading Standards Section is continuing to work with its partners to develop and promote the “Knock Back” scheme by
  - Updating and extending the “Knock Back” Scheme to include guidance on other age restricted products; and
  - Writing to licence holders asking them to join the scheme.
13. Enforcement of the age restrictive legislation will contribute to two of the five new “National Enforcement Priorities for Local Authority Regulatory Services, specifically
  - Helping people to live healthier lives by preventing ill health and harm and promoting public health and
  - Support enterprise and economic growth by ensuring there is a fair, responsible and competitive trading environment.
14. The comments of the Cabinet Member, Environmental, in liaison with the other Party Spokespersons, on the proposed level of enforcement activity and details of any local intelligence regarding alleged underage sales are welcomed at this stage, prior to the commencement of the 2011/12 underage sales enforcement programme.