

REPORT TO: CABINET MEMBER ENVIRONMENTAL
DATE: 7th April 2010
SUBJECT: **AGE RESTRICTED SALES – UPDATE 2009/10**
WARDS AFFECTED: All
REPORT OF: Peter Moore
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EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To provide the Statutory Annual Review of the enforcement action undertaken by the Trading Standards Section for 2009/10 in relation to legislation intended to control the sale of age restricted products and to advise the Cabinet Member – Environmental of:

- a) The outcome of the enforcement programme in relation to age restricted products for 2009/10.
- b) The proposed enforcement programme in relation to age restricted products 2010/11.
- c) The ongoing “Knock Back” scheme designed to assist licensees in the prevention of underage sales of alcohol.

REASON WHY DECISION REQUIRED:

The Annual Report on this activity is a statutory requirement.

The control of age restricted sales has positive benefits for Community Safety and young people's health. There is growing pressure from external organisations for the Council to increase the quantity of work in this important area.

RECOMMENDATION(S):

That the Cabinet Member – Environmental, endorses

1. The activities undertaken by the Trading Standards Section in 2009/10 to control age related sales; and
2. The level of activities proposed for 2010/11.

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 mandatory 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: Age related sales enforcement directly links to the Council's objectives in the LAA.

Financial: The proposed enforcement activities are being met by existing budgets. The "Knock Back" scheme and its future development is funded through existing budgets and funding from Primary Care Trusts.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
Gross Increase in Capital Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure	NIL	NIL	NIL	NIL
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: Sefton Council has a mandatory 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

None.

Background

1. The Sefton Council's Trading Standards Section is responsible for enforcing age related sales legislation aimed at protecting the health and well-being of young people. 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 local concerns about the wider consequences of alcohol consumption.
3. This report also provides the statutory annual review of the enforcement action undertaken by the Trading Standards Section for the period 2009/10 in relation to sales of tobacco.

Enforcement Activity in Sefton 2009/2010

4. In 2009/10, the Trading Standards Section received 16 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 is also used to inform the covert test purchasing exercises carried out by the Trading Standards Section.
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 Section, working with Merseyside Police, carried out intelligence led test-purchasing exercises as follows:

Survey Type	Date	No of Premises Visited	No of Sales
Tobacco	June 09	15	3
Alcohol	June 09	7	0
Alcohol	Sept 09	8	2
Alcohol	Oct 09	9	1
Fireworks	Oct 09	11	0
Alcohol	Dec 09	11	0
TOTALS		61	6

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

7. The underage alcohol sales led to 3 Fixed-Penalty Notices and 3 Police Cautions. The underage tobacco sales resulted in 3 written warnings.
8. 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 with Liverpool, Knowsley, St Helens and Stoke Trading Standards in response to requests from the licensed 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

9. The Trading Standards Service played a lead role in *Operation Soft Drink*, a multi-agency project that ran from 6th October 2008 to 12th December 2008, a period of 10 weeks. Intelligence provided by the Community Safety Team was used to inform the targeting of the intervention. The intervention itself involved a range of separate, but complementary activities, including alcohol proxy-purchasing exercises, underage alcohol test-purchasing, litmus testing of drink containers and the issuing of ultraviolet light ID Testers. A follow-up intervention, *Operation Soft Drink 2 – Buy Booze They Lose*, was undertaken in 2009, again adopting a multi-intervention social marketing approach and again this had a positive impact on the problem of underage drinking and resident perception of that problem. *Operation Soft Drink 2 – Buy Booze They Lose* was reported more fully to the Cabinet Member – Environmental on 21st October 2009. The Trading Service will continue to contribute to coordinated multi-agency enforcement exercises that form part of the Government’s National Alcohol Strategy and Sefton’s Alcohol Harm Reduction Strategy.

Proposed Enforcement Programme for 2010/2011.

10. On 21st October 2009, the Cabinet Member – Environmental was presented with a report entitled *Sefton Trading Standards Alcohol Survey Of Young People – August 2009*. That report detailed how regional surveys of young people in 2005, 2007 & 2009 were used 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.
11. The abovementioned 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 claiming to purchase 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 claiming to purchase 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%).
12. Consequently the Trading Standards Section is planning to increase the number of enforcement exercises from six to eight intelligence led test purchasing exercises in 2010/11. It is intended these exercises will target alcohol sales, fireworks and cigarettes. This is consistent with the Trading Standards North West regional priorities. The service will respond to information supplied by the local community and the Police and target the exercises accordingly.
13. The Trading Standards Section is continuing to work with its partners to develop and promote the “Knock Back” scheme by
- Updating and re-launching the ‘on licence’ Knock Back pack containing specific guidance for pubs, clubs and restaurants.
 - Produce a new version of the Knock Back pack designed to offer training, advice and guidance to retailers of all age restricted products, rather than just alcohol.

- Appraising the new TSNW 'Age Check' resource (available spring/summer 2010) with a view to incorporating into Knock Back if suitable.
14. Enforcement of the age restrictive legislation will contribute to the priority objectives and targets defined in the Local Area Agreement and the Sefton Crime and Disorder Reduction Strategy, addressing local concerns regarding the consequences of alcohol consumption and supporting the aims of the 'Choosing Health' White Paper, with the aim of decreasing the numbers of young people smoking and drinking.
 15. 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 2010/11 underage sales enforcement programme.