

AGE RESTRICTED SALE OF GOODS

1. PURPOSE

- 1.1** The sale of age-restricted goods (e.g., cigarettes, alcohol, fireworks, DVDs, etc.) is designed to protect the health and well-being of our young persons. The sale of alcohol is regulated through the Police and the Council's liquor licensing regime, and other age-restricted goods are within the remit of the Council's Trading Standards unit.
- 1.2** This report advises Members of the work undertaken to date on the sale of under-age related goods (primarily cigarettes), the trend in Argyll and Bute, and our intentions for future work.

2. RECOMMENDATIONS

- 2.1** That Members recognise the improvements which have been made to restrict the sale of tobacco to under-age persons by businesses working with Trading Standards.
- 2.2** That Members note the priorities and future work of the Trading Standards team in this area, and the move into other age-restricted goods

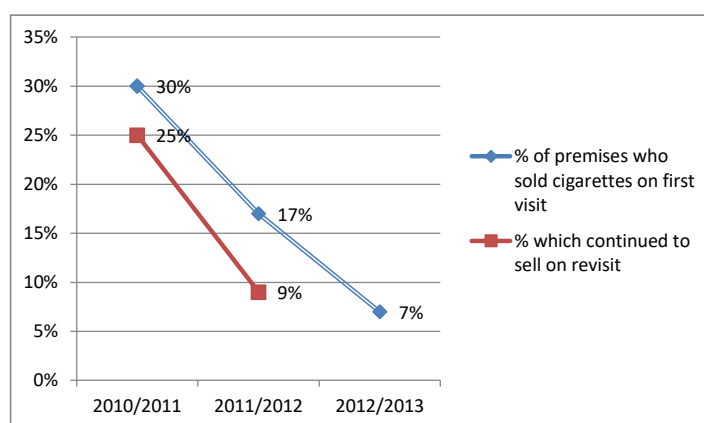
3. BACKGROUND

- 3.1** Enforcement of the sale of age-restricted products is undertaken on behalf of the Council by the Trading Standards section within Regulatory Services. The purpose is to reduce, and if possible stop, the sale of age-related goods to persons below the legal age limit for buying such goods.
- 3.2** The main focus for this activity has been driven nationally by the Scottish Government on the sale of tobacco to young persons. This is consistent with their health agenda and tobacco control measures.
- 3.3** Responding to this, Councils were required to undertake enforcement of the sale of such products. As part of this approach, all businesses selling tobacco were provided with advice and support prior to undertaking test purchasing of tobacco using volunteers, within very prescriptive national guidelines. These guidelines recommend the use of volunteers who are a minimum of 18 months younger than the age limit, to ascertain whether businesses requested their age and refused the sale on establishing that they were "under age".
- 3.4** This work commenced in 2009 and we are now able to identify what

impact this work has had.

4. ARGYLL AND BUTE PERSPECTIVE

- 4.1** Our initial work in 2009 consisted of informal test purchasing from cigarette vending machines in pubs, inns and hotels. This survey resulted in a failure rate of over 95% - the volunteer was challenged and the sale refused on only one occasion out of 24 attempts.
- 4.2** In response, we publicised our findings (which were reported in the Scottish Parliament) and set up a formal sampling programme. This programme has now been running for 3 years
- 4.3** Through this strategy and working with business, the number of premises which were found to sell tobacco to persons under the age of 18 years has decreased over the last year years. This is due to a greater awareness and to improvements in management systems and controls at these businesses. The table below illustrates this trend.



- 4.4** In 2011/2012, we undertook to extend the sales test purchasing to fireworks. At that time, 20% of targeted premises sold fireworks to our volunteer.
- 4.5** In 2012/2013, we undertook further firework test purchasing. On this occasion, I am pleased to say that no sales were made to our volunteer. Also in 2012/13, we used volunteers to buy “18” classified DVD’s and PC games. One of the three businesses targeted failed the DVD purchasing operation.
- 4.6** The increasing trend of compliance by businesses for tobacco, allied with the reducing number of failures, is welcomed and indicates that our work to date, including our commitment to taking test purchases from businesses, is making an impact on reducing the accessibility of tobacco to under-age persons. Businesses should be commended on the measures and controls many have taken to achieve this, by ensuring that their staff checked the age of purchasers prior to sale. Increasingly, there are more premises using the “Challenge/Think 25”

Scheme.

4.7 Whilst recognising the work to date, there are areas of concern :-

- (i) There are some signs that businesses are identifying test purchase operations by the method used and the restrictions placed on volunteers such as always telling the truth as to their age.
- (ii) Staff training is critical, as sales were made despite there being effective management systems in place (including prompts on cash registers).
- (iii) Intelligence from young persons and complaints suggests that some shops are still selling cigarettes to them, despite the premises passing a test purchase.
- (iv) The initial results found when we have extended operations into fireworks, DVD's and PC games indicate the need to extend our approach away from solely tobacco.

5 NEW NATIONAL TOBACCO CONTROLS

5.1 The Scottish Governments tobacco controls were extended by the recent cigarette display ban, which has a phased introduction, and the effective banning of cigarette vending machines. These measures are designed to improve the national health in general, and in particular to reduce the numbers of young people who start smoking tobacco by reducing the availability of cigarettes to persons under the age of 18 years

5.2 The two main changes are:

- (i) restrictions on the display of tobacco in shops with over 280 square metres of floor space. This came into effect on the 29th April 2013 and in Argyll and Bute, mainly affects the larger supermarket premises. The restrictions will apply to all premises selling tobacco from the 6th April 2015
- (ii) the sale of tobacco via vending machines is effectively banned from 29th April 2013

5.3 Through the trading standards team primarily, we are working with business to ensure that they are complying with the new requirements. Early indications are that there are good levels of compliance with the display restrictions as many of the premises to which the display ban relates are larger national companies. There may be more issues when the wider ban comes into effect in 2015, although the long lead-in should give the premises plenty of time to take advice and adapt their displays. Compliance with the vending machines ban has so far presented a more mixed picture, as not all premises appear to have received government information intended for them. Council staff are visiting premises and working with businesses to ensure compliance.

6. PRIORITIES FOR 2013/2014

6.1 It is intended to continue with the targeted programme of age-related test purchasing and work to advise businesses of their requirements. This work will entail :-

- (i) Targeted test purchasing based on intelligence.
- (ii) Advice targeted at businesses selling other age-restricted goods.
- (iii) Further test purchasing of fireworks and games and DVDs.
- (iv) Reviewing our procedures in light of the pending national review of test purchasing guidance.
- (v) Promoting uptake of the “Challenge 25 “ scheme in our work with business

6.2 Our tobacco enforcement work will include interventions to ensure compliance with the display ban in larger premises, vending machines and to preparing other businesses for the introduction of similar display requirements in 2015.

7. CONCLUSIONS

7.1 Significant steps have been made by businesses in Argyll and Bute to prevent the sale of cigarettes to persons under 18 years. However, there is a need to target specific businesses who are understood to be selling, and for effective enforcement including the use of fixed penalty notices.

7.2 The work of Trading Standards has supported this trend, and further work will be undertaken focusing not only on cigarettes but on other age-restricted goods.

8. IMPLICATIONS

8.1	Policy	Contributes to health agenda and supports young persons and communities
8.2	Personnel	None
8.3	Finance	None
8.4	Equal Opportunities	None
8.5	Legal	Meets the Council’s statutory duty

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AM/KT/7132 May 2013

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