

13 June 2023		ITEM: 9
Cleaner, Greener and Safer Overview and Scrutiny Committee		
Annual review of age restricted products work 2022-2023		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Charlotte Edwards – Trading Standards Manager		
Accountable Assistant Director: Leigh Nicholson – Assistant Director – Planning, Transport and Public Protection		
Accountable Director: Mark Bradbury – Interim Director of Place		
This report is Public		

Executive Summary

This report has been prepared at the request of the Chair of Cleaner, Greener and Safer Overview and Scrutiny Committee so they can be informed on the work that Trading Standards undertake on behalf of the Council with regards to age restricted products. This report sets out the work undertaken over the last twelve months on age restricted sales and outlines the way forward in the current financial year.

1. Recommendation(s)

1.1 Cleaner Greener and Safer Overview and Scrutiny note the contents of this report.

2. Introduction and Background

2.1 The Trading Standards team has a statutory duty to enforce a variety of legislation relating to age restricted products. This includes the Licensing Act 2003, the Children and Young Persons Act 1933 (as amended) and the Pyrotechnic Articles (Safety) Regulations 2015. Please see table overleaf for the full breakdown.

Goods	Age restriction in England
Alcohol, Tobacco, Electronic Cigarettes, Nicotine Inhaling Products (vapes), Knives (axes or blades), Fireworks, Lottery tickets and	18 and over

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Goods	Age restriction in England
scratch cards, Butane, Solvents, Sunbeds, Crossbows, Age restricted games and video recordings	
Aerosol paint, Party Poppers, Petrol and some video games	16 and over
15 rated video recordings	15 and over
Christmas crackers, Video games and video recordings	12 and over

Underage sales work makes significant contributions to the health agenda in terms of preventing youngsters under 18 having access to alcohol and tobacco. Research shows underage drinking is harmful to the development of children as well as the social welfare issues it can raise. There is also evidence from Public Health to suggest that the vast majority of smokers start before they are 18. If steps are taken to prevent this habit forming at such a young age it is unlikely that an adult will start at all.

- 2.2 This work is intelligence led and we encourage information sharing from partners, residents and members to assist us with targeting our work. Last year we received 33 intel reports mainly from partner agencies. We would encourage residents and members to use the online tool on the council website which allows individuals to report shops selling age restricted items to youngsters. This comes directly to Trading Standards and allows us to act quickly where appropriate.

<https://www.thurrock.gov.uk/underage-sales/age-restrictions>

The intelligence aspect also carries through to the requirement under the Regulation of Investigatory Powers Act 2000 that Local Authorities must seek authorisation from a magistrate to undertake covert underage sales test purchases.

- 2.3 There are three aspects to enforcement of age restricted legislation. These are,
- Advice
 - Intelligence generation
 - Underage sales test purchases

Advice

The team have promoted the “Responsible Retailer” scheme since 2018 and work with businesses to ensure that they are fully aware of their responsibilities. Initially all licensed premises and those selling tobacco were visited on an advisory basis and given a comprehensive pack of information including posters and signage they could use in their shops.

They were strongly advised to adhere to a “Challenge 25” policy where if a customer looks 25 or younger, they are asked to provide identification to prove they are over 18. This is now the industry standard amongst off licenced premises and most on licence premises. Indeed, it is a standard condition requested to be placed on all new alcohol licenses. Since the initial roll out of this scheme new retailers are visited and advised as the team become aware of them. We have also extended this to retailers of knives, fireworks, electronic cigarettes and nicotine inhaling devices (vapes).

Intelligence generation

In addition to the various reporting mechanisms, we also generate our own intelligence by undertaking “Challenge 25” test purchases (C25). These are where a young volunteer aged 18 or older attempts to buy age restricted items. This is a test of the policies the retailers have in place which should mean that as a bare minimum they ask for identification from the volunteer and when this cannot be produced, they refuse the sale. This is a useful tool in terms of identifying businesses at risk of selling to children so we can provide further advice and consider them for an underage sales test purchase

Underage sales test purchases

If we receive intelligence that a premises is selling to children and/or they fail a C25 test purchase, we seek authorisation to undertake covert surveillance. We then attend the premises with a child volunteer aged 15-16 years of age. Any sale made is a criminal offence and as such is investigated accordingly. The outcomes include a formal warning, caution, or prosecution for both the individual selling and the business. A further tool in terms of sales of alcohol is to request a review of the business’ alcohol licence, imposing additional licensing conditions and in some cases a short suspension of their licence.

2.4 Results

Over 132 engagements with businesses were undertaken including 98 advisory visits and 7 underage test purchases resulting in two sales. These two businesses sold vapes to an underage volunteer. They were formally interviewed and received warning letters for their actions and had their alcohol licence reviewed with further conditions imposed.

3. Issues, Options and Analysis of Options

3.1 The year ahead

The government announced in April that they are looking to invest £3 million of funding into “illicit vapes enforcement squads.” This is intended to support Trading Standards to enforce rules on vaping and to tackle illegal sales of vapes to under 18s.

This is something we are already ahead of the curve on, as we delivered a project on vapes in summer 2022. This project involved visiting all vape retailers and promoting the responsible retailer scheme and challenge 25 policy. We also used this opportunity to educate the retailers on the illicit vapes and what to look out for. As we continue to receive intelligence on underage sales we will be fully engaged with the government initiative and utilise the expected funding.

We would encourage members to promote the underage sales reporting tool so that residents can share their intelligence.

4. Reasons for Recommendation

4.1 This report is for information as requested by the Committee.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 None

6. Impact on corporate policies, priorities, performance and community impact

6.1 The work on age restricted sales contributes to all three of Thurrock's priorities in terms of;

- People - protecting young people from gaining access to harmful goods.
- Place – safeguarding communities from the anti-social behaviour associated with underage access to goods such as alcohol, tobacco and fireworks.
- Prosperity – ensuring Thurrock has a thriving retail sector with a level playing field.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Senior Management Accountant

This statutory work is funded by the Trading Standards budget. There are no additional financial implications arising from this report.

7.2 Legal

Implications verified by: **Kate McCrimmon**
Barrister – Prosecution & Counter Fraud

The current work of the Public Protection Service of the Council is governed

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by the legislation detailed in the body of this report and Legal Service will advise appropriately on any identified legal implications arising thereof from this report as and when required.

As this paper is for reporting purposes only there are no legal implications flowing from the contents of this report.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Lee**
Team Manager – Community Development and Equalities

The work outlined in this report helps to improve, and safeguard, the health and wellbeing of young people aged under 18 by reducing access to alcohol and tobacco for this age group.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, or Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

None

Report Author:

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Public Protection

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