

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Cabinet  
**Date of Committee** 6 April 2006  
**Report Title** Anti-Social Behaviour Act 2003: Sale of Aerosols to Minors

**Summary** Section 54 of the Anti-social Behaviour Act 2003 makes it an offence for a person to sell an aerosol paint container to a person under the age of sixteen. This report delegates the duty to enforce this to the Strategic Director of Adult, Health & Community Services. Through the recent budget process, Council have decided to pursue a campaign to secure compliance and allocated the necessary funding.

**For further information please contact:** Anthea Davies  
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**Would the recommended decision be contrary to the Budget and Policy Framework?**

No.

**Background papers** None

**CONSULTATION ALREADY UNDERTAKEN:-** Details to be specified

- Other Committees  .....
- Local Member(s)  Not applicable
- Other Elected Members  Councillor J Haynes – “Noted”  
 Councillor D Shilton, Councillor M Doody
- Cabinet Member  Councillor R Hobbs – “Noted”
- Chief Executive  .....
- Legal  Ian Marriott – comments incorporated
- Finance  Paul Walsh, Financial Services Manager - approved

- Other Chief Officers  .....
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Agenda No

**Cabinet - 6 April 2006**

### **Anti-Social Behaviour Act 2003: Sale of Aerosols to Minors**

#### **Report of the Strategic Director, Adult, Health & Community Services**

##### **Recommendation**

That the Strategic Director of Adult, Health & Community Services or his/her nominee be authorised to exercise the functions of the County Council in relation to offences concerning the sale of alcohol to children under Section 54 the Anti-Social Behaviour Act 2003 and that the Strategic Director of Performance and Development be requested accordingly to amend Paragraph 13 of Part 6, Section 10, Part 2 of the Constitution to include references to the above.

##### **1 Introduction**

Section 54 of the Anti-social Behaviour Act 2003 makes it an offence for a person to sell an aerosol paint container to a person under the age of sixteen.

The anti-social implications of the use of aerosol paint to create graffiti are well reported, and the legislation is drafted chiefly to protect the neighbourhoods in which the young people live, from the threat of graffiti.

The Anti-Social Behaviour Act 2003 covers a number of other areas of anti-social behaviour, including the possession of firearms, noise nuisance, waste and litter, public order and trespass and high hedges.

At the time the Act came in to force there was no body designated specifically to enforce Section 54. A recent Act has placed this duty on the local weights and measures authority.

## **2 Key Provisions of the Act Relevant to the Council's Duty**

### **2.1 Section 54 Anti-Social Behaviour Act 2003**

This Section of the Act states that a person commits an offence if he sells an aerosol paint container to a person under the age of sixteen

The enforcement of this Section of the Act was imposed on weights and measures authorities by section 32 of the Clean Neighbourhoods and Environment Act 2005 as from 1 July 2005.

This section also added section 54A to the 2003 Act, which places a duty on the local weights and measures authority to consider, at least once in every period of 12 months, the extent to which it is appropriate for the authority to carry out in their area a programme of enforcement action in relation to section 54 of the Anti-social Behaviour Act, and, to the extent to which they consider it appropriate to do so, to carry out such a programme.

The programme of enforcement can include the bringing of prosecutions in respect of section 54, the investigation of complaints in respect of alleged offences under that section, and the taking of other measures intended to reduce the incidence of offences under that section.

At the meeting of full Council on 7<sup>th</sup> February it was decided as part of the budget debate to support a campaign during 2006/7. In future, subject to any budgetary implications which require consideration by Council, the programme can be considered by Cabinet and carried out under the Strategic Director's general authority to implement the policies agreed by Member bodies.

- 2.2** Contravention of section 54 of the Anti-social Behaviour Act 2003 is an offence, which carries the penalty of a fine not exceeding level 4 (£2500) on the standard scale.

## **3 Action required by Cabinet**

The duty to enforce the provisions of section 54 of the Anti-social Behaviour Act 2003 is down to the local weights and measures authority. In order to discharge the Council's duty efficiently, the responsibility for the enforcement of sections 54 should be delegated to a Director and the Council's constitution amended accordingly. It is suggested that enforcement of underage sales of aerosols should go alongside the underage sale of videos, cigarettes and alcohol undertaken by the Trading Standards Service, part of the Directorate of Adult, Health and Community Services.

Through the budget setting process, Council have agreed a campaign to secure compliance and allocated the necessary funding. Cabinet are invited to agree the recommendations.

**GRAEME BETTS**  
Strategic Director, Adult, Health & Community Services

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9 March 2006