

AGENDA MANAGEMENT SHEET

Name of Committee Community Protection Overview and Scrutiny Committee

Date of Committee 2nd April 2008

Report Title Update on the work of the Trading Standards Service (TSS) in the area of restricting the sale of alcohol to minors

Summary This report gives full detail of the scope, resources and outputs of the TSS in this area of work.

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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 R Chattaway, Councillor K King, Councillor C Davis, Councillor B Kirton, Councillor G Collett, Councillor B Longden
- Cabinet Member Councillor R Hobbs
- Chief Executive
- Legal Alison Hallworth, Adult and Community Team Leader
 Ian Marriott, Community and Environmental Legal Services Manager
- Finance Philip Lumley-Holmes, Financial Services Manager
 Paul Walsh, Financial Services Manager
- Other Chief Officers
- District Councils
- Health Authority

Police

Other Bodies/Individuals

Jane Pollard, Overview and Scrutiny Manager
Michelle McHugh, Scrutiny Officer

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

**Community Protection Overview and Scrutiny Committee –
2nd April 2008**

**Update on the work of the Trading Standards Service (TSS) in
the area of restricting the sale of alcohol to minors**

**Report of the Strategic Director of Adult, Health and
Community Services**

Recommendation

It is recommended that the Community Protection Overview and Scrutiny Committee, as previously requested, use this report as an opportunity to further scrutinise this area of work and advise on areas for policy development on changes in the delivery of service.

1. Introduction

Legislation to prevent the sale of age-restricted products to children is well established and Warwickshire County Council Trading Standards Service (TSS) delivers the enforcement of this legislation by:

- Intelligence led test purchasing campaigns
- Multi-agency and partnership working
- The investigation of complaints
- The provision of advice, information and support for businesses
- Publicity and promotional activities

The consumption of alcohol and subsequent anti-social and other criminal behaviour is of increasing concern to the government, enforcement agencies, licensees and the wider community.

The government's drive to reduce violent crime and tackle anti-social behaviour associated with alcohol has provided a focus for the Service's activities.

The following objectives are found within the Licensing Act 2003:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Licensing is a function of district councils and the County Council is a Responsible Authority for licensing matters. This means that TSS have opportunity to comment

on licence applications in the County and our work on underage sales of alcohol provides an opportunity for feedback to the licensing authority.

TSS has representation on Multi-Agency Licensing Groups in both the North and South of the County. These groups meet regularly to discuss current issues regarding licensed premises within the county.

The Violent Crime Reduction Act 2006 includes provision to tackle businesses that persistently sell alcohol to young people. Persistently selling alcohol is defined as selling on 3 separate occasions within a 3-month period. The Act contains powers to close or restrict trading for a time in these circumstances.

2. Action taken in 2007/2008

2.1 Intelligence Led Test Purchasing Campaigns

In making best use of the available resources, enforcement campaigns were planned using relevant information and intelligence held by the Trading Standards Service and by Warwickshire Police. The data was analysed to determine 'hotspots' and to target identified problems. This method has enabled improved partnership working and identified those agencies/organisations that are best placed to put right any non-compliance.

Working jointly with Warwickshire Police we have carried out 5 test purchasing campaigns using volunteers aged between 14 and 16.

247 test purchases were attempted resulting in 41 sales (16.5%).

- Operation Clydebank (Nuneaton)
- TUSAC (Nuneaton & Bedworth, Rugby, North Warwickshire)
- Operation Stockholm (County wide)
- Operation Ontario (County wide)
- Follow up to TUSAC (Rugby)

2.2 Methodology

Trading Standards Officers and two Police Officers accompanied by two young volunteers visit a number of off and on license premises to test purchase alcohol. All test purchase attempts are carried out in a manner allowing for the possibility of formal action against any individual or business making a sale of alcohol, in doing so all officers follow the guidance set out in the LACORS 'A Practical Guide to Test Purchasing'.

Evidence collected by the attending Trading Standards Officers allows the possibility of formal action against any individual or business making a sale of alcohol, without the need to call the young person to Court as a witness. Each young person taking part is briefed as far as is reasonable in what to say and what not to say and is instructed to answer truthfully any questions a seller may ask about their age. A photograph of the young person is taken prior to the commencement of any test

purchases.

The attending Police / Trading Standards Officers decide upon the most appropriate way for a test purchase to be made at each premise, this may include one or two Trading Standards Officers or Police Officers witnessing a test purchase and one or two young people making the test purchase.

If a test purchase results in a sale, no contact is made with the vendor until the young person has left the premise and is under the supervision of a support officer. If a test purchase results in a sale, the young person is photographed with their purchase. Fixed penalty notices are issued to vendors at the discretion of the attending Police / Trading Standards Officers.

Follow up action – Interviews and Licence Review applications to be carried out by the Police.

2.3 The Operations

2.3. Operation Clydebank

1

Background

Operation Clydebank was set up in conjunction with Police Community Safety Liaison Officer Sgt Alan Rymell as a forerunner to the 'TUSAC' campaign. It was operated in accordance with the principles outlined in the LACORS 'A Practical Guide to Test Purchasing' and 'TUSAC' bid guide. Officers from the Trading Standards Service worked with Police Officers from Nuneaton to carry out test purchases of alcohol at both on and off licence premises in the Nuneaton area.

Results

The operation ran for 5 days (Thursday evenings in April and May).

13 premises were visited over this period and 40 test purchases of alcohol were attempted resulting in 5 sales (12.5% of the test purchases made and 38% of the premises visited).

The proprietors were interviewed by the Police and agreed to operate age check 21.

2.3. Tackling Underage Sales of Alcohol Campaign (TUSAC)

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Background

In October 2006, the Police Standards Unit coordinated an intelligence led Tackling Underage Sales of Alcohol Campaign (TUSAC) across 16 Forces. The aim was to target the illegal sale of alcohol to young people and to increase the use of the review process to maximise the impact of licensing legislation in controlling the irresponsible retailing of alcohol. As a result of this campaign a significant number of

premises had their licences suspended for periods of up to 3 months and additional conditions being imposed upon their licence.

Building upon the success of this campaign, the Police Standards Unit with support from ACPO and LACORS coordinated and funded a national TUSAC in 2007. The campaign was able to include new legislation regarding persistent sales to enable local partnerships to make use of all appropriate legislation in dealing with problem licensed premises.

In partnership with their local Trading Standards, Police Forces participated in this national TUSAC which; commenced on 4th May 2007 and concluded on 15th July 2007.

Aims of the campaign

- To conduct a focused and targeted local and national campaign to work towards the elimination of underage sales of alcohol.
- To prosecute the holders of premises licences in accordance with the new offence of persistently selling alcohol to children (contrary to section 147A, Licensing Act 2003).
- To use the legislative powers available to review premises licences where test purchase failures occur, thereby improving the standards of responsible retailing.
- To maximise the impact on the remainder of the trade regarding the potential consequences of repeat failures.
- To enhance and demonstrate the capability of law enforcement agencies.
- To provide opportunities for the Trade to demonstrate improvement and monitor performance.

Results (Nuneaton & Bedworth / Rugby)

The campaign ran for 10 weeks during May June and July (2 evenings per week). 30 premises were repeatedly visited over this period.

- 17 sold alcohol (56.6% of premises visited)
- 5 of the 17 premises sold on 2 occasions
- No premises sold on 3 occasions

In total 110 test purchases of alcohol were attempted resulting in 23 sales (20.9% of the test purchases made).

23 Penalty Notices were issued (£1,840).

8 License Reviews were carried out, conditions were imposed to introduce age check 21 and improve training and procedures.

9 Formal Warnings were issued and the premises gave a commitment to operate age check 21, improve training and procedures and install CCTV.

1 Prosecution was taken; DPS fined £500 for selling.

TUSAC – National Picture

2,683 premises were targeted by the Police and TSO's during the 10-week campaign between 4 May and 13 July 2007, nearly 9,000 test purchases were attempted and children were only able to obtain alcohol in 14.7 per cent of cases.

Only 22 premises (0.8 per cent of premises targeted) sold alcohol to children on three separate occasions.

The figures signal a further improvement in the test purchase failure rate since national enforcement campaigns began three years ago.

In 2004, the overall test purchase failure rate was 50 per cent. In 2006, it had dropped to 20 per cent. In this latest and more targeted campaign it now stands below 15 per cent overall.

Whereas earlier enforcement campaigns were conducted on a random sample of premises, good and bad, this campaign targeted premises known to be problematic.

2.3. Operation Stockholm

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Background

Increased incidents of anti-social behaviour have been observed around Halloween and bonfire night. Operation Stockholm was set up by Warwickshire Police to try to address these problems. By advising local businesses and schools and with the assistance of Trading Standards carrying out test purchases of alcohol and fireworks it was hoped to reduce the number of incidents reported.

Over 70,000 Halloween and bonfire night advice leaflets were distributed to schools and businesses and 'no trick or treat' window posters to the elderly.

Officers from Trading Standards worked with Warwickshire Police Officers in the five districts (North Warwickshire, Rugby, Nuneaton & Bedworth, Warwick and Stratford) in carrying out test purchases of alcohol and fireworks.

Premises were targeted based upon known hot spots of anti-social behaviour. The operation was carried out during the week beginning 22nd October 2007.

Results

40 premises were visited over this period and 30 test purchases of alcohol and 10 test purchases of fireworks were attempted.

Alcohol was sold on 4 occasions (13% of the test purchases/premises), 3 penalty notices were issued (£240).

No fireworks were sold.

2 licence reviews were carried out. In one case conditions were imposed to introduce age check 21 and improve training and procedures and in the other the Designated Premises Supervisor (DPS) had their personal licence revoked.

Police records show that total anti-social behaviour incidents over the period 1st October to 9th November 2007 were less than the same periods in 2006 and 2005.

2.3. **Operation Ontario**

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Background

Operation Ontario was a Warwickshire Police initiative targeting violence around licensed premises and town centres before it escalated to serious violence.

As underage drinking contributes to this problem, premises supplying to under eighteens were targeted in a joint Police/Trading Standards operation as part of Ontario.

Officers from Trading Standards worked with Warwickshire Police Officers in the five districts (North Warwickshire, Rugby, Nuneaton & Bedworth, Warwick and Stratford) in carrying out test purchases of alcohol.

Premises targeted were based upon known hot spots of violent behaviour. The operation was carried out from 4th December 2007 to 20th December 2007 on Tuesday and Thursday evenings.

Results

39 premises were visited over this period and 39 test purchases of alcohol attempted resulting in 7 sales (18% of the test purchases/premises).

4 penalty notices were issued (£320).

During the campaign the opportunity was also taken to attempt to test purchase cigarettes and lighter refills (butane gas). Cigarettes were purchase from 2 premises and butane gas from another.

The retailers have been interviewed and received cautions.

Police results from Ontario are not yet available.

2.3. **Follow up to TUSAC (Rugby)**

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Background

Officers from Trading Standards worked with Rugby Police Officers in carrying out the test purchases of alcohol.

Premises targeted were based upon those found selling alcohol during TUSAC. The operation was carried out during 4 evenings in January and February 2008 and was funded through the Rugby CDRP.

Results

8 premises were repeatedly visited over this period and a further 5 received a single visit.

In total 28 test purchases were attempted from the 13 premises resulting in 2 sales (7% of the test purchases and 15% of the premises).

2 penalty notices were issued (£160).

The results of the Licence Reviews are not yet available

3. Multi-Agency and Partnership Working

The TSS acknowledges effective enforcement requires a multi-agency approach. Test purchasing campaigns are carried out in partnership with Warwickshire Police. This approach has enabled resources to be used more efficiently and has provided opportunities for external funding. We have carried out 5 times as many test purchases this year than in any other year.

Sharing of intelligence and use of Intelligence Analysts within our partnership has given a more focused approach to our activities.

Regular Multi-Agency Group meetings are held to discuss current issues relating to licensing matters. Problems identified with particular licensed premises are assessed at these meetings and appropriate actions agreed.

The TSS is also developing contacts within the Crime and Disorder Reduction Partnerships.

The TUSAC follow up test purchasing campaign carried out in January/February 2008 received funding through the Rugby CDRP.

A representative from the Trading Standards Service recently took part in a Violent Crime Partnership Workshop focusing on areas of good practice already being achieved and developing new ideas.

4. The Investigation of Complaints

70 complaint/service request enquiries relating to underage sales were received during 2007/2008.

32 premises were visited and received advice on the legislation covering under age sales of alcohol and the procedures they should incorporate. This was followed up where appropriate by inclusion in test purchasing campaigns.

5. The Provision of Advice, Information and Support for Businesses

Officers based within the Trading Standards Service's Compliance Team provide advice, information and support to businesses. Trader information packs and relevant leaflets are distributed by request and where appropriate when an inspection visit to a business is undertaken.

In the majority of our test-purchasing exercises, the retailers who refuse to sell to our volunteers are those who ask anyone who appears to be under 21 for valid proof of age. Asking for proof of age is the only way to be sure that someone is legally old enough to be sold age-restricted products. Retailers are advised to have an age check 21 policy.

The Trading Standards Service does not promote any specific proof of age scheme but supports those schemes that conform to the PASS Scheme criteria. A photo driving licence or a valid passport can also be used as 'proof of age'.

The Trading Standards Service encourages and promotes the use of a 'refusals log' by traders to provide evidence that proof of age is being sought and sales refused in appropriate circumstances.

It should also be noted that from 1st October 2007 changes were made to the prescribed age for the sale of a number of products, cigarettes being the most publicised but knives, crossbows and air weapons were also affected and imitation firearms have become age restricted. This has required further advice to be given to businesses and new advice leaflets to be created.

Visits were made to all cigarette retail outlets around schools to advise on the change of age from 16 to 18 and ensure the prescribed notices to be displayed reflected this.

6. Publicity and Promotional Activities

The results of test purchasing campaigns are made available to the media and have received quite wide coverage in local papers during the year. This raises awareness of the work being carried out.

Where appropriate, enforcement action is also reported.

Multi-agency work is actively promoted and reported, including regional or national coverage where relevant.

The TSS is always willing to participate in local initiatives to promote underage sales work, including community group meetings and business forums.

7. Conclusions

Working in partnership with Warwickshire Police and Licensing Authorities has enabled the TSS to deliver a lot more this year. We have been able to assist with

targeted campaigns aimed at tackling problems of under age drinking, anti-social behaviour hot spots and reducing violent crime. Sharing of intelligence and use of Intelligence Analysts within our partnership has given a more focused approach to our activities. We have been able to contribute to the licensing process and meet regularly with our partners. The volume and consistency of this years work has enabled us to establish a meaningful baseline of 16.5%.

Next year will bring more challenges, one of which will be how to deal with the problem of proxy sales as this increasingly becomes the only way for some young people to obtain alcohol.

Furthermore that the following recommendations are adopted following the Alcohol and Young People report by the Children, Young People and Families OSC:

- The TSS will investigate how the resources developed by Lancashire County Council can be used to maximum effect in Warwickshire and report the findings to the Community Protection OSC
- The TSS will explore the scope for cross border working with Coventry City Council and other neighbouring authorities in relation to alcohol test purchasing and training traders to promote the co-ordination and efficiency of activities.

This year's test purchasing activity has led directly to the imposition of licensing conditions (Age check 21 & CCTV). Continuation of this intelligence led approach will enable further review of licenses should sales continue.

Graeme Betts
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