

REPORT TO: ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE
(18TH SEPTEMBER 2006)

REPORT ON: AGE RESTRICTED SALES SURVEYS

REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

REPORT NO: 526-2006

1.0 PURPOSE OF REPORT

1.1 This report seeks to advise the Committee of test purchasing operations that have been carried out with young persons, following a change in policy by the Lord Advocate, and to seek approval for further test purchase operations by Trading Standards Officers in Dundee.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee note the work that has been done and approve the continued deployment of young volunteers, where appropriate, to check compliance with the law concerning the sale of age-restricted products including fireworks, cigarettes, aerosol spray paint and solvents, in support of the community safety aims of the Council and to protect the health of young people.

2.2 That young persons be used only as an enforcement method of last resort, in response to allegations or intelligence against particular traders, where other enforcement options have proved ineffective.

2.3 That appropriate young persons are recruited from Dundee schools and deployed using the guidelines approved by the Scottish Executive.

2.4 It is recommended that further instances of sales of age restricted products result in reports being prepared for the procurator fiscal.

3.0 FINANCIAL IMPLICATIONS

3.1 None

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 None

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None

6.0 BACKGROUND

- 6.1 There is a range of legislation that imposes age restrictions on the sale of goods, and the duties on local authorities. This legislation has at its heart the protection of health and young people, and a reduction in anti-social behaviour.

Trading Standards Officers, as a matter of routine, use test purchasing techniques to prove the actions of traders, where offences may be committed under consumer protection legislation. Test purchasing using young persons to prove under age sales was not permitted in Scotland up to last year, under guidance issued by Crown Office. However, as a result of the success of test purchasing pilots in four Scottish local authorities, the Lord Advocate announced, on 25th February 2005, that young persons could be used for test purchasing so long as strict protocols were adopted. These included covert Trading Standards Officers accompanying volunteers at all times, training (including role playing), parental consent and risk assessment of premises.

- 6.2 Agreement was reached with the Education Department in November 2005 to take a joint approach to seeking volunteers from two Dundee schools. The volunteers would be between thirteen and fourteen and a half years of age. The two schools distributed letters to all parents of pupils in secondary two, and helped vet the suitability of any volunteers. Trading Standards officers visited the parents of all eight volunteers selected and explained the whole process. All volunteers underwent a full training process including role playing with the kind assistance of Sainsburys plc.
- 6.3 Full press coverage was given to the intention to test purchase tobacco products and every retail outlet in Dundee was visited by officers to highlight the issues and distribute guidance material on the steps to take to prevent sales of age restricted products to young people.
- 6.4 Two test purchasing operations have been carried out to date. The first took place in April 2006 and out of fifty two premises tested, three sold tobacco products to young person volunteers. The second took place in July 2006 and out of fifteen premises tested, six sold age restricted products to our volunteers – five tobacco products and one cigarette lighter fluid.
- 6.5 These are disappointing results, proving that a significant proportion of retailers in Dundee are supplying young people with age restricted products that are injurious to health. Because of the novel approach with this enforcement process, no reports have been submitted to the procurator fiscal but retailers have been issued with formal warnings, and advised that further instances will be recommended for prosecution.

7.0 CONSULTATIONS

- 7.1 The Chief Executive
Depute Chief Executive (Support Services)
Depute Chief Executive (Finance)
Director of Education

8.0 BACKGROUND PAPERS

None

9.0 SIGNATURE

Albert Oswald
Head of Environmental Health & Trading Standards

September 2006