

WIRRAL COUNCIL

CABINET 20 SEPTEMBER 2007

REPORT OF THE DIRECTOR OF REGENERATION

ESTABLISHMENT OF AN ADDITIONAL POST OF SENIOR ASSISTANT TRADING STANDARDS OFFICER AND ASSISTANT TRADING STANDARDS OFFICER

1.0 EXECUTIVE SUMMARY

1.1 This report seeks Members agreement to create an additional post of a Senior Assistant Trading Standards Officer (SO1 £23175 – £24708 plus on costs) and an Assistant Trading Standards Officer (Scale 4-6, £16,137 - £22,293 plus on costs) in the Regeneration Department. The post-holders will implement additional duties in relation to statutory responsibilities concerning prevention of the sale of alcohol to young people. The establishment of the posts is funded by additional resources provided by Wirral Primary Care Trust through Choosing Health.

2.0 BACKGROUND TO UNDER AGE SALE OF ALCOHOL

2.1 On 31 January 2002 Cabinet authorised the Trading Standards Division to enforce the provisions of the Licensing Act 1964, which had been amended by the Criminal Justice and Police Act 2001. This responsibility continued in the Licensing Act 2003.

2.2 The Act(s) placed a statutory duty on the Local Weights and Measures Authority (Wirral MBC) to enforce provisions relating to under age sales and enabled under age volunteers to buy or attempt to buy alcohol, at the request of Inspectors of Weights and Measures appointed under Section 72(1) of the Weights and Measures Act 1985 (A Trading Standards Officer) or a Police Constable.

2.3 The Act introduced a defence for a trader charged with the offence of selling intoxicating liquor to a person under eighteen. To avoid conviction they must prove that:

- a) they believed that the person was not under eighteen; *and*
- b) either that they had taken all reasonable steps to establish the person's age or that nobody could reasonably have suspected from the young person's appearance that the person was under eighteen.

2.4 No resources were made available to carry out this additional function. Trading Standards have been able to conduct a series of out of hours test purchasing exercises using ad hoc funding provided by the Home Office. This funding does not take into account any additional investigation work generated when an offence is detected nor provides for structured advice to business nor the intensive surveillance of problem off licences.

2.5 Since April 2007 60 off licences have been visited during test purchase visits and in 14 instances alcohol was sold to a supervised under age volunteer, a failure rate of 23%.

Two recent prosecutions resulted in one Designated Premises Supervisor being fined £400, with £609 costs and a second Designated Premises Supervisor being fined £500 with £578 costs.

2.6 In early 2007, Trading Standards North West (TSNW) the regional co-ordinating organisation for local authority Trading Standards Service's, commissioned research into the purchasing and alcohol consumption habits of young people. The research is detailed but the following figures give an indication of the harm alcohol can cause to young people;

- 29% of 14 to 17 year olds who drink alcohol admitted to having been violent whilst drunk - this figure rose to 32% amongst young males.
- 15% claimed to have been in a car with a young person who had been drinking.
- 12% stated that they had regretted having sex after drinking alcohol.

3.0 CHOOSING HEALTH

3.1 In the Choosing Health White Paper, published in 2004, the Government recognised that a founding principle for the NHS in 1948 was that it should improve health and prevent disease, not just provide treatment for those who are ill. The White Paper acknowledged that, as the health service makes rapid progress on treating illness, the need for similar progress on improving people's health comes to the fore. The Government also acknowledged a need to step up action across government and throughout society to tackle the causes of ill health and reduce inequalities. Additional funds were made available to Primary Care Trusts.

3.2 Wirral Primary Care Trust is aware that alcohol misuse by young people can lead to harmful risk-taking behaviour including violence, anti-social behaviour and inappropriate sexual activity which impact on family life, school performance and attendance as well as having a detrimental effect on local communities. The Primary Care Trust also recognises that admission to hospital as a result of alcohol related issues is very high amongst young people and can also have long term health consequences.

3.3 Wirral Primary Care Trust has recognised that increased activity to reduce the supply of alcohol to children will have a beneficial impact on this potential harm to their health and wellbeing. Trading Standards officer have been working with colleagues in the Wirral Primary Care Trust and Youth Service to develop training provision for off licence staff and intervention strategies for young people who gather around off licence premises.

3.4 The Primary Care Trust are able to provide funding to Trading Standards for the delivery of an Under Age Sales Scheme. This funding is conditional upon the agreement of a satisfactory Service Level Agreement (SLA). The SLA will run, initially, up to 31st March 2010. The funding available is as follows: 2007/08 - £35,000; 2008/2009 - £75,000; 2009/2010 - £75,000. Subsequent renewal is dependent upon performance against the SLA and changes to priorities of Wirral PCT's Public Health Department.

3.5 This additional funding, together with existing resources, aims to;

- Reduce the rate of illegal underage sales through effective enforcement and licence review
- Increase the availability of training interventions for off licence proprietors and their staff

- Raise awareness within the trade of the harms caused by the illegal sale of alcohol to minors
- Increase public confidence in measures in place to reduce sales of alcohol to minors by working with communities

3.6 It is proposed to create two additional posts within Trading Standards to deliver additional activity around under age sales prevention;

- An assistant trading standards officer graded sc4-6 with an enforcement and business advice and training role.
- A senior assistant trading standards officer graded SO1 with an enforcement and business advice and training role and additional responsibility to supervise junior staff, monitor and report on performance and provide a link to communities.

4.0 FINANCIAL STAFFING IMPLICATIONS

4.1 The Primary Care Trust are able to provide funding to Trading Standards for the delivery of an Under Age Sales Scheme. This funding is conditional upon the agreement of a satisfactory Service Level Agreement (SLA). The SLA will run, initially, up to 31st March 2010. The funding available is as follows:

2007/08 - £35,000;
 2008/2009 - £75,000;
 2009/2010 - £75,000.

Subsequent renewal is dependent upon performance against the SLA and changes to priorities of Wirral Primary Care Trust's Public Health Department. Negotiations are continuing and will continue throughout the life of the agreement to ensure that the scheme will remain funded either from the Primary Care Trust or from alternative sources.

4.2 The costs of establishing a post of Assistant Trading Standards Officer (Scale 4-6) will be £28044 scale maxima including on costs and the costs of establishing a post of Senior Assistant Trading Standards Officer (scale S01) will be £31083 scale maxima including on costs for an initial period until 31st March 2010.

5.0 STAFFING IMPLICATIONS

It is proposed to establish 2 new posts within the Trading Standards Division funded by Wirral Primary Care Trust to provide additional resources to reduce the impact of the sale of alcohol to young people.

6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are none arising directly from this report.

7.0 COMMUNITY SAFETY IMPLICATIONS

7.1 Effective enforcement of the Licensing Act 2003 provisions preventing the sale of alcohol to children will reduce the risk of alcohol fuelled disorder

8.0 LOCAL AGENDA 21 IMPLICATIONS

8.1 There are none arising directly from this report.

9.0 PLANNING IMPLICATIONS

9.1 There are none arising directly from this report.

10.0 ANTI-POVERTY IMPLICATIONS

10.1 There are none arising directly from this report

11.0 SOCIAL INCLUSION IMPLICATIONS

11.1 A reduction in the sale of alcohol to children will lead to a reduction in harm to children and anti-social behaviour

12.0 LOCAL MEMBER SUPPORT IMPLICATIONS

12.1 Effective enforcement of the Licensing Act 2003 provisions preventing the sale of alcohol to children will have a beneficial effect on the health and well being of young people throughout the Borough.

13.0 HUMAN RIGHTS IMPLICATIONS

13.1 Any investigations conducted under the Licensing Act 2003 will be conducted in accordance with the Human Rights Act, the Regulation of Investigatory Procedures Act 2000, the Police and Criminal Evidence Act 1984 and the Council's Enforcement policy.

14.0 BACKGROUND PAPERS

14.1 Choosing Health White Paper

14.2 Wirral Primary Care Trust Service Level Agreement

15.0 RECOMMENDATIONS

That

(1) the offer of funding be accepted and the Council work with Wirral Primary Care Trust to negotiate and agree a satisfactory Service Level Agreement to ensure that enhanced provision of under age sales reduction activity is in place as soon as possible and that Cabinet receives further reports on progress on implementation and how the additional identified resources have been utilised to achieve the aims and requirements of the Service Level Agreement;

(2) the report be referred to Employment and Appointments Committee for consideration of the establishment of the posts of an Assistant Trading Standards Officer and a Senior Assistant Trading Standards Officer; and

(3) Employment and Appointments Committee be recommended to agree to the establishment

of a post of Assistant Trading Standards Officer Scale (Scale 4-6, £28044 scale maxima including on costs) and a Senior Assistant Trading Standards Officer (scale SO1 £31083 scale maxima including on costs) for an initial period until 31st March 2010.

Alan Stennard
Director of Regeneration

This report was prepared by John Malone who can be contacted on 691 8640