

WIRRAL COUNCIL

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

8 MARCH 2010

REPORT OF THE DIRECTOR OF REGENERATION

THE SALE OF ALCOHOL TO CHILDREN

1.0 EXECUTIVE SUMMARY

- 1.1 A report to advise members the action being taken by the Trading Standards Division to reduce the sale of alcohol to young people.

2.0 BACKGROUND

- 2.1 On the 28th January 2009, a report was presented to the Environment Overview and Scrutiny Committee concerning enforcement activity to limit the harm to young people caused by the sale of age restricted products.
- 2.2 It is a criminal offence under the Licensing Act 2003 to sell alcohol to a person under the age of 18 and Wirral's Trading Standards Team works closely with Merseyside Police to minimise the sale of alcohol to young people. This activity contributes to reducing potential harm to young people, including regretted sexual behaviour and long term health risks. Also it contributes to tackling alcohol fuelled anti-social behaviour.
- 2.3 In 2007 Wirral PCT provided funding for two additional officers work implement strategies to reduce alcohol sales to young people. The two additional posts enabled Trading Standards to set up a team of three, including one existing full time post) to tackle under age sales of alcohol (and to make progress deal with the sale of tobacco to young people). The team uses a combination of advice and enforcement to prevent sales of alcohol to young people. The funding from the PCT ceases on the 31st March 2010 and alternative sources of funding for the additional posts is being sought but is yet to be secured.

3.0 WORKING WITH BUSINESSES

- 3.1 An important element of the overall strategy to reduce the sale of alcohol to young people is to engage with off-licence operators to encourage them to accept their legal and moral responsibilities. Advisory visits to businesses are made and comprehensive training for provided. In 2009, over 180 off-licence staff received training and 46 advisory visits were carried out.

4.0 RAISING AWARENESS

- 4.1 The risks, hazards and consequences associated with selling alcohol to young people have been publicised through several initiatives. These have all been based around a central initiative to try to increase awareness amongst members of the public about the problem, and more importantly, how to report traders who are not complying with the law. This initiative is known as **“DON'T IGNORE IT. REPORT IT.”**

4.2 The Underage Sales Team has utilised various marketing opportunities to ensure maximum exposure of the message, including;

- **Cinema Advertising**

Advertising in “prevue” the magazine of Vue Cinemas. This has been consistent throughout 2009 using topical and seasonal themes.

- **Radio Advertising**

There have been a series of advertisements on Wirral’s Buzz / Heart 97.1 to warn under 18s and adults about the illegality of purchasing alcohol underage, and proxy purchasing (i.e. adults buying alcohol on behalf of children).

- **Proof of Age Card**

Links have been made with Citizencard, and designs are currently being agreed for a Wirral Council branded proof of age card. This will be PASS accredited (PASS – Proof of Age Standards Scheme) and available via retail outlets at a discounted price.

- **LBV TV Advert & Community Marketing Event**

Trading Standards commissioned the production of an advert aimed at reducing underage sales and increasing the reporting of premises breaking the law. This was shown on an 8ft TV screen in both The Pyramids and The Cherry Tree Shopping Centres. The advertisement’s message was supported by a number of Trading Standards staff attending the centres to engage with members of the public.

- **7 Waves Community Radio 92.1FM**

Members of the Underage Sales Team took part in a live radio shows discussing underage sales.

5.0 **ENFORCEMENT ACTION**

5.1 In 2009, 136 test purchase attempts were made at off-licences but in only four instances was alcohol sold to the under age volunteer.

5.2 Recently, underage work has now also been extended to underage test purchase operations in on-licence premises (pubs and clubs). This work is led by Merseyside Police with Trading Standards Officers assisting. Such operations are labour intensive because of the need to ensure the safety of the volunteer. A test purchase exercise at an off-licence requires three officers (one to chaperone the volunteer and two to conduct interviews at premises which sell alcohol) a similar exercise at a bar or public house requires at least 7 officers. In 36 joint operations conducted with the police 19 premises sold alcohol to the under age volunteers. In all instances, the member of staff selling the alcohol was issued with a fixed penalty notice and in two cases Trading Standards have called the licence into review.

5.3 In addition to the test purchase operations Trading Standards, as a “Responsible Authority¹”, make use of the review provisions of the Licensing Act 2003. Under the Act Trading Standards can seek the review of a licence by the Licensing Authority. This can result in additional conditions being placed on a licence, suspension or revocation of a licence if there is evidence of a breach of one of the four licensing objectives, one of which is “the protection of children from harm”.

¹ Responsible Authorities are public bodies that must be notified of and are entitled to make, representations to a licensing authority in relation to applications for grant, variation or review of a premises licence.

5.4 In 2009, Trading Standards initiated the review of the premises licence of eight off-licences or pubs, all of which sold alcohol to under age volunteers. (Two of the premises had sold alcohol in 2008 but the reviews took place in 2009). In each case the Licensing Act 2003 Sub-Committee agreed to impose a series of licence conditions designed to improve the premises business practices and to reduce the risk of alcohol being sold to young people. Examples of the conditions include that the premises involved;

- Should adopt a Think 25 policy and display the appropriate posters.
- Must only accept a passport, a photo driving licence or PASS accredited identification as proof of age.
- Must maintain and keep a refusals log which must be checked regularly by the Designated Premises Supervisor who must sign the log after each check.
- Make available a refusals log to Responsible Authorities on request.
- Undertake the training of all staff responsible for the sale of alcohol prior to working unsupervised in a bar and repeated at least once every six months. This training must be recorded and made available to all responsible authorities on request.

5.5 Failure to comply with the licence conditions is a criminal offence.

5.6 In two premises where alcohol was sold to an under age volunteer, prosecutions were taken. These actions were taken after an investigation concluded that the premises did not have adequate systems in place to prevent the sale of alcohol to children.

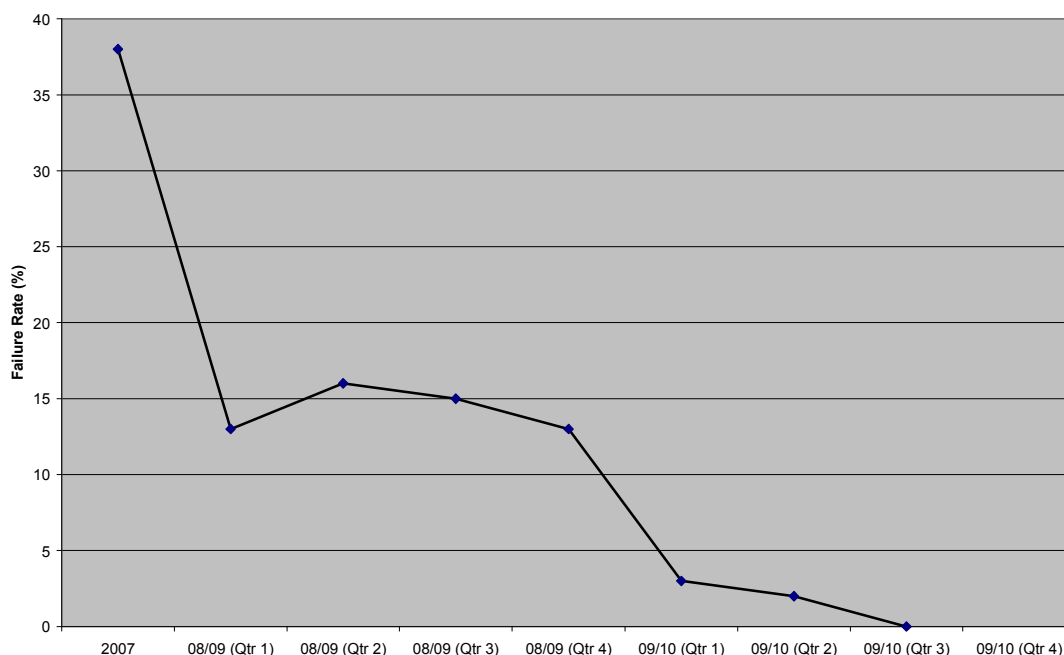
5.7 One person who sold a bottle of “WKD Blue” to a 14 year old was fined £100 and ordered to pay the local authority's costs of £385. Another person who sold a bottle of “WKD Iron Brew”, again to a 14 year old, was fined £100 and ordered to pay a £200 contribution towards the local authority's costs.

(These penalties can be contrasted with a retailer who was fined £600, with £490 costs for selling 20 Lambert & Butler cigarettes to a fifteen year old volunteer.)

5.8 The overall blend of publicity, advice to business and enforcement action has been successful in reducing the number of sales at off-licences to under age volunteers. In 2007, the sale rate was 38%, one of the highest in the North West. Then in, 2008 it averaged 15% but during 2009 it has reduced to single figures with no sales recorded between October and December 2009.

5.9 The following graph shows the reduction in the number of premises selling alcohol to underage volunteers since the Underage Sales Team was created;

Trading Standards - Reduction in Test Purchase Failures (Underage Sales)



5.10 Wirral's Anti-Social Behaviour Team provided funding that enabled Trading Standards and Merseyside Police to conduct a joint operation to tackle adults buying alcohol on behalf of under 18s - proxy sales. Trading Standards planned the operation, and operations started in 2009. This is ongoing, and due to complete in February 2010. This operation differs from traditional test purchasing. No underage volunteer is used for this operation. Trading Standards Officers and Merseyside Police have introduced operations to observe proxy sales by adults on behalf of under 18s; outside targeted premises. As this operation is ongoing, results have not yet published. Any adult found to have purchased alcohol for under 18s is issued with an £80 Penalty Notice for Disorder (PND), and the children dealt with accordingly. Such operations may also uncover circumstances where sales may be made only to children known to the vendor.

6.0 FINANCIAL IMPLICATIONS

6.1 The funding from the Wirral Primary Care Trust; for two posts in the underage sales team ceases on the 31st March 2010 and alternative sources of funding for the additional posts are being sought.

7.0 STAFFING IMPLICATIONS

7.1 Two members of staff were appointed in 2008 on two year fixed term contracts which expire on the 31st March 2010. The two posts created by time limited funding are at risk if further funding is not secured.

8.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT IMPLICATIONS

8.1 The supply of alcohol to young people impacts on the health, educational attainment, employment prospects and propensity for crime of young people. Equality impact assessments for under age sales prevention activity and enforcement policy have been completed.

9.0 **LOCAL AGENDA 21 IMPLICATIONS**

9.1 There are no local agenda 21 implications arising from this report.

10.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

10.1 There are no local member implications arising from this report.

11.0 **HUMAN RIGHTS IMPLICATIONS**

11.1 All enforcement action is taken in accordance with the Council's enforcement and Licensing policies. Directed surveillance will be authorised and conducted in accordance with the requirements of the Regulation of Investigatory Powers Act.

12.0 **COMMUNITY SAFETY IMPLICATIONS**

12.1 Reducing the access young people have to alcohol will minimise the risk of harm to them and reduce anti social behaviour.

13.0 **PLANNING IMPLICATIONS**

13.1 There are no planning implications arising from this report.

14.0 **BACKGROUND PAPERS**

14.1 The Wirral Alcohol Harm Reduction Strategy.

15.0 **RECOMMENDATIONS**

15.1 That Members note the report.

Alan Stennard
Director of Regeneration

This report was prepared by John Malone, Trading Standards Manager who can be contacted on 691 8640.