

**AGE RESTRICTED GOODS ENFORCEMENT POLICY REVIEW**

*To:* **Highways and Community Infrastructure Committee**

*Meeting Date:* **28<sup>th</sup> April 2015**

*From:* **Executive Director: Economy, Transport & Environment**

*Electoral division(s):* **All**

*Forward Plan ref:* **N/A** *Key decision:* **No**

*Purpose:* **To consider the proposed amendments to the Cambridgeshire County Council Age Restricted Goods Enforcement Policy.**

*Recommendation:* **The Committee is asked to approve the amendments to the Age Restricted Goods Enforcement Policy.**

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## **1. BACKGROUND**

- 1.1 The Council is responsible for enforcing a range of legislation relating to the sale of age-restricted products, such as tobacco, alcohol, fireworks, solvents, computer games/DVDs and knives.
- 1.2 The County Council is committed to protecting the young, and society in general, from the harms associated with the misuse of age-restricted goods such as poor health, crime and anti-social behaviour. Trading Standards Officers have, therefore, undertaken a great deal of work across the County with local retailers on the steps they can take to avoid illegal sales of age-restricted products.
- 1.3 This work has been successful with a large number of retailers. However, unfortunately there are still a number of cases where formal legal proceedings have to be taken against those retailers who have sold such products to children under the legal age limit.
- 1.4 The County Council currently has a published Age Restricted Goods Enforcement Policy that has been in existence for a number of years. The Policy has had no major changes since December 2006.
- 1.5 This Policy is reviewed annually by the Head of Supporting Businesses and Communities and any amendments must be approved by the Highways and Community Infrastructure Committee.

## **2. MAIN ISSUES**

- 2.1 The Age Restricted Goods Enforcement Policy exists to specifically cover the action that will be taken where Age Restricted Goods are sold to anyone who is under the appropriate age in the County. This policy, and any actions taken under it, is subject to the County Council's overarching Enforcement Policy.
- 2.2 The activities in relation to enforcement referenced in this policy are carried out by the Supporting Businesses & Communities Service on behalf of the County Council.
- 2.3 The Better Regulation Delivery Office (BRDO) published the new Regulator's Code (the Code) in July 2013, which came into force in April 2014. The Code covers how Regulators develop and implement service standards, policies and legal procedures.
- 2.4 The requirements emerging from the new Regulators' Code mean that Regulators should provide a clear, flexible and principles-based framework to work in.
- 2.5 In accordance with this Code, the existing Age Restricted Goods Enforcement Policy has, therefore, been amended. The revised Policy provides for greater clarity on the approach the Council takes in ensuring compliance with the sale of age restricted goods, and clearly sets out the Council's approach to:

- test purchasing and the use of child of volunteers in such exercises.
- enforcement relating to sales of age restricted goods, including the enforcement actions available.

2.6 The revised Policy is provided in Appendix A. Work has been undertaken to ensure that this policy adheres to the principles of:

- Transparency
- Adopting a graduated, but appropriate approach, to enforcement
- Ensuring appropriate protection of the public, particularly vulnerable members of our communities.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

Officers believe the approach outlined in the policy is supportive of the objectives outlined in the Business Plan and Corporate Priorities.

#### **3.1 Developing the local economy for the benefit of all.**

By enabling businesses to meet regulatory requirements and enforcing against non-compliance, regulatory services like Trading Standards provide both protection and to ensure there is a level playing field for businesses which increases confidence in the market place.

#### **3.2 Helping people live healthy and independent lives**

The County Council is committed to protecting the young, and society in general, from the harms associated with the misuse of age-restricted goods such as poor health, crime and anti-social behavior. The Age Restricted Goods Enforcement Revised Policy supports this aim.

#### **3.3 Supporting and protecting vulnerable people**

The amended Policy makes the principles behind Cambridgeshire's approach to the sale of Age Restricted Goods clear, particularly in relation to dealing with non-compliance and the range of options available to the Service.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

The Age Restricted Goods Enforcement Policy has been amended to provide greater clarity on the principles of age restricted sales, test purchasing and the enforcement actions available to Regulators, and the circumstances in which they will be used. Officers do not believe that there will be any further resource implications following the implementation of the revised Policy.

#### **4.2 Statutory, Risk and Legal Implication**

Some areas of Trading Standards are statutory and, therefore issues of non-compliance need to be addressed. The revised Policy will provide greater clarity on the options available.

Officers have consulted colleagues in Legal Services in relation to the

Policy and the revision takes into account all the points that were raised.

**4.3 Equality and Diversity Implications**

There are no significant implications for this priority

**4.4 Engagement and Consultation Implications**

A consultation on the revised Policy was undertaken during March 2015. Relevant organisations were consulted, eliciting two responses, both of which supportive of the revised. No negative were comments received regarding the proposed changes.

**4.5 Localism and Local Member Involvement**

There are no significant implications for this priority

**4.6 Public Health Implications**

The County Council is committed to protecting the young, and society in general, from the harms associated with the misuse of age-restricted goods such as poor health. The Age Restricted Goods Enforcement Policy supports this aim.

Source Documents	Location
Existing Age Restricted Goods Enforcement Policy December 2006	<a href="http://www.cambridgeshire.gov.uk/info/20074/trading_standards/261/inspections_and_enforcement">http://www.cambridgeshire.gov.uk/info/20074/trading_standards/261/inspections_and_enforcement</a>