



CABINET – 1 MAY 2018

ENFORCEMENT PROGRAMME FOR UNDERAGE SALES OF TOBACCO PRODUCTS AND AEROSOL PAINT PRODUCTS 2018/2019

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to seek the Cabinet's approval of the proposed Enforcement Programmes for Underage Sales of Tobacco Products (Appendix A) and Aerosol Paint Products (Appendix B) for 2018/2019.

Recommendation

2. It is recommended that the 2018/2019 Enforcement Programmes for Underage Sales of Tobacco Products set out in Appendix A, and Aerosol Paint Products set out in Appendix B, be approved.

Reason for Recommendation

3. To enable the County Council to meet its statutory obligation under Section 5(1) of the Children and Young Persons (Protection from Tobacco) Act 1991 (as amended) and Section 54A of the Anti-Social Behaviour Act 2003.

Timetable for Decisions (including Scrutiny)

4. Annual Cabinet approval of these two programmes is required under the legislation referred to in paragraph 3 above.

Policy Framework and Previous Decisions

5. The enforcement programmes proposed in this report represent a continuation of previous policies and plans.

Resource Implications

6. The 2018/2019 Trading Standards Service budget includes provision to undertake enforcement as a means to reduce the risk of age-restricted products being supplied to children in Leicestershire. Age restricted products include tobacco and aerosol spray paint products.

Circulation under the Local Issues Alert Procedure

7. None.

Officers to Contact

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PART B

Background

Tobacco

8. The County Council is required to approve an enforcement programme under The Children and Young Persons (Protection from Tobacco) Act 1991. This legislation is designed to protect children from the health risks associated with smoking tobacco.
9. Legislation bans the sale of tobacco products to persons under the age of 18 years and prohibits the sale of single cigarettes. There is also a legal requirement to display notices on trading premises stating that the sale of tobacco products to children is illegal.
10. Regulations made under the Tobacco Advertising and Promotion Act 2002 prohibits the display of tobacco products at the point of sale and controls the manner in which pricing information is communicated to the consumer.
11. The Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016 require all tobacco products to be sold in plain packaging with prescribed health warnings.
12. The County Council has delegated the enforcement responsibilities described in paragraphs 10 and 11 above to the Trading Standards Service.
13. The agreed County Council Medium Term Financial Strategy 2018/19 requires Trading Standards to identify savings of £60,000 which is to be achieved by reducing the level of preventative enforcement activities. As a result the routine inspection of retailers, specifically to check for compliance with tobacco products legislation will be discontinued. However, the Trading Standards Service will continue to prioritise its investigative resources on tackling those traders that persistently fail to put in place appropriate due diligence measures to prevent age restricted products being sold to children.

Aerosol Spray Paint Products

14. The Anti-Social Behaviour Act 2003 makes it an offence for anyone to sell aerosol paint products to persons under the age of 16 years. The legislation is designed to help tackle the problem of unsightly and illegal graffiti that, if left unmanaged, can lead to other types of anti-social behaviour.
15. Although aerosol paints were widely used to create such graffiti when the legislation was first introduced, the evidence now suggests a marked decline and a shift towards the use of products that are less expensive and easier to conceal.

Tobacco Enforcement Programme 2017/2018

16. Enforcement activities during 2017/2018 were 'intelligence led' and have included :-
- i. Inspection visits to 110 retailers to ensure compliance with the statutory requirements to display age restriction cigarette notices and to ensure the tobacco products being sold were not on display. The inspections indicate a 95% compliance rate.
 - ii. The investigation of 34 incidents alleging sales of age restricted products to children.
17. Although electronic cigarettes do not form part of the Tobacco Enforcement Programme, the Trading Standards Service does have a statutory duty to enforce provisions relating to the sale of these and other nicotine liquid products. As part of an age restricted sales test purchase operation two attempts were made to purchase electronic cigarettes both of which resulted in sale to a child volunteer.

Underage Sales of Aerosol Paint Products – Enforcement Programme 2018/19

18. The Service has written to all district councils within Leicestershire asking them to identify any areas of concern relating to graffiti. No specific areas were identified for further enforcement

Enforcement Programmes for 2018/2019

19. The proposed enforcement programmes for tobacco products and aerosol paint products are shown in Appendices A and B attached to this report.

Background Papers

Report to the Cabinet - 23 June 2017 - Report of the Chief Executive - Enforcement Programmes for Underage Sales of Tobacco Products and Aerosol Paint Products 2017/18

<http://politics.leics.gov.uk/documents/s129545/FINAL%20Enforcement%20Programme%20-%20Tobacco%20and%20Aerosols.pdf>

Appendices

- Appendix A - Enforcement Programme for Tobacco Products 2018/2019.
- Appendix B - Enforcement Programme for Aerosol Paint products 2018/2019.

Equality and Human Rights Implications

20. There are no specific equality and human rights implications arising from this report.

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