

Illegal sales of alcohol to persons under 18 years of age.

Background

The Council, as a local authority designated as a Licensing Authority by the Licensing Act 2003, has the responsibility for administering the process whereby shop premises may acquire the licences necessary to sell alcohol. Applications for such licences that attract objections from neighbours or certain statutory agencies such as the Police are referred for determination to a Licensing Sub Committee constituted from members of the Council's Licensing Committee. Similarly, licences, once granted, may be reviewed by a Licensing Sub Committee if neighbours or a statutory agency make an application for this process. This procedure could result in the revocation of a licence or the imposition of restrictions upon its use.

Among other provisions, the Licensing Act prohibits the supply of alcohol to persons under 18 years old. The Act gives to local authority Trading Standards departments the responsibility to enforce this part of the law and allows Trading Standards Officers (TSO's) to send young people to attempt to buy alcohol as part of a test purchase exercise.

Test Purchase Exercises

In enforcing this law the Council's Trading Standards Section follows the guidance on the conduct of test purchase exercises provided by the Local Authorities Coordinators of Regulatory Services (LACORS), an agency of the Local Government Association. This good practice document requires that a TSO enters a shop before the young test purchaser in order to observe events. Should a sale then occur, the TSO is able to give the necessary evidence before a Court without the need for the young person to attend.

The Trading Standards Section has conducted numerous attempt test purchase at shops in the City in the years since this responsibility came to Councils with the result that, over time, increasingly fewer sales to our child volunteers have occurred. Officers suspect that, as well as enforcement activity having a deterrent effect, the presence of an adult and young person unfamiliar to shop staff prevents illegal sales that would otherwise be made. Additionally, intelligence received from the public often indicates that young people are acquiring alcohol from adults who have purchased it on their behalf; a situation known as 'proxy selling'. In light of all the circumstances, the Trading Standards Section, alongside traditional methods, is seeking to utilise other techniques to prevent alcohol sold by off licences entering the possession of young people.

The situation in the West Sunderland area

In the wards which constitute West Sunderland, the Council has issued licences to 64 premises for the sale of alcohol for consumption off the premises. Since 1 April 2008 the Council is aware of four calls from members of the public to the Police and the Trading Standards Section about young people consuming alcohol in the vicinity of those premises.

Work undertaken by the Trading Standards Section in the West Sunderland area

Since 1 June 2009 Trading Standards Officers have visited all off licences operating in the area to remind shop staff of their responsibilities with regard to the sale of alcohol to young people and have given to the licensees at each premises an information pack which contains a book for recording refused sales of alcohol and training materials for staff.

Given that, as mentioned above, intelligence suggests that alcohol consumed in public by young people was not necessarily sold directly to them by a shop, the Trading Standards Section have sought other means to identify the source of the alcohol. One tool which may be helpful in this regard is the legal requirement that foodstuffs are marked, for safety reasons, with a number which indicates the 'batch' in which they were manufactured. This is intended, in the event of any safety issues associated with an item of food, to allow other food items packed at the same time to be traced. This code number, when found on a bottle or can of alcohol in the street, is likely to match other containers of that brand on the shop shelf from which it was selected. Such information may be of use to Police Officers who may seize containers of alcohol from young people they discover drinking in public. In order to assist the Police in this regard the Trading Standards Section has sent the Police a briefing note on this subject for use in training their officers.

Also, the Trading Standards Section has commenced a series of presentations at each of the Local Multi Agency Problem Solving (LMAPS) area meetings. The aim is to raise awareness of their role in preventing sales of alcohol to young persons and to encourage the supply of information about potential offenders in this regard throughout the City.

An update on recent test purchase activity will be given orally at the meeting.

