

Supply of Age Restricted Products – Enforcement Statement

Torbay Council is committed to achieving compliance in a fair, consistent, proportionate, transparent and targeted manner. The emphasis will be on advice and education but other means of enforcement will also be used, if necessary. In so far as the supply of age restricted products is concerned, priority will be given to the legislation in Schedule A below which the Council has a duty to enforce; enforcement action in respect of legislation in Schedule B below will principally be in response to any complaints which may be received.

1. Premises selling these products will be included in the routine inspection programme. During these inspections Traders will be reminded of their responsibilities and checks will be made on the display of required notices, labelling of products, provision of underage sales policies for alcohol, the latter which is a new requirement under the Licensing Act 2003.
2. All complaints will be investigated and appropriate action taken.
3. Legal proceedings will be taken where appropriate in accordance with the agreed Enforcement and Prosecution Policy and Torbay Council's responsibilities under the Licensing Act 2003.
4. Schools will be advised of the Council's commitment to enforce the law. Teachers and Children's Services staff having information about under-age sales from specific shops will be asked to contact the Trading Standards Service (part of the Community Safety Business Unit).
5. Each year the Community Safety Business Unit will carry out at least two surveys using volunteer under-age purchasers. The national LGA guidelines will be observed in carrying out the surveys.
6. Trading Standards will work with partner agencies to identify the source of illegal and counterfeit products which may present an increased risk to health.
7. To help businesses by writing procedural guidance in the form of any easy to use document for underage sales.

Schedule A – Statutory Duty to Enforce

Children and Young Persons Act 1933
Protection of Children (Tobacco) Act 1986
The Cigarette Lighter Refill (Safety) Regulations 1999 made under Consumer Protection Act 1987
Explosives (Age of Purchase) Act 1976
Fireworks (Safety) Regulations 1997 as amended by the Fireworks (Safety) (Amendment) Regulations 2004
Video Recordings Act 1984 as amended by Video Recordings Act 1993
Licensing Act 2003

Schedule B – No Duty to Enforce

Children and Young Persons (Protection from Tobacco) Act 1991 BUT Local Authority must consider annually a programme of enforcement
Anti-Social Behaviour Act 2003 (Sale of aerosol paint to under 16)

Criminal Justice Act 1988 as amended by Offensive Weapons Act 1996 (sale of knives)
National Lottery Regulations 1994
Intoxicating Substances (Supply) Act 1985
Crossbows Act 1987