



# Buckinghamshire County Council

## Report

## Cabinet Member for Community Services

Decision to be taken on or after 25 October 2001

Cab Member Report No. CS 20/01

**Date:** 19 October 2001

**Title:** Enforcement of The Children and Young Persons (Protection from Tobacco) Act 1991

**Author:** Acting Head of Trading Standards

**Contact Officer:** Keith Edlington (01296 382454)

**Electoral Divisions Affected:** All

### Summary

A programme of enforcement measures to give effect to the Act within Buckinghamshire.

### Recommendation

**To agree the enforcement activities to be undertaken in 2002/2003.**

#### **A. The decision required, and why it is needed**

It is the duty of the Authority to consider, at least once in every period of twelve months, the extent to which it is appropriate, within the Authority, to carry out a programme of enforcement action to give effect to the provisions of the Act. The programme for 2001/2002 was agreed in October 2000. A programme will need to be considered in 2001 for the year 2002/2003.

#### **B. Recommended action, and the reasons for this**

An enforcement programme may include all or any of the following:-

- investigation of complaints;
- when necessary, prosecution of offenders;
- monitoring of the use of vending machines;
- ensuring the display of a notice stating that it is illegal to sell tobacco products to anyone under 16;
- and other measures intended to reduce the incidence of offences.

The Home Office has issued guidelines about enforcement of this legislation. They state that it is for each local authority to decide what form its enforcement programme should take.

The guidelines draw attention to campaigns, warnings, prosecutions and responding to complaints.

The programme agreed for 2000/2001 was as follows:-

**a Responding to all Complaints**

35 complaints were received, most of these via our Hotline and were dealt with either by advice to the trader or a test purchase being attempted, or both.

**b Advising Traders about the Provisions of the Act**

784 traders were advised by officers during routine enforcement visits of their responsibilities in selling tobacco and the need to maintain a notice stating that it is illegal to sell to under 16's.

**c Test Purchasing**

This was carried out at 19 premises throughout the County. No sales were made.

**d Monitoring of Vending Machines (Formal)**

Monitoring was to be undertaken only on receipt of complaint. No complaints were received concerning vending machines.

**e Liaising with Other Agencies**

An officer is involved in the Bucks Alliance for Action on Smoking (BAAS). This Committee has representatives from the Health Service, District Councils, Regional Health Authority, the County Council and Borough Council. The Group undertakes local activities and special projects, with defined objectives, which support the National Smoking Campaign (NSEC) initiatives.

In addition, although not strictly part of this programme, a considerable amount of work has taken place to distribute our Proof of Age Card. Over 10,000 cards have been provided free to young people in the Chiltern, Aylesbury Vale, South Bucks and Wycombe Districts. A total of 911 visits have been made to traders in conjunction with the project. The programme in these districts is ongoing. 63 informal test purchase attempts were made to test the effectiveness of the Proof of Age Card. 4 sales were made.

**C. Resource implications**

There are no additional resource implications arising from this report if the recommendation is agreed.

**D. Feedback from consultation and Local Member views**

No specific consultation has been sought on this activity but it was included in a Best Value Review Consultation exercise. This listed 9 main Trading Standards activities to be ranked in priority as the 3 most important and the least important activity. One in 3 of the population ranked the Under Age Sales Project in the top 3 activities. One in 10 ranked it of least importance.

The Cabinet Member may consider that the enforcement programme for 2002/2003 should be no less than for previous years.

If such an enforcement programme is considered appropriate, then it could be defined as:-

- responding to all complaints;
- during routine inspections, advising traders about the legislation and if appropriate, issuing the Division's traders information leaflet;
- making test purchases, and considering prosecution for those traders who sell;
- carry out a project, if funding is made available by the Department of Health, to:-
  - determine if the location of cigarette vending machines complies with National Association of Cigarette Machine Operators (NACMO) voluntary Code of Practice; and
  - monitor and test their use by persons under 16 years of age; or
  - monitoring of vending machines only upon receipt of consumer complaints;
  - liaising with other agencies as appropriate.

### **Background Papers**

Copies may be obtained from the Contact Officer

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#### **Decision Taken:**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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#### **Decision Not Taken:**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Reason: \_\_\_\_\_  
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**Your questions and views**

*If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.*

*If you have any views on this paper, which you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Head of Cabinet Support by **5.00 p.m. on Wednesday, 24 October 2001**. This can be done by telephone (to 01296 382966), Fax (to 01296 383441), or e-mail to [cabinet@buckscc.gov.uk](mailto:cabinet@buckscc.gov.uk)*