

Planning and Environment Commission

Improving Controls on the Sale of Age-restricted Goods



Review Report April 2004

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Spray paints used by graffiti 'artists' are age-restricted items

Part 1 – Executive Summary and Recommendations

1.1 Executive Summary

- 1.1.1 The Planning and Environment Commission has carried out a review of the controls on the sale of age-restricted goods in Derby. The objective of the review was to see if there were ways in which the control of the sale of age-restricted goods might be improved.
- 1.1.2 Members of the Commission were aware from experience in their own wards of the anti-social behaviour, personal safety and health issues associated with the underage purchase and consumption of alcohol and tobacco. Developing recommendations that would address these key issues was seen as a primary objective, but members also recognised that initiatives to prevent the sale of alcohol and tobacco to underage customers would be equally applicable to the sale of other age-restricted items.
- 1.1.3 In the course of its review the Commission took evidence through interviews from;
- Trading Standards Officers from Derby City Council and other local authorities
 - A representative of the Council's Youth Offending Team
 - Officers of Derbyshire Constabulary
 - A representative of the VALIDATE proof of age card company
 - Representatives of Derby retailers
 - A teachers' representative
 - Young people's representatives
 - A Neighbourhood Watch Co-ordinator
- 1.1.4 Derbyshire Constabulary Officers, officers of the Council's Trading Standards Section, and the Neighbourhood Watch Co-ordinator told the Commission about the current arrangements in Derby for enforcing the legislation relating to the sale of age-restricted items and about the problems of enforcement. The Commission was concerned that there did not seem to be any formal procedure for providing a quick response to complaints from members of the public.
- 1.1.5 The Commission was given detailed information about a West Yorkshire Trading Standards initiative that involves issuing the VALIDATE proof of age card to young people when they attain their 16th birthday. The Commission were told how approach has been very successful in reducing anti-social behaviour in two pilot areas in West Yorkshire.

- 1.1.6 Retailers representatives told the Commission that the introduction of a national proof of age card would make it easier for them to ensure they did not sell age-restricted items to underage customers.
- 1.1.7 The Council's Trading Standards Officers and the Police told the Commission that they would welcome the issue of proof of age cards to all 16 year olds in Derby. Trading Standards officers said that city-wide introduction of a national proof of age card would allow them to concentrate their resources on retailers who deliberately sold age-restricted items to under age customers. The Police also supported this approach. In addition to recognising the retail application, they also suggested that proof of age cards might provide an effective method of excluding underage customers from bars and clubs.
- 1.1.8 Young people's representatives told the Commission that they were in favour of young people being provided with a proof of age card when they reached their 16th birthday. They suggested that to make it appealing to young people any proof of age card that was issued by the City Council should entitle the card holders to attractive benefits. They also pointed out that it would be important to make sure that the cards were nationally recognised.
- 1.1.9 Having considered the evidence from the review, the Commission is of the opinion that many of the problems arising from the sale of age-restricted items to underage customers could be significantly reduced by making a national proof of age card available to all young people in the City. The Commission considers that the scheme would have the best chance of working if the cards were issued through their schools to the young people when they attain their 16th birthday.
- 1.1.10 The Commission considers that if its proposals are adopted by the Council the proof of age card scheme should be started as soon as possible. In practice this would be during the Autumn 2004 school term, and the intention should be to issue the cards in time for Bonfire Night.
- 1.1.11 The Commission wishes to make it clear that proof of age cards are not identity cards. Proof of age cards only show the cardholder's photograph, their date of birth and/or the dates on which he or she will attain their 16th or 18th birthday. The cards do not include information such as the cardholder's address or their signature and there is no legal requirement for the cardholder to carry them.
- 1.1.12 The government has recently published its Alcohol Harm Reduction Strategy. One aim of the Strategy is to reduce alcohol consumption by young people. The Commission considers that the issue of proof of age cards to young people in Derby would fit in well with the government's proposals. The scheme proposed by the Commission would also have additional benefits. As it would make it harder for young people to obtain alcohol and cigarettes the scheme should have

health benefits. It would also improve controls over the sale of the other age-restricted items and this could have health, safety, social and environmental benefits.

1.1.13 In the course of the review the Commission was told of the Blueprint project. This is a Home Office funded project that is specifically aimed at restricting the sale of alcohol, tobacco and solvents to young people. The Commission were told that the Blueprint project has six targets. These are:

- The education of licensees
- The education of children
- Utilisation of a Proof of Age card scheme
- Test purchasing
- Prosecution of positive sales
- Promotion of the results

These objectives accord well with the recommendations of the Commission, which are set out in the following section. It was initially hoped to link the Commission's proposals to the Blueprint project but it has not proved possible to take advantage this opportunity at the moment.

1.1.14 The Environmental Health and Trading Standards Division have been kept fully informed of the progress of the review. Officers of that Division have expressed their support for the Commission's proposals but have pointed out that they do not at present have the personnel or financial resources to put them into effect.

1.1.15 Environmental Health and Trading Standards officers have suggested it might be possible to obtain the necessary funding through a Local Public Service Agreement (LPSA). However, if the LPSA bid were successful, the funds would not be available in time to start the proof of age card scheme in September 2004. Consequently it appears that the only way on implementing the proof of age card scheme in September 2004 would be for the Council to make available the necessary finance for the first year's operation. The sum involved would depend on the proof of age card company that was selected but is estimated to be between £25,000 and £35,000.

1.1.16 Consideration has been given to a suggestion that the proof of age card scheme is introduced as a pilot in a particular area of Derby. This approach would not have a significant effect on the cost of the scheme as the largest element of expenditure is associated with the provision of an additional post in the Trading Standards Section, and this would still be needed. It is also felt that the advantages of the 'whole City' approach would be very significant and that introducing the scheme on a piecemeal basis would be detrimental to its effectiveness.

1.2 Recommendations

1.2.1 As a consequence of its review of the controls on the sale of age-restricted goods, the Planning and Environment Commission makes the following recommendations to Council Cabinet:

Recommendation 1

The Commission recommends that the Council issue a nationally recognised proof of age card to all young people in Derby when they attain their 16th birthday. The key features of the scheme that is proposed are set out below:

- a) The card must satisfy the British Retail Consortium's Proof of Age Standards Scheme (PASS)
- b) The cards should be issued through the schools and colleges of further education
- c) To ensure maximum take-up the cards should be purchased from the proof of age card company by the Council and issued free of charge to the young people
- d) The proof of age card that is selected should be nationally recognised and should offer attractive benefits to the card holders.

The Commission recommends that the scheme should be put into effect as soon as possible.

Reasons 1

1.2.2 The City Council has a responsibility to take all practicable steps to control the sale of age restricted items in Derby. However this is not a simple or clear-cut issue as the Council must also protect Derby's responsible retailers and recognise the rights of young people in the City.

1.2.3 The Commission has considered these demands and is of the opinion that there would be significant benefit to all parties in providing young people in Derby with a free proof of age card when they attain their 16th birthday. By purchasing the cards and issuing them through schools and colleges the Council could ensure that the cards are provided to the majority of young people. The minority who are not in full time education could be contacted in other ways.

1.2.4 To make the scheme attractive, the proof of age cards must have appeal to young people. This means that they must be a card that is nationally recognised and that offers the card holder attractive, country-wide benefits. If the scheme were adopted, retailers should be encouraged to ask for proof of age when a young person asks to purchase any age restricted item. Knowing that all young people would have been given a proof of age card, responsible retailers could adopt

the policy of 'no proof – no sale'. This approach would be of significant benefit to the Police and the Council's Trading Standards Section who could then target their resources at any retailers that sold age-restricted items without requiring proof of age.

1.2.5 Young people would benefit from the scheme in several ways. Firstly they would know that on production of their proof of age card they would be able to purchase any age-restricted item to which they were entitled. Secondly, they would be able to prove their age without having to carry difficult to replace, expensive, items such as passports or driving licences. Thirdly, the card could be used throughout the country and would entitle them to worthwhile and attractive benefits.

1.2.6 The Commission has not recommended the adoption of any particular proof of age card. However for the scheme to work, the selected card must satisfy certain criteria. These are:

- It must be possible to work with the selected proof of age card company to arrange for the cards to be issued through the schools
- The selected card must be nationally recognised not just useable in Derby and Derbyshire
- The selected card must offer attractive benefits to the card-holders.
- The card must satisfy the criteria defined by the British Retail Consortium's Proof of Age Standards Scheme (PASS)

1.2.7 The Commission recommends that scheme be implemented as soon as possible. In practice this is likely to be during the 2004 Autumn term.

Recommendation 2

The Commission recommends that the proposed proof of age card scheme is administered by the Council's Trading Standards Section. It is considered that to support the scheme:

- a) The Council should give the scheme maximum publicity.
- b) Derby retailers should be asked to display a poster that explains the conditions relating to the sale of age-restricted items and the proof of age card scheme.
- c) The Trading Standards Section should establish and publicise a procedure and allocate resources for reacting to and resolving complaints by the public about issues related to the sale of age-restricted items to underage customers.
- d) The Trading Standards Section should follow up the offer made by Derbyshire County Council to provide test purchase volunteers from outside the City.
- e) The Trading Standards Section should provide regular reports on the progress and outcomes of the scheme to the relevant Overview and Scrutiny Commission

Reasons 2

- 1.2.8 The West Yorkshire proof of age card scheme is administered by Trading Standards who have a major interest in making it work. This approach seems to work well in West Yorkshire and there seems no reason to believe it would not do so in Derby.
- 1.2.9 It will be important to make retailers, customers and the public in general fully aware of the scheme, its advantages and the implications. This could best be done by displaying information about the scheme at the retailers' premises. This would amount to a 'due diligence' action on the part of the retailer.
- 1.2.10 The Commission was concerned to hear about a delay in investigating a serious situation that was allegedly reported to the Police, Trading Standards and Ward Councillors by a member of the public. To prevent this sort of problem from recurring it is suggested that the Trading Standards Section should establish a procedure for responding to complaints from the public. The procedure should include a defined response period and resources should be made available for implementing the procedure.
- 1.2.11 The Commission was concerned to learn that the Trading Standards Section were having difficulty in finding the volunteers they need to carry out test purchasing in Derby. The County Council Trading Standards Department have an excess of volunteers and have offered to introduce some of them to the City's Trading Standards Section. The Commission recommends that this offer be followed up.
- 1.2.12 The Commission considers it would be advantageous to receive regular update reports on the progress of the scheme and its outcomes.

Recommendation 3

Council Cabinet should give consideration to making available the funds that the Trading Standards Section would need to commence the proof of age card scheme in September 2004 and to operate the scheme for the first year.

Reasons 3

- 1.2.13 The work carried out in West Yorkshire has shown that the proof of age card scheme has the potential to significantly reduce problems associated with underage drinking. It could also have beneficial health effects for young people and would enable better control of the sale of age restricted goods.

1.2.14 The cost of implementing the scheme is relatively low, especially compared with the potential benefits, and it would be advantageous to introduce it as soon as possible.

1.2.15 Environmental Health and Trading Standards Officers have suggested that it might be possible to set up a Local Public Service Agreement to fund the scheme. However if the bid were successful the finance would not be available until 2005. It is therefore recommended that Council Cabinet give consideration to making available the finance that would be needed to set up the scheme and run it for the first year. Depending on the proof of age card company that was selected, the cost of doing this would be between £25,000 and £35,000.



Part 2 – Format and Outcomes of the Review

2.1 Introduction

- 2.1.1 The Planning and Environment Commission's work plan topic reviews for 2003/04 were agreed by the Commission at its meeting on 17 July 2003. One of the topics selected by the Commission was a review of the trading Standards initiatives to limit the sale of alcohol and tobacco to underage customers.
- 2.1.2 A report outlining the scope of the review was considered by the Commission at its meeting on 17 July 2003. It was originally envisaged that the objectives of the review would be:
- a) To provide Commission members with an understanding of the Council's responsibilities for preventing the sale of alcohol and tobacco to underage customers, and of the practical difficulties in doing this.
 - b) To examine the role of the Police in preventing the sale of alcohol and tobacco to underage customers.
 - c) To look for ways whereby the Trading Standards Section might improve the effectiveness of its actions to prevent sale of alcohol and tobacco to underage customer
- 2.1.3 It was thought that the main stakeholders in the review would be the Council's Trading Standards Officers and Police officers. The primary outcomes of the review were originally seen as:
1. The development of a working knowledge of the relative roles of Trading Standards officers and the Police in preventing the sale of alcohol and tobacco to underage customers
 2. The formulation of recommendations for improving the ways in which Council officers and the Police work together to prevent the sale of alcohol and tobacco to underage customers
- 2.1.4 In order to give some background to the topic, the Commission invited Mel Smith (MS), the City Council's Trading Standards Manager, to tell them about what Trading Standards did to enforce the legislation relating to the sale of age-restricted items to young people. In his presentation to the Commission MS explained that the purchase of many items (see Table 1) was 'age restricted'. He confirmed that Trading Standards in Derby were specifically responsible for controlling the sale of fireworks, cigarettes, videos, cigarette lighter refills, alcohol and petrol.

Table 1

Item	Age
Knives	16 years
Scratch Cards	16 years
Petrol	16 years
Liqueur chocolates	16 years
Cigarettes and tobacco	16 years
Lottery tickets	16 years
Party poppers and caps	16 years
Air guns and pellets	17 years
Alcohol	18 years
Solvents	18 years
Tattooing	18 years
Adult Magazines	18 years
Fireworks	18 years
Butane Gas Lighter refills	18 years
Videos	12, 15 & 18 years
Cinema tickets	12, 15 & 18 years

- 2.1.5 In his presentation to the Commission MS referred to 'Proof of Age' card schemes and explained how these could be used to help control the sale of age-restricted items to young people.
- 2.1.6 MS told the Commission that the Proof of Age companies offered national schemes that provided young people with a card that that showed their photograph, name, and date of birth. Retailers could ask to be shown the card before allowing a purchase, and if they were unhappy about its validity, there was a telephone number that they could call. MS said that the card also acted as a discount card. This meant they were of value to the young people who consequently wanted to carry them. He told the Commission that the scheme was usually promoted through local schools.
- 2.1.7 On the basis of the information provided by MS the Commission decided to extend the scope of its review to consider the adoption by Derby of a national Proof of Age card and the practicability of implementing such a proposal.
- 2.1.8 As part of this process it was decided that the investigation would look at the take up of Proof of Age cards in other local authority areas and at their effect in those areas on the sale of age-restricted items. It was also decided that the review would explore the ways in which the Police might work more effectively with Trading Standards to regulate the sale of age-restricted items.
- 2.1.9 The methodology of the review is described in the following section of this report.

2.2 Methodology of the Review

2.2.1 In order for the Commission to develop realistic recommendations it was considered that the review would need to include the following inputs.

1. Information about the take up of proof of age cards in areas where local authorities had promoted them and about the effectiveness of the cards in regulating the sale of age restricted items. It was considered that this could be obtained by inviting an officer from a local authority that had already promoted Proof of Age cards to give evidence to the Commission.
2. Information about the proof of age cards themselves and about how any proof of age card scheme might be administered. It was felt that this information could be obtained by inviting representatives of one or more of the Proof of Age Companies to give evidence to the review.
3. The views of Police and Trading Standards officers on the current arrangements for regulating the sale of age restricted items. Also on the ways in which they might work together more effectively. It was considered that this might be done by inviting Police Officers, Trading Standards Officers, and representatives of other involved organisations to give evidence to the Commission.
4. The views of young people on Proof of Age schemes generally, and their views on the likely engagement of young people in Derby with such a scheme. It was thought that this could be done through a meeting with representatives of the Derby young people.
5. The views of the Education Department on the proposal to issue the proof of age cards through the schools. This would involve photographing the young people and authenticating their details. It was thought it would be beneficial for the Commission to discuss the proposal with a representative of the Council's Education Department
6. The views of retailers on the problems that they faced when selling age-restricted items to young people and on the idea of introducing a proof of age card scheme. It was thought that these could be obtained by inviting retailers' representatives to give evidence to the Commission.

2.2.2 The evidence gathering phase of the review was carried out in January - March 2004 in accordance with the timetable shown in Table 2 below.

Table 2 – Timetable of the Review

	Action	Date
1	Interview with Craig Keen and Clive Needham, Licensing Manager Derbyshire Constabulary	26 January 2004
2	Interview with Carol Bradey – VALIDATE UK	4 February 2004
3	Interview with Carol Hallet –West Yorkshire Trading Standards	10 February 2004
4	Interview with Mel Smith, Trading Standards Manager	10 February 2004
5	Interview with retailers representatives and David Roles, Secondary Head Teacher Consultant, Derby City Council Education Service	16 February 2004
6	Interview with Ian Milward of Derbyshire County Council Trading Standards	23 February 2004
7	Meeting with young people’s representatives to get their views on Proof of Age Cards	24 February 2004
8	Update report to Commission	4 March 2004
9	Interviews with Dawn Gee, Neighbourhood Watch Co-ordinator, Police Constable Stephen Buckley of Derbyshire Constabulary and Craig Keen, Derby City Community Safety Partnership	19 March 2004
10	Meeting with the Commission to finalise the recommendations	23 March 2004
11	Final report to the Commission	15 April 2004
12	Report to Council Cabinet	27 April 2004.

2.2.3 The outcomes of the Commission’s meetings with the witnesses listed in Table 2 are described in Part 4 of this report.

2.2.4 Figure 1 on the following page shows the outline of the review and the inputs to the different stages.

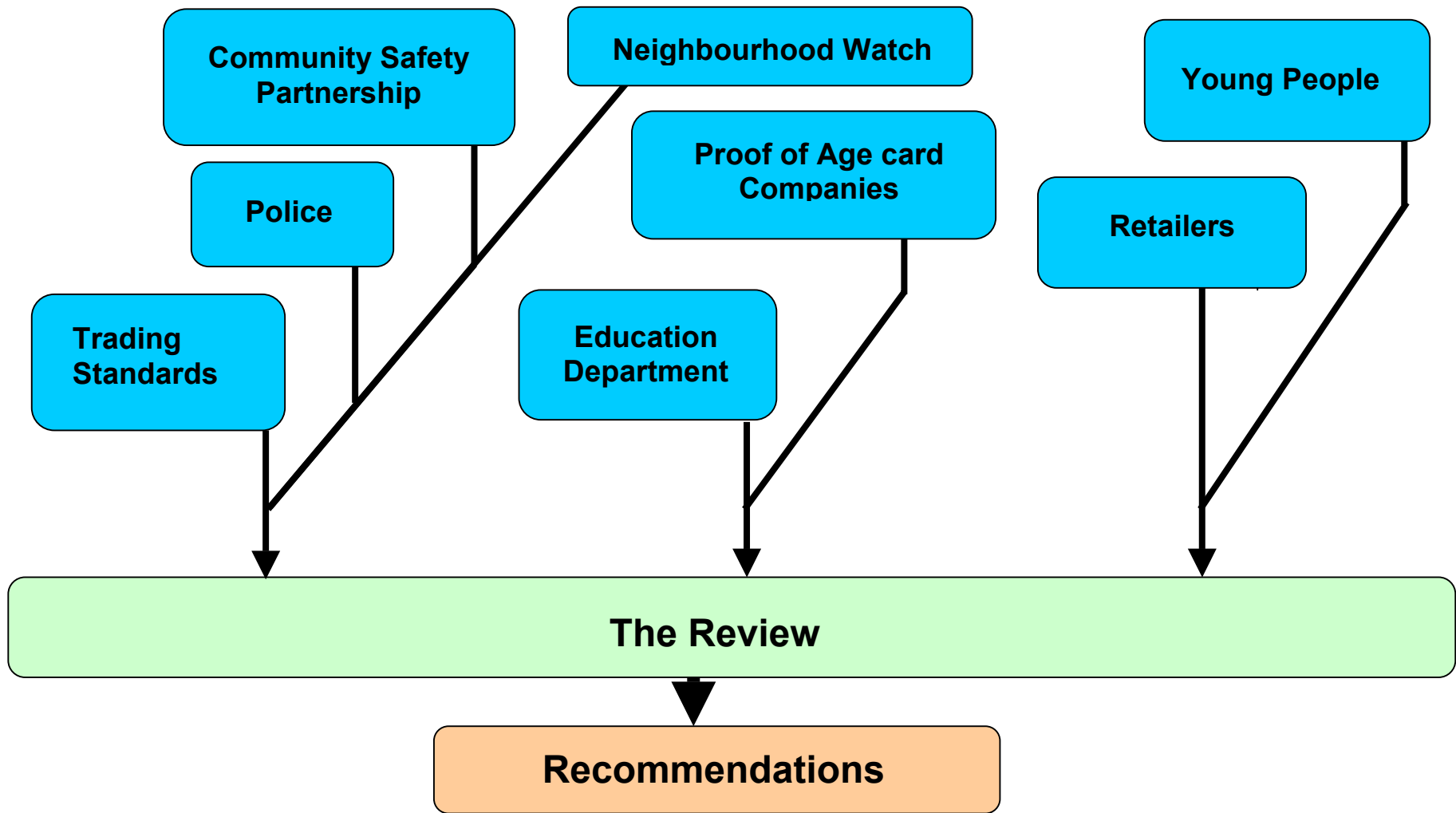


Figure 1

2.3 Key Issues arising from the Review

2.3.1 The key issues identified by the Commission from its interviews with the main stakeholders, the representatives of Police, Trading Standards, Anti Social Behaviour Team, retailers, young people and the public, represented by the Neighbourhood Watch Co-ordinator, are listed in Table 3.

Table 3

1. Key Issues –Trading Standards and the Police	
TS1	In relation to age-restricted items, the objective of Derby Trading Standards is to provide an even standard of enforcement across the City.
TS2	There are between 750 and 770 retail premises in Derby that sell age-restricted goods. These amount to about 10% of all the trading premises in the City.
TS3	Derby Trading Standards has only limited resources that it can allocate to controlling the sale of age-restricted goods. There was a need to target resources at the deliberate offenders.
TS4	There is a wide range of age-restricted items and this range is likely to increase.
TS5	Test purchasing is the only effective way of measuring whether purchases could be made. The process was complex, time consuming and requires significant officer input.
TS6	Test purchasing exercises have to be carried out at times when children are not at school.
TS7	Test purchase exercises cannot be carried out in the areas where the volunteers live, where they go to school or where they might be recognised. This can cause problems in the City centre.
TS8	Derby Trading Standards need more young people to take part in the exercises. However, the County Council's Trading Standards Section have offered to direct some of their surplus volunteers to the City Council.
TS9	The Trading Standards Manager told the Commission that he was generally supportive of the proof of age card approach. He said it would help retailers who had problems and would allow Trading Standards to concentrate on the ones who deliberately sold age-restricted items to under age customers.
P1	The Police wished to give retailers strong encouragement not to sell alcohol to young people.
P2	It has been shown that young people with access to alcohol and solvents were more likely to be a victim of crime or to commit a crime.
P3	In some areas of the City, young people have put pressure on retailers to sell alcohol to them and have intimidated retailers' families.
P4	It was important to get all the off-licences to engage with any scheme so there would be no weak link that could be picked on.

P5	If retailers were prosecuted the Police could ask for their licence to be revoked. This could result in the loss of the retailer's livelihood and the shop could become non-viable if the majority of their sales were of alcohol. This could have a significant adverse effect on the residents of an area.
P6	The Challenge 21 initiative which is supported by the Police uses the proof of age card issued by the Portman Group.
P7	Proof of age cards are a good idea but retailers' support is needed to make a proof of age card scheme work. If the support is not uniform the young people will simply go to shops where they knew they could buy alcohol and tobacco.
P8	It would have a big effect if door staff could be persuaded to ask for proof of age cards before allowing young people entry into licensed premises.
Key Issues – Anti Social Behaviour Team	
ASB1	The Challenge 21 initiative employs the Portman proof of age card.
ASB2	There was already a procedure for dealing with complaints from the public. Beat officers reported the problems to the Police Licensing Officer who then passed the matter on to Trading Standards to investigate through test purchasing. This process might take up to six months to complete.
ASB3	The Blueprint project is a Home Office funded research project that will be run in Derby and Derbyshire as well as in other areas. It is specifically aimed at restricting the sale of alcohol, tobacco and solvents to young people. £50,000 has been allocated to run it.
Key Issues – The Retailers	
R1	A retailer representative told the Commission that a proof of age card would be useful. She said that the children do not usually carry such cards, but if the schools issued them to everyone who was eligible, there would be no excuse.
R2	A retailer representative told the Commission that responsible retailers were very concerned about the issue of underage sales. He said that potentially a retailer could make one little mistake and end up losing his livelihood. The vast majority of retailers did not want to sell age-restricted items to underage customers.
R3	A retailer representative said that all reputable retailers were mindful that any young person could be a possible test purchaser. Retailers tried hard to comply with the law but it was not always easy, and there were particular problems with adults buying for young people.
R4	A retailer representative reported that at her store young people usually made about three attempts each week to buy age-restricted items. However, during a week when a new member of staff had started, this increased to six attempts.
R5	If young people were refused they often found a friend who was 18 to buy the items for them.
R6	Due to the availability of forged cards, the Co-op currently only accept a Passport or Driving Licence as Proof of Age, although they support the Challenge 21 scheme for customers looking 21 or over.

R7	If the Council did go ahead with the proof of age cards, the Co-op would need to be satisfied that the cards could not easily be forged before it would accept them as proof of age.
R8	A retailer representative said that issuing proof of age cards through the schools would be the only way to make the scheme work.
R9	Proof of age cards needed to be supported by posters telling customers that it was an offence to buy age-restricted items for young people who were not old enough to buy them for themselves.
R10	Stores that complied with the legislation got a reputation for being 'refusers' and young people did not attempt to buy age-restricted goods at them.
Key Issues – Young People	
YP1	The young people's representatives were generally in favour of the approach adopted by West Yorkshire Trading Standards and said they liked the idea of all young people being provided with a card when they reached their 16 th birthday.
YP2	One of the representatives said that it would be helpful to have a proof of age card when going to the cinema because she could then prove she was old enough to see certain films.
YP3	One representative said that it would be helpful to have a nationally recognised proof of age card for shopping on the Internet.
YP4	Another representative said that proof of age cards were attractive because they could be replaced easily if they were lost, unlike driving licences or passports.
YP5	It was agreed that the most attractive card discounts would be to do with food, entertainment, clothing and sports facilities.
YP6	The young people's representatives asked how the card would be provided to young people who were not in full time education.
YP7	A young people's representative was concerned about the possibility of proof of age cards being seen as a form of identity card and about of police officers demanding to see them.
YP8	Several of the young people's representatives asked about the B_line card. They said that many young people already had them and they wondered whether it would not be possible to upgrade it rather than issue another card.
Key Issues – Neighbourhood Watch Co-ordinator (representing the public)	
NW1	When the problem had been at its worst there had been groups of 150-300 children congregating on the local park to drink the alcohol they had been sold by the off licence
NW2	The problem had been reported to the Police and Trading Standards but nothing had initially been done about it. The problem went on for 18 months and was only resolved when the licensee left.
NW3	Part of the problem had been that the licensee at the off licence had been intimidated by the young people.
NW4	Thought that issuing proof of age cards to all 16 year olds in Derby was a good idea but had concerns about the availability of forged cards.

2.4 Stakeholder Objectives

2.4.1 The information contained in Table 3 shows that each of the main stakeholder groups have specific primary objectives which can be summarised as follows:

Stakeholder	Primary Objectives
Police Trading Standards Anti-social Behaviour Team	To ensure retailers and customers comply with the legislation controlling the sale of age-restricted items
Retailers	<ul style="list-style-type: none"> To protect themselves by ensuring that they do not contravene the legislation controlling the sale of age restricted items To know that if asked all young customers should be able to show a proof of age card
Young People	<ul style="list-style-type: none"> To be able to show that they are old enough to purchase age restricted items To avoid the need to carry difficult to replace items such as passports or driving licences as proof of age To have a proof of age card that offers attractive benefits to the card holder
The public	To be protected from the anti-social, safety and health problems that may occur if young people are able to purchase age restricted items to which they are not entitled.

2.4.2 The Commission is of the opinion that these objectives could be satisfied by providing all 16 year old young people in Derby with a secure, nationally recognised, proof of age card that would entitle the card holder to a range of attractive discounts.

2.5 Conclusions

- 2.5.1 The evidence that the Commission has heard in the course of the review suggests that there would be a significant benefit in making a national proof of age card available through schools and other educational establishments to all young people in Derby between the ages of 16 and 18 years.
- 2.5.2 The Commission has found that the City's Trading Standards Officers, Anti-social Behaviour Team Officers, the Police, young people, retailers and the public would all, although for different reasons, welcome the city wide introduction of a national proof of age card.
- 2.5.3 The Police see a city-wide proof of age card scheme as providing a way of reducing the problems that can arise if young people drink excessively. They also feel the card might offer a way of reducing the number of under age young people going into bars and clubs. Trading Standards officers have confirmed that the introduction of a city-wide proof of age card scheme would allow them to concentrate their resources on any retailers who deliberately sell age-restricted items to under age customers. Retailers would welcome the approach because they would know that the vast majority of young people in the 16-18 age range would have a proof of age card and would be able to produce it if asked.
- 2.5.4 Young people's representatives told the Commission that they were generally in favour of young people being provided with a proof of age card when they reached their 16th birthday. To make it attractive to young people they have suggested that any proof of age card that was issued by the City Council should entitle the card holders to attractive discounts. They have also pointed out that it is also important that the cards are nationally recognised.
- 2.5.5 Members will be aware of the public's concerns about the problems associated with underage drinking and the Neighbourhood Watch Co-ordinator who gave evidence to the Commission mentioned a problem on a local park that allegedly took 18 months to resolve.
- 2.5.6 The VALIDATE card scheme administered by West Yorkshire Joint Trading Standards has proved to be successful in reducing anti social behaviour by young people. The evaluation trials conducted in West Yorkshire have therefore shown that although proof of age cards could not eliminate the problem of underage sales they could achieve a big reduction.

- 2.5.7 The Commission have therefore recommended that the Council adopt the approach followed in West Yorkshire and, through the schools, issue all young people in Derby with a national proof of age card when they attain their 16th birthday. The Commission also recommends that the Trading Standards Section are made responsible for administering the proof of age card scheme.
- 2.5.8 The Commission suggests that the Environmental Health and Trading Standards Division investigates the possibility of financing the proof of age card scheme, either through a Local Service Agreement or by incorporating it in the Home Office Blueprint project.

Part 3 – Supporting Information

3.1 The Implications of failing to effectively control the sale of Age-restricted items

3.1.1 Legislation intended to protect young people from harm by restricting the sale to them of certain items, is not a new concept. Legislation restricting the sale of tobacco to young people has, for example, been in place since 1908. The legislation has been added to over the years and there are now controls on the sale of a whole range of goods to young people. These goods are listed in Table 1 on page 12 of this report. However, despite the existence of a comprehensive legal framework, the purchase of age-restricted goods by young people has increased rapidly over the past decade and is now causing serious problems.



3.1.2 The government's Alcohol Harm Reduction Strategy For England has been the subject of a number of recent articles in the national news media. The Strategy covers all aspects of alcohol use, but part of it is targeted at underage drinkers. According to the Strategy, drinkers under 16 in England are consuming twice as much alcohol as they did 10 years ago and are more likely to get drunk than their European counterparts.

3.1.3 The effects of this excessive consumption of alcohol are reported to include increased levels of crime, school exclusions and unsafe sex as well as specific health effects.

3.1.4 The Strategy suggests that young people often see drinking on the street or at home as the only available activity option and says that they consequently congregate outside places such as off-licences on housing estates where their presence often causes low level disturbance. Street drinking can be perceived as intimidating and can result in noise litter and broken glass.

3.1.5 The Licensing Act 1964 makes it an offence to sell alcohol to under-18s or to knowingly allow another to do so. The 1964 Act is

shortly to be repealed by the Licensing Act 2000 which has similar provisions but significantly increased penalties. The Strategy reports that although the legal framework is comprehensive, enforcement of the legislation is very limited and has fallen sharply in the last 10 years with. In 2000 there were only 130 prosecutions and 56 convictions for selling to under 18s with 24 prosecutions and 22 convictions for underage purchase.

3.1.6 The Strategy also notes that between 1992 and 2001 the average amount of alcohol consumed by young people increased by 63%, with approximately half this increase being recorded in 1996, the year when 'Alcopops' were introduced.

3.1.7 The Strategy proposes to tackle underage drinking by:

- Greater enforcement of existing laws prohibiting the sale of alcohol to under 18s
- Improving the information available to young people about the dangers of alcohol misuse
- Encouraging the provision of more alternative activities for young people



3.1.8 So far as tobacco is concerned, recent statistics have shown that around one quarter of Britain's 15 year olds, both male and female, are regular smokers, and it has been estimated that about 450 children per day start smoking.

3.1.9 Tobacco smoking is the greatest single cause of avoidable illness and premature death in the UK. If they continue to smoke throughout their lives, about one half of the teenagers smoking today will die of smoking related diseases and half of those will have their lives shortened by an average of 23 years.

3.1.10 Most people who smoke in adult life started when they were young, so any action that could be taken to make it more difficult for young people to start smoking is likely to result in health benefits in later life.

3.1.11 Several recent stabbings by young people, including the murder of a head teacher, have given prominence to the importance of controlling the sale of knives. However, 15 out of 20 shops surveyed recently by

Derbyshire County Council's Trading Standards Department were prepared to sell knives to young children. The London Borough of Ealing also reported similar levels of non-compliance in a survey that it conducted in March 2003.



3.1.12 There are also concerns about the other age-restricted items. Every year in October and November there are complaints to the Council about disturbance caused by the discharge of fireworks in the street. Last year it was reported in the Derby Evening Telegraph that a firework was posted through a cat flap at a house in Sinfin and there was another report about a 'firework war' in a Derby street. New legislation in the Fireworks Act 2003 is intended to provide better controls on the purchase and use of fireworks, but the legislation will still be dependent on the diligence of the retailer.

3.1.13 These and other facts all point towards the need to improve the controls on the sales of age-restricted items

3.2 The potential for Proof of Age Cards to resolve the issues relating to the sale of age-restricted items

3.2.1 The Commission was informed about the possible benefits of proof of age cards by Mel Smith in his presentation on 19 September 2003.

3.2.2 The evidence relating to the VALIDATE proof of age card that was provided to the Commission by Carol Bradey (CB) of VALIDATE UK and Carol Hallett of West Yorkshire Joint Trading Standards was very important.

3.2.3 CB told the Commission that the best approach was for the local authority to run the scheme through its schools and pay as necessary for the young people's VALIDATE cards as this achieved the blanket coverage that gave the best results. She told the Commission that local authorities get the posters, stickers and retailers get the leaflets free. She said it currently cost £1.50 per card to administer a scheme through the schools. VALIDATE cards are not zero rated for VAT and for applications that were not made through a school the charges were

£2.50 for 12-16-18 and £5.00 for adults, including delivery and VAT. CB said that VALIDATE has now issued about 0.5 million cards.

- 3.2.4 Two witnesses to the review raised concerns about the availability of forged proof of age cards. This is mentioned in the government's Alcohol Harm Reduction Strategy which supports the initiative by the British Retail Consortium whose Proof of Age Standards Scheme (PASS) establishes common standards for issuing proof of age cards. The Strategy says that this should go some way towards assisting retailers in recognising and accepting reputable proof of age cards. A VALIDATE employee subsequently confirmed that although forged cards could be obtained, they could be recognised. It was also confirmed that VALIDATE cards will confirm to the PASS standard.
- 3.2.5 Carol Hallett (CH) told the Commission about the way in which West Yorkshire Joint Trading Standards (WYJTS) had introduced the VALIDATE card through schools in Leeds, Bradford, Wakefield, Calderdale and Kirklees. She gave the Commission some valuable information about the way in which WYJTS had gone about this and about the problems that they had encountered. Most importantly, she was able to provide factual information from the evaluation reports for East Leeds and Wakefield. She said that in one of the pilot areas there had been no complaints in the first six months of the scheme. This compared to the hundreds of complaints received in the other districts during the same period. In the Leeds pilot area calls to the Police Nuisance Hotline had fallen from 4600 to 2200 with the introduction of the scheme. CH said that this was probably because it was no longer so easy for young people to obtain alcohol and fireworks. Retailers had also reported that young people were more reluctant to try and buy age-restricted items in shops that were displaying the posters and notices. The evaluation trials have therefore shown that although proof of age cards could not eliminate the problem of underage sales they could achieve a big reduction.
- 3.2.6 Carol Hallett was also able to give the Commission some helpful information about the way in which WYJTS had worked with retailers to promote the VALIDATE scheme.

3.3 Possibility of upgrading the b_line card to function as a proof of age card

- 3.3.1 The b_line card is a travel card that is available to all young people in Derbyshire. It entitles card holders to reduced rate travel in Derbyshire and to a range of discounts from Derbyshire retailers.
- 3.3.2 At the meeting on 24 February 2004, several young people enquired about the possibility of upgrading the b_line travel card available from Derbyshire County Council and the City Council to function as a proof of age card. They thought that this would be sensible because the b_line card is widely used by young people in Derby and Derbyshire

and is already accepted by some retailers as proof of the card holders age. This was confirmed by one of the retailers who gave evidence to the Commission.

- 3.3.3 The Commission has been advised that in its current form the b_line card does not conform to the British Retail Consortium's Proof of Age Standards Scheme (PASS). Whilst it would be possible to upgrade the existing b_line card to meet the current standards for proof of age cards this would seem to confer few advantages because the resulting card would not be nationally recognised.
- 3.3.4 Ian Milward of Derbyshire County Council Trading Standards told the Commission that when the b_line travel discount card had been introduced the possibility of also making it work as a proof of age card had been considered. However it was felt at the time that this would have introduced complications and delays that might have deterred people from taking them up, and it was decided not to go ahead with the idea. Consequently the b_line card is not a valid proof of age card.

3.4 Likely Cost of Implementing a scheme similar to that in West Yorkshire

- 3.4.1 Carol Bradey has told the Commission that VALIDATE would provide Derby City Council with proof of age cards at a cost of £1.50 per pupil plus delivery plus VAT.
- 3.4.2 David Roles the Secondary Head Teacher Consultant told the Commission he thought that all Derby schools would support the proof of age card scheme proposals in principle and he said that the schools were already issuing the b_line travel passes. He said there were 13 Secondary schools and FE colleges in Derby and he subsequently told the Co-ordination Officer that each year in Derby schools approximately 250-300 young people would attain their 16th birthday. On this basis the cost of implementing a scheme similar to that of West Yorkshire using the VALIDATE card would be around $300 \times 13 \times 1.5 = \text{£}5850/\text{year}$

If there are a further 10% of 16 year olds not in education the cost of providing them with cards would be £585/year

So the total cost of the cards would be: £6435/year

- 3.4.3 Derby City Council's Trading Standards Manager told the Commission that he felt a city-wide proof of age card scheme was more likely to be successful if it was seen to be a Trading Standards initiative. He felt that the resource needed to cover 770 retail premises and 13 schools would be significant and when asked what this would involve he said that Trading Standards would need to recruit and retain one suitable person. He estimated the cost to be £25,000 -£26,000 plus the cost of materials. He said that although only one additional officer would be

required, the work would need be shared between two or three in order to maintain continuity if one was to leave.

The total cost of implementing a scheme in Derby would therefore be:

£6,435 + £26,000 = £32,435/year

3.4.4 Assuming that the scheme achieved success rates equivalent to those in West Yorkshire this cost could be offset against:

- Changed priorities that would allow Trading Standards to target their resources at offending retailers who deliberately sold age-restricted items to young people
- An overall reduction in the cost of dealing with the outcome of the anti-social behaviour associated with underage drinking
- Reduction in the general level of 'nuisance' in the community
- Improvements in the long term health of young people in Derby

3.4.5 The Commission considers that the potential savings would greatly exceed the outlay incurred in putting the scheme into effect.

3.5 Comparison of the approach to enforcement taken by Derby City Council and Derbyshire County Council Trading Standards Officers

3.5.1 When asked about the way in which Derbyshire County Council Trading Standards worked, Craig Keen told the Commission that their policy seemed much more robust than that of the City Council. A Commission member asked if there were any particular issues with Derby's Trading Standards Section and Craig Keen said that it did not seem that prosecutions were high on the City Council's agenda.

3.5.2 Ian Milward, (IM) the Derbyshire County Council Trading Standards Officer who gave evidence to the Commission on 23 February was formerly employed in the City Council's Trading Standards Section and the opportunity was taken to ask him about any differences in approach taken by the City and the County Councils.

3.5.3 IM told the Commission that he felt that the issue facing the Derby's Trading Standards section was one of resources and compared with the County Council the City did not have the staff numbers needed to undertake an equivalent number of test purchases. He said that in common with the City Council all instances of test purchases were considered for prosecution and the final outcomes included prosecutions, formal cautions, and written warnings.

3.5.4 IM said that the County Council had more test purchase volunteers than they could use and said some time ago he had offered to introduce some of the volunteers to the City Council's Trading Standards section.

Part 4 – Evidence to the Review

4.1 Notes of presentation by Mel Smith, Trading Standards Manager to the Planning and Environment Commission meeting on 19 September 2003

- 4.1.1 Mel Smith had been invited to talk to the Commission about the Trading Standards initiatives to prevent the sale of alcohol to underage customers.
- 4.1.2 MS commenced his presentation by explaining that the Trading Standards initiatives to control the sale of alcohol to under age customers was part of a larger project to control the sale of a range of age-restricted items. He explained that these included:
- Fireworks - lower age limit 16-18
 - Cigarettes – lower age limit 16
 - Videos – age limit depends on category
 - Cigarette lighter refills – lower age limit 18
 - Alcohol – lower age limit 18
 - Petrol – lower age limit 16
- 4.1.3 MS said that Trading Standards became responsible for controlling alcohol sales last year and that the outlets were newsagents, off licences and supermarkets. He said that the age restrictions were well known to retailers and that tobacco retailers were required to display a notice stating that the sale of tobacco was prohibited to under age customers.
- 4.1.4 MS explained the reasons for imposing age restrictions on certain items. These were:
- Fireworks – irresponsible use and potential for immediate harm
 - Videos – potential for corruption
 - Cigarettes – long term health risks
 - Lighter refills – potential for immediate harm and possible death
 - Petrol - potential for immediate harm and possible death
 - Alcohol – intoxication, addiction and long term harm
- 4.1.5 MS said that there was a lot of support for Trading Standards initiatives and that the DTI had provided a leaflet pack that officers could leave with retailers. He said that Trading Standards carried out test purchasing exercises using young volunteers to investigate compliance with the age restrictions. There had been previous criticism by Magistrates, retailers and the press who felt the test purchase process was unfair on retailers, but these had now been resolved.

- 4.1.6 MS told the Commission that test purchasing was the only effective way of measuring whether purchases could be made and the process was the subject of a Code of Practice, which he then explained.
- 4.1.7 MS said that the first step was to contact schools. Head Teachers were given copies of a letter to send to parents asking if they would be prepared for their child to take part in the exercise. If any of these letters were returned, a Trading Standards officer was sent to talk to the parents and explain what was involved. It was important that parents fully understood the implications of their son or daughter taking part in the exercise and that they were happy for him/her to do so.
- 4.1.8 Trading Standards have to do a risk assessment and all their staff who take part in these exercises are CRB checked. MS said that this was one reason why it took so long to set up an exercise. He said that they looked for young people who were 18 months younger than the restricted age and that the parents had to sign a form agreeing which test purchases they could make. All the young people were photographed before the exercise.
- 4.1.9 MS said that the exercise involved three officers and had to be directed by a Trading Standards officer. He pointed out that this caused operational problems as he only had four officers in the section that handled test purchasing. Trading Standards are not permitted to take children out of school for these exercises, so they have to be carried out at weekends and during school holidays and they take a lot of time to set up.
- 4.1.10 The arrangements for the exercise involved three officers. One went into the shop to pose as a customer, another waited outside to direct the young person and the third waited in a car to drive the young person away after he/she had made the purchase. The young person was briefed on what to say and was told that they must be honest if they were asked their age. If the purchase was refused, the officer in the shop explained it was an exercise and thanked the retailer. If the sale took place, the young person came out with the item and was driven away, whilst the two remaining officers went back inside to speak to the retailer.
- 4.1.11 MS provided a table showing the outcome of the test purchases carried out by Trading Standards since 1997. He said that the figures were typical for the rest of the country. MS gave details of the prosecutions that had resulted from the test purchase exercises and said that they were getting the right reaction from the Courts.
- 4.1.12 A Commission member asked where the test purchases had been made and MS said that these had been carried out throughout the City. He said that they do not carry out the exercises in the areas where the volunteers live or where they go to school or where they might be

recognised. This can cause problems in the City centre. He agreed that they needed more young people to take part in the exercises.

- 4.1.13 MS said that Trading Standards keep a record of any complaints that they receive about under age sales at premises and that they write to retailers warning them they are likely to be investigated. Any test purchases are then carried out as part of a subsequent exercise. He said that the number of premises that they can visit in the course of an exercise depends on the number of refusals that are made. If they get lots of sales it reduces the number of premises they can visit.
- 4.1.14 A Commission member asked MS whether prosecution was automatic if a sale was made. He said that this was not the case. Retailers have a number of defences that they can use and they have to show what they have done to avoid the offence. He also said that some shops are now using a refusal book to record the instances when they have challenged people about their age. MS said that retailers are being abused and threatened by under age customers to whom they have refused to sell restricted items. These customers target particular shops and a group of them may come in one after another, trying to make the same purchase until one of them is successful. They also try to get older customers to make the purchases for them. The refusal book is helpful because it shows the scale of the problem and the retailer's comments.
- 4.1.15 A Commission member agreed with MS on this point and said he had experienced similar problems in the Eagle Centre Market. Other Commission members confirmed that there were problems of this sort in Chaddesden and Spondon.
- 4.1.16 MS referred to Challenge 21, a scheme that was being run in parts of the City to prevent under age sales. He said that the principle was to ask anyone who looked less than 21 for proof of their age. He said that Trading Standards had supported the scheme and had offered advice, however, it did not seem to be having a marked effect and a test purchase exercise in the area had resulted in three purchases.
- 4.1.17 MS told the Commission that a better way of controlling under age sales was that provided by 'proof of age' schemes. These required young people to carry a card that showed their photograph, name, and date of birth. Retailers were able to ask to be shown the card before allowing a purchase, and if they were unhappy about its validity, there was a telephone number that they could call. MS said that the card, which was free, also acted as a discount card, so children wanted to carry them. He said that the scheme needed to be promoted through local schools.
- 4.1.18 MS told the Commission that his intention was to try and provide an even standard of enforcement across the City. However he did not

wish to become too heavily committed to the process as there were big demands on Trading Standards in other areas.

- 4.1.19 Asked about the requirement for a Trading Standards officer to be involved in the work, MS said that this was only a requirement where children were involved, however he pointed out that the other officers still needed to be trained as it was a skilled job.
- 4.1.20 MS said that one area in which the Trading Standards Division were not yet involved was the sale of lottery tickets to under age customers. He said that this was because they were not at present authorised to take action in this area. He also said that there were proposals to restrict the age at which spray paints could be purchased. This might be another area in which Trading Standards would need to get involved.
- 4.1.21 MS then told the Commission about an informal test purchase exercise that Trading Standards had run recently to assess compliance with the age restriction on the sale of offensive weapons. He said that eleven visits were made in the City on a Saturday with a 14 year old volunteer and these resulted in six purchases being made.
- 4.1.22 MS also referred to fireworks and said that they had received 140 applications for registration this year. This was more than in previous years so more people would be selling them and more of those people would be inexperienced.
- 4.1.23 A Commission member asked whether convictions for under age sales would be taken into account when a retailer's liquor licence came up for renewal. MS said that one conviction would not have an effect, but more than one would be taken into consideration when the licence came up for renewal.
- 4.1.24 The Chair of the Commission thanked Mel Smith for a very informative presentation and the Commission agreed to contact the Cabinet Member for Lifelong Learning to suggest that the Council consider promoting the proof of age scheme in the City

4.2 Outcome of the Commission's meeting with Craig Keen, Anti Social Behaviour Team Leader, and Clive Needham, Licensing Manager, Derbyshire Constabulary

- 4.2.1 The Chair introduced the Commission and explained the background and objectives of the review.
- 4.2.2 CK said that he worked in the Anti Social Behaviour Team and had been involved in introducing Challenge 21 into areas in Derby. He stressed the importance of the co-operation his team had received from the Police in implementing the Challenge 21 initiative. CK told the Commission that the objective of Challenge 21 had been to reduce the

availability of alcohol and solvents to young people. He said that it had been shown that young people with access to alcohol and solvents were more likely to be a victim of crime or to commit a crime.

- 4.2.3 CK told the Commission that there were known hotspots in Chaddesden where young people congregated and where there were alcohol related problems. Licensees in these areas had been put under pressure to sell alcohol to young people and their families had been intimidated.
- 4.2.4 CK said that the keys to the Challenge 21 initiative were Education, Encouragement, Enforcement and Litigation. He pointed out that the education element applied to young people as well as to licensees. CK said that retailers were a vital resource to the community and that every effort had been made to involve them in the scheme. The retailers from all 33 off-licences in the area had been invited to a Training Day at Derbyshire County Cricket Club. Those who were unable to attend had been visited and given the training information.
- 4.2.5 CK said that licensees were encouraged to comply with the law and that those who were involved in the scheme were visited regularly by beat officers and supported by the Police. The process was also enforced by test purchasing and licensees could be prosecuted if they were found to have sold age-restricted items to a young person who was not old enough to buy them.
- 4.2.6 CK told the Commission that the schools in the area were active participants in the scheme and that the scheme logo had been designed by a young person. He said that the tag line for the scheme was 'Don't try and Buy'. He told the Commission that test purchasing was needed to show that the scheme was having the desired effect. Prospective purchasers were asked to show either a driving licence with a photograph, a 10 year passport or a recognised proof of age card.
- 4.2.7 CN told the Commission that he had provided some of the training for the scheme. This had included a video highlighting the problems of alcohol for young people. The training also covered the legislation and the penalties for failing to comply which were fines, loss of licence and civil litigation. It also covered the defences available to the retailer – essentially that of taking all steps reasonable to determine the age of the purchaser. CN told the Commission that the training was primarily aimed at controlling the sale of alcohol but experience showed that retailers who sold alcohol to young people were also likely to sell them other age-restricted items.
- 4.2.8 CN said that the proof of age card on which Challenge 21 was based was that issued by the Portman Group. This was a single card aimed at young people who were over 18 and it did not carry any fringe benefits such as discounts at High Street stores.

- 4.2.9 A Commission member asked about the practicality of the Challenge 21 scheme and about the potential impact on a retailer who refused to serve a young person. She said that retailers were often threatened and were frightened of reprisals if they refused to sell alcohol to young people. In response, CK said that this problem and the importance of Police support had been recognised. He said that they were trying to encourage young people to think in a different way. Police beat officers visited each of the off-licences in the scheme as often as possible and the licensees were given reassurance that they were seen as important.
- 4.2.10 CK said that this was one reason why it was important to get all the off-licences to engage with the scheme so there would be no weak link that could be picked on. The object had been to create a defined area that did not sell alcohol to young people. He said that he had asked Trading Standards to support the scheme with test purchase visits and pointed out that the whole thing would not work without backup from other agencies.
- 4.2.11 On the issue of education CK said that they were trying to get retailers to think more carefully about the use of items that young people attempted to purchase and to be responsible about what they sold.
- 4.2.12 A Commission member asked about the attitude of the shop assistants to the scheme and CK said that they were very keen to see it properly applied.
- 4.2.13 CN told the Commission that in his opinion the retailers needed to be prepared to deal with any intimidation or they should not be selling alcohol. A Commission member asked what happened if the licensee made a sale to a Trading Standards test purchase customer. CN said that there were then a number of options available to Trading Standards. They could:
- Take no action
 - Give an informal warning
 - Give a formal warning
 - Prosecute the retailer
- 4.2.14 CN told the Commission that if the retailer was not prosecuted the Police would send them a warning letter. If they were prosecuted the Police could ask for their licence to be revoked. This could result in the loss of the retailer's livelihood and the shop could become non-viable if the majority of their sales were of alcohol.
- 4.2.15 CN pointed out that Trading Standards test purchases were always carried out by young people and that they would always tell the truth if asked about their age. A Commission member asked if there was a standard level of fines and CK said that the level would depend on the

circumstances. A Commission member asked about repeat offences and CK said that under such circumstances the local Inspector could look at revoking the licence for the premises.

- 4.2.16 The Commission pointed out the likely impact on a local community if the licence was revoked and the shop subsequently closed because it was no longer viable.
- 4.2.17 CK referred to the difficulties he had experienced with getting information from Trading Standards on their test purchase programme. A Commission member asked about the linkage between CK and the Trading Standards Section. CK said that this was poor. He said he had asked for 90 visits to support the Challenge 21 scheme and had been told that this would cost £3500. Eventually he managed to get agreement for Trading Standards to carry out 10 visits but subsequently found out they did more than this.
- 4.2.18 CK told the Commission that on one occasion he had visited an off licence without realising that Trading Standards had been there on the previous day and that the retailer had made a sale to the test purchase customer. Trading Standards had now agreed to tell him where they had been.
- 4.2.19 A Commission member asked why there was not better co-operation between Trading Standards and the Antisocial Behaviour Team. In response CK referred to the way in which Derbyshire County Council Trading Standards were working and said that their policy was much more robust than that of the City Council. A Commission member asked if there were any particular issues with Derby's Trading Standards Section and CN said that it did not seem that prosecutions were high on their agenda.
- 4.2.20 CK and CN were asked about the responsibilities of the Trading Standards Section and the Police to enforce the legislation. They told the Commission that Trading Standards were responsible for enforcing the legislation that applied to the sale of alcohol but it was also an offence to purchase alcohol if underage. The Police had powers to take action young people who did this.
- 4.2.21 CN said that the Police might look at prosecution if the young person was a persistent offender but they might also use them as a witness against the retailer. CN said that the intention was to give the retailers strong encouragement not to sell to young people.
- 4.2.22 CK said that they could put in cameras to see who was putting pressure on the retailers. CN confirmed that training licensees was very important but confirmed it was an offence for a person under 18 to buy alcohol.

- 4.2.23 A Commission member asked CK and CN what they thought should be done to resolve the situation. CK said that he realised that Trading Standards had limited resources but suggested that one way forward would be to try and find additional resources. He mentioned the Blueprint scheme and said that this might be a way of making more funds available.
- 4.2.24 CK said that the success of any scheme was dependent on the level of support it received both from the Council and the retailers. He said that staff from the Co-op shops in Chaddesden were very committed to Challenge 21 and that they had proved it could work. However he said, there were a number of retailers in the area that were not complying with the requirements of the legislation.
- 4.2.25 CN told the Commission that as well as retailers who sold alcohol to young people there were also a number of licensed premises in the City that were admitting underage customers. He referred to the activities of the Derby Business Crime Reduction Group and the Night Time Economy Group of the City Centre Management Team who were working with the Police to address this issue.
- 4.2.26 A Commission member asked CK and CN about their views on Alcohol Free Zones. They were both in full support of the concept. In conclusion they said that there was a need for all the agencies involved to co-operate and work together closely to resolve the problems associated with the sale of alcohol to young people.

4.3 Outcome of the Commission's meeting with Carol Bradey of VALIDATE UK - 4 February 2004

- 4.3.1 Carol Bradey (CB) gave the Commission some information about the origins of VALIDATE UK. She said that she had been approached by a Welsh local authority after an accident involving a young person who had been burned when a petrol bomb he had made exploded unexpectedly. The case was investigated by the police and it was found that the young people who had purchased the petrol were under age. VALIDATE was set up in response to a request by the local authority in whose area the incident occurred. VALIDATE was quickly adopted by another ten local authorities and more soon followed suite. CB said that all but two Welsh local authorities have now adopted VALIDATE, there were many local authorities in England that were using it and two in Scotland.
- 4.3.2 CB told the Commission that the VALIDATE card can be promoted in different ways depending on the resources that a local authority can provide. She said that in West Yorkshire, which comprises five local authorities and covers the Leeds/Wakefield conurbation, VALIDATE had been promoted through the schools. Alternatively, some local authorities just provide the VALIDATE application forms to retailers and leave it up to young people to apply for the cards themselves. CB said

that the best approach was for the local authority to run the scheme through its schools and pay as necessary for the young people's VALIDATE cards as this achieved the blanket coverage that gave the best results.

- 4.3.3 CB confirmed that VALIDATE UK was sponsored by Photo Me but they had no control over the way in which it was operated. She also emphasised that VALIDATE does not sell the information it holds to other organisations.
- 4.3.4 CB said that VALIDATE provides retailers with a pack that includes specimen cards, stickers, posters and leaflets. They also provide instructions telling the retailers how the scheme works and what they should look for when checking cards. She confirmed that this information was being redrafted to address the changes arising from the introduction of the new standards for proof of age cards but she said the changes would not be big ones.
- 4.3.5 CB told the Commission that local authorities get the posters, stickers and retailers leaflets free and that it currently cost £1.50 per card to administer a scheme through the schools. She did however say that this might increase with the introduction of the new standards.
- 4.3.6 CB said that local authorities could choose to provide the 12-15 (Blue) or 16-18 (Yellow) cards or both of them. She said that the Blue card was helpful in that it introduces the idea to younger people and she said that there could be some reluctance from the 16-18 age group to take up the card. CB said that local authorities that adopted the cards needed to tackle retailers and licensees to make them fully aware of the way in which the scheme worked.
- 4.3.7 A Commission member suggested that one way of bringing the scheme to the attention of retailers and licensees in Derby would be to work through cash and carry outlets such as Bookers and Costco. CB told the commission that the other approach would involve the Council distributing stickers, posters and application forms to the retailers and providing information and application forms at places such as Libraries and Leisure Centres. They could also make them available in schools through their student services offices. CB said that the approach taken could be very flexible and that there was no fixed way of doing it.
- 4.3.8 CB told the Commission that VALIDATE supported the Young Consumers National Competition and used it as a way of getting to as many young people as possible.
- 4.3.9 CB confirmed that the retailer side was important. She said that there was a need to get this information to them and that it helped them to prove due diligence. She said there were some very good retailers and some that were not so good. This also applied to licensees.

- 4.3.10 A Commission member asked if VALIDATE had experienced any problems with the approach they had adopted. CB confirmed that there had been some minor problems with photographs and they had found that retailers did not like A3 posters. She also mentioned that it was possible to make the printed material and application forms specific to an area, but said that using the generic one tended to help the retailer as it doubles up as a refusals slip and can help in difficult situations where a sale has to be refused.
- 4.3.11 A Commission member asked if there was a comparable city to Derby that had adopted the VALIDATE card. CB thought that the best approach was to think of Derby as a smaller version of Leeds. She said that more effort was needed in the first year of introducing the card through schools as there were four groups of young people (the 6th form and risers) who would all need a card. She said that it was not zero rated for VAT and that for applications that were not made through a school the charges were £2.50 for 12-16-18 and £5.00 for adults – this includes delivery and VAT. It was cheaper to do it through the schools as local authorities could reclaim the VAT charge.
- 4.3.12 A Commission member asked how it would work through schools. In response CB said that as a first step there was a need to involve Education members, and then to go to Head Teachers meetings. There were then various ways of doing it, but the best approach seemed to be for a representative to go into the schools to introduce and explain the scheme. This could be done by one of the support staff. CB said that in West Yorkshire Carol Hallett had contacted the schools, but an alternative was to make the approach through Head Teachers or Chairs of Governors. She said that Head Teachers did not have to promote the scheme but they tended to respond to peer pressure.
- 4.3.13 A Commission member asked about combining the cards. CB said that this would be possible but there was no real reason for doing it. She pointed out that adults have lots of cards. She also said that chipping and striping could also be done but these did not solve the problems of alcohol or tobacco abuse and there were disadvantages because the chipped card would only work in the one local authority area.
- 4.3.14 A Commission member asked how the schools dealt with the applications. CB said that there was a simple application form that the schools could use and to which they could add a photograph. They could also use jpegs or bitmaps with numbered images. The children have to sign a form and it's scanned in. One option was for the IT department to take digital photographs and burn them to disc which they then sent to VALIDATE. She also said that some Trading Standards departments, such as West Yorkshire, had used their own digital cameras to take the photographs. VALIDATE could also arrange for the photographs to be taken and could, at a cost, help the local authority to set up the scheme.

- 4.3.15 A Commission member asked if there were many children that did not sign up and CB said that for the Blue Card there were hardly any because they all wanted it.
- 4.3.16 A Commission member asked if the police were supportive of the scheme. CB said they were because they were pleased to see that something was being done to help resolve the problem. She also said they liked it because it gave them access to the schools and helped them make contact with the children. She said that West Mercia Police were involved and ran a big event last year. CB also mentioned that the Youth Offending Teams were very helpful because the scheme reached children who were problem makers.
- 4.3.17 A Commission member asked if the football clubs had helped with the promotion of the scheme. CB said that they had been supportive because it helped with their corporate image, but they had not provided any financial support. She said that in South Wales they worked with the Rugby Clubs. They had also tried the Fire Brigades but so far had not been successful. CB felt that this would be an innovative approach as the Fire Service ran courses for persistent offenders.
- 4.3.18 CB suggested that if a local authority decided to go ahead it needed to do a big launch with lots of publicity. She said that Leicestershire County Council was promoting VALIDATE through the Library service and mentioned that the Cabinet member with responsibility for Libraries would be a good contact.
- 4.3.19 A Commission member asked whether there was any support from central government. CB said the government was working with the British Retail Consortium and they were responsible for developing the standards for Proof of Age cards.
- 4.3.20 A Commission member asked how many local authorities paid for the scheme and how many left it up to young people to apply and pay themselves. CB said that there was about a 75/25 split with the majority of local authorities paying for the cards. She said that the worst situation was where local authorities paid some of the money but asked the young people to pay the rest. It was best to either pay for everything or to pay nothing.
- 4.3.21 CB confirmed that the VALIDATE card was available to over 18s who did not have other forms of identification. She said they were able to issue cards on the basis of letters from employees, educational establishments or even hostel managers.
- 4.3.22 CB mentioned the evaluation report on the West Yorkshire scheme and told the Commission that VALIDATE had now issued about 0.5 million cards.

- 4.3.23 Asked how it was possible to measure the success of the scheme CB said that one indicator that had been used was the number of calls to a Police Nuisance Line. However she said that the best indicator was the increase in general awareness. CB was asked what happened if someone presented a suspect card to a retailer. She said that this was covered in the retailers' instructions. The advice was not to serve if the card appeared suspect. If this happened and the card was genuine she would expect the card holder to call VALIDATE. She said that stories that there were lots of fakes were not true, but one problem was that door staff were not being trained to compare the picture with the cardholder.
- 4.3.24 CB said that it had not been possible to negotiate national privileges for card holders but many local authorities had been able to arrange local discounts. She said she would be pleased to come to a meeting with representatives of the big retailers. A Commission member suggested approaching the City Centre Management Team.
- 4.3.25 CB said that in order to introduce the card through Derby schools in September it would be necessary to decide to go ahead by about Easter. However it would be possible with a later decision date to do a launch in November in time for the in Christmas shopping boom. She said that to make it work the Council would really need an officer to be responsible for the process and to drive it through. She said that other local authorities had managed to realign smoking cessation posts to support proof of age card schemes.
- 4.3.26 CB also said that if Derby City Council adopted the VALIDATE card, it would be able to have an article in the UK Update magazine which has a very large circulation amongst MPs SMPs Welsh Assembly Members, MEPs Police, retailers, licensees, education and health professionals.

4.4 Outcome of the Commission's meeting with Carol Hallett of West Yorkshire Trading Standards – 10 February 2004

- 4.4.1 Carol Hallett (CH) introduced herself to the Commission and gave some background to the Proof of Age scheme that had been set up by West Yorkshire Trading Standards. CH told the Commission that the West Yorkshire Group involved five local authorities. These were Leeds, Bradford, Wakefield, Calderdale and Kirklees and had a combined population of about 2.5 million.
- 4.4.2 CH said that the proof of age card scheme that was operated in West Yorkshire had started as a Trading Standards initiative and now involved a number of partners from a range of different agencies. The pilot scheme was started in 2001 in East Leeds where there were known to be significant problems with underage sales. In response to a question from a Commission member, CH said that the scale of that problem had been confirmed by test purchases in the area. The pilot

was organised by Trading Standards and was supported by the Police. There were 250 retailers in the area and numerous public houses but no nightclubs. Trading Standards covered the retailers and the Police looked after the public houses. The scheme involved issuing proof of age cards to 1800 pupils at the seven schools in the area.

- 4.4.3 CH said it was decided to use the VALIDATE Proof of Age card because Trading Standards wanted to have control of scheme and to be able to issue cards themselves through the schools. The other card schemes did not offer this option. CH said that the schools held the cards and did not issue them until the pupils' 16th birthday. This worked well for the retailers who knew that the scheme was being effectively controlled.
- 4.4.4 CH told the Commission that Trading Standards provided the retailers with a pack of information about the scheme. This included guidance notes, stickers, posters and a Refusals Register. She said that they acted as advisors and took time to explain the scheme to retailers. However they also made it clear to the retailers that it was their responsibility to make sure that they did not sell to underage customers, they required the retailers to display posters about the law and about the scheme. CH said that most retailers did not want to sell age-restricted items to young people and were enthusiastic about the scheme. She said there were only a small percentage of retailers who deliberately sold age-restricted items to young people.
- 4.4.5 A Commission member asked about local Member involvement in the scheme. CH said that this had happened with the pilot scheme and there had been lots of publicity. The Commission member asked CH if she thought that Derby should go for a pilot scheme. CH was of the opinion that this would not be necessary. She said they had needed to do it in West Yorkshire to see if the scheme was feasible.
- 4.4.6 A Commission member asked what they did in West Yorkshire to bring the retailers on board. CH said that they did not really give them any option. They told them that they were not allowed to sell age-restricted items to young people and that they had to display the posters and the information.
- 4.4.7 A Commission member asked about the cost of implementing the scheme and the sources of funding. CH said that it cost £32,000 to introduce the scheme in Calderdale. She said that funding had come from various sources in the different areas. These had included the Community Safety partnerships, the Primary Care Trusts and Connexions. In Wakefield the Council had provided the money itself, whilst in Leeds it had come from the Community Involvement Teams (Area Panels). The approach had been very fragmented and this had caused some problems.

- 4.4.8 CH said that in West Yorkshire the scheme had been established by trial and error whilst what was actually needed was a top level agreement within the Council. CH said that they had experienced problems getting access to schools to promote the scheme. This was because there was no specific agreement with the Education authorities. She felt that the right way to implement the scheme was 'top down' with full support. The best time to launch was in September.
- 4.4.9 A Commission member asked about the problems that West Yorkshire Trading Standards had experienced. CH said that in Wakefield they were given the money in April and the Council wanted to proceed there and then. She said this caused problems because of holidays and exams and that the best time to start was at the beginning of the September term. The scheme could be launched and the cards issued on the same day. The retailers could be given prior notice of what was going to happen and the media could be involved.
- 4.4.10 CH said that another problem was gaining and keeping the interest of the young people. She said that she visited schools and told them about the scheme at a school Assembly. There was a certain amount of reluctance on the part of the young people but this could to some extent be offset by the discounts and benefits offered through the cards. In West Yorkshire there was a lot of local business support for the scheme. CH said that the message to retailers was that all young people had the card and that they should not sell age-restricted items to them if they could not show that they were old enough to buy them.
- 4.4.11 CH told the Commission that the discounts and benefits were the bargaining tool and were what made the card attractive to young people. They each got a letter with the card that told them about the benefits and discounts it offered. She said that these were all negotiated by Trading Standards.
- 4.4.12 CH said that there was a problem with making the cards available to young people who were not in education. However they had approached this by contacting pupil referral units and other educational establishments. They were also working with other organisations to get the maximum coverage. They had put the application forms out in Libraries and Youth Clubs and had given them to the retailers. This was helpful to the retailers as by offering a customer an application form they could often defuse a difficult situation. She said the charge for a card that was not provided through the schools was £2.50.
- 4.4.13 A Commission member asked what the biggest stumbling blocks had been. CH said that the biggest problem was getting into the schools. In Leeds they had so far only managed to get access to 22 of the 45 schools. This was where she felt that a top down approach would have worked better. A Commission member said that in Derby the intention would be to get the Director of Education to talk to the Head Teachers. CH thought that this was the right approach. She said that the difficulty

of doing it through Trading Standards was that there was a certain level of mistrust because people did not know what Trading Standards did.

- 4.4.14 Asked about the success of the scheme, CH referred to the evaluation reports for East Leeds and Wakefield. She said that in one of the pilot areas there had been no complaints in the first six months. This compared to the hundred complaints received in the other districts during the same period. In the Leeds pilot area calls to the Police Nuisance Hotline had fallen from 4600 to 2200 with the introduction of the scheme. CH said that this was probably because it was no longer so easy for young people to obtain alcohol and fireworks. Retailers had also reported that young people were more reluctant to try and buy age-restricted items in shops that were displaying the posters and notices. CH also said that in the six months prior to the introduction of the scheme in Wakefield there had been four test purchase sales whilst in the six months after there were no test purchase sales. In every case the test purchaser was asked for proof of age. CH also told the Commission that the Wakefield Drug Action Team felt that the situation in their area had improved because the sales of alcohol to young people had reduced.
- 4.4.15 CH said that proof of age cards would not eliminate the problem of underage sales but they could achieve a big reduction. She said that this was welcomed by the retailers who did not want young people hanging around outside their premises.
- 4.4.16 A Commission member asked if there had been any public consultation before the scheme was launched. CH said that this was not done for the pilot schemes but there had been some subsequent consultation. She said that there was a need to link health and lifestyle advice to proof of age cards.
- 4.4.17 A Commission member asked which cards were issued through the scheme? CH said that they just issued the 16-18 card. The schools provided the pupil information and the photographs. The cards were supplied to the schools in date of birth order. The schools then issued them when the young person reached their 16th birthday.
- 4.4.18 CH said that she had been to meetings of the licensees and Pub Watch to tell them that the cards were a valid means of proof of age. She said that in Leeds city centre only the VALIDATE card or a passport were accepted as proof of age.
- 4.4.19 Mel Smith (MS) asked why West Yorkshire had chosen the VALIDATE card. CH said that it was chosen because it offered them full control over the way in which it was issued. She said that there had been problems with the Connexions card being issued early.

4.5 Outcome of the Commission’s meeting with Mel Smith, Trading Standards Manager – 10 February 2004

4.5.1 Mel Smith (MS) told the Commission that he was grateful for the opportunity to talk to them about Proof of Age Cards. He reminded Commission members that age-restricted items were not just confined to alcohol and tobacco and he said that there were between 750 and 770 premises in Derby that sold age-restricted goods. These amounted to about 10% of all the trading premises in the City.



4.5.2 MS also provided the following information about the underage sales surveys carried out by the Trading Standards Section.

Year	Cigarettes	Fireworks	Videos	Butane	Alcohol
97-98	18 visits 3 sales	9 visits 1 sale			
98-99	23 visits 10 sales	14 visits 2 sales	5 visits 4 sales		
99-00	57 visits 3 sales			10 visits 6 sales	
00-01	33 visits 1 sale		9 visits 0 sales		
01-02	2 Visits 0 sales		3 visits 1 sale	13 visits 1 sale	61 visits 5 sales
02-03	16 visits 0 sales			4 visits 0 sales	16 visits 3 sales

4.5.3 MS said that there were problems associated with the sale of all age-restricted items to young people. He told the Commission that the purpose of the proof of age cards was to give some support and reassurance to retailers. It would not stop retailers who deliberately sold age-restricted items to young people, although it would help those

who did not want to sell. The proof of age cards would also not stop young people from threatening retailers who refused to sell to them.

- 4.5.4 MS told the Commission that he was generally supportive of the proof of age card approach as it would help retailers who had problems. Furthermore it would allow Trading Standards to concentrate on the ones who deliberately sold age-restricted items to under age customers. He urged the Commission not to forget about the range of age-restricted items. He specifically mentioned knives and said that new requirements relating to graffiti paints would apply to the sale of aerosol paints.
- 4.5.5 A Commission member asked about the links between Trading Standards and organisations such as the Police and the Community Safety Partnership. In response MS said that the Police took the view that all offenders should be prosecuted. This could result in retailers losing their licences and ultimately in having to close their premises because they were no longer viable. The Commission member said that Trading Standards were seen as 'being soft' on retailers and asked how else the legislation might be enforced. In reply MS said that there was a need to target resources at the deliberate offenders.
- 4.5.6 A Commission member asked how many times a retailer could be prosecuted before they would lose their licence. MS said that the law specified two prosecutions, but he was not sure to what extent this was applied. He said proceedings were currently in train for the second prosecution of a retailer. MS told the Commission that if a proof of age card scheme was applied across the City, Trading Standards might well take a harder line with the retailers.
- 4.5.7 A Commission member referred to the Challenge 21 arrangements in Chaddesden and asked about the extent of Trading Standards involvement with the Community Safety Partnership (CSP). MS said that they worked together and individually. The CSP informed Trading Standards about the complaints it received. He said that it was not always possible to follow up the complaints immediately with test purchasing. MS said that they passed on information to contacts in the Police, who, it seemed, did not always disseminate the information internally. They were updating the Police on progress on a monthly basis. So far as CSP was concerned MS said that they told Craig Keen where they had carried out a test purchase exercise but not where they were intending to make them. He said that this was because they often did not know exactly where they would be working. MS said that Craig Keen had concentrated issues within the Challenge 21 area and he had been provided with officer contacts in Trading Standards.
- 4.5.8 A Commission member asked what would be the likely problems for Trading Standards if the Commission recommended the city wide issue of a proof of age card and the recommendation was adopted by Council Cabinet.

- 4.5.9 MS said that it would be necessary to divert resources to introduce and administer the proof of age card scheme. He felt it was more likely to be successful if it was seen to be a Trading Standards initiative but he felt that the resource needed to cover 770 retail premises and 13 schools would be significant. A Commission member asked what this would involve and MS said that Trading Standards would need to recruit and retain a suitable person. He estimated the cost at £25-£26,000 plus the cost of materials. Although only one additional officer would be required, the work should be shared between two or three in order to maintain continuity if one was to leave.
- 4.5.10 It was suggested by a Commission member that the law should be harder on adults than on children. In reply MS said that the majority of offenders who were identified from a test purchase exercise were prosecuted. However he said that the courts were occasionally unhappy with the idea of test purchasing and that the fines imposed depended on the defendants' ability to pay. There was also the opportunity for appeals and one defendant had recently had a £3000 fine reduced to £300 on appeal. MS also said that he was concerned about sales that were made as a result of threats against the licensee.
- 4.5.11 MS said that to maximise take up of the proof of age card it would be necessary to offer card holders good discounts and benefits. He said that the key areas were music and entertainment. He mentioned other cards might offer nationally negotiated discounts. He suggested that it the Commission could find time they might consider hearing evidence from one of the other card providers.
- 4.5.12 Finally MS mentioned the 200 or so public houses in the City and wondered how it might be possible to enforce the age limit on sales in these premises.

4.6 Outcome of the Commission's meeting with representatives of Derby retailers and with David Roles, Secondary Head Teacher Consultant, Education Service

- 4.6.1 The witnesses from Derby retailers who attended the meeting were: Mr S Johal, Johal Stores, 123 Lexington Road, Chaddesden (SJ); Ms S Simpson, Manager, Midlands Co-operative Society, Scarborough Rise, Breadsall (SS); Mr P Dean, Manager, Midlands Co-operative Society, Littleover Village Stores (PD); Ms J Tyler, Co-operative Society Area Manager (JT).
- 4.6.2 Mr David Roles (DR), the Education Service's Secondary Head Teacher also attended the meeting.
- 4.6.3 The Chair explained the background to the review. She told the witnesses that as well as considering the issue of age-restricted sales, the Commission were also looking into the possibility of introducing a

nationally recognised proof of age card that would be issued through Derby schools. The intention would be to make the cards available to students when they attained their 16th birthday. The Chair told the witnesses that the Commission wanted to hear about the problems the retailers were facing and hoped to be able to incorporate their views into the Commission's recommendations.

- 4.6.4 SS told the Commission that a proof of age card would be useful. She said that the children do not usually carry such cards, but if the schools issued them to everyone who was eligible, there would be no excuse. A Commission member said the Commission had been told that in Halifax the retailers always asked young people for proof of age. SS agreed that the cards would make life easier for retailers.
- 4.6.5 A Commission member asked about staff training and how this would be done. SS said that the Co-op did this already. JT confirmed this and told the Commission that the Co-op will now only accept a Passport or a Driving Licence as proof of age. She said that they used to accept the Portman card but have stopped doing this because of an incident where someone presented a false card. She told the Commission that there are several websites that provide false cards for a charge of £10.00. She said that the Co-op currently only accepts two forms of ID but fully supports the Challenge 21 scheme in terms of customers looking 21 or above.
- 4.6.6 A Commission member asked when a young person had last tried to buy an age-restricted item from the witnesses. SS said that an attempt was made yesterday. She said a new member of staff had started last week and since then young people had made six attempts to buy age-restricted items whereas usually they only made about three attempts each week.
- 4.6.7 JT said the problem was that if young people were refused they often found a friend who was 18 to buy the items for them. The witnesses agreed that this was a problem and said that from the retailers' point of view it was necessary to look carefully at what the customer wanted to buy. For instance two packs of ten cigarettes of different brands were suspicious.
- 4.6.8 JT told the Commission that if the Council did go ahead with the proof of age cards, the Co-op would need to be satisfied that the cards were secure before it was to consider accepting them as proof of age.
- 4.6.9 SJ asked what young people would have to pay for the cards. A Commission member replied that there would be no charge if the Council issued the cards through the schools. SJ said that issuing them through the schools would be the only way to make the scheme work. SJ also said that at his shop he had problems with young people congregating outside. He also said that some parents bought the age-restricted items and gave them to their children. He said that he and

his staff often refused to serve customers who they thought were under age. This could cause problems at the time with verbal abuse, and there were sometimes groups of three or four young people in the shop. He said that drink was mainly bought by young males whilst the young females usually wanted cigarettes. He said that they accepted the B_line card as proof of age for cigarettes.

- 4.6.10 JT told the Commission that there could sometimes be a problem if the sales assistant knew the customer. In response to a Commission member's question, JS confirmed that his shop was equipped with panic buttons and shutters, but he said it had still been broken into and there was lots of local vandalism in the area. JS said that if there was trouble outside the shop he called the local police and asked them to drive past, which they did. SS said that she did this as well and said that it was an effective way of getting groups of young people to disperse.
- 4.6.11 JS told the Commission that responsible retailers were very concerned about the issue of underage sales. He said that potentially a retailer could make one little mistake and end up losing his livelihood. He was concerned about the Challenge 21 scheme and said that he had only received one visit since it had been set up. SS said that she had received two visits. JS repeated his earlier comment and said that the way forward was through the provision of free proof of age cards to all eligible young people. He said that these needed to be supported by posters telling customers that it was an offence to buy age-restricted items for young people who were not old enough to buy them for themselves.
- 4.6.12 A Commission member said that the proof of age card scheme needed to be supported by Trading Standards and the Police. JS said that this was a good idea that would make life much easier for the retailers. A Commission member asked whether all the retailers would be prepared to find space to display the posters. JS said that they would because it was their livelihood they were protecting. SS said that it was important for retailers to feel that they had done everything they could.
- 4.6.13 On a note of caution JT said that it was important to find out about forged cards and about the use and misuse of the cards. This would be important to the Co-op if they were to support the scheme.
- 4.6.14 PD then joined the meeting. He agreed that at the Littleover store they had similar problems with attempted underage purchases, although he said this was less of a problem than at Scarborough Rise. He said that the approach taken was to try and prevent the sales taking place by due diligence. PD said that there was a time, about 12 months ago, when there were some problems with young people congregating outside and asking adults to buy for them. He agreed with a Commission member who asked if persuasion was the key. JT agreed and said stores got a reputation for being 'refusers'.

- 4.6.15 A Commission member asked PD about the level of staff training provided. In response he said that the training included video training and on the job training. Staff were told that if in doubt they should not sell and that if there were any problems they should call the duty manager. PD told the Commission that each till had a refusal book and JT said that this also showed if particular sales assistants needed extra training. PD also said that they provided information leaflets for staff.
- 4.6.16 A Commission member asked how easy it was to get the message across to retailers. PD said that it was not a problem for reputable retailers and JT confirmed that the vast majority of retailers did not want to sell age-restricted items to underage customers. She also said that if the scheme was to work it was important to arrange for a blanket issue of the proof of age cards. She felt the date format was good and easy for the sales assistant to understand.
- 4.6.17 A Commission member asked if the witnesses felt the Council should put pressure on rogue retailers. PD said that all reputable retailers were mindful that any young person could be a possible test purchaser. He said that they tried hard to comply with the law but it was not always easy, and there were particular problems with adults buying for young people. He said they refused to sell if they thought this was the case.
- 4.6.18 JT referred to the anti-social behaviour diaries that have been provided for the Co-op store on Holbrook Road, Alvaston. She said that she thought that it would be helpful if all stores could have these diaries as they could be used to record situations where there was a problem of nuisance but no offence.
- 4.6.19 The Chair then introduced David Roles (DR) and asked him for his views on the issues that had been discussed.
- 4.6.20 DR said that he felt that all schools would support the proposals in principle and he said that they were already issuing the B_line travel passes. He said he thought that schools would want to work together across the City. There were 13 Secondary schools and two FE colleges. The Head Teachers met regularly. He also pointed out that there would be a need to contact Landau Forte College which was not part of the group.
- 4.6.21 DR asked about the logistics of the proposal. He said it seemed complex but felt that if it could be done in West Yorkshire it could also be done in Derby. Commission members explained how the scheme had been applied in West Yorkshire. They said that the Commission had been advised to go for a launch in the Autumn term before Bonfire Night. They also told DR that in West Yorkshire the Trading Standards Department had arranged for the photographs and had provided the schools with the cards arranged in date of birth order. The schools then issued the cards when students attained their 16th birthday.

- 4.6.22 DR said he thought it was a good idea and he felt his colleagues would want to participate. He agreed that it would not resolve the problem entirely but said it would send out a strong message. DR said that issuing the cards in the Autumn term would fit in with the new intake of Year 7s.
- 4.6.23 JT asked how retailers would be briefed. A Commission member said that Trading Standards would do this through meetings, posters and advice.
- 4.6.24 A Commission member and DR both said there was a need to contact people, such as people in the 17-18 age group who were not in education, who would otherwise 'slip through the net'. It was agreed that West Yorkshire could be asked how they had covered this group.
- 4.6.25 DR said he would mention the proposal briefly at the next Head Teachers meeting in March and suggest that they might have a fuller report at a subsequent meeting.

4.7 Outcome of the Commission's meeting with Ian Milward, Derbyshire County Council Trading Standards Department – 23 February 2004.

- 4.7.1 The Chair gave the background to the review and asked Ian Milward (IM) if Derbyshire County Council was promoting any particular proof of age cards in Derbyshire. IM said that the County Council did not promote a particular proof of age card. He told the Commission that when the b_line travel discount card had been introduced the possibility of also making it work as a proof of age card had been suggested by trading standards. However it was felt at the time that this would have meant conflicts and delays that would have slowed down the implementation of the scheme, so it was decided not to go ahead with the idea.
- 4.7.2 IM said that because it was not fully VALIDATED, the b_line card could not be recommended as a proof of age card in it's own right even though it was issued widely through schools to almost all Derbyshire students. He told the Commission that despite the small print, he was aware that children show the cards as a form of proof of age. This is a problem for trading standards in that retailers find it hard understand why they are not supposed to rely on them alone.
- 4.7.3 In response to a question IM told the Commission that the County Council fully recognised the importance of proof of age and there was definite support for proof of age card schemes which were seen as being very important to the retailers. However he confirmed that the County Council was not supporting any initiatives to make sure that all young people were provided with a proof of age card but were instead relying on them obtaining one of the nationally available cards for themselves. He thought that if they had not promoted the b_line card,

the County Council might well have taken steps to promote one of the national proof of age cards in Derbyshire.

- 4.7.4 Asked about the County Council's policy on test purchasing, IM said that he did not think it differed greatly from that of the City Council in that all authorities operated to a national protocol. He suggested that as a larger unit they found it easier to deploy resources in this area. IM also told the Commission that the County Council currently did more test purchasing than most comparable East Midlands local authorities. IM said that the emphasis given to the issue was because of the strong links between underage sales and the three main agenda items of Health, Anti Social Behaviour and Crime and Disorder.
- 4.7.5 IM said that Trading Standards covered the eight district local authorities in Derbyshire and that they tried to provide equal test purchase coverage to each of those areas. He said after the new legislation on the sale of alcohol came into effect for 2002/03 they had set a target of 180 test purchases for alcohol and 40 each for fireworks, butane and tobacco. In the event they carried out a total of 284 attempted test purchases resulting in 37 sales. 170 of the attempts were for alcohol and gave rise to 30 (18%) sales. He told the Commission that all sales were considered against an enforcement policy and that the final outcomes included prosecutions, formal cautions, and written warnings. There was also one licence revocation. He also said that two of this years prosecutions involved premises where there had been previous test purchase sales and revocations were a possible outcome.
- 4.7.6 Having previously worked in Derby IM said that he felt that the issue facing the City's Trading Standards section was one of resources and compared with the County Council there were not enough staff available to undertake an equivalent number of test purchases. IM also told the Commission that in Derbyshire they have at present more test purchase volunteers than they can use and said he had offered to introduce some volunteers to the City Council's Trading Standards section. He told the Commission that in Derbyshire they do most of their test purchases in the evening or at weekends. Derbyshire Trading Standards had about 70 staff overall, but underage sales were one of the duties carried out and investigated principally by 3-5 officers. However there was regular support for test purchase exercises by staff from other sections.
- 4.7.7 IM said that the Trading Standards safety team had done a lot of work in response to requests from County schools to provide curriculum support for PHSE/citizenship and that the volunteers had come forward as a result of this. He confirmed that test purchasing made heavy demands on staff time and said that each exercise required an input of around 4 person/days minimum.

- 4.7.8 IM also said that Trading Standards had arranged a series of 8 seminars, one in each of the district areas of the County. They had invited retailers to these seminars and had explained the legal requirements concerning age-restricted items.
- 4.7.9 IM said that the test purchasing results showed that there was a need to maintain a similar level of activity, and although he thought that cigarette sales were currently under control, he felt that the smoking cessation initiatives still meant that it should remain on the agenda. IM said that enforcement activities needed to take into account the areas of concern. He told the Commission that the results of the alcohol test purchasing exercise showed there was a clear need to continue working in this area. He said that the Police were supportive of the actions taken by Trading Standards but they were not routinely consulted for their views on prosecutions. There was however close liaison with police licensing officers over alcohol enforcement and a memorandum of understanding was in place which included Derby City.
- 4.7.10 IM said that in Derbyshire they had experienced some problems with underage sales by supermarkets and he mentioned the difficulty where the law precluded taking action against the company, rather than the licensee, in alcohol cases. IM said that children tended to attempt to buy age-restricted goods in smaller shops rather than in supermarkets and that they tended to go in pairs to make such purchases. He said that the County Council was regularly using video and audio recording equipment on test purchasing exercises but this required Regulation of Investigatory Powers Act (RIPA) authorisation.
- 4.7.11 A Commission member asked about Anti Social Behaviour Orders and IM said that they had good working relationships with Community Safety Officers and Beat Officers. They maintained lists of those premises about which information had been received and they informed retailers of complaints alleged against them whilst providing advice packs where appropriate. He pointed out that although the County Council Trading Standards covered a big geographical area, unlike Derby City, they did not have issues such as a wide range of ethnicity to address.

4.8 Outcomes from the Commission's meeting with young people's representatives – 24 February 2004.

- 4.8.1 The meeting was held in the Spot Conference Centre, Sacheveral Street. It started at 6.00 pm and was attended by about 25 young people whose ages ranged between 12 and 20 years. The young people came from a range of ethnic backgrounds and from different parts of the City and its surroundings areas. Most of the young people were in education but several were employed.

- 4.8.2 At the start of the meeting a briefing note was given out. It included an agenda for the meeting and gave some background information about age-restricted goods. In response to a request from one of the delegates, the Co-ordination Officer also gave a brief explanation about how Overview and Scrutiny in Derby was structured and what it did.
- 4.8.3 The agenda was intended to explore the issue faced by young people when purchasing age-restricted products and to find out what the young people thought about the approach taken by West Yorkshire Trading Standards. It asked:
1. What are the problems faced by young people when trying to purchase age-restricted items? What difficulties have you experienced? How have you overcome them? What has been the attitude of retailers?
 2. Do you have a proof of age card yourself? What do you think generally of the proof of age card schemes? How do you think they might be improved?
 3. Having heard about the approach taken by West Yorkshire Trading Standards:
 - Do you think the idea would work?
 - How do you think it might be improved?
 - What benefits would you like to be available to card holders?
- 4.8.4 The meeting took the form of general informal discussion about Proof of Age Cards and about the issues relating to the sale and purchase of age-restricted items.
- 4.8.5 Several of the young people's representatives asked about the B_line card. They said that many young people already had this card and they wondered whether it would not be possible to upgrade it rather than issue another card. One representative said that she already had eight cards and did not really want another one. Other representatives mentioned that some retailers were accepting the B_line card as proof of age.
- 4.8.6 In response to this point Commission members explained that in its present form the B_line card did not conform to the new standards for proof of age cards and so should not be used as a proof of age card. They also pointed out that B_line was a Derbyshire County Council initiative and could not be used outside Derbyshire. One representative asked if it would be possible to use a national proof of age card to obtain reduced fares on Derbyshire buses. Commission members said that although such cards might be used to show entitlement to a child's half fare, they would not be accepted as equivalent to B_line by the bus operators.

- 4.8.7 One of the representatives said that it would be helpful to have a proof of age card when going to the cinema because she could then prove she was old enough to see certain films. She said that on one occasion she had been challenged about her age at the cinema. Other representatives felt that this was where the age limits were not effectively enforced and said that they were rarely asked about their age at cinemas or when buying or hiring videos.
- 4.8.8 A representative voiced some concerns about the possibility of police officers demanding to see proof of age cards. It was explained that the police had no powers to do this. It was pointed out that the cards did not show the holder's name, just their photograph and date of birth.
- 4.8.9 One representative said that it would be helpful to have a nationally recognised proof of age card for shopping on the Internet. She said that she had recently applied for a Citizen card because it allowed her to do this.
- 4.8.10 Another representative said that proof of age cards were attractive because they could be replaced easily if they were lost, unlike driving licences or passports. Another said that current arrangements for obtaining NUS cards seemed very lax. She said that all applicants had to do was to provide their date of birth. There was some discussion about the supposed easy availability of forged cards. It was explained that bona fide cards had a hologram that was very difficult to duplicate.
- 4.8.11 A representative suggested that consideration needed to be given to the way in which door staff enforced entry into pubs and clubs. She said that there were several establishments in Derby that were admitting 15 and 16 year olds. With regard to this a representative pointed out that there could be problems where a group consisted of people of different ages. There were questions about how retailers would use the cards and whether they would actually check to see if the picture matched the card holder.
- 4.8.12 The Co-ordination Officer explained that Derby retailers were very keen on the idea of blanket coverage with a national proof of age card. He said that the majority of retailers were very concerned about losing their licence because of inadvertently making an under age sale. This issue was discussed and representatives asked about the way in which Trading Standards and the Police enforced the legislation. It was pointed out that although it was an offence to sell an age-restricted item to an underage customer, it was also an offence for an under age person to attempt to purchase an age-restricted item that they were not old enough to buy.
- 4.8.13 The Commission members and the Co-ordination Officer explained how the proof of age card scheme had been applied in West Yorkshire. The young person's representatives were generally in favour of the approach and said they liked the idea of all young people being

provided with a card when they reached their 16th birthday. However they had a number of queries about the way in which it would work.

4.8.14 They asked how the card would be provided to young people who are not in full time education. The Co-ordination Officer said that this issues had been resolved in West Yorkshire and that if it was adopted in Derby, the Council would follow a similar practices.

4.8.15 There was some discussion about the relative merits of the different proof of age cards that were available. The Co-ordination Officer explained that the VALIDATE card looked attractive because it could be issued through the schools, but said that nothing had yet been decided and if other cards could be issued in the same way, they could also be considered.

4.8.16 The benefits that were available through the different proof of age cards were also discussed. It was agreed that the most attractive benefits were to do with food, entertainment, clothing and sport.

4.9 Outcome of the Commission's meeting with Dawn Gee, Neighbourhood Watch Co-ordinator, PC Steve Buckley, Derbyshire Constabulary and Craig Keen, Anti Social Behaviour Team Leader – 19 March 2004

4.9.1 The Chair introduced the Commission members to Dawn Gee (DG) and gave the background to the review.

4.9.2 DG told the Commission that she was very aware of the problems caused by the purchase and consumption of alcohol by young people. She said that this had previously been a major problem in the area of Derby where she lived.

4.9.3 DG said that when the problem had been at its worst there had been groups of 150-300 children congregating on the local park to drink the alcohol they had been sold by the off licence. She said that the children had come from a wide area because they knew they could buy alcohol.

4.9.4 DG told the Commission that she had reported the problems to the local Councillors, and the Police and eventually directly to Trading Standards. No effective action seemed to have been taken to resolve the problem. The Police did visit the premises after attending a local action group meeting but the problem recurred after only a few days.

4.9.5 DG reported the problems to the Park Liason Meeting where Craig Keene was present. CK suggested that cost was the reason for not investigating the complaint and he said that funding for the investigation would be made available. This was about 18 months after the initial complaints were made. Even so, no real action was taken to

deal with the problem and Trading Standards were only just starting to look at the case when the licensee sold up and left the premises.

- 4.9.6 DDG said she was told by a local beat constable that the Police were not able to carry out test purchases. She also said that a local Councillor had told her that Trading Standards could only take action if the off-licence sold to an underage person whilst an adult was present. She thought the off-licence was very aware of this and she felt that the Police and Trading Standards should be working together much better to deal with this sort of problem much sooner.
- 4.9.7 DG said that the off licence had also traded goods for cigarettes and had sold individual cigarettes to underage customers. A Commission member confirmed that he was aware of other premises where this was done.
- 4.9.8 DG said that the young people at the park had been a mixture of males and females. She said that on several occasions she had to call an ambulance to assist young people who were inebriated.
- 4.9.9 DG said that part of the problem was that the licensee at the off licence had been intimidated by the young people. A Commission member confirmed that this had also happened in Chaddesden. DG said that the new licensee had made it clear from the start that he would not sell to underage customers and that this had helped to resolve the problem as things were now much better. She felt that licensees should receive more support from the police and she said that they had not provided any to the previous licensee.
- 4.9.10 A Commission member explained that the Commission was considering recommending the issue of Proof of Age cards to all 16 year old in Derby. DG said that she thought this was a good idea but she had concerns about the availability of forged cards. She said she had heard that a young person in Hilton was offering them for £20 to anyone. It was explained that the Proof of Age card companies were taking steps to prevent the forging of their cards and that the new cards contained holograms that made them difficult to copy.
- 4.9.11 A Commission member asked if the problem on the park had now died down. DG confirmed that it was quieter now but said that it could recur. Asked why the Police had told her they could not respond, DG said that she was not given specific reasons. She said that the matter had taken far too long to resolve and said it been upsetting to the whole community. She said that people were concerned about their own children.
- 4.9.12 DG told the Commission that she was generally in support of the idea of proof of age cards. She felt the Police and Trading Standards needed new powers to deal with this kind of problem. There was also a need for procedures for following up on complaints made by the

public to the Police and Trading Standards. CK confirmed that there was already a procedure. He said that beat officers reported the problems to the Police Licensing Officer who then passed the matter on to Trading Standards to investigate through test purchasing. However he said that this process might take up to six months to complete.

- 4.9.13 PC Steve Buckley (SB) said that the problems with under age drinking occurred when young people either bought alcohol for themselves or had it bought for or given to them by an older person. SB confirmed there were two beat officers in Spondon and said they were supported on Friday and Saturday nights by anti social behaviour patrols and the Community Watch patrol.
- 4.9.14 A Commission member confirmed that there had been problems in certain areas of Spondon with windows being broken etc. SB said that the police had been successful in moving on young people from particular areas, but agreed that this just moved any problems from one place to another. He agreed with a Commission member that there had been problems with stones being thrown at buses.
- 4.9.15 SB said it was necessary to look at why children they hung around a particular area. He said that some areas, such as shopping precincts were seen as social areas and young people gathered there. SB suggested it was better for young people to congregate in a park than on a road. DG said that the situation would be totally different if there was no alcohol involved. SB confirmed that it was possible to seize alcohol from under 18s but not from those young people who were over 18. He agreed there was a need to stop alcohol being consumed on open land.
- 4.9.16 SB said that if a licensee refused to sell children alcohol, tobacco or sweets, they would congregate somewhere else. However he pointed out that in some areas this might cause other problems and he said that if they congregated in the park in Oakwood they might vandalise the Community Centre. He agreed that the presence of a beat officer was important and that it acted as a deterrent but he said that the police also needed the help of the public to resolve this sort of problem.
- 4.9.17 A Commission member asked SB for his views on proof of age cards. He said it was a good idea but wondered about its enforcement. He said that if the approach was supported by the retailers it would work but if the support was not uniform the young people would simply go to the shops where they knew that they could buy alcohol and tobacco. It was pointed out by the Commission that these shops could then be targeted by Trading Standards.
- 4.9.18 A Commission member mentioned problems with underage entry to pubs and clubs. SB said that it would have a big effect if door staff could be persuaded to ask for proof of age cards before allowing young people entry to licensed premises. A Commission member mentioned

the problems in the city centre at weekends and SB confirmed that managing these were taking police resources away from other work. He said the wrist band idea had been effective in Ripley and he saw proof of age cards as an extension of this approach.

4.9.19 Craig Keen (CK) told the Commission about the Blueprint project. He said it was a Home Office funded research project that would be run in Derby and Derbyshire as well as in other areas. It was specifically aimed at restricting the sale of alcohol, tobacco and solvents to young people and the final report to the Home Office would be made in 2007.

4.9.20 CK said there were various phases to the project. The one starting in April 2004 would concentrate on enforcement and £50,000 had been allocated to run it. It was thought it would be managed by the Community Safety Partnership.

4.9.21 CK said the project would have six outputs. These were:

- The education of licensees
- The education of children
- Utilisation of a Proof of Age card scheme
- Test purchasing
- Prosecution of positive sales
- Promotion of the results

The bid had to be submitted by 31 March 2004.

4.9.22 There was discussion of the Blueprint objectives and it was agreed by the Commission members that the possibility of developing recommendations that would link into the Blueprint project needed to be fully explored.

5. Acknowledgements

5.1 The Planning and Environment Commission gratefully acknowledge the information and advice provided by all the witnesses who gave evidence to this review.