
Report on Test Purchase Campaigns

1.0 Matter for consideration

- 1.1 The Committee to consider the report of Weights and Measures on the conduct of test purchase campaigns

2.0 Recommendation(s)

- 2.1 To note the report and approve the proposal that volunteers be permitted not to reveal their true age if questioned.

3.0 Information

- 3.1. Trading Standards from April 2007 – March 2008 conducted numerous test-purchasing campaigns in an attempt to reduce the sale of alcohol to persons under the age of 18 years. Current statistics reveal a downtrend in positive test purchases; although Blackpool still records above national average figures. This largely depends on how aggressive/and, which volunteers, are used for each exercise.

- 3.2. Current figures 07/08 based on 526 licensed premises visits reveal that:-

Off-Licences (including supermarkets and national chains) are at **28.3%** sales.

On-Licence Premises are on the increase, and are at **36.05%** sales.

The national average for age related sales are between **11% - 15%** depending on what product figures are reported.

- 3.3. The test purchasing campaigns are designed to complement the overall enforcement programme dealing with age-restricted sales. Increased compliance with age restricted legislation serves to protect the health, safety and protection from harm of the young people and their communities. This also impacts on the quality of life for all local residents and helps prevent/reduce anti-social behaviour.
- 3.4. Our volunteers are sought from within our Local Authority, friends from schools. We positively vet all prospective volunteers and even though LACORS guidance does not give an upper limit on their age, so long as they are below 18 years, we as a responsible Authority feel that our volunteers should be of the age between 14-16¹/₂. We use a cross section of those volunteers, but we try **not** to engage with persons, whom appear too young, and therefore would not in our opinion challenge the retailer.

The parents of our volunteers are fully briefed regarding the nature, and purpose of each and every exercise.

- 3.5 LACORS guidance states, that the volunteer must always tell the truth in relation to their age. This creates a real concern for the officers whom conduct these types of test purchasing. We feel that by having to confirm an age to the trader, this places the young person in the position of being rebuked by the trader, or even ridiculed by admitting that they are only 14, 15, 16 years of age. In respect of this many of the volunteers have advised us that they do feel uncomfortable stating their real-age, as they do not feel that this would happen in a real-life situation and in our opinion we agree that this does not reflect what is actually occurring in reality.
- 3.6 Blackpool operates a Challenge 21 Policy in most licensed premises, and therefore traders should request identification from our volunteers. During the process of training, the volunteer would not be allowed to carry identification therefore, when ID is requested none can be produced so therefore no sale should take place.
- 3.7 We also have concerns that some traders know that volunteers are told not to lie about their age except in exceptional circumstances. These traders know that they can ask the purchaser their age and be confident that they will pass a test purchase instead of requesting identification. This creates an unfair situation towards our test purchasing operation and other businesses within the area.
- 3.8 The operations that take place are always recorded by means of a covert camera/recording device, which not only protects the young person/trader, but provides irrefutable evidence to the Courts as to the full extent of any conversation that took place.
- 3.9 Trading Standards have received additional funding to continue the test purchasing operation all year. We are the lead agency with Lancashire Police providing a supporting role in respect of issuing fixed penalty notices to persons whom have sold alcohol. Trading Standards have recently undergone training in relation to Community Safety/Conflict Management. The officers are going through the process of being accredited, so that they too can issue fixed penalty notices in respect of alcohol sales. Trading Standards (Weights & Measures) are also responsible for submitting Licensing reviews to the Licensing Committee for a range of breaches.
- 3.10 Deviation from national guidance is clearly permitted but any Authority that does so should be in a position to justify any deviation from the guidance. LACORS are seen as body to be listened to however their policies and guidance do not reflect the problem we have locally. They only give direction on the problem from a national perspective.

- 3.11 Blackpool was ranked as having the seventh highest concentration of “On Licensed Premises “ in the country and had at the last count almost twice the amount of off licences per 10,000 capita of population, 13.3% compared with 8.8% nationally. With sheer density of outlets justification would appear warranted however the transient nature of Blackpool attracts seasonal low paid workers from both in and out side the European Union.
- 3.12 Training and retaining staff would appear difficult and in most cases sales of alcohol to underage persons are made by people who have never received training, not understood training, don't understand the consequences of selling to children or simply don't care. Making the tests more reflective of real life will make retailers up their game reinforcing the no nonsense reputation of the Enforcement Authorities.
- 3.13 Examples can be given of poor management in relation to lack of spoken English and inappropriate conduct by supervisors who often stay away from the licence premises leaving untrained staff to manage on a day to day basis. Many premises are devoid of training/ and or records. These are common features found during our test purchasing operations.
- 3.14 It is accepted that there are well run off-licence establishments in Blackpool. To highlight this, there is a proposal to create a Best Bar None Award Scheme for the off-licence sector. It is anticipated that this scheme will be launched in August 2008.

4.0 Financial considerations

4.1 None

5.0 Legal considerations

5.1 None

Relevant officer:

Glen Phoenix, Public Protection Officer

Tel: (01253) 478381 e-mail glen.phoenix@blackpool.gov.uk

Appendices attached:

Appendix 4a – Best Bar None Off-Licence scoring booklet.

Background papers:

None

Websites and e-mail links for further information:

None

Glossary:

None