

Briefing Note for Members

Local Better Regulation Office (LBRO) Age Restricted Products and Services Consultation



Purpose

This briefing note provides background information on the consultation relevant to anyone with an interest in the regulation of age restricted products and services such as alcohol, tobacco, knives, fireworks, gambling, and others. This may include, in particular, those who supply these products and services to consumers; those who are responsible for enforcing the legislation; and those who have an interest in the societal impact of these products and services, for example in relation to health and anti-social behaviour.

The focus of this briefing note is in regard to alcohol and gambling.

The deadline for responses to LBRO is Friday, 16th September 2011.

Background

Full details of the consultation paper can be found at:

<http://www.lbpro.org.uk/docs/age-restricted-products-consultation.pdf>

(Extract taken from the introduction to the Local Better Regulation Office: Age Restricted Products and Services Consultation (June 2011)):

‘Legislative age restrictions exist for a wide range of products, from tobacco and solvents to alcohol and knives. Most regulation in this area shares common objectives of protecting children from harm and limiting access to products that can negatively impact on communities. Research tells us that where children and young people do attempt to access restricted products before they are old enough, they use a number of different sources, including family, friends, older siblings, illicit sellers, and high street businesses.

It is important to recognise that the greatest contribution to meeting the objectives of legislative controls can be made by children and young people themselves, and by their parents and others who have responsibility for educating and caring for them. High street businesses are at the frontline of restricting retail access but can not solve the wider problems of young people accessing these products and services.

The role of regulators and enforcers is to promote awareness of the controls in the wider community; to provide support, where it is needed, to those businesses that recognise their responsibilities and are striving for compliance; and, to step in and take firm action where businesses do not act responsibly.

LBRO is consulting on a broad framework of principles which will encourage a view of compliance and enforcement in this area that takes account of the responsibilities of the key parties involved, and, conversely, what their reasonable expectations might be. It is proposed that this broad framework will provide a context for the development of a code of practice that will contain more detailed provisions for regulators and enforcement agencies. This code will be developed in partnership with businesses and regulators and enforcers. It will draw on the expertise of the group that produced the ‘Retail View’, the Trading Standards Institute and the Association of Chief Police Officers, and will be informed by the responses to this written consultation, and by views sought during the consultation period.

It is proposed that the code should be applicable to:

- all age restricted products and services, and all regulators and enforcers that enforce the legislation governing these products and services;
- all compliance and enforcement activities, but in particular to the practice of 'test purchasing', where regulators and enforcers engage a young person to attempt to access a product or service; and
- England and Wales.

We (LBRO) anticipate publishing the draft code in the autumn and it will then be the subject of a separate consultation. We aim to have the final document ready for publication early in 2012.'

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