



Department  
for Business  
Innovation & Skills

Better  
Regulation  
Delivery Office

## An Impact and Outcome Toolkit for the Regulation of Age-Restricted Sales



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## Preface

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The Better Regulation Delivery Office (BRDO) of the Department for Business, Innovation and Skills commissioned RAND Europe to develop a toolkit to support the regulation of age-restricted sales products by local authorities. The assignment builds on earlier work commissioned by BRDO's predecessor, the Local Better Regulation Office (LBRO), *Impacts and outcomes of local authority regulatory services: the toolkit* (RAND Europe for LBRO, 2010), and it follows the publication of the non-statutory *Code of Practice: Age Restricted Products* (BRDO, January 2013) for those responsible for regulatory delivery.

The object of the work was to increase understanding of regulation of age-restricted sales in six areas: alcohol, fireworks, gambling, knives, sunbeds and tobacco. This was achieved by developing a logic model and process map for each of these areas. Together, these models and maps form a toolkit which is intended to support and inform regulators. The models were populated with information gathered and synthesised through a literature review, interviews and workshops. These involved 85 local authority regulatory services and trading standards staff from 63 local authorities in England and Wales between January and April 2013.

This toolkit report is likely to be of interest to officials involved in local authority regulatory services, or local authorities and policy makers with an interest in young people, local economic growth and impact assessment.

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# 1. Introduction

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## 1.1. Purpose

Regulators working in the area of age-restricted sales have a difficult job to do protecting young people from harm and enabling compliant businesses to flourish. One of the responsibilities identified for regulators and enforcers in the *Age restricted products and services framework* (LBRO, November 2011) is 'to be clear about the outcomes that they are working towards, and how their activities will contribute to those outcomes'. In January 2013, the Better Regulation Delivery Office (BRDO) commissioned RAND Europe to develop a toolkit to support regulators of age-restricted sales to be clearer about how their day-to-day activities contribute to a wide range of impacts and outcomes affecting regulators, businesses and communities. This report presents and discusses six age-restricted sales logic models, which together form the toolkit.

The six areas (selected by BRDO) included in the study were alcohol, fireworks, gambling, knives, sunbeds and tobacco. Through charting how impacts and outcomes take place (and are intended to take place), the toolkit aims to provide possible answers to some of the challenges that staff deal with when regulating in these areas. Some of these areas are relatively new within the regulatory landscape. Others operate in an increasingly complex regulatory environment. For example, sunbeds are covered by relatively new legislation while gambling applies a two-tier regulatory regime in relation to licensing and test purchasing.

This chapter briefly introduces the assignment, describes the methods used in its execution, and outlines the report structure.

## 1.2. Context

Age-restricted sales are an important and evolving part of local authority regulation services. A new *Code of Practice: Age Restricted Products* was launched in January 2013 as part of the government's Red Tape Challenge to remove half of the 6,500 regulations that impact on business (Cabinet Office, 2013). The new code of practice aims to respond to retail businesses' complaints about the potential burden and complexity of regulation. It also aims to 'strengthen the protection of young people and reduce red tape for responsible businesses that sell age-restricted products safely, legally and profitably' (Department for Business, Innovation and Skills, 2013).

This assignment builds on work previously conducted by RAND Europe for the Local Better Regulation Office (LBRO) in 2010 which produced a toolkit for demonstrating and measuring impacts and outcomes in a local authority regulatory services context (RAND for LBRO, 2010). The 2010 toolkit was taken up and used by more than half of the local authority regulatory services in England and Wales (according to LBRO estimates in 2012).

## 1.3. Methodology

The assignment was delivered in five parts:

1. A targeted literature review;
2. Key informant interviews;
3. A series of six workshops;
4. Validation and refinement; and
5. Report-writing.

Each of these is briefly described below.

- **Targeted literature review:** This was undertaken to clarify the current legislative and policy context for the research. Sources included relevant legislation, policy documents and grey literature. These were identified through material suggested by BRDO and targeted internet searches. The latter applied a small number of key search terms directly related to the study area.<sup>1</sup> The output from the targeted literature review provided contextual information for the other parts of the data gathering and toolkit-building processes.
- **Scoping interviews:** Interviews were conducted with 12 key informants, including BRDO officers and subject experts. Participants in interviews were identified by BRDO. Interviews were conducted primarily by telephone and discussions lasted approximately one hour. Interviews provided the research team with an understanding of the most important regulatory challenges, changes and priorities for the particular area of age-restricted sales. This information guided the development of a draft logic model for each area to be used during the subsequent consultation workshops.
- **A series of six consultation workshops:** Six workshops were conducted which focused on the main processes and steps involved in the local regulation of age-restricted sales products. Each half-day workshop focused on one of the six regulatory areas included in the study. Sessions were attended by up to 14 participants drawn from a range of local authority areas, all of whom had some knowledge or specialist interest in the regulatory focus area of that workshop. All attendees were invited by BRDO. The workshops involved three main strands of activity – the identification of the range of steps, processes and expected results from all of the activities of regulators in relation to that aspect of age-restricted sales products; formulation of links between activities and possible results; discussion of performance indicators across the activities and potential results. In order to guide and accelerate this process, delegates were provided with a draft logic model for their area, produced by the research team based on the key informant interviews (as described above). The group was then asked to suggest exclusions and inclusions.
- **Validation and refinement:** Following the workshops, the research team developed revised logic models. These were reviewed by BRDO and circulated to workshop participants and other regulatory services teams for consideration. Comments and suggested amendments were then sent to RAND. Once these adjustments were made, a final version of each of the six models was produced.
- **Report-writing:** A report presenting the finalised logic models including contextual information was then developed.

Overall, the toolkit development process involved consultation with 85 local authority regulatory services and trading standards officers from 63 local authorities in England and Wales.

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<sup>1</sup> These included key terms for each of the six areas including for example: ‘fireworks legislation’; ‘age restricted sales legislation’; regulation of firework sales; and ‘sales of fireworks to young people’.



## 1.4. Logic modelling and process mapping

Logic modelling and process mapping lie at the heart of the methodology adopted by this project and are briefly described below.

A logic model for a programme, project or process – such as the regulation of age-restricted sales – is a defined picture of how the programme, project or process works. It unearths underpinning theories and assumptions and links the inputs for activities to their associated outputs, outcomes and impacts (W. K. Kellogg Foundation, 1998). Typically, logic model designs can be linear (i.e. each aspect dealt with only once) or cyclical (i.e. it may be possible to revisit an aspect more than once) and comprise five main elements:

- *Inputs* – the resources needed to operate the programme, project or process
- *Activities* – planned undertakings using these resources which are intended to achieve defined objectives
- *Outputs* – the products or services delivered by these activities
- *Outcomes* – the benefits to participants and others arising from these outputs, within a medium term timescale (typically 2-5 years)
- *Impacts* – changes to communities, organisations or systems which can be attributed to these outcomes in the longer term (typically 5+ years).

Most logic models present these elements separately, often as vertical columns within a linear progression. In order to describe the links between different sets of inputs/activities/outputs/outcomes/impacts within the same logic model (such as a logic model for a particular area of age-restricted sales, which encapsulates a range of different activities), RAND Europe has developed an approach which combines logic modeling with process mapping. A process map shows what happens in a process, using standardised charting symbols to display different parts of the process (e.g. decision diamond; start and end points as ovals). Process maps can be drawn as a connected set of high-level functions or operations, or at a more detailed level showing all the processes within each function.

Put together in the same figure, a logic model and process map enable connections (or causal chains/pathways) to be described as they progress from inputs and activities to outputs, through to outcomes and impacts.

## 1.5. Report structure

Chapter 2 reviews the changing landscape for age-restricted sales in general and the six regulatory areas included here, in particular. The logic models developed through consultation with local authority regulatory services teams are presented in Chapter 3, together with a discussion of their causal chains and their priority performance measures. The final chapter concludes the report with overall observations about the regulation of age-restricted sales based on the work conducted for this study.



## 2. The context of age-restricted sales regulation

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### 2.1. Introduction

This chapter outlines the results of the targeted literature review and interviews with local authority regulatory services and trading standards staff. Following a general overview, it discusses legislation relating to age-restricted sales in the six areas which form the focus of the study, and the delivery challenges faced by local authorities responsible for regulation in these contexts.

### 2.2. General overview

Legislation exists prohibiting the sale of a wide range products to (or on behalf of) young people to protect them from harm. When implementing provisions within the legislation, local authority regulatory services must balance safeguarding young people with supporting thriving retail businesses in their area.

For people under the age of 18, legislation prohibits the sale of tobacco products, offensive weapons (knives and similar), crossbows, adult fireworks, solvents, air guns, lighter refills containing butane, and alcohol. For people under the age of 16, it prevents the sale of caps, party poppers (and similar products), lottery tickets, aerosol paint, and liqueur confectionery. Different age restrictions apply to video recordings (12 and over, 15 and over, and 18 and over) and to video games (12 and over, 16 and over, and 18 and over) (Trading Standards Institute, 2013).

Retailers are required to display warnings and notices when selling particular age-restricted products. They are also required to ask young people for proof of their age. They are advised to log any refused sales of age-restricted products. Trading standards officers work with partner organisations, businesses and communities to ensure these provisions are met, by raising public awareness, conducting test purchases and other measures. Where necessary, they are empowered to implement enforcement actions and pursue prosecution.

In November 2011, the LBRO published the *Age restricted products and services framework* (LBRO, 2011), setting out agreed shared responsibilities and reasonable expectations of young people, their parents and carers, businesses, employees and regulators. This was followed in January 2013 by the BRDO *Code of Practice: Age Restricted Products*, which replaced the original 2002 code of practice for test purchasing (published in 2002 by the former Local Authorities Coordinators of Regulatory Services, LACORS). In addition, this new code reflected recent changes in licensing legislation.

The twelve stakeholders interviewed for this project in January and February 2013 commented on the challenges they face implementing relevant legislation for particular areas of age-restricted sales. The following general challenges were identified:

- Regulatory services have difficulty measuring the impacts and outcomes of their work, relying mostly on evidence of business compliance and the number of test purchase failures to measure their effectiveness.
- In the current economic climate, local authority resources for regulatory services have been reduced, albeit with some local variations.
- Complaints from the public, the history of a particular business, intelligence shared by partner organisations, and local priorities, form part of a complex mix of drivers for identifying businesses at risk of non-compliance and the allocation of resources to particular aspects of age-restricted sales regulation.
- Online sales of age-restricted products are an emerging issue which is currently outside the remit of local regulatory services.

The legislative provisions relating to each age-restricted product are different, as are the delivery challenges associated with regulation of each product area. The following section sets out some of this information. It is not intended to be exhaustive but rather to highlight the main points in relation to this context in each product area. It is based on data gathered during the targeted literature review and interviews with stakeholders and subject experts.

## 2.3. Specific areas of age-related sales regulation

### 2.3.1. Alcohol

According to the Home Office, underage drinking is the single biggest concern raised by members of the public, licensing authorities and enforcement agencies in relation to alcohol-fuelled violence and anti-social behaviour (Home Office 2010). The Licensing Act 2003 transferred licensing responsibilities from magistrates' courts to local authorities. Since 2003 the following prohibitions and restrictions are in place:<sup>2</sup>

- Retailers are required to have a licence to sell alcohol;
- It is an offence for an under-18 to (attempt to) buy alcohol;
- Attempting to buy alcohol on behalf of under-18s is a criminal act;
- Consumption of alcohol by under-18s is a criminal act;
- It is prohibited to sell, supply or deliver alcohol to under-18s;
- It is prohibited to have unsupervised sales of alcohol by under-18s;
- Sending an under-18 to obtain alcohol is a criminal act;
- The sale of liqueur confectionery to under-16s is a criminal act.

In order to implement the 2003 Act, local authorities must make arrangements to issue licences, ensure those with licences comply with the law, and prevent unlicensed sales. The Home Office introduced an age verification policy in October 2010.<sup>3</sup>

Other aspects of the regulatory landscape that are relevant for local authority regulatory services, include the following:

- There is variation in levels of underage sales between rural and urban areas and between advantaged and disadvantaged communities (Foster, J. et al, 2007). Therefore, regulatory services have to plan the use of their resources carefully in line with risk assessments and planning priorities.
- Uncertainty surrounds the question of liability for the sale of alcohol to children, which has yet to be determined by the higher courts (Manchester, 2009).
- At present there is no age verification condition for online or mail order alcohol purchases (Home Office, 2010).

### 2.3.2. Fireworks

Legislation regulating age-restricted sales of fireworks has lagged behind alcohol and tobacco. In 1997, the regulations in this area (Fireworks (Safety) Regulations, 1997; Consumer Protection Act, 1987) imposed restrictions on the importation, supply, possession and use of fireworks. Among other things, the regulations:

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<sup>2</sup> Some of which were in place prior to the 2003 Act.

<sup>3</sup> This includes checking the ID of anyone who appears to be under 18 who attempts to purchase alcohol, and applies to on-trade, off-trade and qualifying club premises certificate.

- Prohibit under-18s from possessing fireworks in a public place;<sup>4</sup>
- Prohibit the sale or supply of adult fireworks to under-18s;
- Require fireworks suppliers to display a notice informing consumers of the law regarding age restrictions on fireworks sales and possession;
- Require any person selling adult fireworks to have a licence granted by the local licensing authority.<sup>5</sup>

In 2004, further regulations banned the sale or supply of fireworks to under-18s<sup>6</sup> and required packets of sparklers to display the warning that they are not to be supplied to under-5s (Fireworks Regulations, 2004). Taken together with related measures, according to the Home Office, these provisions constitute a robust package to protect communities from the misuse of fireworks (Home Office, 2007).

However, implementation of the regulations present some challenges for local authority regulatory services. Some of these include the following:

- Retailers supplying fireworks to under-18s generally rely on their own judgement of the purchasers' age rather than checking proof-of-age identification (Cabinet Office, 2004);
- Monitoring possession of fireworks in a public setting when under-18s have obtained fireworks from adults through proxy sales;<sup>7</sup>
- Lack of clarity about the legal responsibilities of retailers in relation to proxy sales (e.g. if young people request the assistance of passers-by to buy fireworks).

Further challenges facing regulators include managing difficult customers or aggressive refusals, providing adequate training while managing staff expectations (Peters, & Carroll, 2012), addressing compliance failures promptly and effectively (BRDO, 2012), and applying a timeframe on reassessment of the business by local authorities (i.e. determining how often premises checks should be made).

### 2.3.3. Gambling

Adult participation in gambling activities has grown in recent years<sup>8</sup>, and gambling on the Internet potentially creates other ways for young people to engage in gambling although this (like other areas of age-restricted sales) is currently beyond the scope of local authority regulation. The Gambling Act 2005 created an independent regulatory body, the Gambling Commission, and transferred licensing responsibility from magistrates' courts to local authorities (Gambling Act, 2005). Some of the age-restricted-related provisions in the Act include the following:

- It is an offence for an under-18 to enter a betting shop, casino or adult gaming centre.
- If a licensee becomes aware that an under-18 is using or has used gambling facilities, the licensee must return any money paid with regard to use of those facilities and not give a prize to the child or young person.

<sup>4</sup> For provisions relating to age restrictions, see in particular sections 4, 6 and 10.

<sup>5</sup> Exceptions to this provision are the first day of the Chinese New Year and three days preceding it; on the day of Diwali and the three days preceding it; 15 October – 10 November; 26 December – 31 December.

<sup>6</sup> Exceptions are caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns. For provisions relating to age restrictions, see in particular sections 6 and 7.

<sup>7</sup> Effectively, refusing someone who is actually old enough to buy the product if there is reason to believe that the purchase is being made on behalf of an individual aged under 18 years.

<sup>8</sup> British Gambling Prevalence Survey 2010

- Under-16s may not enter a bingo premises. Whilst 16 and 17-year-olds may enter a bingo premises, an individual must be 18 or older to gamble.
- It is an offence for a person to invite, cause or permit an under-18 to gamble or participate in a commercial lottery or football pools<sup>9</sup>.
- Under-18s are prohibited from gambling, entering premises under a casino premises licence, and providing facilities for gambling.
- Under-18s are excluded from any area where betting facilities are provided, or where a gaming machine (other than Category D gaming machines) is situated.
- Employing an under-18 to perform any function on premises where a casino premises licence, betting premises licence or adult gaming centre premises licence has effect is a criminal act.

Some of the implementation challenges for local authority regulatory services include the following:

- Regional variation - as every local authority area is unique, any regulatory approach needs to address the issues that are most pertinent to local operators and members of the public in that area;
- Lack of guidance in the early days of the Act in interpreting the Act's direction for local authorities to allow the use of premises for gambling in so far as the authority thinks is appropriate (Light, 2007);
- Lack of clarity about whether interested parties, in particular residents living nearby and local businesses, will be able to object to premises licence applications and therefore, the extent to which local authorities should consult with them when granting licences (Gambling Commission, April 2006).

Thus, the Act provides a widely drawn framework for local regulation, with detailed operational decisions to be made by the Gambling Commission and local authorities. The Gambling Commission's approach to test purchasing for England and Wales is published on the Gambling Commission's website.

#### 2.3.4. Knives

A 2009 Trading Standards Institute survey found that a quarter of tested businesses would sell knives without age checks (Trading Standards Institute, 2009). In 2011-2012, 39% of all homicides involved a sharp instrument (Berman, 2012). The core legal framework restricting the sale of knives and articles with a blade or point to underage children is made up of the Criminal Justice Act 1988, the Offensive Weapons Act 1996, and the Violent Crime Reduction Act 2006. The 1988 Act criminalises the sale of knives or other articles with a blade or point to under-18s, prohibits possession of such articles on school premises, and authorises the police to search anyone on school premises if they have reasonable grounds to suspect an offence has been or is being committed. The 1996 Offensive Weapons Act goes further by criminalising the sale of knives or articles with a blade or point to minors. The 1996 Act also enables the police to use reasonable force to seize and keep weapons discovered on school premises. The Violent Crime Reduction Act 2006 modified section 44 of the Crossbow Act 1987 and raised the age for selling, hiring, purchasing and owning a crossbow from 17 to 18.

Some of the challenges facing local authority regulatory services in this context include the following:

- Unintentional proxy sales of knives (unintentional by both purchasers and sellers) is likely, if not inevitable, given the widespread presence of these items in homes;

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<sup>9</sup> For provisions relating to age restrictions, see in particular Part 4: Protection of Children and Young Persons (sections 45 – 59); sections 63, 64, 69, 83, 176, 182, 271, 273 and 279.

- Business compliance is relatively uneven, and a minority of retailers across the UK fail to ask for proof-of-age identification (Trading Standards Institute press release; LACORS press release).
- Online sales include sites which do not impose thorough checks on the age of buyers (MarkMonitor, 2011).
- Lack of clarity in legislation in definition of an offensive weapon - Section 141 of the 1988 Criminal Justice Act makes manufacturing, distributing and importing offensive weapons an offence but does not define which weapons it applies to, other than excluding firearms and crossbows.<sup>10</sup>

### 2.3.5. Sunbeds

Sunbeds are associated with skin cancers resulting from over-exposure to ultraviolet rays<sup>11</sup> and young skin (below the age of 35) is particularly vulnerable to overexposure, increasing the risk of skin cancer later in life.<sup>12</sup> Sunbed use may contribute to health inequalities: in 2009, Cancer Research UK found that sunbed use was higher in certain parts of the country and among children from lower socio-economic backgrounds (Cancer Research UK, 2009).

In order to protect the public, particularly the young, from these dangers, the Sunbeds (Regulation) Act 2010 came into force in April 2011 (Sunbeds (Regulation) Act, 2010). (Similar legislation was also enacted in Wales, Scotland and Northern Ireland (Dyer, 2010)). The Act prohibits those involved in sunbed businesses to admit individuals under 18 to use a sunbed, to offer under-18s to use a sunbed, and makes it illegal for underage individuals to be in a 'restricted zone' near a sunbed. Section 7 of the Act also sets the framework for enforcement by local authorities. The Act permits the appropriate national authority (the Secretary of State, in England) to make provisions prohibiting or restricting the sale or hire of sunbeds to young persons under 18 (Sunbeds (Regulation) Act, 2010).

The Department of Health has produced core guidelines and a shortened version for businesses, which features definitions of the 'restricted zone' for under-18s and advice on proof of age and management controls (Department of Health, 2011). However, despite the legislative framework and guidelines, recent studies have shown that they have had little effect in preventing under-18s from using sunbeds.<sup>13</sup>

Some of the implementation challenges for local authority regulatory services include the following:

- Businesses in England have no formal requirement to ask young people for identification (although this is the case in Wales) or to keep a register of customers who have been refused;

<sup>10</sup> Crossbows are subject to statutory controls by virtue of the Crossbows Act 1987. This act makes it an offence to knowingly sell or hire a crossbow (or part of a crossbow) to a person aged under 17, and prohibits under-17s from buying or hiring a crossbow. Further, under-17s are prohibited from possessing a crossbow which is capable of discharging a missile, unless supervised by someone aged 21 or over. See <http://www.legislation.gov.uk/ukpga/1987/32/contents> (accessed April 2013).

<sup>11</sup> See evidence by Diffey, (2003), International Agency for Research on Cancer Working Group on artificial ultraviolet (UV) light and skin cancer, (2007), Bataille et al., (2004) and Wehner et al. (2012)

<sup>12</sup> See evidence by Cancer Research UK policy statement (2009), IARC (2006) and Olsen and Green (2012)

<sup>13</sup> See Barratt et al., 2011; Chartered Institute for Environmental Health research project; Newcastle City Council, (2012); and Argent, Quint and Trew (2012).

- LACoRS guidelines on test purchasing stipulate that under-18s should have “complimentary facilities” excluded from their membership of gyms and leisure clubs, but there is no clarity about how this might be enforced (LACoRS 2010);
- LACoRS guidelines suggest that under-18s may use sunbeds if the “purpose is for medical treatment”. However, medical treatment in this context is not defined (LACoRS 2010).
- Automated tanning salons (i.e. salons that are unstaffed) may be accessed by under-18s in England (such salons were banned in Wales in 2011).

#### 2.3.6. Tobacco

The younger an individual begins to smoke, the more likely they are to suffer from health problems associated with smoking in later life (Seymour and Booth, 2010). The legislative framework for age-restricted sales of tobacco is intended to reduce the risk that tobacco products present to young people. It consists of the Children and Young Persons Act 1933, the 1991 Children and Young Persons (Protection from Tobacco) Act, the Children and Young Persons (Sale of Tobacco) Order 2007 (Under age sales, 2013) and the Health Act 2009.

The 1933 Act prohibits the sale of tobacco products to under-16s, and bans automatic machines selling tobacco on premises used by under-16s. The main provisions in the 1991 Act are to increase penalties for the sale of tobacco to under-16s and the introduction of a legal requirement for retail premises and automatic machines selling tobacco products to display a notice explaining “It is illegal to sell tobacco products to anyone under the age of 16”. The Children and Young Persons (Sale of Tobacco) Order 2007 raised the minimum legal age for sales of tobacco products in England and Wales from 16 to 18. The Health Act 2009 prohibits the display of tobacco products in large shops (from October 2011) and small shops (from October 2013) and prohibits the sale of tobacco from vending machines (Department of Health, 2010).

Three main challenges exist for local authority regulatory services:

- Proxy sales are not prevented by current legislation which focuses only on the role of the retailer in under age selling of tobacco (Conway, 2008).
- Online purchasing of tobacco, although outside of local authority control represents an access point through which young people may access tobacco relatively easily. For example, under-18s may use pre-paid credit cards which do not reveal the individual's actual age, in order to purchase tobacco online.
- Efforts by young people to counter the restrictions of local regulations in the sale of tobacco can undermine efforts to reduce the problem. For example, online resources enable young people to exchange ideas on how to purchase age-restricted products, including tobacco.



## 3. Regulatory pathways for age-restricted sales

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### 3.1. Introduction

This chapter sets out and discusses regulatory pathways, using logic models, for the six areas of age-restricted sales included in this study. Initial pathways for each area of age-restricted sales were developed following 12 interviews (two for each area) with staff from 10 local authorities<sup>14</sup> between January and February 2013. The initial models were discussed and developed further at six workshops attended by 73 local authority and trading standards staff. Following the workshops, the pathways were redrafted. These were then validated by BRDO with workshop participants and other subject specialists. Following further adjustments the pathways were then finalised for each of the six areas. Overall, therefore the development of the pathways involved 85 representatives from 63 local authorities in England and Wales (plus three representatives from the gambling sector).

Below we have set out for each area some of the main issues for consideration based on points made during interviews and during workshop consultations. The regulatory pathway for the area is then shown followed by a narrative description of the content of the model. It should be noted that each pathway depends on a number of assumptions and these will vary in each local authority context to some extent. Performance indicators were discussed at each workshop (including issues of relevance and ease/difficulty of measurement) and priority aspects for measurement identified. Building upon this, individual local authorities will need to reflect on the particular aspects of measurement that are most suitable for their local priorities and plan relevant data gathering and analysis accordingly.

### 3.2. Area 1: Age-restricted sales regulation of alcohol

#### 3.2.1. Issues for consideration

Regulating age-related sales of alcohol and tobacco has a high public profile and attracts the greatest resources for local authority regulatory services. The reduction and prevention of underage drinking, leading to a wide range of health benefits, are regarded as primary outcomes and impacts for the regulation of age-restricted sales of alcohol.

Strong partnership working with the police and the health service is central to the delivery of effective regulatory services. As a consequence, reductions in police service budgets may potentially have an effect on resources that local authorities dedicate to regulating age-related sales of alcohol.

Despite close partnership working, test purchase failure rates are twice as high for the police as for regulatory services (according to interview and workshop participants). This reflects different ways of working: trading standards officers' generally only undertake test purchases after providing advice to businesses, while the police sometimes test on their first visit. This different way of working is significant because the number of failed test purchases is an important measure of the success of regulatory services' work.

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<sup>14</sup> Cambridgeshire County Council, Central Bedfordshire Council, County Council of the City and County of Cardiff, Derbyshire County Council, Hampshire County Council, London Borough of Haringey, London Borough of Havering, London Borough of Southwark, Metropolitan Borough of North Tyneside, West Yorkshire Trading Standards Service. In addition, a representative of the Gambling Commission was also interviewed.

The level and intensity of the way regulation is undertaken regarding underage sales of alcohol can be influenced by local alcohol strategies and by particular interests of local elected members. Prioritisation and planning are also guided by the existing knowledge of the local businesses and by other intelligence received, such as complaints from the public.

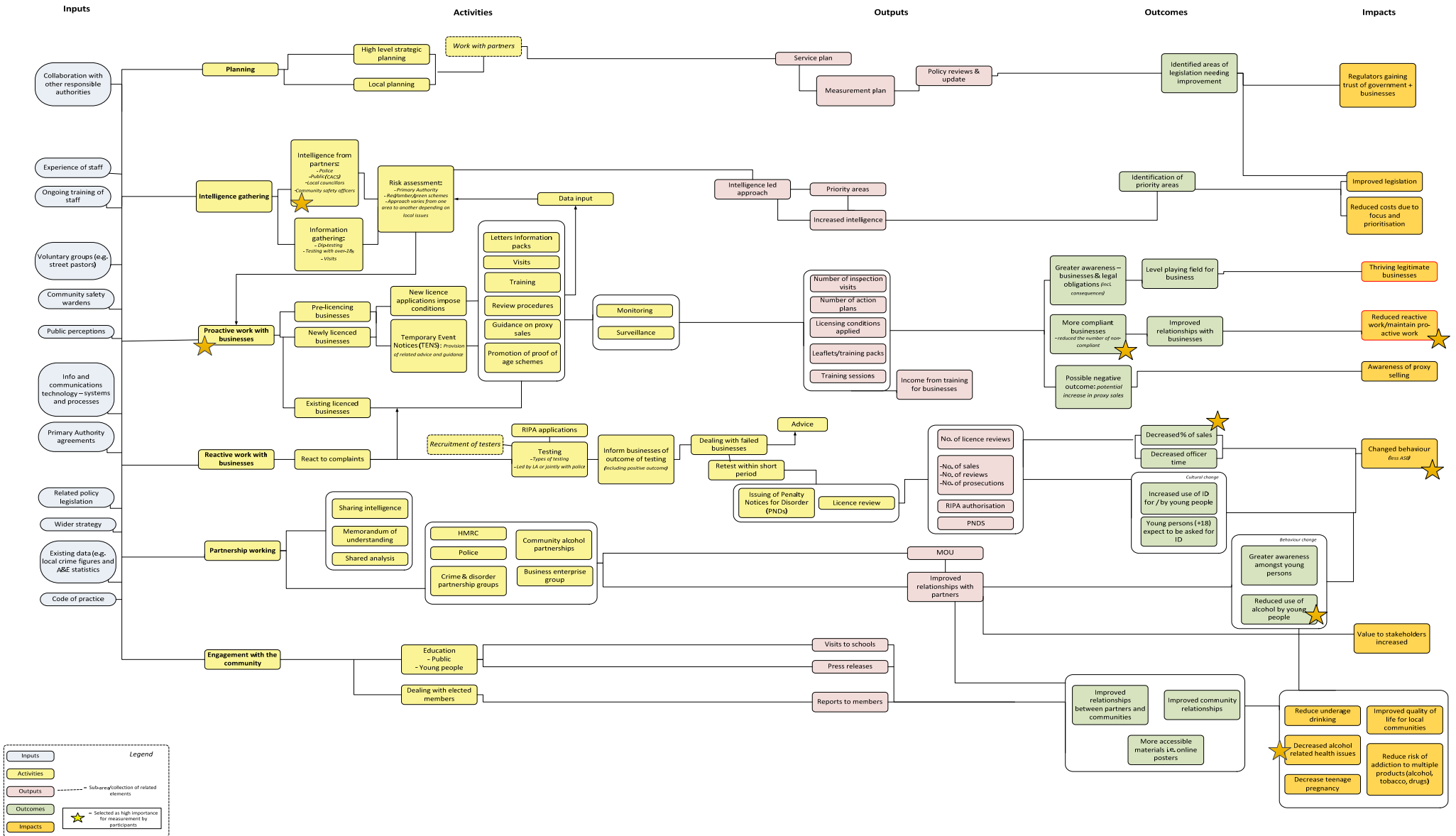
Proactive work supporting businesses, conducted in parallel with community engagement activities, is a critical part of local authorities' regulatory work in this area, with a particular focus on Challenge 21 and Challenge 25 campaigns.<sup>15</sup>

### 3.2.2. Logic model

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<sup>15</sup> The Challenge 21 and Challenge 25 schemes aim to prevent the sale of age-restricted products including tobacco and alcohol. Retailers ask potentially under-age customers for age identification to ensure that they may legally sell to those customers. They are run by the Retail of Alcohol Standards Group (RASG) <http://www.wsta.co.uk/retail-of-alcohol-standards-group.html> (accessed May 2013).

LOGIC MODEL – REGULATION OF AGE RESTRICTED SALES PRODUCTS : ALCOHOL



### 3.2.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, a wide range of external and internal partners, staff experience and training, computer systems and data, relevant national legislation and local authority strategies, and the new *Code of Practice: Age Restricted Products*) and finish with shared sets of impacts. For alcohol, causal chains from six areas of activity were identified by workshop participants.

#### *Planning*

Working with partners, planning involves developing high-level strategic and local operational plans which, in turn, produce service plans, monitoring and measurement plans, and feed into policy reviews and updates. These outputs result in the identification of areas of legislation needing improvement, and contribute to regulators gaining the trust of government and businesses and to improved legislation (the last impact is shared with the next causal chain).

#### *Intelligence gathering*

Intelligence sources include external and internal partners, and also proactive work supporting and testing businesses, with the results feeding into intelligence-led risk assessments as a basis for identifying priority areas for activity. This outcome contributes to more economical service delivery and also improved legislation (an impact shared with the previous causal chain).

#### *Proactive work with businesses*

This activity draws on (and contributes to) risk assessments developed in the previous causal chain and focusses on licensing businesses: approving new licence applications; imposing conditions and providing support where necessary to ensure compliance with licence provisions; and ongoing monitoring and surveillance. These processes lead to a set of outputs, including the number of businesses visited, briefed and trained, the number of action plans developed and licensing conditions applied, and income generated from training businesses. They result in the following outcomes: greater business awareness of legislation and a more level playing field on which to conduct business; more compliant businesses and improved relations with regulatory services; and (a potential negative outcome) increased proxy sales. These outcomes contribute to a thriving business community, less 'reactive work with businesses' (see the following causal chain), and greater awareness of proxy sales.

#### *Reactive work with businesses*

This strand of activity involves regulatory services responding to public complaints and undertaking test purchases with businesses, informing businesses of the outcomes of test purchases (and retesting where necessary), and issuing penalty notices and reviewing licences. Outputs from this activity include the number of licences reviewed and the number of test sales and successful prosecutions, resulting in decreased underage sales and reduced trading standards officer time, and increased use of proof-of-age identification by young people. These outcomes contribute to changed behaviour by businesses and young people (an impact shared with the following causal chain).

### *Partnership working*

Partners involved in this activity include HMRC, the police service, crime and disorder partnership groups, community alcohol partnerships, and business enterprise groups. Partnership working focuses on shared intelligence and data analysis and produces memoranda of understanding and improved relations between partners. This results in greater awareness among young people of potential harm and ultimately reduced use of alcohol by young people. These outcomes contribute to increased value of regulatory services to stakeholders, and changed behaviour (an impact shared with the previous causal chain) and also to a set of impacts described in the following causal chain.

### *Engagement with the community*

Community in this pathway refers to the general public and young people in particular, and also to local elected members. Engagement activity includes both education campaigns and wider engagement events, resulting in visits to schools, media releases and reports to members. These outputs result in improved relationships between partners and communities and more accessible information, contributing to a set of impacts shared with the previous causal chain: reduced underage drinking and teenage pregnancy, alcohol-related health issues and risk of addiction; and improved quality of life for local communities.

#### 3.2.4. Performance measures

Workshop participants prioritised eight performance measures in five causal chains, focused primarily on the outcomes and impacts of proactive and reactive work with businesses and community engagement. For the first causal chain, 'intelligence gathering', intelligence gathered from partners (police, public, local elected members, PCSOs) was prioritised for performance measurement. In the second causal chain, 'proactive work with businesses', one outcome (more compliant businesses) and one impact (reduced reactive work, maintain proactive work) were identified as priorities for measurement. In the third causal chain, 'reactive work with businesses', one outcome (decreased % of sales) and one impact (changed behaviour) were prioritised. In the fourth causal chain, 'partnership working', one outcome (reduced use of alcohol by young people) was prioritised, while in the fifth causal chain, 'engagement with the community', one impact was identified (decreased alcohol related health issues).

### 3.3. Area 2: Age-restricted sales regulation of fireworks

#### 3.3.1. Issues for consideration

Fireworks are different from most other age-restricted sales products (with the exception of knives) because of the immediate harm they can cause to young people. Regulatory activities are therefore somewhat different, and require a different approach.

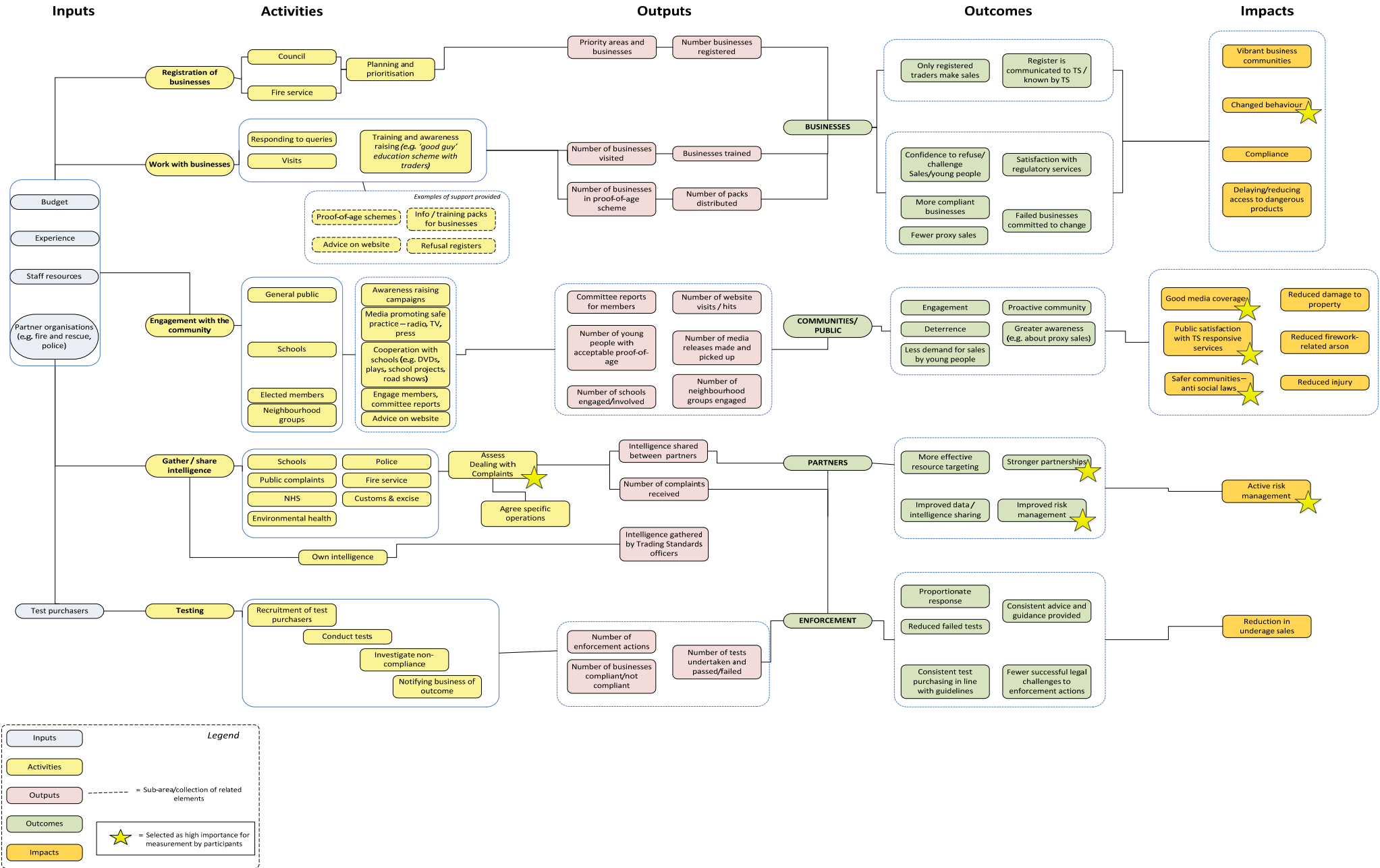
Another feature of this area is that it is to a great extent time-restricted for most businesses as they tend to apply for a temporary licence for particular periods of the year. Although year-round licences do exist they are rare, and the time for regulatory services to intervene and act is usually very limited.

Because of the immediate harm and short timescales factors, trading standards officers tend to visit and support a large proportion of businesses that sell fireworks. Engaging and working with businesses, supporting and mentoring them (rather than acting as a mere enforcing body), were regarded as especially important activities. Because of the seasonal aspect of firework sales, opportunities for community engagement are minimal, aside from regular awareness-raising education campaigns with schools and colleges.

With the risk of immediate harm caused by fireworks, unsurprisingly securing safety is a fundamental outcome for regulators of fireworks, alongside prevention of underage sales and compliance with legislation. Behaviour change is considered to be a secondary, longer-term objective.

### 3.3.2. Logic model

**LOGIC MODEL - REGULATION OF AGE RESTRICTED SALES PRODUCTS: FIREWORKS**



### 3.3.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, budget, experience, staff resources, partner organisations) and finish with generic or shared sets of impacts. For fireworks, causal chains from five areas of activity were identified by workshop participants.

#### *Registration of businesses*

Businesses are either registered by the council or the fire service, and these registrations form the basis of planning and prioritisation of regulatory services. The main outputs from these processes are the number of businesses registered, and priority areas and businesses identified. This results in the communication of registers to trading standards officers and only registered businesses making sales. These outcomes contribute to vibrant business communities, changed business behaviour, greater compliance with legislation, and delayed or reduced access to fireworks by young people (impacts shared with the next causal chain).

#### *Work with businesses*

Two sets of processes were identified for this activity: responding to queries, visiting businesses, and training and awareness raising (e.g. 'good guy' trader education scheme); and developing proof of age schemes, website advice, information/training packs, and refusal registers for businesses. The outputs from these processes include the number of businesses visited, trained and briefed, and with active proof of age schemes, resulting in greater trader confidence to refuse sales and challenge young people, more compliant businesses and 'failed' businesses committed to change, fewer underage and proxy sales, and greater business satisfaction with regulatory services. These outcomes contribute to the impacts shared with the previous causal chain (see above).

#### *Engagement with the community*

This activity involves working with the general public, schools, elected members and neighbourhood groups to raise awareness through media campaigns promoting safe practice, school events (e.g. DVDs, plays, road shows), engaging elected members and providing website advice. Outputs from these processes include committee reports for elected members, young people with acceptable proof of age identification, engaged schools and neighbourhood groups, website visits and media releases and placements. These outputs result in greater engagement, more proactive communities, greater awareness (e.g. about proxy sales), and greater deterrence and less demand for underage sales, contributing to positive media coverage, public satisfaction with regulatory services, safer communities, reduced personal injury and property damage, and reduced firework-related arson.

#### *Gather/share intelligence*

In addition to trading standards officers collecting and sharing their own intelligence, this activity involves gathering intelligence from schools, the police, the health and fire services, customs and excise, environmental health teams and public complaints, and then assessing the intelligence and agreeing specific operations to act on the intelligence. Outputs from these processes include intelligence gathered and shared between partners and the number of complaints received from the general public, resulting in improved intelligence sharing, stronger partnership working, more effective resource targeting and improved risk management, and contributing to more active risk management.



## *Testing*

This activity involves the recruitment of test purchasers (an additional 'input' in the logic model), conducting tests, investigating non-compliance and notifying businesses of the outcome. Outputs from these processes include the number of enforcement actions taken, the number of compliant businesses, and the number of test purchases undertaken and the number of test purchases failed. Overall, this should result in a proportionate response (based on risk assessment), more consistent test purchasing in line with guidelines, more consistent advice and guidance provided to businesses, and fewer successful legal challenges to enforcement actions. These outcomes contribute to the reduction in underage sales of fireworks.

### 3.3.4. Performance measures

Aside from collecting data on the outcomes of test sales, measuring the outcomes of age-related sales regulation for fireworks was regarded to be a difficult task because of the time and resources required. Moreover, the important contribution of partners to achieving the outcomes is also difficult to measure. Benchmarking measures at a higher geographical level, or comparing trading standards data with those of the police, were proposed.

Workshop participants prioritised most performance measures within the 'gather/share intelligence' causal chain, including one process activity (assessing/dealing with complaints), two outcomes (stronger partnerships, improved risk management), and one impact (active risk management). Other performance measures were prioritised for one impact (changed [business] behaviour) within the 'registration of businesses' and 'work with businesses' causal chains, and for three impacts (good media coverage, public satisfaction with trading standards services, safer communities) within the 'engagement with the community' causal chain.

## 3.4. Area 3: Age-restricted sales regulation of gambling

### 3.4.1. Issues for consideration

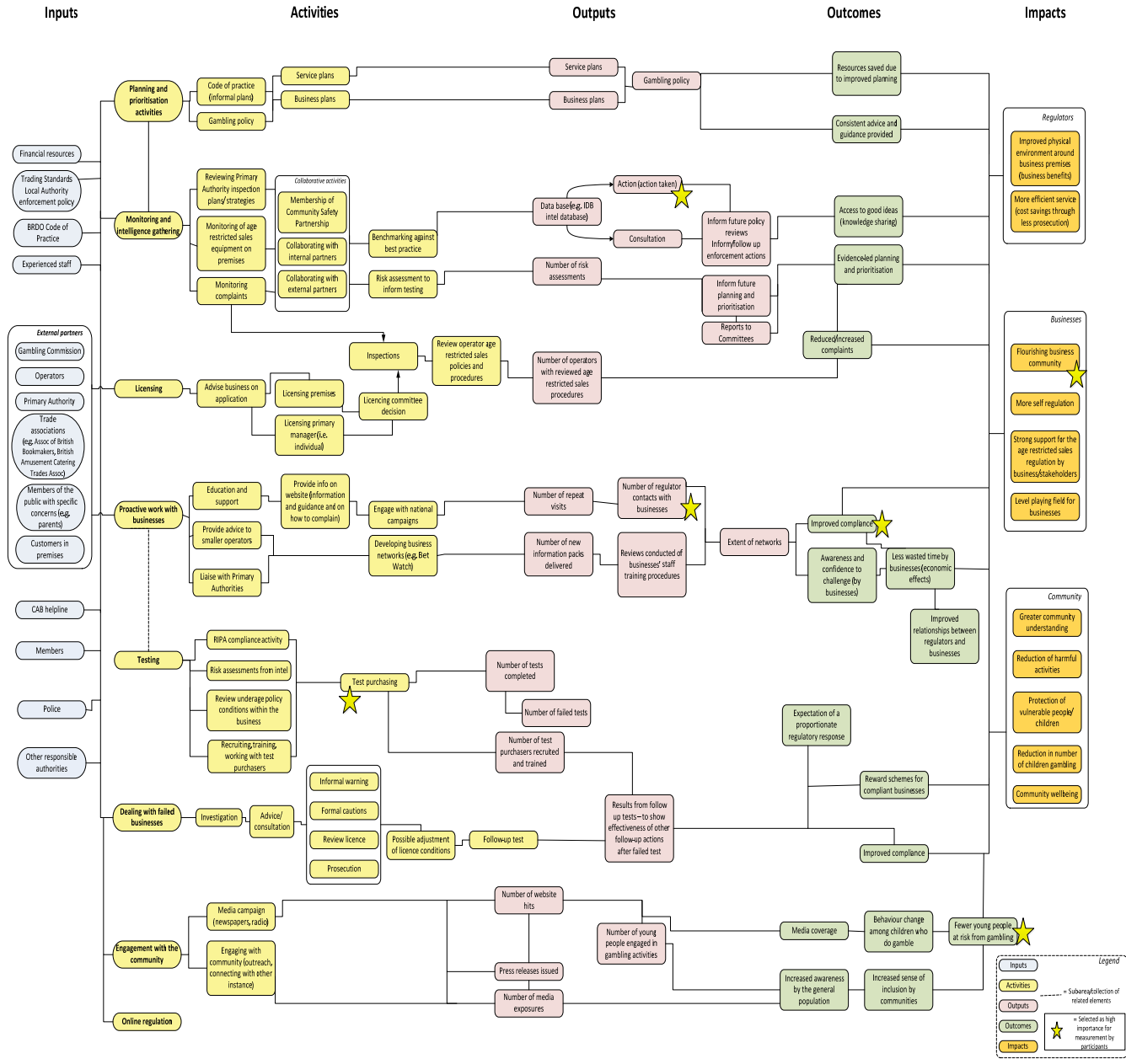
The regulation of age-restricted sales in gambling aims to have fewer under-age people gambling and more businesses operating in compliance with the legislation. However the large number of premises in which gambling occurs and the diversity of the gambling industry complicate regulatory delivery.

Some casinos and bingo operators run a system in which customers are granted membership cards after a single age check and subsequently check age against the membership card, making age verification relatively straightforward in these premises. Other operators will require an alternative means of verifying the age of those who wish to enter the premises. More checks are necessary at arcades, where members of the public are free to come and go at will. Smaller, independent businesses tend to occupy more regulatory services time than the big chains which support their own staff fulfilling age verification requirements.

When dealing with complaints from members of the public, the nature of the complaint will determine whether it is likely to be taken forward by the Gambling Commission or re-directed to the operator via the business's official complaints procedure. The Gambling Commission's complaints policy is published on the Gambling Commission website and outlines the normal approach to various types of complaints. Local authorities will often act independently on a complaint concerning issues within their regulatory remit. However, both the Gambling Commission and local authorities reserve the right to respond to any complaint in the way they think best for the specific circumstances at the time.

Since the economic downturn, reductions in staffing levels have created regulatory vulnerabilities in some contexts. Such cost cutting may lead to compliance activity cutting, putting young people at increased risk of harm.

#### 3.4.2. Logic model



### 3.4.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, financial resources, experienced staff, local trading standards enforcement policy, BRDO's *Code of Practice: Age Restricted Products*, local elected members, Citizens Advice Bureau helpline, the police service, other responsible authorities and external partners) and finish with shared sets of impacts (in this case, all chains contribute to three sets of impacts for regulators, businesses and the community). For gambling, pathways relating to seven areas of activity were identified by workshop participants.

#### *Planning and prioritisation activities*

Gambling Commission advice notes on test purchasing, gambling polices and the *Code of Practice* inform the development of service and business plans and local authority gambling policies, resulting in more economical service delivery and more consistent advice provided to businesses, and contributing to the impacts for regulators, businesses and communities. The Gambling Commission's advice notes on test purchasing set out a policy approach to operators and local authorities which draws on operators' internal compliance mechanisms, particularly third party test purchasing. The Gambling Commission is less inclined to carry out its own testing where an operator has a robust third party testing plan in place, and encourages local authorities to do the same.

#### *Monitoring and intelligence gathering*

This activity involves working collaboratively with internal and external partners to review primary authority inspection plans, monitor age-restricted sales equipment on premises, and monitor complaints from the public (feeding into inspections – see following causal chain), benchmarking the results against other local authorities' best practices and risk assessing businesses to inform testing strategies. Outputs from this activity (including a database recording actions taken and consultations with businesses) inform future policy reviews and follow-up enforcement actions, and risk assessments inform future prioritisation and planning of activities and also reports to local elected members. These outputs result in knowledge sharing and evidence-led prioritisation and planning, and contribute to the impacts for regulators, businesses and communities.

#### *Licensing*

Providing pre-application advice to businesses, licensing premises and primary managers, and reviewing licenced operator age-restricted sales policies and procedures, are central process within this activity. Reviews of operators' age-restricted sales procedures result in fewer complaints from the public and add to evidence-led planning and prioritisation, contributing to the impacts for regulators, businesses and communities.

#### *Proactive work with businesses*

Education and support for businesses, including provision of online information and engagement with national campaigns, lead to improved business contacts and stronger local networks. Stronger networks also result from targeting advice towards smaller operators and liaising with primary authorities, resulting in dissemination of information and reviews of businesses' training procedures. These outputs result in improved compliance, greater business awareness and confidence to challenge, less time wasted by compliant businesses, and improved relations between the business community and regulators. These outcomes contribute to impacts for regulators, businesses and communities.

### *Test purchasing*

Proactive work with businesses can lead to test purchasing, which involves consideration of the restrictions under the Regulation of Investigatory Powers Act 2000 (RIPA). This involves possible risk assessments and reviews of businesses' age verification policy and procedures, and also recruiting and training test purchasers, before testing takes place. Outputs from this activity include test purchasers recruited and trained, completed and failed tests, and actions taken following failed tests (a shared outcome with the following causal chain). These outputs result in businesses expecting a proportionate regulatory response, improved compliance and rewards for compliant businesses, contributing to the generic impacts for regulators, businesses and communities.

### *Dealing with failed businesses*

Businesses failing their test purchases are investigated and advised before steps are taken to enforce compliance, (including issuing warnings and cautions, reviewing licences, and ultimately prosecution), with the possible addition of applying conditions to licences and follow-up testing. Results from follow-up testing show the effectiveness of these actions, leading to improved compliance and contributing to the generic impacts for regulators, businesses and communities.

### *Engagement with the community*

Community engagement occurs through outreach and media campaigns and produces media releases and website traffic targeting young people and deterring them from gambling. These outputs result in increased media coverage, fewer young people at risk of harm, and also increased awareness and a stronger sense of community, contributing to impacts for regulators, businesses and communities.

#### 3.4.4. Performance measures

Workshop participants' prioritised one element within the set of impacts for businesses (flourishing business community) for performance measurement, with two further performance measures prioritised within the 'proactive work with business' causal chain (the 'number of regulator contacts with businesses' output' and 'improved compliance' outcome). The 'action taken' output within the 'monitoring and intelligence gathering' causal chain was also prioritised for performance measurement, together with the 'test purchasing' outputs within the 'testing' causal chain. Finally, the 'fewer young people at risk from gambling' outcome within the 'engagement with the community' causal chain was also prioritised for performance measurement.

### 3.5. Area 4: Age-restricted sales regulation of knives

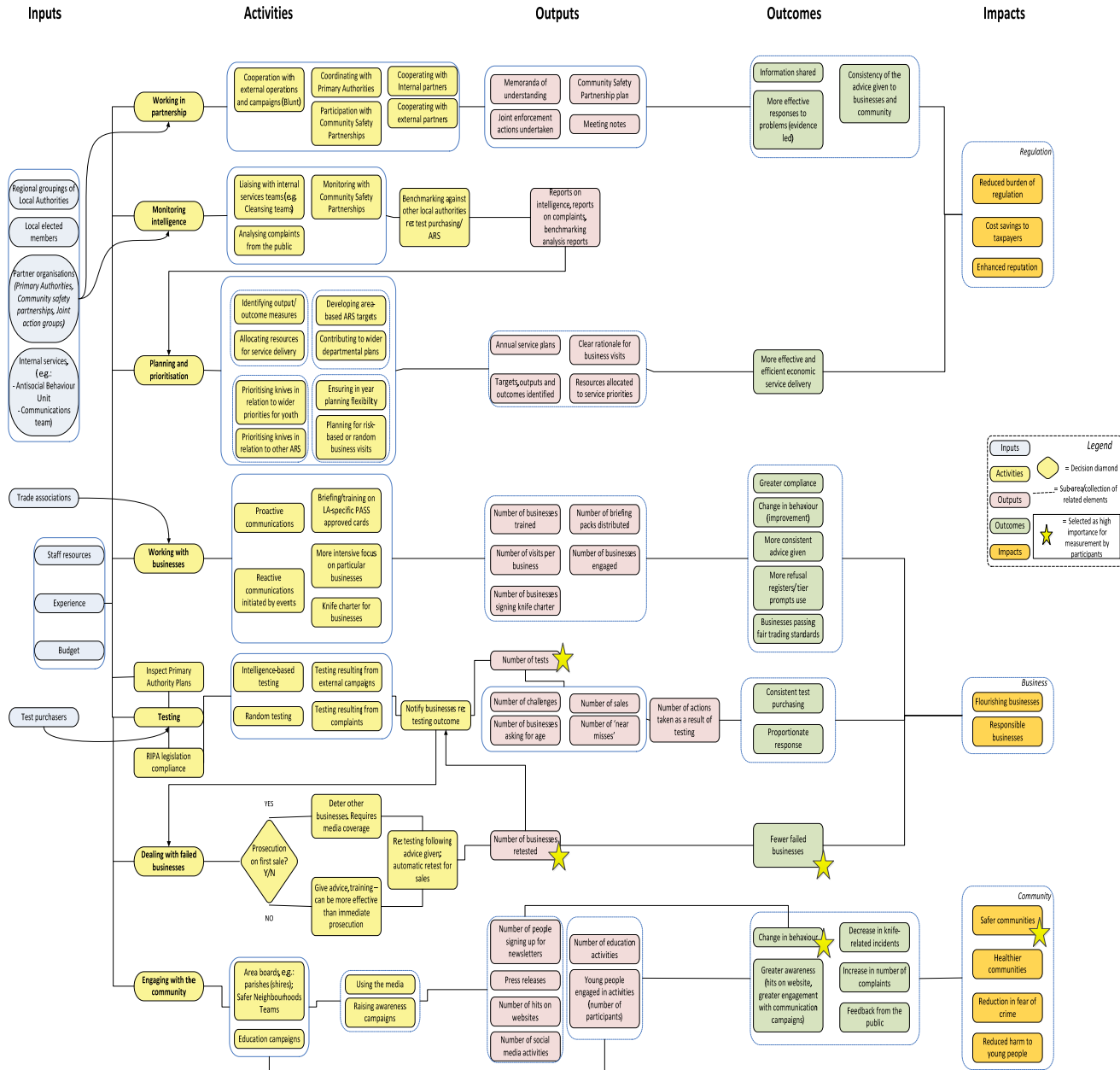
#### 3.5.1. Issues for consideration

An important issue for regulatory services and businesses aiming to be compliant is the lack of clarity as to what constitutes a knife. Regulatory approaches to age-restricted sales of knives are likely to vary because knife crime is perceived differently in different areas. Where it is not a particular issue, knives are unlikely to be viewed by regulatory services as a priority for age-restricted sales. Where it is a more significant issue, regulating age-restricted sales will be a higher priority and attract more resources. Media attention also has an impact on public perceptions and the political profile of knife crime, affecting resources allocated to regulatory services (not always in proportion to levels of actual youth knife crime in an area).

Effectively regulating the sale of knives requires collaboration between local regulators and the police. Regulators value the intelligence that they receive from the police about businesses that should be prioritised within the regulatory planning processes.

The ultimate impact of regulatory services in relation to the age-restricted sale of knives is safer communities. Where knife crime is an issue, broader outcomes may also be applicable (for instance, a reduction in knife crime resulting from work carried out with the police). Where it is less of an issue, the outcomes of regulatory services work in this area tend to focus more on achieving business compliance.

### 3.5.2. Logic model



### 3.5.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, staff resources, experience and budget) and finish with shared sets of impacts. For knives, causal chains from seven areas of activity were identified by workshop participants.

#### *Working in partnership*

A set of partners providing additional inputs to this activity was shared with the following causal chain. It includes regional groupings of local authorities, local elected members, partner organisations (e.g. primary authorities, Community Safety Partnerships, Joint Action Groups), and internal services teams (e.g. Antisocial Behaviour Unit, Communications Team). Processes involve cooperation with external operations, campaigns and internal partners, coordination with primary authorities, and participation in Community Safety Partnerships. These processes produce a range of outputs (memoranda of understanding, Community Safety Partnership plans, joint enforcement actions) and outcomes (better information sharing, more effective and evidence-led responses to problems, more consistent advice given to businesses and the community). These outcomes in turn contribute to a set of impacts (reduced burden of regulation, cost savings to the tax payer, enhanced reputation for the service) which were shared with the following two causal chains.

#### *Monitoring intelligence*

Partners providing additional inputs to the previous causal chain also contribute to monitoring intelligence activity, involving liaison with internal teams, monitoring Community Safety Partnerships, analysing complaints from the public, and benchmarking intelligence against other local authorities. These processes produce reports which feed into planning and prioritisation (see next causal chain).

#### *Planning and prioritisation*

Drawing on intelligence monitoring reports, this activity involves planning and prioritisation of resource inputs for service delivery based on the prevalence of knife crime, relative to wider priorities for young people and to other age-restricted sales. Processes include developing targets and identifying output and outcome measures, planning visits (based on risk assessments or random assignment), and ensuring in-year flexibility to enable responsive service delivery. These processes produce annual service plans with clear rationales for allocating resources to service priorities (including business visits), based on identified targets, outputs and outcomes, resulting in more effective, efficient and economical service delivery and contributing to the impacts identified above (see first causal chain).

#### *Working with businesses*

Trade associations provide additional inputs to this activity, which involves a range of processes: proactive and reactive communications (the latter prompted by events and media): briefing/training businesses on local age-identification and knife charter schemes; and targeting particular businesses. Outputs from these processes include businesses which are visited, chartered, briefed, trained or otherwise engaged by regulatory services, resulting in greater compliance, improved behaviour, more consistent advice, and greater use of refusal registers. These outcomes contribute to flourishing and responsible businesses (impacts shared with the following two causal chains).



### *Test purchasing*

Test purchasers provide additional inputs to this activity, which involves intelligence-based and random selection of businesses for testing, testing resulting from external campaigns and public complaints, and regulatory services notifying businesses of the results of their tests. Outputs from these processes include the tests delivered, and also challenges and requests for age identification, actual and 'near miss' sales, and the actions taken by regulatory services. These outputs result in more consistent test purchasing and a proportionate response to the level of assessed risk, contributing to the impacts shared with the previous causal chain (see above).

### *Dealing with failed businesses*

When notifying businesses which have failed their test, regulatory services decide whether or not to prosecute on first sale: doing so may deter other businesses from not complying with legislation, but it requires media coverage for the deterrence to work; not doing so may be more effective in achieving more compliant businesses, but requires business advice and training. In either case, re-testing is likely to follow. The single output from this activity is businesses re-tested, resulting in fewer failed businesses and contributing to the impacts shared with the previous two causal chains (see above).

### *Engaging with the community*

Awareness raising activities with parents and children are important for reducing demand for under-age sales of knives. Community engagement processes include working with area boards and Safer Neighbourhood teams and public education campaigns, and also using the media to promote awareness. These processes result in press releases, website visits and social media mentions and participation in education activities. These may lead to young people changing behaviour, increased public awareness, fewer knife-related incidents, and more complaints from the public and positive campaign feedback. These outcomes contribute to safer, healthier communities with reduced fear of crime and reduced harm to young people.

### 3.5.4. Performance measures

Data for performance measurement were reported to be limited for age-restricted sales of knives, accompanied by high levels of under-reporting. One of the most crucial pieces of commonly missing information in the event of a knife crime is the origin of the knife: without this it is difficult for regulatory services to respond. Nevertheless, workshop participants identified two outputs, two outcomes and one impact as being important for measuring the performance of age-restricted sales of knives. The number of tests delivered and the number of businesses retested (both outputs) were regarded as important measures for which data are readily available. Measuring the number of businesses failing re-tests (an outcome) could indicate the effectiveness of interventions delivered following failure at first testing, while measuring changes in behaviour and safer communities (an outcome and an impact) could indicate the effectiveness of a range of community engagement activities.

### 3.6. Area 5: Age-restricted sales regulation of sunbeds

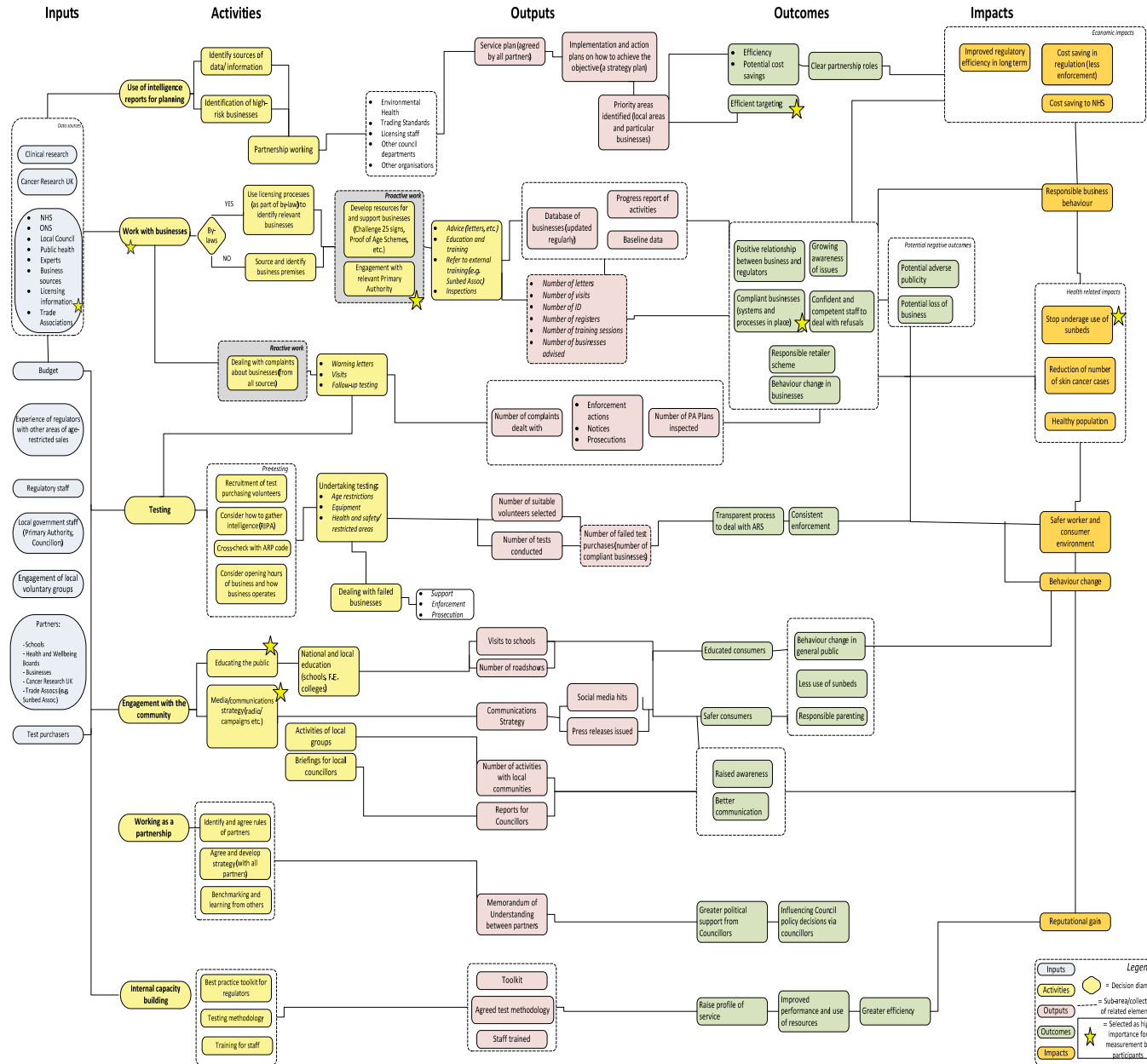
#### 3.6.1. Issues for consideration

Sunbed regulation is a new area for local authority regulatory services. There is reported to be a lack of awareness and understanding of the legislation on the part of all stakeholders: regulatory services, local authorities in general, businesses, and members of the public. Community engagement and business education activities are therefore a priority. However trading standards officers require clearer guidance on how to deliver their responsibilities in this area. For example, it is the first time some regulators have tested council-owned facilities (e.g. sports/leisure centres) and this has led to several local authorities taking the decision to remove sunbeds from council premises.

Businesses with sunbeds usually operate a membership system, making test purchasing significantly more difficult to undertake than in other places. Partly due to this, testing takes longer than for other areas of age-restricted sales. With only a small number of businesses operating sunbeds in most areas, it may be more appropriate for regulators to adopt universal rather than targeted visiting strategies to ensure all businesses are tested and offered support and guidance.

Partly because it is a new area and partly because there is a lack of awareness associated with the risks of using sunbeds at a young age, the age-restricted sale of sunbeds is regarded as an 'add-on' to other areas of age-restricted sales regulation. In the current economic climate, resources for the regulation of underage sales of sunbed use are therefore at risk.

#### 3.6.2. Logic model



### 3.6.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, external data sources, budget, staff experience, primary authorities, local elected members, local voluntary groups, partners and test purchasers) and finish with shared sets of impacts. For sunbeds, causal chains from six areas of activity were identified by workshop participants.

#### *Use of intelligence reports for planning*

This activity involves partnership working to locate data sources and identify businesses at risk, producing service plans and implementation and action plans identifying priority areas and businesses. Outcomes resulting from these processes include more efficient and economical service delivery and clarity over partnership roles, contributing in the long term to more efficient and economical regulatory services and cost savings to the health service.

#### *Work with business*

This activity covers proactive and reactive work with businesses. Following a decision about using by-laws to identify relevant businesses, proactive work involves developing resources, support and training for local businesses and liaising with primary authorities. Outputs from proactive work include a database with information about each business, containing baseline data and progress reports, and a register of resources produced. Reactive work with businesses commences with complaints from the public, from which warning letters, visits and follow-up testing may follow, resulting in complaints being dealt with, enforcement notices, actions and prosecutions delivered, and plans inspected. Proactive and reactive work results in a wide range of outcomes: positive relations between businesses and regulators; growing awareness of issues surrounding legislative compliance; compliant businesses; confident and competent business staff; behaviour change; and a more responsible business community. (There may also be negative outcomes, including adverse publicity and loss of custom for some businesses). These outcomes contribute to several impacts, including more responsible business behaviour and a range of health benefits (stopping underage use of sunbeds, reducing skin cancers, developing a healthier population).

#### *Test purchasing*

Testing activity comprises three stages: pre-testing; testing; and dealing with failed businesses (i.e. providing support, enforcement or prosecution). Outputs from this activity include selection of test purchasers, tests delivered, and passed and failed tests. These, in turn, result in transparent processes for regulating age-restricted sales and a consistent approach to enforcing compliance. These outcomes contribute to safer worker and consumer working environments, and behaviour change (an impact shared with the following causal chain).

#### *Engagement with the community*

This activity comprises two elements: direct outreach to the community through national and local education campaigns delivered to schools and colleges, and also working with local groups and briefing local elected members; and indirect communications through the media and online. The activity produces a wide range of outputs: school visits, roadshows, local community meetings, reports for councillors, communication strategies and online and media coverage. They result in more educated and safer consumers, improved communications and public awareness, and behaviour change (less use of sunbeds, more responsible parenting), contributing to wider behaviour change in the general public.

### *Working as a partnership*

Drawing on the wide range of partner 'inputs' in the logic model, this activity involves establishing terms of engagement for partnership working, developing a shared strategy with partners, and learning from each other. The resulting memoranda of understanding lead to greater political support from councillors and more influence in councillors' policy decisions, contributing to enhancing the reputation of the service (an impact shared with the following causal chain).

### *Internal capacity building*

Given the novelty of age-related regulation of sunbed use, this activity focuses on training regulatory services' staff to carry out tests and learn best practices from other areas, producing a toolkit and agreed test methodology to be used by trained staff, resulting in a higher profile for the service and more effective, efficient and economical service delivery, and contributing to enhancing the reputation of the service (an impact shared with the previous causal chain).

#### 3.6.4. Performance measures

Compliance with legislation is the primary outcome for measuring the efficacy of regulation of underage sunbed use. Measuring this outcome should be intelligence-led, for example using annual return statistics, test purchases feedback and complaints from the public. However, as the age-restricted sale of the use of sunbeds is still relatively new, there is not yet an established procedure for measuring impacts and outcomes.

Workshop participants prioritised eight performance measures in relation to three causal chains. Five measures were associated with one causal chain, 'work with businesses': collecting licensing information (an input), engaging with relevant primary authorities (an activity process), more compliant businesses (an outcome), and stopping underage use of sunbeds (an impact) were all selected for performance measurement. In addition, the 'efficient targeting' outcome within the 'use of intelligence reports for planning' causal chain was also prioritised, as were 'educating the public' and 'media/communications strategy' within the 'engagement with the community' causal chain.

### 3.7. Area 6: Age-restricted sales regulation of tobacco

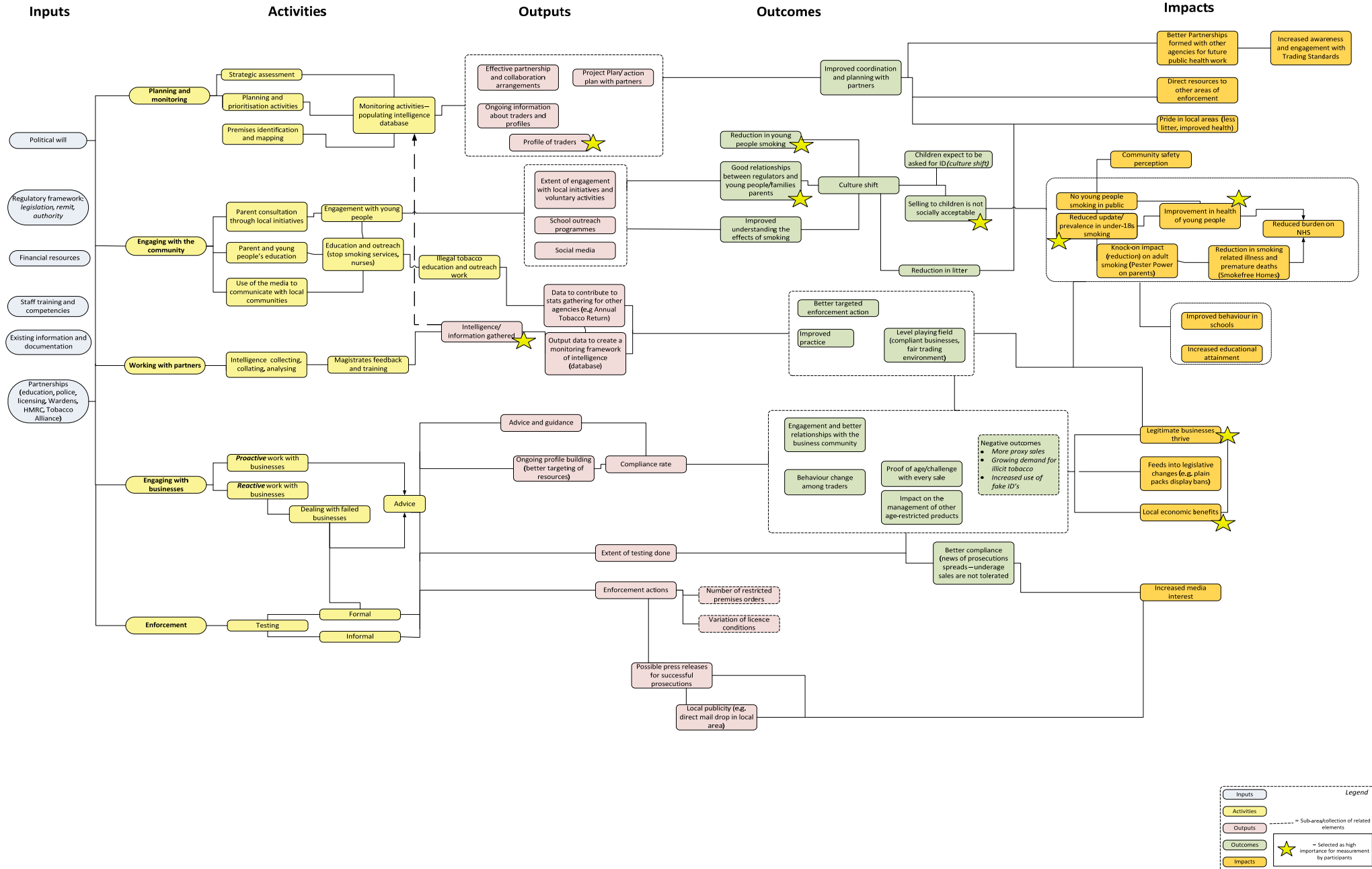
#### 3.7.1. Issues for consideration

Like alcohol, age-related regulation of tobacco has a high public profile and attracts significant resources from local authority regulatory services. The reduction and prevention of underage smoking associated health benefits are regarded as primary outcomes and impacts for the regulation of age-restricted sales of tobacco.

Unlike some other age-restricted products, a wide range of businesses sell tobacco, so a targeted, risk-based approach to prioritising businesses for intervention is required. Effective intervention depends upon a constructive and supportive partnership-based relationship with businesses, with a strong emphasis on awareness-raising and support activities. Education campaigns for communities, schools and colleges are often delivered in partnership with the health service to promote healthier lifestyles.

Protecting the young and vulnerable from smoking and reducing the prevalence of smoking in young people are primary outcomes for regulatory services in relation to the age-restricted sale of tobacco, accompanied by long-term impacts on reducing the prevalence of smoking in the overall population.

#### 3.7.2. Logic model



### 3.7.3. Pathways

In the logic model, pathways or causal chains link 'inputs' to particular 'activities' and their associated 'outputs', 'outcomes' and 'impacts'. The chains generally start with inputs (in this case, political will, regulatory framework, financial resources, staff training and competences, existing information and documentation, partnerships) and finish with shared sets of impacts. For tobacco, causal chains from five areas of activity were identified by workshop participants.

#### *Planning and monitoring*

This activity involves partners in strategic assessments, identifying and prioritising premises where tobacco is sold, and planning, monitoring and recording actions taken. This activity produces effective partnerships and collaboration, generates information about traders, and produces action plans, resulting in improved coordination and planning with partners, increased awareness and engagement with regulatory services, resources directed to other areas of enforcement, and pride in local areas.

#### *Engaging with the community*

The focus of this activity is engaging young people and their parents/carers with direct education and consultation events and through the media, producing school anti-smoking programmes and other outreach activities and social media activity, and monitoring data (the last two outputs are shared with the following causal chain). These outputs result in improved understanding of the effects of smoking, fewer young people smoking, better community relations for regulators, a culture shift in young people's expectations about presenting proof-of-age identification, and businesses understanding that selling to children is not acceptable. These outcomes contribute to a range of impacts: a reduction in young people seen smoking in public; reduced prevalence of underage smoking (and knock-on impact on adult smoking); improved public health; reduced smoking-related illnesses; and reduced cost to the health service.

#### *Working with partners*

Working with partners involves collecting, collating and analysing shared intelligence and magistrates' feedback. The collected intelligence generates data for other agencies (e.g. Annual Tobacco Return) and monitoring databases. These result in better targeted enforcement action, improved practice, a level playing field for local businesses, and contributes to thriving legitimate businesses (an impact shared with the following causal chain).

#### *Engaging with businesses*

This activity involves proactive and reactive engagement, the latter including dealing with failed businesses following test purchasing, either providing advice or implementing enforcement actions (see following causal chain). This activity produces advice and guidance for businesses and monitoring data (including compliance rates), resulting in better relations with the business community, behaviour change among traders, presentation of proof-of-age identification (or challenge) with every sale, and better management of other age-restricted product sales, contributing to thriving legitimate businesses, legislative changes, and local economic growth.

#### *Enforcement*

Activities focus on formal and informal testing, producing a range of enforcement actions (restricted premises orders, variation of licence conditions, prosecutions), and publicity, and resulting in better compliance and increased media interest.

#### 3.7.4. Performance measures

Difficulties in measuring the performance of regulatory services against the outcomes and impacts across the pathways arise because of significant under-reporting of underage tobacco sales. There is a paucity of information about underage smoking and underage sales of tobacco (i.e. the absence of both complaints from the public and test purchase failures does not mean that young people are not smoking).

Workshop participants prioritised nine performance measures in relation to four causal chains. Five measures were associated with one causal chain, 'engaging with the community', reflecting the importance of this activity for regulatory services. These included three outcomes (reduction in young people smoking, good relations with young people and families, understanding that selling tobacco to children is unacceptable), and two impacts (improvement in health of young people, reduced prevalence of under 18s smoking). One output within the 'planning and monitoring' causal chain was selected (profile of traders), and two impacts within the 'engaging with businesses' pathway were also prioritised for performance measurement (legitimate businesses thrive, local economic benefits).



## 4. Conclusion

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This toolkit aims to support regulators of age-restricted sales to be clearer about how their day-to-day activities contribute to a wide range of impacts and outcomes affecting regulators, businesses and communities. In the course of understanding those impacts and outcomes, it is intended that regulators and others would have increased insight into the processes, challenges and potential solutions within the various regulatory environments.

Reflecting upon the pathways developed for this toolkit relating to the six areas of age-restricted sales, a number of cross-cutting observations may be made. These are relevant to some extent across all of the areas of age-restricted sales.

### 4.1. Partnership is critical to the effective delivery of age-restricted sales regulation

In each of the six cases reviewed here, it was apparent that partnerships with other bodies and organisations are critical to the success of the system. These may include, for example, other local authorities, primary authorities, police, trade associations, schools, parents and businesses. Joint working facilitates improved planning and, in some cases, delivery of the relevant regulatory activity.

### 4.2. Intelligence gathering requires collaboration and information sharing that builds upon partnerships

Building up a clear picture of the changing environment is critically important across all of the areas of age-restricted sales discussed here. Because a local landscape can change quickly, it is important to local regulators that they are able to rapidly gather the information that they need to inform decisions and actions. This necessitates building upon partnership arrangements to share information and data regularly across interested bodies. In some cases, shared databases provide a rapid way of keeping relevant information up to date and may reduce costs in the longer term.

### 4.3. Processes for regulation of age-restricted sales reflect a shift towards advice and support in the first instance, rather than more punitive actions

Reflecting the policy shift away from regulation that places unnecessary burden on businesses, it was apparent across the landscape of age-restricted sales that regulators seek to engage positively with all businesses and to avoid harsh measures where it is possible to do so. In all six cases, provision of advice and support was offered to businesses that failed test purchases. It was generally only beyond this point that regulators imposed sanctions, if repeat offending became apparent.

### 4.4. The development of indicators against which to measure progress is more difficult in the 'newer' sales environments such as sunbeds and gambling

There is a lack of data in some of the 'newer' areas of age-restricted sales. This makes it harder for regulators to identify useful existing datasets that may inform progress in the area. In some cases, primary data collection (through surveys for example) may be necessary to gain clear insight into performance improvement.

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## 5. Appendix A: Protocol for interviews with subject experts

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### 5.1. Introduction

RAND Europe provides a brief summary of the background and key objectives of this study, including a brief overview of the main research methods.

### 5.2. Developing a tool for regulatory bodies

In this first set of questions we want to learn more about what challenges are faced by enforcing authorities in the measurement of their impact within each area of age-restricted sales.

1. What are the main outcomes you want to achieve within your area of expertise/regulation?
2. What are the main challenges that regulatory bodies face in the measurement of their impact?
3. Do you measure these outcomes? If so, how regularly. If not, why not?
4. Do you measure the contribution of others to those outcomes (and if so, whose and how?)
5. What kind of information/data do you have available to help you in tracking progress on these outcomes?
6. What kind of analytical capacity/support do you have in your organisation to help you measure your impact? For example do you have a researcher in your council whose capacity you can rely on?

### 5.3. Prioritisation and targeting

In this second set of questions we want to learn more about how enforcing authorities prioritise and target their activities within each area of age-restricted sales.

7. **Only if not yet covered:** What are the main issues you aim to tackle in relation to the regulation of [*insert specialist area – fireworks, gambling etc*]?
8. What do you take into consideration when deciding where to prioritise enforcement activities in your area of expertise [i.e fireworks, gambling etc]? (prompt: do you consider the views of elected members, public, media, national programmes such as NICE)?
9. How do you know if your prioritisation process is effective? What does success look like?
10. Do you sense an impact of the current and future financial situation impact on how you undertake your regulatory activities? If so, which one?

### 5.4. Working with businesses and communities

In this third set of questions we want to learn more about how enforcing authorities engage with businesses and communities in relation to each area of age-restricted sales.

11. Do you work with businesses in relation to your regulatory activities? If so, how?
12. Do you work with local communities to tackle priority issues within those communities? If so, which groups? (prompts: How do you engage with them? How do you know if they are happy with the work you have done?)
13. How do you work with online businesses?



## 5.5. Other

14. Is there anything else that you think might be relevant to this project that was not yet mentioned?

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