

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Public Protection Committee
DATE	5 th September 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Update on the Progress of the Aberdeen City Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products ("the Charter")
REPORT NUMBER	CORS/24/242
EXECUTIVE DIRECTOR	Andy MacDonald
CHIEF OFFICER	Vikki Cuthbert
REPORT AUTHOR	Graeme Paton
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 This report seeks to update Elected Members on the progress made by officers of the Trading Standards Service ("the Service") to address the issue of "proxy purchasing" of tobacco and Nicotine Vaping Products (NVPs), particularly the latter, in Aberdeen City, the plan for which was set out in Committee Report Number RES/23/258, dated 5th September 2023.

2. RECOMMENDATIONS

That the Committee:

- 2.1 Note the contents of the report and the positive outcome of the Charter.

3. CURRENT SITUATION

- 3.1 In short, this initiative has been a success as it has resulted in the Service receiving only one complaint in 2024 alleging "proxy purchasing" was taking place in the city centre.
- 3.2 Members will recall from the original committee report referenced above that the purpose of this Charter was to address the issue of "proxy purchasing" of tobacco and NVPs, which had begun to manifest across the city, and particularly in the city centre. This is the scenario where people under the age of 18 approach adults in the street to ask them to go into a shop and buy tobacco or NVPs on their behalf because they cannot legally buy them for themselves. To be clear, it is a criminal offence under the Tobacco and Primary Medical Services (Scotland) Act 2010 for a person aged 18 or over to knowingly purchase, or attempt to purchase, tobacco or NVPs on behalf of a person under

the age of 18, and the statutory enforcement duty falls to Aberdeen City Council.

- 3.3 After permission was granted by this Committee in September 2023, officers from the Service carried out 35 visits to city centre businesses selling tobacco products and NVPs – predominantly in the Union Street area between the Castlegate and Bridge Street – to encourage them to sign up to the Charter. In some cases, convincing businesses to participate required significant effort. Businesses that agreed to display the Charter signs were already aware of the issue of proxy sales and were keen to participate, as the signs appeared to deter problematic situations and customers. Anticipating the introduction of the Charter, two businesses voluntarily displayed signs restricting tobacco and NVPs sales to ‘card only’ before they were provided with the Aberdeen City Council branded materials because they saw this as a solution.
- 3.4 It is predominantly small and medium sized businesses who have seen the benefits the Charter could bring. By contrast, national chains saw the scheme as detrimental to their business. These larger companies did not perceive proxy purchasing to be a significant issue as they believed their existing systems and staff training were sufficient to handle such situations (complaints and intelligence reports bear out this position). Consequently, they were less inclined to participate.
- 3.5 Whilst these results are clearly welcome, officers will remain vigilant. They will continue to encourage those businesses who have signed up to the Charter to continue to follow its principles whilst outlining to those city businesses who have not signed up the benefit of doing so.
- 3.6 It does not mean that the issue of proxy purchasing has been permanently addressed but it does mean that officers have an effective tool to use to combat the issue should it arise again for NVPs or any other age-restricted product.
- 3.7 These results may encourage other Trading Standards authorities facing similar issues to adopt the Charter.
- 3.8 The dramatic fall in reports of proxy purchasing should not be confused with under-18s attempting to buy tobacco and NVPs themselves. The Service continues to receive complaints and intelligence alleging the commission of such offences, which officers assess and respond to accordingly.
- 3.9 Although the immediate legal intention of the Charter is to prevent persons aged 18 or over committing criminal offences of knowingly purchasing, or attempting to purchase, NVPs on behalf of a person under the age of 18, the overarching impact is to prevent children and young people accessing, and becoming addicted to, nicotine.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications for the Trading Standards Service.

4.2 The cost of the materials associated with the Charter have been met by the Society of Chief Officers of Trading Standards in Scotland (SCOTSS).

5. LEGAL IMPLICATIONS

5.1 Initial concerns that the Charter would be challenged by adult customers unhappy that they could no longer buy NVPs in cash proved to be unfounded. No such concerns have been reported to Trading Standards.

6. ENVIRONMENTAL IMPLICATIONS

6.1 Any measure which reduces the consumption of NVPs, particularly single-use versions, will have environmental benefits in terms of the disposal and recycling.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	No significant risks identified			N/A
Compliance	None	Originally identified was the risk associated with adults complaining they could not buy tobacco and NVPs using cash in shops complying with the Charter. No such complaints have been received.	M	Yes
Operational	No significant risks identified	This work became an integral part of the age-restricted sales prevention work already undertaken by the Service.	L	Yes
Financial	No	External funding available.	L	Yes
Reputational	Various risks were identified in the original	As the outcome has been positive, this could have a similar reputational outcome for	L	Yes

	report depending upon the outcome of the Charter.	the authority as being the first to develop a strategy for combatting proxy purchasing.		
Environment / Climate	No significant risks identified			N/A

8. OUTCOMES

Council Delivery Plan 2024	
Impact of Report	
Aberdeen City Local Outcome Improvement Plan 2016-26	
Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	<p>The original report cited “the overarching purpose here is to encourage businesses to open and establish themselves in the city: <i>‘Aberdeen Prospers is committed to improvement activity around providing the correct support for those wishing to start or expand their own business.’</i></p> <p>Retail businesses are predominantly small and medium sized enterprises (SMEs) who require practical advice on how to comply with their legal obligations and avoid breaching the criminal law. This proposed Charter seeks to provide detailed compliance advice in respect of tobacco and vaping products and increase business confidence in this area of law. It also seeks to improve links between ACC and the business community, so ACC is seen as an adviser and a partner rather than an enforcer.”</p> <p>Given the overwhelmingly positive response from businesses to the Charter and the positive outcomes, this has been and is being achieved.</p>
Prosperous People (Adults) Stretch Outcomes	<p>The original report cited “the intention of this proposal is to impact upon stretch outcome 11. <i>Healthy life expectancy (time lived in good health) is five years longer by 2026, encourage the adoption of healthier lifestyles, and Reduce tobacco smoking by 5% overall by 2023.</i></p> <p>This proposal is directed at limiting the availability of tobacco and vaping products to those too young to buy and consume them. The obvious extension</p>

	<p>from that is the prevention of nicotine addiction moving into adulthood.”</p> <p>This Charter is aimed at limiting the availability of tobacco and NVP to those under-age by means of proxy purchasing by an adult and, going by the evidence, this has been achieved. It also avoids the criminalisation of adults who would agree to buy such products for children and young people. It remains to be seen if the longer-term impact is that of reduced consumption in those under-age. The evidence is that the Service continues to receive complaints and intelligence that under-18s continue to attempt to buy tobacco and NVPs in person.</p>
Prosperous People (Children and Young People)	<p>The original report identified the following:</p> <p><i>“Our stretch outcomes reflect the importance of... the need to invest in the health, including mental health, of our children and young people. Critically we want our children to be safe and protected from harm.”</i></p> <p>As well as assisting businesses, this proposal protects our young people by stopping them from accessing tobacco and vaping products. Preventing them from the harm of addiction to tobacco and nicotine and the potential detrimental long-term impacts that can have on their health.”</p> <p>Whilst the Charter has helped city businesses, evidence of the laudable aim of preventing the negative health impacts of addiction remain to be seen.</p>
Regional and City Strategies	The proposals in this and the original report have no impact on Regional or City Strategies.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Previous Integrated Impact Assessment relating to the impact of the Aberdeen City Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products has been reviewed and no changes are required.
Data Protection Impact Assessment	Not required.
Other	None

10. BACKGROUND PAPERS

- 10.1 Original Committee Report of 5th September 2023: [Aberdeen City Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products; Report Number RES/23/258](#)

11. APPENDICES

- 11.1 None

12. REPORT AUTHOR CONTACT DETAILS

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