



The Aberdeen Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products

Responsible Retailer Charter – Project Proposal; August 2023

Background

Aberdeen City Council Trading Standards Service is charged with the responsibility for enforcing the Tobacco and Primary Medical Services (Scotland) Act 2010. This legislation introduced controls that limited the age at which consumers can be sold tobacco and Nicotine Vaping Products (NVP) to those over 18.

The trading standards visit 20% of all retailers selling cigarettes and/or vaping products each year and provide them with advice and information regarding the sale of these products. They also check for compliance with the law at 10% of all retailers of these products using 16-year-old volunteers to attempt to make a test purchase. Until recently we were seeing a steady decline of the number of occasions retailers in Aberdeen were willing to sell to our volunteers. Since the introduction of disposable vapes onto the market in 2021, the failure rates have increased. We now are seeing more than 1 in 5 retailers in the city are willing to make a sale during our test purchasing operations and break the law.

Through this business engagement and investigatory work, the emerging threat of “proxy purchasing” has been identified. Despite this legislation, young people in Aberdeen and throughout the UK who are under the age of 18 are obtaining and using cigarettes and NVPs, predominantly disposable vapes, through this process.

A proxy purchase is where an adult buys an age restricted product on behalf of a young person who would not legally be able to purchase it themselves. Some will wait around outside shops and ask passing adults to go into the shop and buy the products for them.

Purpose of this Project

Enforcement of proxy purchases is very difficult. There has only been one enforcement action in the whole of Scotland in the last 13 years. The money transaction for the tobacco or vapes between the adult and the under 18-year-old must be witnessed. The transaction in the shop must be proved.

This new initiative, the introduction of a Retailers' Charter, will provide retailers with the tools they need to comply with laws regarding age restricted products. The project will try to tackle the increasing problem of proxy purchases in the city using an innovative approach. Most proxy purchasing transactions are cash. This project seeks to address this problem by restricting purchases of tobacco and vaping products to card sales only.

Observations from Intelligence & Complaints

Currently there are problems with proxy purchases of disposable vapes on Union Street where some adults are willing to purchase disposable vapes for young people. The trading standards are receiving regular reports of this.

The popularity of disposable vapes has also led to many retailers now stocking them who are not the traditional outlets for tobacco, cigarettes, and vaping products. Officers now discover disposable vapes being sold in mobile phone repair shops and hairdressers.

Reasoning

Retailers, who sign up to the Retailers' Charter will pledge to abide by the Charter's five principles (Appendix 1) and they will be given a Charter toolkit to help them. The toolkit will provide advice and



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promotional material. The retailer can display the supplied stickers and notices. These will explain to customers that the store has implemented the new policy and will help dissipate any dispute.

As proxy purchases are almost always conducted using cash; the first condition of the Charter is that for purchases of cigarettes, tobacco and nicotine vapour products including disposable vapes, the retailer will only accept card payments. The aim is to be a deterrent to those who are currently disregarding the law.

Voluntarily agreeing to refuse cash transactions on the part of a participating retailer will assist in addressing this issue because an under-age person will be less willing to hand over a bank card or telephone to someone they do not know instead of a £10 note.

The remaining conditions on the Charter relate to steps the retailer will follow to avoid direct sales to those under 18. It includes measures to ensure that all staff are fully trained.

Outcomes

For as long as single-use, colourful, sweet-flavoured vapes are permitted to be sold, they will continue to appeal to those too young to buy them legally. It is hoped this Charter will -

- Lead to a reduction in complaints about Proxy Purchases.
- Decrease the number of under 18s using single use vapes.
- Increase engagement with the business community leading to increased compliance.
- Decrease the number of test purchase failures of vaping products.

Funding

The project has funding from SCOTSS - the Society of Chief Trading Standards Officers in Scotland provided through grants from the Scottish Government. The grant is up to a value of £1500.

If the project is initially successful on Union Street and throughout the rest of the City, it is hoped it could be rolled out to all the Local Authorities in Scotland.

Estimate of required resources

Charter Toolkit Pack Wrapper	£150
Retailer Information Guide	£300
Charter Principles	£50
Certificates	£50
Door Stickers	£100
Till and Counter stickers – Customer View	£100
Till and Counter stickers – Staff View	£100
Proxy Sales Posters	£100
Think 25 posters	£100
Refusal Recording Books	£300
Publicity Materials	£150
Total	£1500 Max

Branding

The project will have the name – The Aberdeen Retailers' Charter for the Responsible Sale of Tobacco and Vaping Products.

The project will have its own logo which will appear on all Charter documents alongside the Aberdeen City Council Logo. We will also seek permission to use the Police Scotland logo on our documents.



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Delivering the Project

We have asked for help from the Council's external communications team regarding all the graphic design and publicity relating to the project. The Charter could be launched by the end of September 2023.



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Appendix 1 - Charter Principles

1. The retailer will only accept card payments for purchases of cigarettes, tobacco and nicotine vapour products including disposable vapes.
2. The retailer will operate an Age Verification Policy (AVP) that ensures that any customer seeking to buy cigarettes or nicotine vapour products, who appears to be under the age of 25, will be asked to provide proof of their age. The retailer and staff will only accept photographic proof of age cards with a 'PASS' hologram, a passport, or a driving licence.
3. The retailer will train all staff regarding their AVP before they are permitted to serve customers with any age restricted products. Regular reminders will be given to staff. The retailer will maintain records of all staff training and produce these to trading standards staff on request. The retailer will display appropriate customer and staff information and use the Charter Kit materials to reinforce the messages in their AVP.
4. The retailer and staff will maintain a refusal recording system and they will monitor the entries to ensure all staff are adhering to the AVP. They will act, where it may be necessary to re-train individual members of staff.
5. The retailer acknowledges that checks may be made by trading standards officers. They will use underage volunteers to attempt to purchase age restricted products. Membership of the Charter could be cancelled if non-compliances are found.