

Trading Standards Service

Regulation of Investigatory Powers Act 2000 (RIPA) Selection of Retail Premises Selling Age Restricted Products Policy

Where test purchase investigations are to be conducted at retail premises, to establish compliance with age restricted legislation, and a RIPA “Directed Surveillance” authorisation is required, the retail premises will be selected on one or more of the following criteria, to ensure that RIPA powers are not used indiscriminately or for a ‘fishing exercise’ and the businesses are chosen on the basis that they are the most likely to commit an illegal sale of an age restricted product:

- A new retail business/shop.
- The business is located in a 'hotspot' area in respect to anti-social behaviour/street drinking or similar problems.
- The business is located within 500m of a ‘care home’ and intelligence has been received that residents are being supplied by the business.
- The business is located within 500m of schools, which have a high smoking prevalence amongst its pupils and/or is close to a school(s) that is part of the ‘healthy schools’ initiative. This criterion is only to assist the decision as to whether we prioritise a tobacco product(s) for a test purchase attempt at a particular shop and one or more of the other criteria needs to be satisfied before a RIPA authorisation may be requested for the shop.
- Change of Designated Premises Supervisor (DPS) – this only relates to small shops.
- ‘Face to Face’ and/or written advice must have been provided to a business (other than regional/national supermarkets or PAPs) **before** a test purchase.
- The business has previously sold an age restricted product within a 5 year period.
- There has not been a test purchase attempt at the business within a 5 year period and following a face to face visit, concerns in respect to ‘due diligence’ results in a low/poor scoring.
- The shop has “failed” a test purchase, in respect to the seller only asking a test purchaser for their age when refusing a sale and not requiring valid photo id.
- Complaint/intelligence from the police, district council, other local business, residents etc.
- Following a visit/assessment, in respect to the ‘due diligence’ of the business, an officer gives the business a low/poor scoring.
- There is a high/good scoring, in respect to a business’ 'due diligence', following an officer’s visit/assessment. However there is a large number of

staff employed by the business i.e. over five employees, the shop is suitable for a test purchase.

- PAPs & Non Leics 'Chain Stores' test purchases will only be made after a 'compliance check i.e. no advice is to be provided during the visit' has found failures such as non completion of refusals logs or staff training. If the business passes the 'compliance check' but has a high number of employees i.e. over five employees, the shop is suitable for a test purchase.

Once a business has been chosen on one or more of the above criteria, a test purchase will not be undertaken until a face to face advice visit has been conducted (unless the criteria relates to a visit/assessment). The face to face advice will include: all the elements of a due diligence defence i.e. staff competence, training, refusal logs/epos prompts, being in a 'hotspot' and/or within 500m of a school with a high prevalence of smoking/'healthy schools' initiative and the provision of the Service's 'advice/practical tool kit'.

Revised November 2015.