

To: PLANNING & ENVIRONMENT (PROTECTIVE SERVICES) SUB-COMMITTEE	Subject: ANTISOCIAL BEHAVIOUR ETC (SCOTLAND) ACT 2004: BAN ON SALES OF SPRAY PAINTS TO UNDER 16s	
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 5 th OCTOBER 2004	Ref:	

1. Purpose

- 1.1 To advise the Sub-Committee of powers granted to Local Authorities under the Antisocial Behaviour etc (Scotland) Act 2004 and to seek delegated authority to authorise officers of the Trading Standards Service to undertake enforcement duties covering the sale of spray paints to children.

2. Background

- 2.1 The Antisocial Behaviour etc (Scotland) Act 2004 received Royal assent on the 26 July 2004. Section 122 of the Act creates an offence of selling a spray paint device to a person under the age of 16. Section 123 creates further legal requirements for retailers of spray paints to display in a prominent position a notice on their premises stating that it is illegal to sell a spray paint device to anyone under the age of 16.
- 2.4 Local Authorities in Scotland have been given the statutory duty to enforce these regulations. The Scottish Executive have advised that Trading Standards Officers will primarily be responsible for enforcing the provisions as part of their duties

3. Considerations

- 3.1 The Scottish Executive have stated that preventing vandalism and graffiti is a key part of their strategy to promote safe, secure and attractive communities and tackle anti social behaviour. Graffiti involving spray paint is both particularly difficult and expensive to remove.
- 3.2 The Scottish Executive also acknowledges that the ban on sales of spray paint to under 16s will not in itself prevent graffiti but Ministers believe that it is a useful step to control the misuse of spray paints by children who may indulge in acts of vandalism. Education and crime prevention initiatives will continue to have a major role in preventing graffiti.
- 3.3 The Council has already implemented a number of initiatives aimed at tackling antisocial behaviour involving graffiti, including the Graffiti Hit Squad and the Street Smart Campaign.
- 3.4 The Trading Standards Service already undertake a range of enforcement duties relating to age restricted products, such as fireworks and cigarettes, and carry out inspections and enforcement action at commercial premises. Officers of the Service are able to enforce the new requirements on spray paints and more importantly advise traders on their obligations.
- 3.5 The Scottish Executive intend to mail shot all identified retailers of spray paint in Scotland notifying them of the changes in the law together with a copy of the statutory sign which must be displayed. The Trading Standards Service will establish communication links with other Council services and the Police to receive information on possible sources of spray paint sales.

4. Corporate Considerations

4.1 There are no other financial, personnel or legal implications in the contents of this report

5. Recommendations

5.1 The Director of Planning & Environment and the Head of Protective Services authorise officers of the Trading Standards Service to exercise the powers of entry, inspection and seizure under Section 125 of the Antisocial Behaviour etc (Scotland) Act 2004 for the purposes of enforcing offences under Sections 122 and 123 relating to the sale of spray paint devices.

5.2 To otherwise note the contents of this report.



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For further information please contact David Roderick, Trading Standards Manager on 01236 616415.