

VIOLENCE REDUCTION

Good Practice Case Studies

LB Croydon
Preventing Online Supply
Of Knives To Young People

Croydon Trading Standards have been undertaking online test purchases of knives and bladed articles on behalf of National Trading Standards ahead of the introduction of the Offensive Weapons Act 2019, which will deal specifically with instances whereby the seller is not in the presence of the buyer at the time of the sale. Their operation found 41 per cent of online retailers had no system in place sufficient to prevent the online sale of a knife to a minor.



The challenge

Serious youth violence: increase in knife crime; continuing concerns regarding origin and accessibility of bladed articles from a variety of retail outlets by minors; lack of due diligence exercised by some retailers when engaging in sales.

Solution

A partnership approach to identifying problem retailers by undertaking a series of test purchases of bladed articles, focussing where appropriate on enforcement.

Background

Statistics relating to the provenance of bladed articles used by minors are scarce. While High Street shops ('bricks and mortar stores') are routinely assessed by Trading Standards and police for compliance with laws relating to the sale of bladed articles to minors, few checks are carried out against online retailers. Reasons for this include the fact that still, to date, a retailer does not have to register with either police or local authority as a seller of knives and as such their existence may not be known to enforcement authorities.

Online retailers can obviously supply items to anywhere, often outside of the jurisdiction of the local authority in which they are based and so online test purchase operations could lead to local authorities carrying out costly investigations into businesses based beyond their own parameters. While it is not unusual for a Trading Standards department to undertake widespread

Partners involved

LB Croydon

Home Office

National Trading
Standards

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investigations into offences, such activity would normally be undertaken following a complaint or referral which begins within the authority itself.

This shortfall in online testing was recognised and the Home Office agreed to fund, as part of the Serious Youth Violence Plan 2018, enforcement activity in this field. Funding included the costs, up to and including any prosecutions which might ensue from bladed articles being sold to a minor as part of the initiative.

The law

Section 141(a) of the Criminal Justice Act 1988 prohibits the sales of knives and certain bladed or pointed articles to persons under 18 years of age. The Act creates a defence of taking all reasonable precautions and exercising all due diligence to avoid the commission of the offence.

However, the long awaited Offensive Weapons Act 2019, which is yet to come into effect in its entirety will introduce section 141(b) dealing specifically with instances whereby the seller is not in the presence of the buyer at the time of the sale – ie distance sales. This amendment stipulates that a seller cannot make out the statutory defence unless they can show as a minimum that four new conditions are met, namely:

Condition A: That at the time of the sale the retailer had a system for checking that the purchaser was not under 18 and that the system was likely to prevent persons under 18 from buying (ie that they have a system and that it works)

Condition B: That when the package was dispatched to its intended recipient that it was clearly marked as carrying a blade or sharply pointed article and that when delivered it is delivered into the hands of an over 18 year-old (note there is no stipulation that the package be delivered into the hands of the purchaser)

Condition C: That the seller took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of an over 18 year-old

Condition D: That the package would not be delivered to a locker.

At the time of writing, this section of the 2019 Act is still to come into force.

Croydon Trading Standards agreed to undertake the online test purchasing project on behalf of National Trading Standard

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The LB Croydon approach

Croydon Trading Standards agreed to undertake the online test purchasing project on behalf of National Trading Standards.

The London Trading Standards regional intelligence analyst was commissioned to compile a list of online retailers based within England and Wales through open source research using any relevant intelligence to inform choices.

The time limits for carrying out the test purchasing set by the Home Office were short - four months to complete 100 attempts. A decision was made to undertake 10 attempts every two weeks. The two week period between sessions allowed for any deliveries to be made, for collection of deliveries by officers to be undertaken and for initial casework to begin. To have undertaken all 100 attempts within the space of a few days could obviously have overwhelmed the small team attached to this initiative.

In Croydon, bricks and mortar stores are routinely informed of impending test purchase operations, thereby making the process an 'overt' operation. It was agreed to adopt the same policy for online stores.

As such, businesses were contacted ahead of the testing by way of a standard letter and informed that test purchasing was to take place of 100 retailers at some point within the next few months and that they should consider themselves included in that number. The benefits of this approach are two-fold:

- Any business that didn't already have a system in place is duly warned that they might be tested, and as such are given an opportunity to put things right – thereby achieving the overall aim of not selling knives to people under 18
- Any business who failed a test purchase, despite being informed of the fact that one was likely to take place and who had been directed to a central Trading standards business advice webpage, were less likely to be able to prove a due diligence offence should the case proceed to court.

A standard operating procedure was drawn up by the project team in order to ensure a consistent approach when conducting test purchases, enforcement policies were refreshed and template case files were created.

A suitable test purchaser, aged 13, was identified and the sessions began. Prior to each session, preparations were undertaken to identify the product that the child would be instructed to buy, with the product identification number and price being noted. (It's important to mention that all knives selected were 'legal' knives from usual retailers – there was no attempt or work conducted at this stage

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into the availability of prohibited items such as 'Zombie knives and so on.) Not only did this help to move the sessions along but also reduced the amount of time that the child spent on any one site.

Web capture software was in operation throughout the course of each of the 10 sessions and the test purchaser followed the same instructions on every occasion. He was overseen by at least two officers, and the BEIS (as was) **Code of Practice on conducting Age Related Sales** was followed at all times.

What happened next?

Each retailer was visited in turn. The child would initially enter his accurate date of birth and untick any tick box agreeing over 18 on the webpage. If the sale wouldn't progress then the child would tick the box to say over 18 and/or enter a date of birth to indicate he was over 18. At no point was false identification ever used. The only falsity entered was an inaccurate name, and date of birth. Nothing existed to suggest that a person of that name resided at the address given. This covert identity had no footprint, no associated 'legend', and no background paperwork.

Any calls from companies were ignored; any email requests for ID were ignored. The only input that the child had was on the day of the test purchase. He had no control over either the telephone number given by him as a contact number nor the inbox of the email address that he had given. As such, no interaction took place between him and the retailers, either by telephone or in email dialogues. The retailers were given no further information other than that entered on the purchase page.

In short, retailers were given every opportunity to check, and to double check that the purchaser was over 18. Any checks that a retailer would have made should have resulted in a negative result – they were unable to ascertain the accuracy of the claim that the would- be purchaser was over 18. This alone should have been

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Trading name	First hearing	Plea	Outcome (fine amount)	Trial date
Ironmongery Online / Absolute Hardware	6/25/2019	Guilty	£10,000	
Ronnie Sunshines	6/25/2019	Not Guilty	£5,000	9/12/2019
Go Banana / Toolsupplies	7/30/2019	Guilty	£8,000	
Potters Cookshop	7/30/2019	Guilty	£8,000	
Heaton Catering Equipment	8/27/2019	Guilty	£8,000	
Cromwells Tools t/a Zoro	8/27/2019	Guilty	£40,000	
Fishers Catering Supplies	9/17/2019	Guilty	£8,000	
Milwaukee Tool Store / Today Tech	9/17/2019	Not Guilty	£1,000	3/6/2020
Legend Cookshop / Technophobia Communications Ltd	9/17/2019	Guilty	£12,000	
Sealants and Tools Direct	10/1/2019	Guilty	£8,000	
Woodland Ways	10/1/2019	Guilty	Reduced on appeal from £8,000 to £4,000	
Perkin Knives Ltd	11/5/2019	Guilty	£10,000	
Bright Associates Limited	11/19/2019	Guilty	£11,725	
Next Gen International Ltd	11/19/2019	Guilty	£3,500	
Shop Direct Home Shopping Ltd t/a Very	12/3/2019	Guilty	£20,000	25&26/02/2020
Topline Wholesale Ltd	12/16/2020	Guilty	£8,500	
Outstanding Case	5/14/2021	Not Guilty		

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The conclusion

59 retailers tested had robust systems which were sufficient to prevent the online sale of a knife to a minor. Worryingly, 41 did not. Some had absolutely no systems at all and one company stated that they were completely unaware of the any law preventing the sale of knives to minors – they claimed to be unaware that they were an age restricted product.

Challenges faced

Impact on resources: Despite the funding given, this project had a considerable impact on the resources on the team and business as usual, for a very busy London borough still had to be undertaken. Support of members, and senior officers in acknowledging this as a priority and offering their full backing was essential.

Lack of intelligence: A dearth of intelligence on the provenance of knives used in crime remains.

Delays in the judicial system: One case remains to be heard, despite the offence having taken place in early 2019. This is largely due to the impact of Covid-19 on the Magistrates Court listings.

Next steps

The implementation of the relevant provisions of the Offensive Weapons Act will hopefully take place this year, bringing with it responsibilities for retailers and couriers alike. Online training is currently being prepared for these sectors of business, as well as updates on new requirements for the public.

It is essential that this training is made available to all online retailers and that they avail themselves of it.

Similarly, training for Trading Standards officers must follow suit.

Post advice and training, sufficient time and resources need to be directed towards enforcement in this area to ensure meaningful work can be undertaken. There still remains no duty to enforce the law for Trading standards teams and it is down to each authority to decide on local priorities. The necessity for ongoing online testing, however, is clear. A 41 per cent failure rate in this area is significant. Test purchasing needs to be joined-up, with a coherent approach undertaken by Trading Standards centrally.

Contact



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This is one of a series of case studies submitted by London boroughs and collated by London Councils to share experience and learning across the capital. Publication date: May 2021