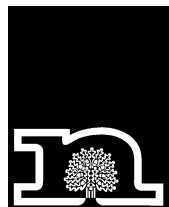


If you require further information please contact the Trading Standards Service. If you require information about your alcohol licence you should contact your local licensing authority.

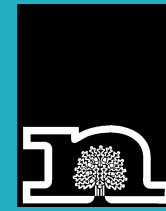
This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification please contact the Trading Standards Service.



Contacting us

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**Nottinghamshire
County Council**

Business Information

Sale of Alcohol to Young Persons at Retail Premises (Off-Licenses)

Sale of alcohol to young persons

It is a criminal offence to sell alcohol to a person under the age of 18. Nottinghamshire Trading Standards Service deals with this issue at retail premises (Off-Licenses).

Sale of alcohol to young persons at retail premises

It is a criminal offence to sell alcohol to a person under the age of 18. This is specified in the Licensing Act 2003. Nottinghamshire County Council Trading Standards Service has a duty to enforce the controls dealing with the sale of alcohol to young persons at retail premises.

If you or your business employ staff to sell alcohol at retail premises or you are a premises licence holder or designated premises supervisor, you have some responsibility for ensuring that you and your employees comply with the law.

Penalties

The penalty for selling alcohol to a person under 18 is a fine of up to £5000 on conviction by a court. In certain circumstances the offence may also be dealt with by penalty notice, often referred to as an 'on the spot fine', at £80.

In addition to criminal prosecutions, the Trading Standards Service can apply to licensing authorities to review or revoke premises licences.

Steps you can take to avoid committing an offence

The Licensing Act 2003 provides certain statutory defences. In the case of a sales person who physically makes the sale, a defence is provided by the Licensing Act if the sales person believed the customer was over 18 and either the sales person took all reasonable steps to establish the person's age or no one could have reasonably suspected that the person was under 18. Reasonable steps to establish a persons age means asking for evidence of age and the defence is not fulfilled unless the evidence of age would have convinced a reasonable person.

Please turn over...

For a business the defence requires due diligence to be exercised. What would constitute an adequate defence depends on the individual circumstances in a particular business and its premises and will vary according to local factors, size of the business, number of employees and other factors. The following suggestions are commonly used practices but this list is not exhaustive.

- Challenge young customers who are attempting to purchase alcohol and do not sell to them unless they can provide proof of age.
- Operate an age challenge system such as 'challenge 25' where any one attempting to purchase alcohol who looks under the challenge age is requested to provide proof that they are over 18.
- Ensure customers are aware of the challenge system which operates by displaying explanatory notices at the entrance to your premises, at the alcohol display and where payment is made.
- Accept only proof of age which includes a photograph of the individual, for example a passport, driving licence, or a PASS accredited proof of age card such as citizencard.
- Restrict the selling of alcohol to staff who have received instruction and training and who you have checked have good age recognition skills.
- Instruct staff about the legal requirement and the procedures which your business requires staff to follow.
- Ensure training and instruction is regularly updated. Ensure the contents and date of training is recorded.
- Ensure that training includes instructions for staff to look at customers and assess their age.
- Display notices about the age restriction. These can help dissuade young persons from attempting to purchase alcohol and act as a reminder to staff as well. Display them at the entrance to shop premises, near to where goods are paid for and in the area where alcohol is displayed.

- Monitor sales made by staff.
- Use a prompt on the till to remind staff what they have to do.
- Use a refusal and incident log book to ensure staff are following the correct procedure. Train staff to use it, then make regular checks on the book to ensure procedures are being followed.
- Ensure a responsible and experienced member of staff is available to deal with any challenging situations. You may need extra staff at critical times such as evenings and weekends.
- Use CCTV to check on potential problems, keep recordings for future reference.
- If there is any doubt about the age of the purchaser, refuse to sell alcohol to them.

Test purchasing

The Licensing Act 2003 gives powers for test purchasing to take place. A test purchase involves the Trading Standards Service making checks on whether or not the law is being complied with by sending a young person under 18 in to a retail shop to attempt to purchase alcohol. Selling alcohol to a young person carrying out a test purchase is an offence.

Other requirements

There are many other legal controls on the supply and sale of alcohol. This information sheet deals only with one of these. If you are a premises licence holder you will need to promote the four licensing objectives; the prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm. The licensing authority will provide more information about these if you are applying for a license to sell alcohol.

It is an offence for an individual under 18 to buy or attempt to buy alcohol.

It is an offence for a person to buy or attempt to buy alcohol on behalf of an individual aged under 18.

Display materials

Currently a range of appropriate display materials is available for downloading from the following website: www.wsta.co.uk/challenge-25.html