

Guidance sheet – “Preventing under age sales of alcohol”

This document sets out best practice advice for you business and is a supplement to the business information sheet “Sale of Alcohol to Young Persons at Retail Premises (Off-licenses). It is not an authoritative statement on the law and is only intended for guidance. It has been developed following visits made to a number of off-licenses, which have highlighted particular problems business face in trying to ensure they prevent under age sales.

‘Best practice’ does not mean you have to do it, just that if you do, you have almost certainly done the minimum steps to avoid having a problem. There are of course many ways to prevent a problem and this best practice does not stop you from doing more, or doing something differently. For example some businesses have systems they must follow as part of a retail franchise. The action you need to take also varies depending upon the size of your business. Ultimately you have to decide what due diligence you need in order to protect your business from having a problem.

One important point – It is unlikely, but if your alcohol licence includes a requirement that in any way conflicts with the best practice set out below, then you must ensure you comply with the alcohol licence condition as it is an offence not to do so.

If you wish to talk to someone about some of the ideas we have included, or if you have something you feel could be added to this list, or you are unsure about, please contact trading standards on 01623 452005 or e-mail trading.standards@nottsc.gov.uk and we will do our best to try to help.

1. Legal age limits and penalties for selling age restricted products

There are a variety of products on sale to the general public which the government, for one reason or another, have deemed unsuitable for sale to children including alcohol. These different products can have different age limits and penalties, those for alcohol are highlighted in the table below;

Product	Age Limit	Penalty (up to)
Aerosol paints	16	£2500 fine
Alcohol	18	£5000 plus revocation of licence
Cigarette lighter refills	18	£5000/6 months
Fireworks	18	£5000/6 months
Knives	18	£5000/6 months
Liqueur confectionery	16	£500
Lottery products	16	£5000/2 years
Solvents	18	£5000/6 months
Tobacco	18	£2500 plus ban on selling
Videos, DVDs and some computer/video games	12, 15, 18	£5000/6 months

2. Why is selling alcohol to under 18's such a problem?

Sales of alcohol to children under the age of 18 can have serious consequences including anti social behaviour and health issues.

Children who drink even moderate amounts under the age of 15 are in danger of severe danger of health problems and children between the age of 15 and 18 who drink in unsupervised situations are in danger of becoming dependent on alcohol at a very early age. Apart from the injuries received due to excessive drinking, other health problems are becoming evident in children and young persons, eg liver damage was once considered an older persons disease, however hospitals are seeing younger and younger patients displaying the effects of excessive consumption of alcohol; these people having drunk excessive amounts from a very early age.

Alcohol fuelled anti social behaviour is becoming endemic in areas of our society. This affects all of us in our neighbourhoods and causes crime and the fear of crime to increase. Gangs of alcohol fuelled youths are an intimidating prospect, certainly to your potential customers when that gang is near your premises. Young people loose control when drinking and this has even led to deaths.

3. CCTV

Allows young people committing the offence of attempting to buy alcohol to be identified and also whether a proxy purchase is being attempted if cameras view the street outside your premises. CCTV also deters crime from theft or robbery or assists in detecting the culprits should this occur. Best practice is to have;

- A CCTV system with recording equipment maintained at the premises and operated with cameras in positions agreed with the police.
- All recordings used in conjunction with CCTV should:
 - Be of evidential quality – this is important if the police wish to deal with any incident which your cameras have caught.
 - Indicate the correct time and date – you must ensure that the time and date are correct as this could cause problems if you want to find an incident which has been recorded
 - Be retained for a period of 30 days – we recommend this as there may be minor incidents which have led up to the incident which would be lost should the recordings be deleted

- Operating CCTV is only purposeful if;
 - Sufficient staff are trained to use the system – If staff are not trained to use the system, this could mean that incidents cannot be reviewed quickly enough for them to be dealt with.
 - The images are made available for inspection immediately upon request to officers of Responsible Authorities – The police can only hold a person in custody for 24 hours. If the evidence is not available, that person would then be released.

4. Personal Safety

The Designated Premises Supervisor or a person who holds a personal licence, as defined in the Licensing Act 2003, together with at least one other staff member should be present at the premises during peak times for the attempted purchase of alcohol by children, eg. Friday, Saturday and Sunday of every week, between 14:30 hours until the store closes.

Before refusing a sale or asking for ID remove the product from the counter.

5. Staff Training

- All members of staff should be fully trained in the retail sale of alcohol in relation to avoiding sales to children under the age of 18.
- The training should be ongoing and each member of staff should be retrained as a minimum every six months. All details of the training should be recorded.
- Using the staff training checklist that accompanies this guidance is way to ensure the training given covers all areas and is recorded.
- Where there are no employees or where the owner of the store also serves alcohol to customers, you should take steps to ensure that you stay suitably trained & up to date, as to;
 - the legal rules relating to sales of age restricted products, in particular alcohol.
 - the types and nature of fake identification, used by young people to attempt to buy alcohol etc.
 - It would be best practice to keep in a safe place notes of any training undertaken, including in-house training where you ensure you are up to date with legal requirements and best practice.

A training pack with checklists and guidance on areas to be trained is available from Trading Standards.

6. Recording refusals and incidents

An electronic document or a refusals/incidents book should be kept at the premises to record all instances where service is refused or where people who have been challenged have provided id and a sale taken place.

Details should include:

- the nature of the refusal or incident (e.g. underage, proxy sale, fake ID)
- the person making the decision to refuse;
- the date and time of the refusal.
- a description of the person involved in the incident/ attempted purchase
- where a sale is made, the type of id provided & checked to confirm the buyer is old enough.

7. Adopting a policy for refusals

A strict Challenge 25 or similar policy should be implemented and enforced at all times. Any person who appears to be under 25 years of age should not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. passport, driving licence or PASS accredited card). This is an important step in preventing the sale of alcohol to children under the age of 18 as they can look a lot older, especially girls with a lot of make up on.

Prominent signs/posters should be erected and maintained at the entrance, shelf edges where alcohol is sold and checkout transaction areas, stating that it is an offence to (a) sell alcohol to an individual under the age of 18 years; (b) for an individual under 18 years to purchase alcohol; (c) for a person to buy alcohol on behalf of an individual under 18 years. Whenever a challenge policy is adopted it is important to ensure customers are aware of it. This will reduce the incidents of aggression when a person is challenged and id requested. (To get hold of Posters and shelf edge labels contact Trading Standards).

Set out in writing your policy on refusals for other reasons, such as;

- when you consider someone is drunk,
- what types of identification you accept for proof of age
- what to do if someone provides fake or someone else's ID
- banned / excluded customers,
- sales outside licensing hours, etc.

Where you become aware that an adult is purchasing alcohol for children (proxy sales), you should refuse that sale. As the owner of alcohol for sale you can choose whether you sell it or not to someone. The tell-tale signs for proxy purchasing are

- Children hanging round near the shop and talking to adults before they enter.
- A child attempting a purchase which is refused then an adult coming into the shop and purchasing the same product the child had attempted to purchase
- An adult purchasing a large amount of child appealing products, eg. alcopops and cider; especially if that adult returns more than once in an evening
- An adult paying for different alcohol products separately.

NB If you become aware of proxy purchasing taking place and you don't refuse a sale of alcohol, you could be committing a criminal offence by aiding and abetting that purchase.

8. Till prompts

A 'till prompt' is one of the most effective ways to remind staff about the need to check a customer. Most modern electronic tills can trigger a message or 'prompt' to appear on screen when age restricted product bar code (eg alcohol), are scanned. For example the message or prompt can include;

- Does the customer look under 25?
- The birth date at which the customer would become 18.

The reasons why a sale is accepted or refused can then be entered onscreen from various options.