

Preventing the Underage Sale of Alcohol
Notes for staff about the sale and supply of age restricted products

The Licensing Act now requires all licensed premises to have in place a 'Premises Age Verification Policy'. Anyone serving alcohol must therefore take steps to verify the customer's age.

It can be very difficult for you to judge the age of a young people but if you sell age restricted products to someone underage you will have committed a criminal offence and could be liable for a substantial fine or prison sentence and a criminal record. You could also loose your job

These notes are to reinforce how important it is to make sure you **always ask for proof of age**

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1. Introduction

Trading Standards are part of the Licensing and Public Protection team and work in partnership with the Police and local traders. If you do not follow the provisions of the Premises Age Verification Policy adopted by your employer and sell alcohol to underage customers, your actions may trigger a license review which may lead to your employer facing a suspension or loss of license to sell alcohol.

Some on-licensed premises use door supervisors to check who can come in and to provide security. These staff should also be aware of and follow the guidelines dealing with under age sales. Door supervisors will find it helpful to apply the same rules for asking for proof of age as other retail staff.

Your employer has a CD Rom which includes a short film called 'No ID, No Sale' which has been produced by Trading Standards and tells you what you need to know in order to prevent underage sales. It is also available to view on the Torbay Council website - www.torbay.gov.uk/trading-standards - together with lots more advice and guidance.

2. Test purchasing

Under the Licensing Act 2003 Trading Standards staff has a duty to ensure that the law in relation to underage sales is enforced and regularly asks underage volunteers to try to buy alcohol from licensed premises.

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Following these guidelines and making sure that you always ask for proof of age should prevent you from making an illegal sale.

3. Age restricted products

The following are some of the more common age restricted products available and the age your customers must be to buy them:

Age restricted product	Age restriction
Alcohol	18
Cigarettes and tobacco products including from vending machines	18
Fireworks	18
Knives, blades and axes (not including folding knives with blades under 3 inches long)	18
Solvents and lighter refills	18
Lottery tickets and scratch cards	16
Petrol	16
Spray paints	16
Video/DVD/Games	As shown on certificate e.g. 12, 15, 18

4. How to check proof of age

If a customer is buying alcohol and looks under 21 or under 25 (according to the Age Verification Policy you use) ask them for identification, and if they cannot prove their age you must refuse the sale and make an entry in the refusals register.

Acceptable forms of identification for proof of age are:

- a photo card driving licence
- a passport
- or a proof of age card bearing the PASS hologram e.g. Citizen card or Validate card

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are **not recommended** as they do not carry photo ID so can be passed between friends.

Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

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Checking ID:

- Check that the PASS hologram is genuine and flush with the body of the card
- Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
- Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
- Check that the card has not been tampered with in any way.
- If you are unsure about any of the above you must, and have the right to, refuse the sale.

Remember - better safe than sorry. If you sell an age restricted product **YOU** are responsible.

5. Follow these guidelines

- Don't try to judge ages. Only accept approved proof of age cards with a photo and date of birth.
- Always follow the 'Challenge 21?' or 'Challenge 25?' scheme used by your employer and ask for proof of age from anyone who does not look 21/25 or over. **Remember, if you guess wrong you could end up in court!**
- Always have application forms for approved 'proof of age' cards available that can be given out when refusing a sale.
- Follow any till prompts for all age restricted goods to act as a reminder.
- Fill in a 'refusals register' each time a refusal takes place. Your manager should check and sign entries regularly to make sure all staff are using the register.
- Vending machines and gaming machines should be in site of the till (or bar) and supervision of their use should be possible at all times during opening hours.
- Do not sell age restricted products to anyone wearing a school uniform.
- Do not sell to anyone you think may be buying for anyone under age. You can refuse the sale even when the customer buying is old enough to be served. It is an offence for a member of the public to buy alcohol on behalf of someone under 18 and should always be recorded in the Refusals Book and reported to Trading Standards or the Police.
- Support your colleagues when they refuse sales as it can be difficult to say 'no'.

6. Some tips on how to refuse a sale

You are entitled to refuse to sell anything to anyone, so if your customer appears to be under age and they are unable to produce valid proof of age, **YOU MUST REFUSE** to sell any age restricted products.

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Ask for proof of age. This helps the situation as it is not a direct refusal. Suggest that you would be willing to serve them the goods in question if they returned to the store with valid proof of age. Say you must ask for proof of age from anyone who might be under 21/25.

Explain briefly why you cannot sell. Try saying;

'I'm sorry; if I serve you I might be breaking the law' or

'We have a policy of 'no proof of age, no sale' – point to the notices, posters and stickers that indicate you follow a 'Challenge 21' or 'Challenge 25' Policy and will not serve alcohol to under 18s

Offer an application form for an approved proof of age card scheme.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

Avoid confrontation - if they become aggressive or abusive, stay calm and polite.

Be confident about your knowledge of the law and maintain eye contact. If you are subjected to verbal abuse do not respond.

Remind them that their actions are being captured by the CCTV camera.

If the situation gets worse:

- Don't allow yourself to be drawn into any arguments
- Don't use confrontational body language and keep a safe distance
- Call your manager or supervisor for support if necessary
- Tell the customer that you are just complying with the law and that the rules are the same for everyone
- Tell them that their behaviour is unacceptable and ask them to leave the premises in a clear and calm voice
- If all else fails, advise them that you will have no option but to call the police
- If this does not work call the police.

After the situation has been dealt with make an entry into the **Refusals Register**.

If possible, take some time to cool off, and seek the advice of your manager or supervisor or another colleague.

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