

Notes for staff about the sale and supply of age restricted products

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Staff Notes

No Proof of Age - No Sale

If you work somewhere that sells age restricted products such as cigarettes and alcohol, please read these notes.

Trading Standards understand it can be very difficult for you to judge the age of a young person, but if you sell age restricted products to someone underage you may commit a criminal offence.

The Licensing Act requires anyone selling alcohol to take steps to check a customer's age.

The notes are about the importance of making sure you always get proof of age when supplying or selling goods to young people who may not be old enough to legally buy the goods they want.

Age restricted products and proof of age are inseparable!

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1 Introduction

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. Unfortunately, the few who don't often receive bad publicity, which affects the whole trade. There can be serious consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading standards are consulted on licence applications under the Licensing Act 2003. If a licensee and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of under age sales can also trigger a review, which could lead to loss of the licence.

Some 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 staff.

Sales staff should not leave checking proof of age to door supervisors alone. All staff must carry out their own checks as all individuals can be held responsible should under age sales take place.

Trading standards often work in partnership with the police and local traders. It may be helpful to you if your premises take part in any local schemes, which offer advice and local guidelines.

Watch the short film on the CD Rom and read these staff notes. They will tell you what you need to know to prevent age restricted products being supplied to under age young people.

2 Test Purchasing

Trading standards staff employed by the local council check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties. Police officers may also carry out such exercises with regard to alcohol sales.

The test purchases will be made fairly, with volunteer young people who look their age. These test purchases follow procedures supported by the government. They are allowed as evidence of under age sales and are not a trap. Following these guidelines and asking for proof of age should make sure that you don't make an illegal sale.

Samples of 'proof of age' are shown on the photocards poster in the support materials on the CD Rom.

3 Age restricted products

These are some of the more common age restricted products and the age your customer must be to buy or get access to 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

If you follow the guidelines in these notes, it will help to show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place. What is 'reasonable' will be different for smaller premises than for a large national chain.

4 How to check proof of age

If a customer who looks under 21 asks to buy an age restricted product, ask for some form of proof of age and check it. If proof of age cannot be produced you must refuse the sale and make an entry in the refusals register.

Trading standards recommend that you only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see the PASS logo you can be confident that it is valid proof of age.

Always follow these checks

- 1 Check that the PASS hologram is genuine and flush with the body of the card
- 2 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.
- 3 Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
- 4 Check that the card has not been tampered with in any way.
- 5 Check the person. If you are unsure about any of the above you must, and have the right to, refuse the sale.

Acceptable proof of age includes

- 10 year passport
- Photo driving licence
- Citizencard
- 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. They carry no photo 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.

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 photos and date of birth.
- Consider following a 'Challenge 21?' rule and ask for proof of age from anyone who does not look 21 or over. Remember, if you guess wrong you could end up in court!
- Make sure statutory notices (e.g. 'It is an offence to sell cigarettes to a person under 18') are on display. Consider clearly stating your policy not to sell to under age young people with posters and signs. Ask your local trading standards office for examples.
- Have available application forms for approved 'proof of age' cards that can be given out when refusing a sale.
- All staff including part-time and temporary staff must be properly trained, and their training recorded, updated and monitored regularly by a manager. New staff should be fully trained before they are allowed to work on the till.
- Use till prompts for all age restricted goods to act as a reminder. This can be a scanned bar code message, stickers, or posters.
- Know when dates of birth will be correct. Your prompt needs to help you match their date of birth with today's date. Are they 18 yet? Just having today's date with the relevant year of birth will do!

- Fill in a 'refusals register' each time a refusal takes place. Your manager should check entries regularly to make sure all staff are using the register.
- Look at where vending machines and gaming machines are sited. Supervision of their use should be possible at all times during opening hours.
- Consider not selling age restricted products to anyone wearing a school uniform.
- Some stores ban people wearing 'hoodies' and motor cycle helmets or anything else that hides the face or makes consideration of age difficult.
- It's strongly advised that there are extra older/experienced staff on duty during times at which age restricted products are more likely to be sold or accessed, such as evenings and weekends. These staff should be able to help other members of staff if needed.
- Do not sell to anyone you suspect of buying for under age young people. You are perfectly free to do this even if these customers are old enough to be served. It is an offence for a member of the public to buy alcohol on behalf of someone under 18. This should be reported to trading standards or the police.
- Support colleagues when they refuse sales. It can be difficult to say 'no'.

6 How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only then if you are happy it is correct.

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Don't get into an argument.

Explain briefly why you cannot sell. Try saying

- 'I'm sorry, if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other age restricted products.

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.

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.

Report incidents where you have felt threatened and/or intimidated.

7 What the law says

Alcohol

The age at which product alcohol can be legally served and bought is 18

Do not sell to over 18s who you think may be purchasing for under 18s*

Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18

If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk

Under 18s cannot legally purchase alcohol

Always ask for proof of age before you serve and check the details

You can face prosecution and a criminal record or alternatively the Police can issue on the spot fines of £80 if under age sales are made

Where staff are under 18, sales must be supervised by staff over the age of 18

** The law allows people over 18 to buy beer, wine or cider for 16 and 17 year olds for consumption at a table meal on licensed premises if accompanied by someone over 18.*

Cigarettes and tobacco products

The age at which cigarettes can be legally bought is 18

Under 18s who say they are buying for an adult must be refused

It is illegal to split packets of cigarettes or to sell singly

Do not sell to adults who you think may be purchasing on behalf of under 18s

A notice must be displayed about sales to under 18s

Always ask for proof of age before you sell

Cigarette Vending Machines

The age at which cigarettes can be legally bought is 18

Machines should be sited so that they can be supervised at all times

Do not position machines in corridors and hallways that cannot be seen by staff

A notice must be displayed about sales to under 18s

Challenge users and ask for proof of age

Fireworks

The age at which most fireworks can be legally bought is 18

Do not sell to adults who you think may be purchasing for under 18s

If you hold a year round licence for the sale of fireworks, this could be at risk if sales are made to under 18s from your premises.

Notices must be displayed about sales to under 18s

Always ask for proof of age before you sell

Knives, blades etc

The age at which these can be legally bought is 18

It applies to knives, blades, unsealed razor blades, axes and other articles that are sharp and can cause injury *

Do not sell to adults who you think may be purchasing on behalf of under 18s

Always ask for proof of age before you sell

**Not including folding knives with blades under 3 inches long*

National lottery tickets and scratch cards

The age at which these can be legally bought is 16

Your lottery terminal may be removed if you sell to under 16s

Do not sell to adults you think may be buying on behalf of under 16s

Under 16s cannot legally claim any prizes

Always ask for proof of age before you sell

Petrol

The age at which petrol can be legally bought is 16
 Petroleum licence conditions may state that people under 16 must not access petrol
 Do not sell to adults you think may be buying on behalf of under 16s
 If in doubt ask for proof of age before you authorise the pump

Solvents and lighter refills

The age at which these can be legally bought is 18
 It is an offence to sell substances to people who you think may be likely to inhale them for the purpose of intoxication. Be wary of customers who make multiple purchases
 Do not sell to adults who may be buying on behalf of under 18s
 Always ask for proof of age before you sell
SOLVENT ABUSE CAN KILL INSTANTLY

Spray paints

The age at which spray paints can be legally bought is 16
 Do not sell to adults who you think may be buying on behalf of under 16s
 Always ask for proof of age before you sell

Videos/DVDs/Games

The age at which these can be legally supplied depends on their classification – always check this
 It is illegal to supply an 'R18' video/DVD except in a licensed sex shop
 Refuse the sale if you suspect an adult is attempting to obtain a product on behalf of a young person
 Challenge customers and ask for proof of age

8 Remember the age restrictions and the age restricted products which require proof of age

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