

Sales of Alcohol at Licensed Premises

What the law says

It is illegal to sell alcohol to anyone under the age of 18.

When alcohol is sold to an underage person, the person who conducts the sale is responsible in law. The owner of the alcohol - who may also be the premises licence holder – is also responsible.

A person in a capacity to prevent a sale can be responsible in law if they allow an underage sale to take place.

If a sale is made by a person under 18, the responsible person who allows the sale may also be responsible in law.

Steps you can take to avoid committing an offence

Salespersons

- Unless it is beyond doubt that a buyer is over 18 you must take steps to check the buyer's age. Ask for proof of age and only accept identification which bears a photograph such as a 'PASS' approved proof of age scheme card, new-style driving licence or passport. If the buyer cannot prove that they are over 18 you must refuse to sell them alcohol. Record the refusal in accordance with the procedures operated by your employer.
- Use a 'Challenge 25' approach (see below) – rather than trying to guess whether someone is 18 or not, consider whether they might be under 25. If so, request proof of age and politely refuse if this is not available.
- Do not fail to ask for proof of age simply because you think you might cause offence – remember that if you sell to someone under 18 **you** will be breaking the law.

- If you are under 18, you cannot sell alcohol without being authorised to do so and supervised – make sure you know who your supervisor is whenever you are at work. Do not sell if you are unable to have the sale supervised.

Premises and Personal Licence Holders

- If you are conducting a sale yourself, follow the advice given to salespersons above.
- Staff training is vital. You should ensure that all staff are trained at the start of their employment. You should also ensure that the training is repeated at regular intervals to ensure that staff do not forget or become complacent. In order to demonstrate that you have trained your staff you should keep records of any training or instructions given. Ask employees to date and sign training records to confirm that they have understood.
- Reminders of the law at the point of sale are a good idea – this can be by means of a ‘till prompt’ if you have an EPOS system or by notices on the tills. Move reminders around or replace them frequently to help your staff notice them.
- In order to check that your staff are following the training they have been given you should set up a ‘Refusals Register’ or similar system whereby staff can record the occasions on which they refuse a sale. The Premise Licence Holder and Designated Premises Supervisor should check this record frequently and sign it to show that it is being monitored. You should investigate if the refusal record is not in accordance with the normal operating pattern for the premises. If the refusals record shows that some staff refuse more sales than others or make fewer refusals than you would normally expect, you should check why this occurs and take appropriate action. Make comments in the register to explain what you did, and when.
- The Premise Licence Holder and Designated Premises Supervisor have a responsibility to ensure that staff are complying with the law, as they can be liable for any sale that takes place – whether they are present or not. Regular supervision of employees to ensure they are following instructions is important. Consider ways in which your staff can keep in touch or be seen if you are away from the sales area, such as intercoms, signals or CCTV systems.

- Do not allow salespersons under 18 to operate alone at times when alcohol is on sale. Make sure that an authorised supervisor is overseeing them at all times and make arrangements to avoid the supervisor having to be called away from the sales area - to carry out other duties for example.
- The Licensing Act 2003 now requires that you have a proof of age policy in place. We recommend you adopt Challenge 25. Because of the difficulty in assessing the age of purchasers, particularly those in their late teens, it is wise to err on the side of safety and ask anyone who appears to be under 25 to prove their age when purchasing alcohol. Display informative notices for your customers to help them understand you are operating these schemes to avoid making sales to under 18s and prevent your staff from breaking the law.
- Customer notices on the premises can be used to make customers aware of what they can legally purchase and to alert them to the fact that a sale is likely to be refused.
- Check ID carefully to make sure it is valid. Display information for customers on acceptable ID.

Enforcement of the Law

The law relating to the sale of alcohol from off-licences is jointly enforced by the Police and the Trading Standards Service. (Sales of alcohol from public houses/hotels etc. are usually dealt with by the Police).

Trading Standards provide advice and education to traders and consumers, including parents, teachers and young people.

We investigate complaints about traders alleged to have sold alcohol to under 18s.

We use young volunteers to attempt to buy alcohol. They behave as ordinary customers, under the supervision of Trading Standards staff. National guidelines are followed to ensure that the procedure is fair. If a sale takes place, legal proceedings and licensing sanctions could follow.

Penalties

The maximum penalty for selling alcohol to a person under 18 is a fine of £5000.

If you sell to under 18's 'persistently', that is twice in any 3-month period, the maximum penalty is £20,000. Alternatively, an offer to accept closure for alcohol sales of a minimum of 48 hours up to a maximum of 14 days may be made in lieu of prosecution.

The Courts may suspend or revoke personal licences.

Fixed Penalty notices can be issued by the police to persons who sell alcohol to under 18's and those who buy for under 18s.

Authorities may apply for review of personal and/or premises licences which may result in removal of a DPS, additional licence conditions, and/or a suspension of licence for up to 3 months.

If considered appropriate, licences can be revoked.

Remember

These laws exist to safeguard the health of young people. We may prosecute offenders without warning.

If you or your staff are caught selling alcohol to a child you will face a legal interview. We would then assess whether you had taken all reasonable steps to avoid committing the offence.

Doing nothing is never sufficient.

Where can I get further help?

This information is intended for guidance; only the courts can give an authoritative interpretation of the law. Any legislation referred to, while still current, may have been amended from the form in which it was originally enacted. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	01629 533190
Consumers:	Citizens Advice consumer helpline	03454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at

http://www.derbyshire.gov.uk/images/sfy15_tcm44-8336.pdf

or telephone us on 01629 536166.

