

Kent Trading Standards

Underage sales

advice pack



How to prevent underage sales

Underage sales advice pack

Accept that it is difficult to judge the age of youngsters

Most people will have some difficulty with judging the age of a young person. Whether or not someone appears to be over 18 will depend on who is making the decision.

Operate a “Challenge 25” policy

This gives staff support and encouragement to ask for ID from any person appearing to be under 25 years of age. This allows for a window of error as a young person can look much older. You can use the signage included in this pack.

Always ask for ID

You and your staff should always ask for proof of age when selling an age restricted item. This can take the form of a passport, driver's licence or a PASS approved ID card.

Train staff

You must ensure that your staff members are aware of their responsibilities under the legislation for age restricted products. This training should be given before they are allowed to operate the till system and should be repeated regularly. An example of this might be an intense training session used at the start of their employment with regular updates and refreshers continued throughout. Evidence of this training should be documented.

Keep a refusals book

The law recognises that despite your best efforts, mistakes can be made. It is good practice to keep a refusals book to show that your procedures and training are working. By keeping a refusals book you are building a due diligence defence against potential offences. You should review this on a regular basis to see if any patterns emerge. See an example of a refusals book in this pack.

Stay on the ball

Underage sales are a constant threat to retailers who sell age restricted products and you and your staff should remain on guard at all times. Sales assistants that have been caught out by Trading Standards often admit to being distracted or losing focus near the end of their shift.

How to refuse a sale

Remain vigilant

Keep an eye on the people in your shop and/or queue and encourage staff to do the same. Who do you think looks over 18? Who is going to buy age restricted items? By being aware of the customers around you, you will be assessing their age before they come to the till and are therefore more likely to ask for ID if in doubt.

Handle the goods

As the customer places the item on the counter, pull it towards you. This will give you ownership of the item while you are deciding whether to serve the customer or not.

Ask for ID but don't apologise

Never ask a person's age, always ask for ID instead to prove they are over the required age. This will avoid a confrontation if they tell you they are 18 and then you go on to ask for ID. Avoid starting your sentence by saying "I'm sorry... but I need to ask you for ID." This puts you on the back foot straight away. Instead be confident and polite.

Handle the ID

If a person provides an ID document to you take hold of it. Don't allow them to just wave it in front of you. Have a good look at it. Check the photo matches the person in front of you. Check that the date of birth means they are older than the required age. Does it feel like a genuine document to you? For Pass cards check that the hologram is genuine. See further page on Fake IDs.

Be confident

You are only doing your job by asking for ID and if this can not be provided then you are within your rights to refuse the sale. If you decide to refuse the sale explain that you can not sell to them without a valid ID. Don't enter into an argument, refuse politely and remain calm and professional. Call a colleague for support if necessary.

Remember if YOU make a sale YOU will be responsible

Age restricted products

Underage sales advice pack

As well as alcohol and tobacco there are other products which can not be sold to underage persons.

Product	Restricted Age
Knives and other offensive weapons	18
Fireworks and sparklers	
Solvents or volatile substances (where it is believed they may be used for intoxication)	
Lighter refills containing butane	
Crossbows, airguns and pellets	
Lottery tickets and scratch cards	16
Aerosol paint	
Caps, party popper, cracker snaps, novelty matches and throw downs	

What happens if a sale is made?

The retailer and/or the person making the sale could be prosecuted and fined up to £5,000 in most cases and £2,500 for aerosols. There is also the possibility of up to 6 months imprisonment and up to 2 years for lottery tickets.

What can I do to prevent sales to underage youngsters?

It is very difficult to judge ages and how old a person looks is subjective depending on who is trying to guess their age. The best way to prevent underage sales is not to try to guess their age but to ask for a valid form of photo ID which could be a passport, driving licence or a PASS approved ID card. This should be supported by the introduction of a Challenge 25 policy which allows for a margin of error.

What does the law say?

The sale of alcohol is governed by the Licensing Act 2003. There are two main offences that you as an off-licence alcohol retailer need to be aware of. These are:

- It is an offence to sell alcohol to a person under the age of 18
- It is an offence to supply alcohol to someone you believe is buying for a person under the age of 18 (often called a proxy sale)

What happens if a sale is made?

The member of staff making the sale could be prosecuted for committing this offence or they may receive an on the spot £80 fine. As the licensee you are responsible for the sale of alcohol from your premises whether you actually make the sale or not. You could, therefore be held responsible if one of your staff members sells alcohol to a person under 18. Such a sale could result in a review of your licence. This will involve you attending a review hearing and having certain conditions placed on your licence in order to continue to sell alcohol. In cases where there is a history of offences, suspension or revocation of your licence may be considered. You could also be prosecuted in these circumstances which may result in a fine of up to £5,000.

Is there any defence for the sale?

The defence for the person making a sale is that they asked the young person for ID and was shown a form of ID that would have convinced any reasonable person. Accepting an obviously fake ID would not be a sufficient defence. It is also a defence that nobody could have reasonably suspected from the young person's appearance that he or she was under 18. This does include an objective test and in practice could cover people well into their twenties. The defence for the licensee is that he or she exercised all due diligence to avoid the commission of any offence. Due diligence means setting up a system to prevent offences being committed, and monitoring that system to ensure that it is effective and that staff are following it. Clear policies and effective staff training are essential to showing a due diligence defence.

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What can I do to prevent proxy sales?

Encourage staff to be vigilant about the possibility of proxy sales. This could include 18 year olds with the correct ID buying drinks on behalf of their underage friends. It could also include an older adult who has been stopped by youngsters outside the store and asked to help them out by buying alcohol. Steps to help staff in making these assessments would include removing unnecessary signage from the windows so they can monitor who is hanging around outside. Display proxy sales posters in your store to remind adults such sales are an offence and most important of all remember you can refuse to serve someone if you believe that they are buying the alcohol on behalf of an underage person.

What does the law say?

It is an offence for any person to sell cigarettes, tobacco products or cigarette papers to anyone under the age of 18. It is also an offence to sell cigarettes unless they are in quantities of ten or more and in their original packaging. This means that packets of cigarettes can not be split to be sold in lesser quantities.

What happens if a sale is made?

You may face prosecution for selling tobacco to a child and receive a potential fine of up to £2,500. There are also new sanctions for cases of persistently selling tobacco to an underage child. If a person makes three illegal sales to a young person within a two year period, then local authorities can apply for a restricted premises order or a restricted sale order. A restricted premises order means that the retail business from where the sales were made is prohibited from selling tobacco products for up to 12 months. Whereas a restricted sale order means that the named person within a business is prohibited from selling tobacco or from having any management role in any premises relating to tobacco sales for up to 12 months. It is an offence in itself not to comply with these orders and a maximum penalty for this is a fine of up to £20,000. A business can still be sold with one of these orders in place however the order will remain in force for the new owner until it expires.

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For Licensee/Retailer

Please use this sheet to record training given to employees on the sale of age-restricted goods. Each employee should tick the products for which they have received training and include the date they were trained. Repeat this training regularly and keep the record of training sheets in your files.

Staff Member Declaration

I have been trained in the law with respect to the sale of the following age restricted goods. I have ticked and dated those products, which I have been trained in.

I understand that by signing this declaration I confirm that I am aware of the age restriction for the goods ticked and that it is an offence to sell age restricted goods to young people under these ages.

Product	Tick and date here if received training
Alcohol	
Tobacco	
Knives	
Lottery/ Scratch cards	
Solvents/ Lighter refills	
Fireworks/ Party poppers	
Spray paint	

Name Signed Date

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Name Signed Date

Fake ID- points to remember

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Many young people will try to purchase products that they are not legally old enough to such as alcohol, tobacco and knives

Fake ID Cards can be purchased over the internet for as little as £10, a few examples are shown on this page. Some cards can appear to be quite realistic, although these can be spotted by remembering a few basic points: -

- Stop and take a moment to properly read the details on the card. A young person may be using a genuine ID card but will hope that by putting you on the spot you won't work out their actual date of birth
- Be aware of ID schemes that don't actually exist. For example European Driving Permit, Age Identification or currently National Identification card. Some young people may try and tell you they are part of a trial for such cards. Remember if you are in any doubt about the card you should not accept it
- Take a moment to feel the card. Does it feel of good quality? Does it feel mass produced or home made?
- Invest in a UV light, not only can you use it to check for counterfeit bank notes but many forms of ID such as a UK Driving Licence will carry a UV mark within it

