

Working together to keep young people safe

LANCASHIRE IS A CHECK 25 COUNTY

Guidance for staff to prevent underage
sales of alcohol & tobacco



www.lancashire.gov.uk/lancan

Check 25 – Information for Staff

- You should be regularly trained about Check 25 to ensure you are confident about who to challenge and how to challenge.
- You should feel supported by everybody working within the business to give you confidence when you make the decision to challenge customers.
- Posters should be prominently displayed in your business to advertise your proof of age policy and to deter potential underage customers.
- Keep records of challenged attempts to buy alcohol and tobacco - this may help you and Trading Standards.
- Your employer should be clear about what ID is acceptable - Check 25 recommends PASS approved cards, a passport or driving licence.
- You should have been trained about the types of ID that are acceptable and how to look out for fake ID.



National Campaign

The Constabulary is currently working with Trading Standards Services on a joint enterprise to ensure that the PASS card becomes the preferred proof of age. We are asking licensed premises across the county to accept the PASS card as the key tool for age verification.

Our aim is to discourage young people from carrying and presenting passports and driving licenses as proof of age, thus reducing the number of valuable documents being lost within the night time economy and the associated offences of identity theft and fraud that can result. We would therefore like to see the PASS card used as the primary acceptable form of age verification.



Visit www.lancashire.gov.uk/lancan for more information on the National Proof of Age Standards Scheme.

Test purchasing

Trading Standards is the organisation that carries out official test purchases at your business by sending in a customer who is underage to see if they can purchase an age restricted product. The purpose of these tests is to check if you are meeting both your legal requirements and your own published policy, such as **CHECK 25**.

Trading Standards Advice to ensure you Retail Responsibly

- Look at every customer – CHECK 25.
- If in doubt as to the customer's age, ask for ID.
 - Do not ask any other questions such as "How old are you?" - the only question you should be asking is to see an approved form of ID.
 - Don't forget, once the challenge has taken place you **MUST** see valid ID before authorising the sale. Under no circumstances must you ever change your mind and allow the sale without seeing valid ID.
- You can ask for confirmation of their date of birth or other information on the ID to check that it is their own ID and not somebody else's.
 - If it's a driving licence ask them when they passed their driving test or ask them where they've been on holiday if their passport has been stamped.
- If in any doubt always refuse, even with ID.
- Record all refusals or ID checks in your refusal record book/sheet.

Comprehensive information to support you in making effective challenges and ID checks is located in this guidance.

Main Reasons for Failing Test Purchases made by Trading Standards

- Only assessing if a customer appears to be 18 or over – which is extremely risky! Always CHECK 25 to protect yourself and your underage customers.
- Not concentrating, being distracted by talking to somebody else or texting on their phones.

Due Diligence

Selling alcohol or tobacco to an under 18 is a strict liability offence - the owner of the business can be held responsible as well as the member of staff who made the sale. A person who is charged with this offence has a legal defence available to them to prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence.

Ignorance is not a defence.

Due Diligence is usually used in Court to prove that it was an accident and not your normal procedure. Its aim is to prove that you know the law & understand your legal responsibilities and obligations and that you comply by all of your policies and procedures and would not normally break the law.

It is not acceptable for you to say "I didn't know the law", or "I didn't understand the law." Everyone who is involved in the sale of alcohol or tobacco is expected to understand their responsibilities.

Your employer should have effective underage sales policies in place to ensure you play your part to prevent age restricted products landing in the hands of children. However, it is also important for them to show you have strong policies and procedures if an underage sale takes place at your business as this can protect them, and you, as it may significantly reduce the sanction you receive for having made an underage sale.



Identification

REMEMBER young people attempting to deceive you into selling them an age restricted product can do so by presenting you with:

- A genuine ID that has been tampered with.
- A genuine ID that is not actually theirs.
- A fake ID that is an imitation of a genuine ID card type.
- A fake ID that is made for the purpose of looking genuine, but is not a real scheme.

STEP 1: CHECK THE PHOTOGRAPH

- Ensure that the photograph is of the person presenting the card.
- The photograph must be printed directly onto the plastic of the card – NOT stuck on top of the plastic.

STEP 2: CHECK THE DATE OF BIRTH

- Calculate the age of the person from the date of birth.
 - (You should have the date of birth calculator at the till point or at the door).
- The date of birth must be printed onto the plastic – NOT handwritten or stuck on top of the plastic.



STEP 3: CHECK THE DOCUMENT

- Ensure the card has not been tampered with or altered (for example the printed dates have been altered using a pen or marker).
- Feel the card in order to identify whether anything has been stuck to the card. Look out for official looking cards that are actually fake. There is no such thing as a UK National Identity Card or a Motorcycle Learners Permit.
- The only official documents you should accept are passports, driving licences and PASS cards.

STEP 4: CHECK THE PASS CARD (IF NOT A PASSPORT OR DRIVING LICENCE)

PASS Card information for staff

1 Check the photo – is it in colour and does it match the cardholder?

2 Check the rose watermark pattern is present

3 Check the hologram – is it a genuine 3D PASS hologram?



4 Check the card – is it smooth to the touch or has it been tampered with?

5 You can also check the ultra violet security features under ultra violet light

6 Check the person – are you satisfied?



STEP 5: CHECK THE PERSON

- If you are still unsure about a person's age, your legal responsibility is to refuse to sell.

Personal Safety

When carrying out a refusal you should always consider your own personal safety. This does not mean you can ignore your legal responsibility to make challenges and undertake refusals, but it does mean by following a few basic common sense procedures you will reduce any potential risk of harm.

- If you have door staff they will always act as your first line of defence to prevent under age sales of alcohol or tobacco taking place. However, you should not rely on ID checks taking place at the entry to the venue. You should always Check 25 at the point of sale.
- Refuse or ask for ID first - only present the goods to them once you are satisfied they are old enough to buy them.
- Ensure you always appear calm, positive and professional, this way you can reduce the likelihood of a potential conflict situation occurring.
- Be pleasant and helpful – maintain eye contact. If you avoid eye contact you may seem nervous and therefore not in control; this must be natural eye contact, not staring.
- Always speak clearly.
- Explain why you are refusing the sale or entry, that you are following your company policy and the law.
- To create space, take one step back before you inform the customer you are refusing the sale or entry.
- Do not appear aggressive. Some customers may be excitable, drunk, be affected by prescription drugs or have a medical condition unknown to you, but whatever the situation they are more likely to respond aggressively if you appear aggressive towards them.
- Show you understand your customer's feelings by nodding, this will help them to accept what you are saying. Try not to slouch, fidget or avoid eye contact. If you do, it may appear to the customer that you are disinterested in them or uncomfortable in carrying out the refusal and they may attempt to put more pressure on you to change your mind.
- If you need to be more assertive raise the level of your voice, but do not shout and always avoid using sarcasms or offensive tones in your voice.
- Never talk down to the customer.



- Your decision is final. Once you have decided to refuse the sale or entry do not let anybody persuade you to change your mind. Other colleagues should not interfere or overturn your decision.
- Act consistently and fairly. You can do this by always asking for ID, all the time, every time, explain why you are refusing the sale or entry.
- If you feel intimidated call for assistance and support from a colleague. Always help each other out. If you see a colleague who could do with your help, offer it. Just your presence next to your colleague could make all the difference. Remind customers they are being recorded on CCTV.
- Call the Police if the customer becomes aggressive. If you fear for your safety or the safety of others press the panic alarm buttons.
- If a confrontational, violent or potentially violent incident occurs always inform your supervisor of the incident.

Proxy Sales

It is illegal to sell alcohol or tobacco to a person who you know is going to supply it to a person under age. This is commonly called a 'proxy sale'. Whilst this is not the case for some other age restricted products, you should consider adopting a common approach to identifying and preventing proxy sales across all age restricted products.



It can be very difficult to know if an adult intends to buy an age restricted product for or on behalf of someone who is underage. Therefore, you are only expected to act when you suspect a proxy sale is taking place.

Here are some common scenarios:

1. Just because a customer is accompanied by someone who is clearly underage, that does not mean you should suspect them of being a proxy purchaser.
2. If you see the adult asking the child what restricted product they want, or if the child's behaviour suggests the product is for them – then you should refuse the sale.

Do you know the penalties for underage sales of alcohol?

These are the penalties that you could face if you sell alcohol to a person under the age of 18:

- A fine of up to £5,000 if a member of staff makes an underage sale, unless they can show they have taken all measures, including asking for identification that would convince a reasonable person that they were over 18.
- A fine of up to £20,000 for a premise that persistently sells to people underage, defined as happening on 2 or more occasions in a 3 month period.
- Closure orders for a maximum of 14 days following persistent underage sales.
- A fine of up to £5,000 for proxy sales, where a person purchases alcohol on behalf of a minor.

Training

In addition to induction training, you should also receive regular refresher training. This is where you refresh your knowledge about the law and company policies. Remember, refresher training does not have to be formal and your employer should aim to regularly discuss underage sales prevention issues with you and your colleagues.

Did you know?

Trading Standards provides you with FREE online learning resources, for all your staff, at www.lancashire.gov.uk/lancan

We recommend that you undertake formal refresher training with your staff at least once every six months. Another form of refresher training is to use simple questions and answer sheets. Ensure your staff sign and date a copy of their training sheets and keep it on file with your other training records. Question and answer sheets accompany this guide.

Trading Standards advice is for your employer to make this guide readily available to all your managers, supervisors and staff at all times.

Selling Alcohol to Someone Who Is Drunk

- It is illegal to knowingly sell alcohol, or attempt to sell alcohol, to a person who is drunk. It is also illegal to allow alcohol to be sold to someone who is drunk.
- Breaking the law could result in a fine. If the convicted person is a personal licence holder, they could lose their licence.
- It is also an offence for a person to knowingly get, or try to get, alcohol for a drunken person on a licensed premises.

Signs to look out for

- Unsteady on feet, bumping into things, glazed eyes, smell of alcohol on breath, being propped up by friends, falling asleep, slurred words.
- Loss of some normal coordination such as struggling to pick up change or taking cards from a wallet or purse.
- Can't find the right words to use, communicating by gestures such as pointing.

Staff training on the effects of alcohol, and how to spot early signs of customers becoming drunk, should be provided to give them the knowledge and confidence to deal with drunken customers.

Caffeine based drinks

There are potential dangers of mixing popular caffeine based drinks with alcohol. Drinkers may take more risks, as an increased state of alertness may make them less aware of how drunk they actually are.

