

CHECK 25

Working together to keep young people safe

LANCASHIRE IS A CHECK 25 COUNTY

Guidance for staff on how to
prevent underage/illegal sales
of e-cigarettes or e-liquids

VAPE STORE

MINI MARKET



www.lancashire.gov.uk/lancan



Check 25 – Working Together to keep young people safe

Trading Standards have seen a significant increase in complaints about sales of disposable vapes to young people under 18. **It is illegal** to sell e-cigarette products to anyone under 18 or for adults to buy them on behalf of under-18s. The maximum penalty for selling a nicotine inhaling product to a person under 18 years is a fine of **£2500**.

Test purchase operations are carried out by Trading Standards or the police to check that you are following a Check 25 policy. This means anyone who looks under 25 should be asked for proof of ID. It is essential that you keep within the law and have systems in place that could act as a legal defence to an underage sales allegation. Underage sales have serious impacts on young people, the community and have consequences for businesses and staff.

Trading Standards have a short online course to support staff working in pubs or retail to help prevent under-age sales.

Key learning:

- How to prevent under-age sales
- What forms of ID are recommended by Lancashire Trading Standards, Lancashire Constabulary and the Security Industry Authority
- How to make a successful ID checks

On completion of the course, you will receive a certificate (*sent to your email address*) this should be kept by staff at your business as evidence for your due diligence training records. Trading Standards and Licensing Teams will also receive a record that your premises have completed the course.

To log in to the Check 25 course please scan the QR Code.
(*Register using your email address as your username.*)





Training Checklist

You should be regularly trained (we recommend every 6 months) to ensure:

- You are confident about WHO and HOW to check 25
- You know about the types of ID that are acceptable – Check 25 recommends PASS approved cards, a passport or driving licence and how to look out for fake ID
- You refresh your knowledge about the law and company policies

You should:

- Display posters to advertise your proof of age policy and to deter potential underage customers
- Keep records of challenged attempts to buy e-cigarettes or e-liquids – this may help you and Trading Standards
- Feel supported by everybody working in the business to give you confidence to challenge underage customers
- Have informal discussions about underage sales prevention issues with managers & colleagues

All posters can be downloaded from
www.lancashire.gov.uk/lancan/check-25/retail-premises.

Due Diligence

Selling e-cigarettes or e-liquids 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.

It is not acceptable to say “I didn’t know the law”, or “I didn’t understand the law.”

Everyone who is involved in the sale of e-cigarettes or e-liquids 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 being sold to children.
- strong policies and procedures so if an underage sale takes place at your business this can protect them and you (it may significantly reduce the sanction you receive for having made an underage sale).



Responsible Retailing Checklist

To ensure you don't make a sale you should:

- Look at every customer – CHECK 25.
- Ask for ID if you are in doubt as to the customer's age
 - **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.

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

Identifying valid ID checklist

Check the photograph – Is it of the person showing you the card? Is it printed directly onto the card?

Check the date of birth - Calculate the age of the person from the date of birth. A handy age verification tool can be found at www.lancashire.gov.uk/lancan/check-25/retail-premises/resources-tobacco/

Check the document – Make sure it's not been tampered with or altered or fake

The only official documents you should accept are passports, driving licences and PASS cards.

Check the person – if you are still unsure about a person's age, your legal responsibility is to refuse to sell.

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?



Proxy Sales

It is illegal to sell e-cigarettes or e-liquids to a person who you know is going to supply it to a person under-age, this is called a 'proxy sale'.

A common approach to identifying and preventing proxy sales across all age restricted products should be adopted. 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.

Note:

- 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.
- 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.
- Try, as far as possible, to monitor what is happening outside your business, especially, if young people are hanging around. If you see what looks like an adult being asked to buy a product by a person outside the business, refuse the sale to that person.



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.



Safety Tips Checklist:

- Explain why you are refusing the sale, that you are following your company policy and the law. 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.
- Before you refuse or ask for ID remove the product from the counter and take one step back before you inform the customer you are refusing the sale.
- 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.
- 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.
- 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 do not let anybody persuade you to change your mind. Other colleagues should not interfere or overturn your decision.
- 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.
- If a confrontational or violent or potentially violent incident occurs always inform your manager/ owner of the premise of the incident.
- Call the Police if the customer becomes aggressive. If you fear for your safety or the safety of others press the panic alarm buttons.



Consequences of an underage sale

Punishments

Fine of up to £2500 per offence

For the seller, the owner and the limited company

Social consequences

Anti-social behaviour and littering around stores & in nearby areas

Long term effects of nicotine addiction for young people

Restricted premises orders

Two or more sales in a 2 year period, can lead to a ban on all sales from the premises for 12 months

Regulation of Vape Products

There are disposable vape products on the market that don't meet UK regulations. These products are liable for seizure and a business supplying these could be prosecuted, so make sure you only stock and supply legal products.

A legal disposable vape in the UK is a product with less than 2% nicotine or 20mg/ml, and with a volume not exceeding 2ml (typically about 600-650 puffs), in child resistant and tamper proof packaging, with relevant warnings, including the health warning 'this product contains nicotine which is a highly addictive substance. Any product which does not meet these requirements is not legal for sale in the UK.

For more information

If you need:

Any guidance on vapes and the law

Email: Check25@lancashire.gov.uk

To report an underage or illicit supply of vapes

Contact: Citizens Advice Consumer Advice Service on **0800 223 1133**

Or Email: Check25@lancashire.gov.uk