
The Protection of children from harm

This fact sheet sets out practical guidance for premises licence applicants in order to promote the licensing objective of protecting children from harm and ultimately avoid underage sales of alcohol.

What am I not allowed to do?

It is a criminal offence to sell alcohol to anyone under the age of eighteen.

The offence is committed by any person who physically sells as well as the Premises Licence Holder and / or Designated Premises Supervisor. The Premises Licence Holder and / or Designated Premises Supervisor may commit an offence even when they are not on the premises.

What can I do to prevent underage sales?

There are a number of measures you can put in place to prevent you and your staff from making underage sales. These measures may provide you with a due diligence defence if a sale were to occur. They will also show that you are taking positive steps to promote the licensing objective of protecting children from harm. As such you may wish to include them on your operating schedule when completing your premises licence application.

- **Staff Training**

The Premises Licence Holder is primarily responsible for any sales made from the shop. You should therefore ensure that all staff are fully trained and you are satisfied with their competence before allowing them to sell alcohol.

All staff selling alcohol should receive documented training on age related sales. This includes the Designated Premises Supervisor who will be responsible for the day to day running of the shop and any family members or friends who help out on an irregular basis. Such training should be delivered on a regular basis to act as a reminder to all staff. It should be recorded and signed by staff to confirm they have understood it.

Guidance leaflets for staff are available from Trading Standards free of charge.

- **Refusals Book**

It is recommended that a Refusals Book is used, so that all refusals to serve age restricted products are recorded by staff. By completing this, staff can demonstrate they are making refusals as instructed. The Premises Licence Holder or Designated Premises Supervisor should check the book regularly to ensure that refusals are being made and recorded by all staff.

Refusals Books are available free of charge from Trading Standards.

▪ **Challenge 25**

It can often be difficult for staff serving customers to determine a person's age, therefore to help staff avoid making mistakes it is advised that you adopt a 'Challenge 25' policy.

Challenge 25 requires staff who are serving age restricted products to ask the customer for ID, if they don't think that they look 25. The customer may then be served if they can prove that they are aged 18 or over.

What Proof of Age is acceptable?

Identification which is accepted as proof of age must bear the holder's photograph, date of birth, and either a holographic mark or ultraviolet feature.

It is recommended that only accredited Proof of Age Standard Scheme (PASS) cards, a photo driving license, a passport or a military identification card should be accepted as proof of age.

Citizen Card application forms which you can display in your shop are available from Trading Standards free of charge.

If there is any doubt about a person's age, identification to prove their age should be requested. You should always operate a 'no proof - no sale' policy where there is any doubt.

How can I include these measures in my operating schedule?

Set out below are some sample conditions which could be included in your operating schedule, should you wish to implement these recommendations. Please be advised that they are only examples and you may wish to change them to fit in with your specific procedures. As they would become conditions on your licence, only include those you intend to implement:

- All staff shall be trained regarding the sale of alcohol.
- A refusals book shall be maintained.
- The premises shall operate a 'Challenge 25' policy in relation to the sale of age restricted products.
- Only accredited Proof of Age Standard Scheme (PASS) cards, photo driving licences, passports or military identification cards will be accepted as proof of age.

What about adults buying alcohol for children

Trading Standards work with the Police to tackle this serious issue. Adults who buy alcohol for children are committing a criminal offence. If you are suspicious of:

- adults who have been approached by youths outside your shop,
- adults buying unusually large amounts of alcohol which you know is appealing to under eighteens, or
- young adults you suspect to be part of a gang including underage youths
- you should refuse the sale.

What if I fail to comply?

Anyone who sells alcohol to a person under 18 could be prosecuted and liable to a maximum fine of £5000.

Any steps taken to promote the licensing objectives, which are included in your operating schedule, would become conditions on the premises licence. Failure to comply with such conditions would be a criminal offence liable to a maximum fine of £20,000, imprisonment for up to six months or both.

In the case of a Personal Licence Holder, a conviction may affect their ability to hold a personal licence.

A conviction of underage sales or non-compliance with licence conditions can also be considered to be a breach of the licensing objectives and could lead to a formal review of the premises licence at a hearing before the Council's Licensing Sub Committee. The committee could then change the licence conditions, or ultimately suspend or revoke the licence.

Please note:

This fact sheet is a brief summary of the law and is intended as 'general' guidance only and should not be taken as being an authoritative legal document. For specific advice, contact:-

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