

Guidance for off-licensed Premises



Who is aged 18 or older?

- Can you judge the age of these young people?
- Do you struggle with any of them?
- If you do then you risk losing your premises licence and should be operating a Challenge 25 Policy

Answers on back page...

Introduction

The Coventry Community Safety Partnership, which includes the Council, West Midlands Fire Service, West Midlands Police, West Midlands Police Authority, NHS Coventry and other agencies is committed to reducing crime, disorder, tackling substance misuse and making Coventry a safer place to live, work and visit.

In support of this all of the Responsible Authorities for licensing are working together with the Licensing Authority in order to ensure that Coventry has a consistent and effective approach to licensing enforcement issues.

The Responsible Authorities are:

West Midlands Police

West Midlands Fire Service

Coventry City Council including:

- Coventry Safeguarding Children Board
- Trading Standards
- Environmental Protection
- Health and Safety
- Planning

The Responsible Authorities are keen to work with you and to support you in complying with the licensing objectives under the Licensing Act 2003, which are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

This guidance has been developed by the above agencies in order to provide a reliable source of information to support you in the responsible day to day management of your premises and to advise you on what you must be doing to comply with the Licensing Act 2003.

Irresponsible sales of alcohol can contribute to crime and anti-social behaviour in local communities. By working together we can make sure we are doing all that we can to minimise this type of behaviour and make Coventry a safer place to live, work and visit.



Martin Reeves

Chair of the Coventry Community Safety Partnership

Challenge 25

This is a scheme where a retailer will challenge anyone attempting to purchase alcohol, for proof of age, if they appear to be under the age of 25. This gives the person selling a good safety margin to avoid selling when they should not.

The Law

It is illegal to sell alcohol to anyone under the age of 18 and a Responsible Authority, such as Trading Standards or the Police, may call for a review of the premises licence where any of the offences below are committed.

Offence 1 Selling alcohol to an individual aged under 18.

Offence 2 Knowingly allowing the sale/supply of alcohol on relevant premises to an individual aged under 18.

Penalty A person found guilty of the above offences is liable to a fine of £5,000.

Offence 3 Persistently selling alcohol to children.
A person is guilty of an offence if on 3 or more different occasions within a period of 3 consecutive months, alcohol is unlawfully sold on the same premises to an individual aged under 18.

Penalty A person found guilty of this offence is liable to a fine of £10,000.

Cuttings from:



Coventry Times 02.04.2009



Coventry Times 09.09.2009

What can I do to avoid committing an offence?

In law, the Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS - formerly the licensee) can be held accountable to 'sell alcohol' (offence 1) as well as the member of staff who actually supplies the alcohol.

Reasonable steps defence

Whilst it will always be the duty of the seller to ensure age-restricted products are sold legally, UK legislation provides defence provisions for strict liability offences. These provisions recognise that in some cases a person will do all they reasonably can to comply with the law yet still commit the offence. To prove a defence a person must show that they:

- believed the person was not under eighteen and had taken all reasonable steps to establish the person's age, or
- that nobody could reasonably have suspected from their appearance that they were under eighteen

The following guidance provides advice on the steps traders should take when implementing procedures which may enable them to claim a defence. Should you need further advice on what would be considered reasonable for your individual business please contact us:

Trading Standards

Coventry City Council
5th Floor, Broadgate House
Coventry
CV1 1NH
Telephone: 0845 330 3313
e-mail: tradingstandards@coventry.gov.uk



Actions you can take to prevent under age sales:

1) Have a written policy for Age Restricted Sales

This could detail to whom and in what circumstances a customer will/will not be served (e.g. only on production of proof of age) and/or a challenge 25 policy where anyone appearing under 25 is asked for proof of age.

2) Adopt written procedures

These may vary in size and complexity according to the size of the business, but should be brought to the attention of all employees dealing with age-restricted product sales (e.g. before selling to a person suspected of being under age refer to other/senior staff for advice). A system should also be available for checking and recording that procedures are being complied with.

3) Staff training

You have a responsibility to ensure your employees are fully aware of the legal requirements relating to age-restricted sales. Training should be documented and must cover the following points:

1. Knowledge of the law
2. Awareness of policies and procedures
3. Guidance on how to assess age
4. Advice on handling refusals

Refusing underage sales is a common cause of violence in the retail sector. Staff should be trained in techniques for non confrontational handling of disputes. For advice and guidance please contact the Public Protection, Health and Safety Team on 024 7683 1848.

Training must be given to **all** new starters and refresher training given to **all** staff on a periodic basis. Any changes to legislation/new developments in combating sales (e.g. introduction of proof of age schemes) must also be covered. As part of your procedures you should ensure that employees sign a declaration sheet that they have received training and understood the legal requirements imposed upon them and your business.

Adequate numbers of staff should be available to deal with the known/anticipated level of business i.e. more staff should be working peak times such as Saturday evenings especially if you also run a lottery terminal.

4) Authorisation

All staff who sell alcohol are required to be authorised to do so by a personal licence holder. This authorisation should be in writing and recorded so that it can be reproduced, should the need arise.

5) Notices

Notices should ideally be displayed in the shop window/door to deter young people entering, on or by the alcohol itself and at the till. Notices should effectively say "It is illegal to sell alcohol to anyone under the age of 18". In addition, it is recommended that you operate a Challenge 25 policy and display notices saying it is an offence for adults to buy alcohol on a child's behalf. Notices should be displayed to this effect.



6) Refusals log

This enables a trader to demonstrate to a Responsible Authority or to the Licensing Officer that refusals do occur. It also enables an owner/manager to monitor refusals by individual employees. A history of refusals acts as evidence that the business is attempting to comply with the law and all employees are actively considering its requirements whenever a sale is attempted. You must check that all members of staff are implementing the policy.

7) CCTV

If CCTV is installed then you have an ideal opportunity to check on the actions of your staff and to highlight sales to young people, apparently under 18, when I.D should have been asked for. We would recommend a CCTV system that is capable of recording for 31 days and has sufficient cameras inside and out. Your local Police Crime Reduction Officer can offer advice on where best to locate your cameras. In addition, members of staff should be trained to operate and download images for inspection by Responsible Authorities.

8) Over stickering/till prompts

Stickers highlight to employees that the product is age-restricted and this enables them to positively consider their response to the attempted purchase. Checks should be made to ensure staff do not just carry on with the sale but stop and look at the person attempting the sale and challenge them if required.

If you have a till that scans goods, you can usually enable an automatic till prompt to remind staff to request I.D. for age restricted products.



9) Audits

Dependent on the size of your business, the premises and employees should be audited in some manner to ensure compliance with the legislation. This may be simply by observation or asking relevant questions to ensure understanding. In larger companies, audits may include conducting your own test purchase exercises, (remember though it is an offence to sell alcohol to someone under 18, so you should use an 18 year old who looks young). This is particularly relevant if you operate a Challenge 25 Policy.

10) Proof of age

There are a number of nationally recognised proof of age schemes/cards including the Connexions Card, Citizen Card, the Portman Card and the Validate Card. All give an indication of a purchaser's age and have the potential to reduce the problem of under-age sales considerably. Details of such schemes can be obtained from:

www.citizencard.net

www.connexionscard.com

www.portman-group.org.uk

www.validateuk.co.uk

Other forms of acceptable proof of age would include a passport or a photo card driving licence, both of which contain a photograph of the bearer. **Remember, beware of fake ID.**

Whatever Proof of Age is accepted, employees must always check to ensure it relates to the person attempting the purchase and that they are of the correct age to make the particular purchase. It is not acceptable to ask for Proof of Age and then not verify either the photograph or the age of the person because it has been produced across a counter or that the store is busy.

11) Conditions of Licence

Your premise licence may have conditions applied to it. If this is the case then all staff should be aware of these conditions and how to comply with them. If you trade in breach of these conditions then your licence may be at risk.

At all times remember:

- an offence may be committed by the employee, Designated Premises Supervisor, licensee or Premises Licence Holder
- different products have different age restrictions
- challenge the age of every young person
- demand proof of age: No Proof - No Sale
- do not rely on appearance alone
- if in any doubt do not sell
- introduce a reasonable steps and due diligence procedure
- seek advice if in doubt about any aspect of the law or these guidance notes



Responsible retailing

Promotions

All promotions should be accurate and we would recommend that they do not encourage irresponsible drinking.

Single can purchases



You may want to consider restricting or banning single can purchases, as these are particularly attractive to young people.

Responsible drinking

Government guidelines say that women should not drink more than 2-3 units a day and men 3-4.

- a 125ml glass of 12% ABV wine is 1.5 units
- a pint of 4% ABV Lager is 1 unit
- a 25ml measure of 40% ABV Spirit is 1 unit

You may want to display a Please Drink Responsibly Notice on your premises.

1 unit	1.5 units	2 units	3 units	9 units	30 units
 Normal beer half pint (284ml) 4%	 Small glass of wine (125ml) 12.5%	 Strong beer half pint (284ml) 6.5%	 Strong beer large bottle (440ml) 6.5%	 Bottle of wine (750ml) 12.5%	 Bottle of spirit (700ml) 40%
 Single spirit shot (25ml) 40%	 Alcopops bottle (275ml) 5%	 Normal beer large bottle (440ml) 4%	 Large glass of wine (250ml) 12.5%	<p>Government advises alcohol consumption should not regularly exceed</p>  Men 3-4 units daily  Women 2-3 units daily	
		 Medium glass of wine (175ml) 12.5%			



Community impact

The responsibility you show in running your business will impact on the local community around your premises. If you consider issues such as your drinks promotions, single can sales and refusing underage purchasers, you will hopefully not become a magnet to young people who can then go on to cause anti social behaviour or other criminal offences in the neighbourhood.

Consider looking outside your premises to check that adults are not proxy buying for young people outside your premises i.e. adults buy the alcohol, but once outside give this to young people. If you find this is the case, do not sell alcohol to these adults again and report the matter to the Police.

Noise

Noise such as raised voices, car doors slamming, vehicle horns etc, from customers arriving at and leaving an off licence can be particularly disturbing to residents, especially in the evenings. Any off licence that is open in the evening and later into the night and that is situated in a residential area should display clear and prominent notices requesting that customers are respectful of local residents and enter and leave the premise in an orderly manner, without creating any unnecessary noise.

Staff should be trained to manage and monitor customer's behaviour and you should consider banning any customer who causes persistent problems. If recorded music is played in the premises, this should be kept at background level, so that it is not audible outside. Self-closing mechanisms fitted to doors will help prevent the noise escaping.

For more information on noise control please contact Environmental Protection on 0500 834333 or env.protection@coventry.gov.uk

Other Issues:

Counterfeit/none duty paid alcohol

The Licensing Act 2003 makes it an offence for Personal Licence holders, the DPS and others, to keep smuggled goods on relevant premises that are either non duty paid, or otherwise have been unlawfully imported.

Tobacco Sales

Under the Children and Young Persons (Protection from Tobacco) Act 1991

It is an offence for any person to sell cigarettes, tobacco products or cigarette papers to anyone under 18 years of age. It is also an offence to sell cigarettes unless they are in their original packaging. They cannot be split to sell in lesser quantities.

A warning notice must be displayed in a prominent position which is clearly visible to anyone buying cigarettes saying "**IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18**". Failing to display this notice is an offence.

Locked and Blocked Fire Exits

Businesses are now legally responsible for fire safety on their premises. Under Article 14 of the Fire Safety Order, you are required to ensure all fire exits and emergency routes are unlocked and kept clear. The 'Keep Your Business in Business' package is available to help you comply with the legislation. For any enquiries contact Coventry Fire Safety Team on 024 7622 0356 or www.wmfs.net

Licences

Any premises wishing to carry on any of the licensable activities will need a Premises Licence. A licensed premise is required to display the Premises Licence Summary in a prominent location on the premises. The full Premises Licence must be available for inspection on request by the Licensing Authority and any of the Responsible Authorities.

A Personal Licence authorises an individual to supply alcohol or authorise the supply of alcohol in accordance with the Premises Licence. Only a Personal Licence holder can be a DPS for licensed premises.

The DPS must have day to day responsibility for the premises and if they go away on holiday they are required to authorise **in writing** a Personal Licence holder to be responsible for the supply of alcohol.

A premises selling alcohol which does not have a DPS is in breach of licensing law. Any sales would constitute an unauthorised activity.

For any enquiries relating to licensing issues contact the Licensing Team on 02476 831 888 or www.coventry.gov.uk/licensing

Licensed premises are visited by the Responsible Authorities / Licensing Authority:

- to carry out routine inspections to check that the premises licence is being complied with
- and /or to deal with a complaint that has been received

Depending on what is found during an inspection, or when dealing with a complaint, they will respond in a proportionate way.

On some occasions a multi agency group (representing the Responsible Authorities) known as the Licensing Taskforce, will visit your premises. The Taskforce officers will inspect relevant areas of concern/potential problem areas.



There are several enforcement options available depending on the outcome of the inspection or complaint which include:

- verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with you;
- written warning – this is a step up from verbal advice and you are given a letter recording the warning and advice given to you;
- action planning – this plan will be written down and given to you and will explain what you need to do in a set period of time in order to comply with the licensing objectives. It will then be reviewed and if you have complied, the action plan will be terminated. If not you may face prosecution or your licence may be called for a review;
- review – when there is evidence to show that the licensing objectives are not being met then you will have to attend a review hearing at the Council House. A decision will be made by the Licensing Authority Sub-Committee, based on the evidence put forward, as to whether you can keep your licence or have conditions imposed on it;
- prosecution – under the Licensing Act, certain offences can be heard in the Magistrates Court. The Licensing Authority/ Director of Public Prosecutions/ the Weights and Measures Authority (Trading Standards) and the Responsible Authorities have powers to institute a prosecution under other legislation, depending on the nature of any offences found;
- closure – several of the Responsible Authorities have the power to close your premises whilst on site if they deem it necessary under the Licensing Act, Health and Safety legislation and Fire Safety legislation.

Contacts

Licensing Team

Coventry City Council,
Public Protection Service,
Broadgate House,
Broadgate,
Coventry,
CV1 1NH
Tel: 024 7683 1888
e-mail: licensing@coventry.gov.uk

Police

West Midlands Police
Tel: 0845 113 5000

Fire Authority

West Midlands Fire Service,
Central Fire Station,
Radford Road,
Coventry,
CV1 4EL
Tel: 024 7622 0356
e-mail: coventry.licensing@wmfs.net

Coventry Safeguarding Children Board

Broadgate House 4th Floor,
Broadgate,
Coventry,
CV1 5RS
Tel: 024 7683 3443
e-mail: hayley.owen@coventry.gov.uk

Health and Safety

Coventry City Council,
Public Protection Service,
Broadgate House,
Broadgate,
Coventry,
CV1 1NH
Tel: 024 7683 1848
e-mail: ehcommercial@coventry.gov.uk

Trading Standards

Coventry City Council
5th Floor, Broadgate House
Coventry
CV1 1NH
Telephone: 0845 330 3313
e-mail: tradingstandards@coventry.gov.uk

This leaflet is worded in a general way and cannot cover every circumstance. However, if you need more information we'll be happy to assist. Please contact the appropriate agency on the previous page.

Answer from front page

Ages of young people - from left to right: 17, 14, 15, 18, 16

If you need this information in another format or language please contact us.

Telephone: 024 7683 1888

e-mail: licensing@coventry.gov.uk