Preventing the illegal sale of age-restricted products
Hackney Council is committed to maintaining the health and safety of our young people and community. One way this is achieved is through the prevention of illegal sales of age-restricted products to youth.

It is illegal to sell an age-restricted product to someone under 18 years of age. The Council will take enforcement action against those businesses and traders that break this law.

Please be aware that:
- The owner of a business could be prosecuted and fined if an illegal sale takes place.
- You may receive a Fixed Penalty Notice (FPN) or lose your trading licence if you or your staff sell an age restricted product to an under-age customer.
Introduction

Hackney Council’s Trading Standards team have produced this guidance pack to help you and your staff avoid selling age-restricted products to children and young people.

The Trading Standards team is responsible for enforcing a range of laws that deal with the sale of age-restricted products including tobacco, knives, alcohol and lottery cards.

These laws recognise that mistakes can happen, however it is vital that you ensure your records are kept up to date and accurate, help on doing this can be found on page seven. If you can prove that your staff are trained, illegal sales are refused and that you have systems in place to prevent illegal sales, formal action may not be taken.
## Age restricted Goods

<table>
<thead>
<tr>
<th>ITEM</th>
<th>MINIMUM AGE</th>
<th>MAX FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knifes, Blades, Razors and Box Cutters</td>
<td>18</td>
<td>£5,000</td>
</tr>
<tr>
<td>Alcohol</td>
<td>18</td>
<td>£5,000</td>
</tr>
<tr>
<td>Cigarettes, Tobacco, Pipes &amp; Papers</td>
<td>18</td>
<td>£2,500</td>
</tr>
<tr>
<td>Solvents and lighters, including refills</td>
<td>18</td>
<td>£5,000</td>
</tr>
<tr>
<td>(containing butane)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fireworks</td>
<td>18</td>
<td>£5,000</td>
</tr>
<tr>
<td>Spray Paints</td>
<td>16</td>
<td>£2,500</td>
</tr>
<tr>
<td>Lottery Tickets &amp; Scratch Cards</td>
<td>16</td>
<td>£5,000</td>
</tr>
<tr>
<td>DVD’s and Computer Games</td>
<td>15, 12, 5+</td>
<td>£2,500</td>
</tr>
</tbody>
</table>
Practical Tips
There are a number of simple steps that can be taken to prevent young people illegally purchasing age-restricted goods. Listed below are some practical tips that could help prevent you and your staff from breaking the law.

• **Operate a “Challenge 25” policy**
  Always ask for proof of age from anyone who looks younger than 25 years old. See page six for further information.

• **Operate a “No ID, No Sale” policy**
  Without proof of age identification no sale can take place. To further enforce this you can display the enclosed poster at sale points in your store so customers will expect to be asked to prove their age. If possible, set up a prompt or reminder on your till to remind staff to ask for proof of age when selling age-restricted products. See page six for further information.

• **Refusals book**
  If you or your staff refuse a sale record this in the refusals book, which is enclosed with this pack. See page seven for further information.

• **Train staff**
  Ensure all staff are fully trained and their training is monitored. Record training details in the training record book enclosed with this pack. Ensure you do not sell to a child even if they say the product is for a parent or other adult. See page seven for further information.

• **Display statutory notices**
  Ensure statutory notices, for fireworks and tobacco, are prominently displayed in your business. See page eight for further information.
Proof of age
– always ask to see identification
At times it can be difficult to judge a person’s age, so it is vital that you take steps to ensure that you and your staff are trained to prevent the sale of restricted items to young people.
Be realistic – to get what they want many young people will attempt to make themselves look older and may lie when asked their age.
To be on the safe side we recommend you operate a “Challenge 25” policy and always ask to see photo proof of age identification for anyone appearing to be under 25 years of age.

Photo ID schemes
As a business trader you are required by law to ensure the photo ID card provided to you belongs to the person using it. We recommend that you only accept cards with a photograph and a date of birth.
Passports and driving licences are acceptable but remember that a person can have a driving licence from the age of 17.
ID cards that include the PASS holographic logo will also show a photograph and date of birth. The hologram is forge-proof and recognisable. The Home Office, the Association of Chief Police Officers and Trading Standards support this scheme.
Nationally recognised PASS cards are:

- CitizenCard
- VALIDATE UK
Refusals book
When you or your staff refuse a sale keep a record of the incident in the refusal book enclosed with this pack. This record provides evidence that your business has avoided illegal sales to young people. It may also help identify problem groups, individuals and other issues that may be useful for Trading Standards or the Metropolitan Police. You should regularly monitor the refusals book to ensure that all staff are using it correctly. If there are no entries, or very few by certain staff, this could indicate their reluctance to challenge people about their age and can help identify if extra training or support is needed.

Training and support for staff
It is important that you ensure all staff responsible for selling age-restricted products receive regular training. It is your responsibility to ensure your staff are aware of the age restrictions for the various products you sell.
A reference guide is enclosed in this pack. Display this next to your till for a quick reference guide for your staff. It is also your responsibility to ensure your staff understand what constitutes acceptable photo ID. The enclosed poster is a good reference and should be displayed in a visible spot for staff and customers.

Your staff should be aware that they should operate a “Challenge 25” policy at all times.

It is very important to keep records of training and instructions given to staff. Following a training session, staff should sign a form confirming they have understood the training. You should also regularly monitor staff to check how they are dealing with age restricted products.
**Keeping Safe: avoiding confrontation**

When confronted with a customer that refuses to produce adequate photo ID advise staff to inform the customer that it is a requirement by law which is enforced by the Metropolitan Police and the Council. The following tips can help your staff stay safe:

- Where appropriate, staff should stay behind the business counter or bar, as this can act as a safety barrier.
- The installation of CCTV can deter troublemakers and be used as evidence when incidents occur.
- Placing age-restricted products, such as alcohol, tobacco, knives and solvents, behind the counter and away from self-service areas can also deter troublemakers.

If at any time you are experiencing difficulty with an underage sale please contact the Council’s licensing team, your local Metropolitan Police or Safer Neighbourhoods team for help and advice. Contact details for these organisations can be found at the back of this guide.

**If you run a pub, hotel, club or restaurant**

Ensure age restriction notices are displayed on cigarette vending machines and gaming machines.

Position cigarette vending machines and gaming machines in a clearly visible location so your staff can ensure they are being used appropriately.

**If any members of your staff are under the age of 18**

There are a few things you need to consider:

**Alcohol** – staff members under the age of 18 can only sell alcohol if the licensee or another responsible adult agrees to the transaction.

**Fireworks** – staff members under the age of 16 are NOT able to sell fireworks. A responsible adult must supervise the sale if a staff member is aged between 16 and 18 years.
Lottery tickets – it is illegal for staff members under the age of 16 years to sell lottery tickets or scratch cards.

Employment – it is illegal to employ a staff member that is under 13 years of age. For staff aged 13-18 years there is a limit on the number of hours and days they can work. Employers must obtain a permit from their local education authority to hire a staff member between 13 and 18 years of age.

**Enforcement**

Mystery shopper exercises are regularly carried out across Hackney to check that shops are complying with the law. Hackney Trading Standards officers work closely with the Safer Neighbourhood teams, the Metropolitan Police and the Council in taking action against businesses that have illegally sold restricted items to a young person.

**Legal action**

The Trading Standards team will take enforcement action, including prosecution when:

- traders flout the law or act irresponsibly
- the offender has repeatedly ignored advice
- there is widespread disregard of the law in a particular area and we need to make other traders and the public aware of the potential consequences.

See the chart on page 12 for further details.
Legal Action: Alcohol sales

When alcohol is sold to someone under the age of 18 years, Trading Standards will prosecute the business responsible for the sale through the Magistrates Courts. In some cases, the Police may issue a Fixed Penalty Notice to the individual responsible for the sale. In cases of a first time offence, the licensee may be issued with a formal warning for allowing the sale to take place on their premises. However, repeat offenders will be subject to prosecution and a licence review. Your licence may also be reviewed if you have intentionally sold fake or smuggled goods. It is your responsibility to only purchase your stock from a reliable supplier.

Advice and information supplied in this pack is based on current legislation as of April 2009 and may be subject to revision. If you are in doubt, please contact the Trading Standards team on 020 8356 4929.

To be on the safe side we recommend you operate a “Challenge 25” policy
# Reference guide to the sale of age-restricted products

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**Extra Information:** Maximum fine, £5,000. A Fixed Penalty Notice of £80 may be issued and your alcohol licence reviewed.

**Extra Information:** Repeated offenders may be banned from selling cigarettes and other tobacco products for up to 12 months. Breach of this order could result in a fine up to £20,000.

Cigarettes should not be sold individually to children or adults. You must display a warning notice in English advising customers that it is illegal to sell tobacco products to anyone under the age of 18. Breach of these orders could result in a £1,000 fine.

Cigarette vending machines
A warning notice must be displayed, stating “This machine is only for the use of people aged 18 or over.” You may be fined £1,000 if you do not comply.

**Extra Information:** A warning notice must be displayed, at all times, stating that “It is illegal to sell fireworks or sparklers to anyone under the age of 18 years; and it is illegal for anyone under the age of 18 to possess fireworks in a public place.”
**ITEM** | **AGE** | **MAX FINE**
--- | --- | ---
Spray Paints | 16 | £2,500
Lottery Tickets & Scratch Cards | 16 | £5,000
**Extra Information:** Maximum fine £5,000 and your terminal may be disconnected.
DVD’s and Computer Games | 15 | £2,500
12 | 5+
**Extra Information:** It is illegal to sell DVDs, videos and computer games to a child under the recommended age, staff must be aware of the recommended ages or ratings for products. Please note R18 is only suitable for individuals over 18 years and may only be supplied through licensed sex shops. Ensure your staff take particular care with DVDs supplied free with magazines. The age of the customer must be confirmed before the sale.
Useful Contacts

Hackney Service Centre
Telephone: 020 8356 3000

Trading Standards
Environmental Health & Consumer Protection
Telephone: 020 8356 4929
Fax: 020 8356 4916
Email: trading.standards@hackney.gov.uk

Metropolitan Police Licensing Section
Telephone: 020 8217 3339

Safer Neighbourhoods team
Telephone: 020 8356 3186