



LICENSING MATTERS
you serve • we protect

PREMISES LICENCE HEARING
27th November 2013

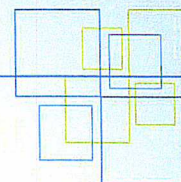
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SUPPORTING DOCUMENTATION

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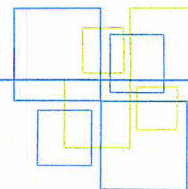
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TEST PURCHASING

Test Purchasing is when the Police and Trading Standards officers send people under 18 years of age into a shop to check that they are complying with the law. They are supported fully by the government and are allowed by law, they are not a trap.

The procedure that is followed ensures that the Test Purchase is conducted fairly and more importantly with a certain guarantee that any shop that fails will face a conviction should the matter end up in court. The young persons used to buy the alcohol are usually aged well below 18 years of age (usually 15) and look their age. A Trading Standards or Police Officer will be in the shop to witness the sale but it is now common for the youth to carry a hidden video camera and record what happens. They do both of these things so that if the case goes to court they have the evidence to prove that the sale took place.

Remember that a test purchase is different to a 'real life' situation and the warning signs you will learn about, such as nervousness, will not necessarily be obvious. This is because the child is not breaking the law but instead is doing something he or she has been instructed to do by a Police Officer or a Trading Standards Officer. It makes test purchases difficult to deal with so being alert is essential at all times.

If the young person is successful at obtaining alcohol, Trading Standards or the Police can deal with the sale in any way they see fit using any of the penalties that have been described above.

SIGNS THAT A PERSON MAY BE UNDERAGE

Being able to recognise when a person may be underage is a very important part of your job. Sometime it is not easy to determine if a person is under age so the points below will help you to do this.

Physical Appearance

Clearly the major give away as to a person's age is their appearance. It is much easier for girls than boys to enhance their appearance and make themselves look older than they are. They do so by wearing excessive make up, high heels to make them appear taller and by wearing more mature clothing. Boys often look younger than girls. They may try to conceal their faces by wearing a 'hoodie' or cap but the most common way that staff fall into the trap of believing that a boy is older is when they are unusually tall for their age. Boys of 14 or 15 years old can be over 6ft in height. **Do not try to judge ages and do not be deceived by appearances!**

Body Language

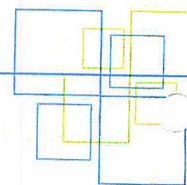
Body language can be a giveaway that a person is only young. Signs of nervousness such as stuttering, giggling and not being able to keep still are signs to look out for. On the other hand, over confidence, aggressiveness or being rude and uncooperative can sometimes be suspicious. Either way, when a person is attempting to deceive they rarely find it easy to make eye contact.

Product being purchased

Be aware of the products that young people like to drink. If it is a product which is likely to be favoured by the underage, such as alcopops or cider, be particularly careful.



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Product quantity & price

Young people do not work and rarely have the funds to buy a large quantity of goods or products that are in the higher price brackets. Your suspicions should be raised if a person who looks young is buying a single bottle or can of a cheaper product.

Payment method

Adults usually pay for their goods with cash from a wallet or purse, a cheque or a credit or debit card. People who buy their goods in this way are therefore less likely to be underage. On the other hand young people are more likely to pay for goods with cash and change. Large quantities of loose change can be an indication of an underage person as it may be the result of a collection.

THE 'CHALLENGE 25' SCHEME

The 'Challenge 25' scheme is now a nationally accepted way of avoiding making a sale to underage persons. It was introduced because it was recognised that it can be very difficult to assess the age of a young person and to identify accurately whether someone is 17, 18, 19 or 20, but is usually easier to determine whether someone is over 25. Your store has adopted the 'Challenge 25' scheme and you must follow it at all times.

what does 'challenge 21' mean?

If you suspect a young person is under 25 years of age, then you must ask them for identification to prove to you that they are aged over 18. If the person cannot prove their age you must explain the scheme to them and refuse to serve them alcohol. Under no circumstance must you decide to sell because it seems the easier thing to do at the time!

The 'Challenge 25' scheme, if used correctly at all times, will protect you & your job and young people by ensuring that only those over 18 can buy alcohol.

ACCEPTABLE IDENTIFICATION

There are many different ways a person can prove their age by using documents or cards. However, for purchasing alcohol most of them are unacceptable. For example, a birth certificate or national insurance card have no photograph on them and can be passed around between friends. Student Union cards or bus passes can easily be made on a computer. There are also many different fake proof of age cards in existence that can be paid for over the internet.

Because of this there are therefore only 2 forms of identification that you should accept as proof of age which are detailed below:

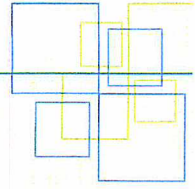
- 1) Photocard Driving Licence
- 2) Passport

Do not accept anything else!!

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HOW TO CHECK I.D. AND WHAT TO LOOK FOR

general

When you are checking identification it is important that they are checked thoroughly. The items to be checked are:

- The date of birth. You will need to work out whether a person is 18. If you need help, ask!
- That the photograph matches the holder. Look carefully, DO NOT just glance.
- That it is current and valid
- That it is not fake and has not been tampered with.

DO NOT simply allow a customer to present a form of ID to you in a wallet. The identification can easily be obscured and may lead to mistakes. If a customer does this politely ask them to remove the identification from the wallet and check it thoroughly.

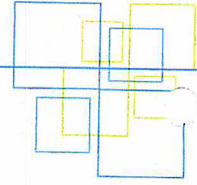
If after seeing the identification produced you still have a doubt, refuse the sale.

passports

This is the best form of identification to establish a person's age. Passports are rarely fake and can usually be relied upon for identification. The only problem, if the passport was obtained years ago by the holder, may be if the person's looks have changed and are different from the photograph. If in doubt ask a colleague's opinion or refuse the sale.



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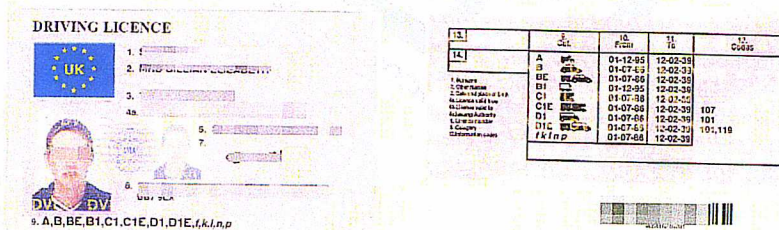
photocard driving licences

The photocard driving licence is an acceptable way for a person to prove their age. Beware however as there are many fake driving licences in circulation. The driving licence has also recently been changed and it now has many different features. We have therefore separated the information relating to driving licences into the old and the new as you will need to be aware of the different things to look out for.

old driving licence

The points to look out for are:

- The vast majority of driving licence fakes which are obtained over the internet do not say 'Driving Licence' on them. They state that they are a 'National Identity Card'. Look carefully for the wording and if it does not say 'Driving Licence', DO NOT ACCEPT IT.
- The licence will have the words DVLA printed all across the bottom half of the licence.
- If you have an ultra violet light in the store (usually used for checking for fake £10/£20 notes), place the driving licence under it. You will clearly see the Royal Crest stamped in several places over the front of the licence. If the card is genuine this is very clear to see.
- On the back of a genuine driving licence there is a grid showing the categories of vehicle the holder is permitted to drive. This has small pictures of cars and vans.



new driving licence

The new licence is similar in appearance to the old but it has better security features. The main changes are:

- The photograph is black and white instead of colour
- A hologram is on the front close to the right hand side of the photograph. This is a steering wheel that appears to turn as you tilt the card in different directions.
- A new security feature is an image on the front of the licence underneath the photograph that changes both shape and colour depending on how you tilt the licence. On full (pink) licences you will see a blue road sign that changes to a black triangle and on a provisional licence (green) it is a red road sign changing to a black triangle.



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- On the back of the licence there is a steering wheel that changes in colour from green to gold depending on how you fill the licence.
- If you have an ultra violet light in the store (usually used for checking for fake £10/£20 notes), place the driving licence under it. You will clearly see 4 flowers on the top right hand corner of the licence. These are a thistle, a daffodil, a rose and a clover. The Royal Crest is can also be seen on the right hand side of the card. If the card is genuine these are very clear to see.

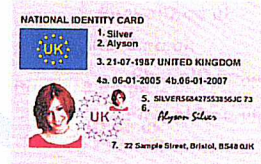
beware of fake driving licences



Driving Permit not a Driving Licence



Age I.D. not a Driving Licence



National I.D. not a Driving Licence

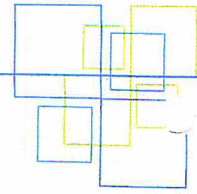
COMPLETE THIS EXERCISE

1. IF SOMEONE CLAIMS THAT THEY ARE 18 TODAY, ON WHAT DATE WERE THEY BORN?
2. GO AND FIND A DRIVING LICENCE AND CHECK IT FOR ALL THE POINTS THAT YOU HAVE BEEN TOLD ABOUT. IF YOUR STORE HAS AN ULTRA VIOLET LIGHT PUT THE DRIVING LICENCE UNDERNEATH IT AND SEE THE MARKINGS.
3. COMPARE THE DRIVING LICENCE TO THE PICTURES YOU HAVE SEEN IN THIS MANUAL OF THE FAKE LICENCES.

You have now completed Session 2 & will be tested on your knowledge.

- Make sure that you have not only read but understood the session information.
- If you are unsure of anything take a moment to go over what you have just read.
- If you do not understand something ask your trainer.

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signs that a person may be drunk

There are many different stages & signs of drunkenness. Depending upon how much alcohol a person has consumed will govern the way they behave. Below is a general overview of the stages of drunkenness:

Stages of drunkenness

1. **Merry** - Feeling more alert, cheerful and sociable.
2. **Uninhibited & carefree** - Feeling more relaxed but judgement starts to become impaired. People still feel they are acting normally but they begin to make mistakes as it takes longer for them to react to situations.
3. **Losing control** - Alcohol begins to have negative effects. Drinkers become careless and start to act in a way that they would not normally do. At this point some people can become aggressive or depressed. The problem at this point is that some people lose the ability to know when to stop drinking.
4. **At risk & vulnerable** - All actions, such as seeing, talking and moving, become more and more difficult. People often do not know where they are and can injure themselves or become unconscious. They can also do things they cannot remember afterwards. This level of intoxication is never a good idea and people can come to serious harm.

Signs of drunkenness

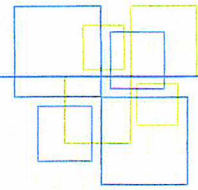
You have a duty not to serve alcohol to a person who is already drunk. The early stages of intoxication as detailed above (1 and 2) may be difficult to spot. However, it will be easier to recognise a person in the later stages (3 and 4). The signs you need to look for are:

- Loss of physical co-ordination (knocking things over and bumping into things)
- Slurred speech
- A person speaking too loud or too fast
- Slow reactions
- Staggering or inability to walk
- Glazed eyes
- Nausea & vomiting
- Loss of consciousness

You will learn in more detail about alcohol and its effects in the next session.



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how to deal with a person you suspect to be drunk

Remember that a drunken person can be far more volatile, potentially abusive and violent. They are often unreasonable & argumentative. Refusal in this situation can sometimes lead to conflict if handled incorrectly. It is however important to remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed and they smell of alcohol.

In dealing with a drunken person, use everything you have learnt about refusing a sale of alcohol to an underage person and apply it. The main points are listed below:

- **Be alert** - Monitor the premises & deal with a suspected drunken person quickly. For example, if you can view someone you suspect may be drunk approaching the premises, it is better to not allow them entry in the first place.
- **Refuse the sale** – be polite and stand your ground - It is important that you defuse the situation by staying calm and showing the person that you do not want any trouble. The most important thing NOT to do is respond back to the person with aggression. Do not get drawn into an argument or antagonise your customer by getting annoyed or aggressive. Apologise and keep yourself in a safe position at a distance to the person in case they become violent.
- **Avoid blame** - Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.
- **Get help from your colleagues** - Your personal safety is of the utmost importance in these situations when dealing with a difficult situation, such as dealing with a drunken person, alone. Call for your manager or supervisor if they are in the shop as this will often defuse a situation. Call for the police if the customer becomes aggressive or will not take "no" for an answer.
- **Make an entry in the refusals and incident register** - Do this once the customer has left the premises. Report any incident where you have felt threatened and/or intimidated.
- **Remember you have a responsibility under the law not to sell alcohol to a person who is drunk** - As the salesperson dealing with that customer, it is your responsibility, not that of any other person in the shop, to make the decision about whether a sale should be made. Your decision is final. Once you have made the decision the Shop Manager, DPS or any other supervisor should not interfere to overturn it.





INITIAL STAFF TRAINING CHECKLIST

Staff Name

Date commenced

Staff Training Package

Date Completed

Session 1 – The law & understanding who is in charge	<input type="text"/>
Session 2 – Underage drinking, Identification & Test Purchasing	<input type="text"/>
Session 3 – How to deal with underage drinkers & 'Proxy' purchases	<input type="text"/>
Session 4 – Dealing with people who are drunk and the Refusals & Incident Register	<input type="text"/>
Session 5 – Alcohol & its effects & other age restricted sales	<input type="text"/>

I, being the DPS or Premises Licence Holder, certify that the above named person has completed the staff licensing training to a satisfactory level and can now be authorised to make sales of alcohol to customers.

Name _____ Position _____

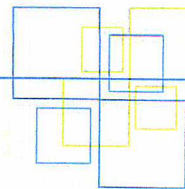
Date _____ Signature

Forms to be completed & signed

- Form 2 - 'Challenge 25' Policy & Store Policy
- Form 3 - Issued with Certificate for completion of training
- Form 4 - Authority to sell alcohol form

FORM 1

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SESSION 1 KNOWLEDGE CHECK

Scenario

A gang of underage youths gather directly outside your premises. They are drinking alcohol, being very noisy and use abusive language to customers entering the shop. They are dropping litter and causing annoyance to the local people.

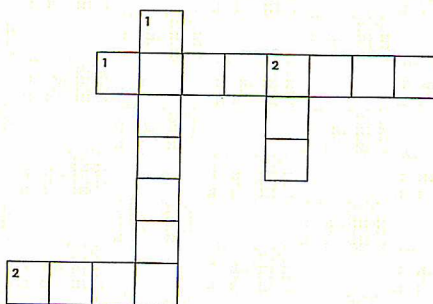
- 1 Such annoyance and behaviour undermines 2 of the 4 licensing objectives. Which 2 licensing objectives are they?

(1 point for both)

- 2 If such a situation became a common occurrence, a review of the premises licence could take place. At the review name 1 course of action that could be taken against the premises licence holder.

(1 point)

3 Mini Crossword



Across

1 A ----- licence holder has the authority to make or authorise the sale of alcohol (8).

2 A --- of alcohol must not be made outside the hours specified on the premises licence (4).

Down

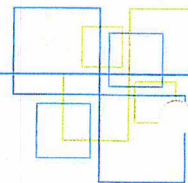
1 Due diligence is a ----- in law (7).

2 Our shop is authorised to make --- sales of alcohol only (3).

(4 points)



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4 The Licensing Act 2003 created Premises Licences. What do they authorise to take place on a premises?

_____ (1 point)

5 All stores have the same permitted trading hours for the sale of alcohol. True or false?

_____ (1 point)

6 If a sale to an underage person takes place, how can the DPS use the defence of due diligence to avoid prosecution?

- A. By showing that the sale was a one off, the procedures were in place and under normal circumstances it would not have happened.
- B. By producing their premises licence
- C. By showing that the person who sold was over 18

(1 point)

7 Where should the summary of the premises licence be kept?

_____ (1 point)

8 The Designated Premises Supervisor is there to:

- A. Make sure staff work according to company policy
- B. Be in charge if the owner is on holiday
- C. Be in day to day control of the premises & provide a single point of accountability for any problems

(1 point)

9 What is important about the conditions on a premises licence?

- A. They are flexible and can be used when the owner wants
- B. They are binding in law and must be followed at all times
- C. They only last for 6 months

(1 point)

10 Every person who sells alcohol needs a Personal Licence. True or False?

_____ (1 point)



DATE	TIME	DETAILS OF PERSON REFUSED OR INCIDENT (Description, name, any other relevant information)	REASON FOR REFUSAL	TYPE OF PRODUCT ATTEMPTED TO BUY (include specific brand)	OTHER INFORMATION OR OBSERVATIONS	STAFF MEMBER

Checked by DPS on:

Signed:

The conditions below were agreed with the Police prior to the application being submitted, & have been proposed to the application:

1)

a) A CCTV camera system covering both internal and external to the premise is to be installed, & images will be of evidential quality.

b) The CCTV recordings are to be maintained for 31 days and will be provided to RA's upon request, or in any case within 24 hours.

c) The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

2)

An incidents/ challenges/ refusals register will be maintained at the premises. This will be signed off by the DPS/ duty manager at the end of every week.

3)

There will be no single sales of cans of beers, lager & cider. These products will be sold as a minimum of 3 vessels.

4)

There will be no sales of cans of beers, lager & cider with an abv above 6.5%.

5)

Working in partnership with the Police, the store will not sell alcohol to customers who have been identified to the management of the premises by the Police; that have committed acts of crime & disorder in the area.

6)

The premises will operate a challenge 25 policy. Whenever a person looks or appears to be under the age of 25, they will be challenged for ID to prove that they are over the age of 18.

7)

The only types of ID to be accepted are passports, photo card driving licences & government approved cards bearing the PASS logo.