

BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH



THE LONDON BOROUGH  
www.bromley.gov.uk

TELEPHONE: 020 8464 3333 CONTACT: Steve Wood  
*stephen.wood@bromley.gov.uk*  
DIRECT LINE: 020 8313 4316  
FAX: 020 8290 0608 DATE: 16<sup>th</sup> June 2017

To: Members of the  
**LICENSING SUB-COMMITTEE**

Councillors Tony Owen, Ian F. Payne and Pauline Tunnicliffe

A meeting of the Licensing Sub-Committee will be held at Bromley Civic Centre on  
**WEDNESDAY 28 JUNE 2017 AT 10.00 AM**

There will be a pre-meeting for Council Members and officers at 9.45am.

MARK BOWEN  
Director of Corporate Services

## **A G E N D A**

- 1 APPOINTMENT OF CHAIRMAN FOR THE MEETING**
- 2 DECLARATIONS OF INTEREST**
- 3 REVIEW OF THE PREMISES LICENCE AT THE WINE SHOP, 75 COTMANDENE CRESCENT, BR5 2RA  
Cray Valley West**

**Objections to the applications are referred to in the attached reports of the Director of Environmental Services.**

The Chairman will request the names and addresses of those giving evidence together with the names of any representatives.

This page is left intentionally blank

**London Borough of Bromley**

Report No.

ES 17038

PART 1 - PUBLIC

Agenda  
Item No.

---

Title: **APPLICATION FOR THE REVIEW OF PREMISES LICENCE AT THE WINE SHOP, 75 COTMANDENE CRESCENT, ORPINGTON, BR5 2RA**

Decision Maker: **Licensing Sub-Committee** Decision Date: **28 June 2017**

Decision Type: Non-Urgent Non-Executive Non-Key

Budget/Policy Framework:

Chief Officer: Executive Director Environment and Community Services Nigel Davies

Contact Officer: Lynne Cregeen, Licensing Officer  
Tel: 020 8461 7908 E-mail: [lynne.cregeen@bromley.gov.uk](mailto:lynne.cregeen@bromley.gov.uk)

Ward: Cray Valley West

---

**1. SUMMARY**

1.1 To consider the application by Mr Rob Vale Chief Inspector of Weights and Measures at the London Borough of Bromley for a review of the Premises Licence at The Wine Shop, 75 Cotmandene Crescent, Orpington, BR5 2RA.

A copy of the application to review the Premises Licence is attached at **appendix 1**

**2. RECOMMENDATIONS**

2.1 Members are asked to decide on this application having received written and oral evidence. The options include: -

- Modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence.
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence.

**1. COMMENTARY**

3.1 SUMMARY OF LICENSING LAW - LICENSING ACT 2003.

3.2 The Licensing Act 2003 states that any premises in the London Borough of Bromley requires a licence / certificate issued by the Council (premises licence / club premises certificate) where the following activities occur:-

**Provision of regulated entertainment**

- a) plays. (Where the audience exceeds 500 people)
- b) films.
- c) indoor sporting events. (Where the audience exceeds 1000 people)
- d) boxing or wrestling entertainment.
- e) live music. (subject to the Live Music Act 2013 exemptions)
- f) recorded music.
- g) performances of dance. (Where the audience exceeds 500 people)

**Provision of late night refreshment** (between 2300hrs and 0500hrs).

**Supply of alcohol** (on and off sales).

**The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.**

**The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.**

3.3 Licences / Certificates may be issued subject to any terms, conditions or restrictions the Council feels are appropriate to address any or all of the four licensing objectives. The Council has previously agreed on 19<sup>th</sup> October 2015 Bromley's Statement of Licensing Policy for the Period 2016 – 2021. The Licensing Appeals Committee must consider the Statement of Licensing Policy and any Special Policy of Cumulative Impact currently in force when making any decisions in respect of these applications.

**4.0 Information about the premises**

- 4.1 Copy of Application Form attached as **appendix 1**
- 4.2 Copy of Current Premises Licence attached as **appendix 2**
- 4.3 Maps of location attached as **appendix 3**
- 4.4 Guidance for Members hearing a Review of a Premises Licence or Club Premises Certificate as **appendix 4**

**5.0 POLICY IMPLICATIONS**

The Licensing Appeals Committee is a sub committee of the General Purpose and Licensing Committee. The decisions will have an impact on three of the key areas identified in the “Building a Better Bromley Strategy” these are

- Safer Communities
- A Quality Environment
- Vibrant thriving Town Centres

**6.0 FINANCIAL IMPLICATIONS AND LEGAL IMPLICATIONS**

Should the application be refused or granted with conditions the applicant, responsible authorities or interested party have the right of appeal to the Magistrates Court and then to the Crown Court. The cost of defending such an appeal would have to be met, but cannot be quantified at this time.

<b>Non-Applicable Sections:</b>	LEGAL IMPLICATIONS, PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Licensing premises file and computer records.

# **Appendix 1**

**(Application Form)**



THE LONDON BOROUGH  
www.bromley.gov.uk

[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**I Rob Vale, Chief Inspector of Weights and Measures**

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the  
premises described in Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

<b>Name and postal address of premises or, if none, ordnance survey map reference or description</b>	
The Wine Shop 75 Cotmandene Crescent	
<b>Post town</b> Orpington	<b>Post code (if known)</b> BR5 2RA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Rajeshkumar Ramaswamy

<b>Number of premises licence or club premises certificate (if known)</b>
11/00158/LAPRE Issue Number 001

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note I, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Rob Vale Trading Standards London Borough of Bromley Civic Centre Stockwell Close Bromley BR1 3UH
Telephone number (if any) 020 8313 4785
E-mail address (optional) rob.vale@bromley.gov.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

**Please state the ground(s) for review** (please read guidance note 2)

This application is in respect of the protection of children from harm following the sale of alcohol and tobacco to underage youths.

**Please provide as much information as possible to support the application** (please read guidance note 3)

This application is the result of a sale of alcohol and tobacco to underage volunteers on Tuesday 14<sup>th</sup> March 2017.

#### **Ownership**

The Premise Licence is held by Mr Rajeshkumar Ramaswamy. Mr Ramaswamy is also the premise licence holder. The business is owned by Mr Nick Singh.

#### **Location and Nature of Business**

The Wine Shop is an off licence along the parade of shops in Cotmandene Crescent.

#### **Trading Standards**

The Trading Standards team is proactive in arranging underage test purchases throughout the Borough as part of the Council's childrens' safeguarding agenda and commitment to protecting children from harm. Trading Standards staff provide advice to traders about steps they can take to prevent underage sales, provide free materials for them to use and education and training opportunities at the very beginning of the process, with the aim of creating improvement in the businesses and minimising the occurrence of underage sales in the Borough. The traders are then tested by using underage volunteers attempting to purchase age restricted products.

#### ***Trading Standards Underage Sales Information and Advice visit***

Advance notice was sent to the shop address on Tuesday 24<sup>th</sup> January 2017 that a Trading Standards visit would be taking place at their shop on Tuesday 31<sup>st</sup> January 2017. The advance notice letter was marked for the attention of the business owner/occupier. The letter advised that the officer would mainly be speaking about the sale of age restricted products and that a free underage sales information pack would be provided at the time of the visit. Encouragement to follow a training programme on underage sales prevention was included in the letter. To assist the trader in sourcing a provider, details about an on-line training opportunity delivered by Virtual College and produced in association with the Chartered Trading Standards Institute was enclosed. It was a low cost training option at only £15 plus VAT per person.

A copy of the advance notice letter and the Virtual College training information enclosed with it have been produced in Appendix 1.

The Trading Standards visit was carried out on Tuesday 31<sup>st</sup> January 2017 by Senior Consumer Protection Inspector, Mrs Tracey Firth and Lead Trading Standards Practitioner, Miss Ruth Hancock. The two officers spoke to a gentleman who identified himself as Mr Nick Singh and the owner of the business. During the visit the officers spoke with Mr Singh about age restricted products and handed him the free underage sales information pack. A copy of the free underage sales information pack has been produced in Appendix 2, a copy of Miss Hancock's witness statement has been produced as Appendix 3 and copies of the records made at the time of the visit have been produced as Appendix 4.

#### ***Underage test purchase of age restricted products***

On Tuesday 14<sup>th</sup> March 2017 the Trading Standards team carried out an underage sales test purchase operation. The operation tested compliance with section 146(1) Licensing Act 2003, section 7(1) Children and Young Persons Act 1933 and the Tobacco Advertising and Promotion Act 2002. RIPA authorisation had been granted for the operation. The Trading Standards team were assisted by a 15 year old female volunteer and a 16 year old female volunteer. At the beginning of the session Miss Hancock briefed the volunteers on the nature of the campaign and gave instructions about how to attempt to purchase alcohol and tobacco for the operation. She also told them they

should say that they do not have any identification if it is requested and that they should say they are aged eighteen if they are asked their age.

When the volunteers had been briefed, Miss Hancock took 5 photographs of them using a digital still camera. The pictures were captured on the camera's memory card and were printed out. The printed photos were then placed in a plastic sleeve and taken out to identify the volunteers to traders who sold during the operation.

Four officers were present on the day: Ruth Hancock Lead Trading Standards Practitioner, Rob Vale Head of Trading Standards and Community Safety, Beverley Nicklin Senior Consumer Protection Inspector and PC Tulley Bromley Youth Engagement Officer/Volunteer Police Cadet Coordinator.

At around 18.25hrs the team arrived at The Wine Shop, 75 Cotmandene Crescent, Orpington, BR5 2RA. The covert camera was worn by one of the volunteers and was activated just before beginning the test purchase. The camera was connected to a transmitter unit that sent the images from the camera to an App on a Tablet which enabled an officer to watch the footage being recorded by the camera in real time outside of the shop.

The other volunteer wore a headphone and microphone set draped around her neck which was attached to a mobile phone that had an open telephone line to another officer's mobile who was also positioned outside of the shop. The listening officer was able to hear in real time the conversation during the test purchase. When all the equipment had been activated, Miss Hancock instructed the volunteers to enter the premises and attempt to purchase tobacco and alcohol.

When the volunteers came out of the shop they handed Miss Hancock 1 bottle of Bulmers Wild Blueberry and Lime cider and 1 bottle of Bulmers Crushed Red Berries and Lime cider and a packet of Mayfair cigarettes. The purchases have been produced as Appendix 5 and will be available to view at the hearing.

Miss Hancock and PC Tulley returned to the shop and spoke to a male who identified himself to be the manager and called Mr Bal Baria. It was Mr Baria who sold the cider and cigarettes to the volunteers. Mr Baria told Miss Hancock that:

- There was not a refusals register available to show her and told her that he always checks ID so doesn't write them down
- He didn't age check the volunteers due to their height
- Mr Singh gave verbal instruction to him about a month earlier about underage sales
- He was unable to find any training records to show her
- He would be working on his own all of that evening.

Whilst watching the footage being recorded by the covert camera on the tablet outside of the shop, Miss Hancock could see that the door to the tobacco cupboard was being left open and the tobacco products were on display to our underage volunteers throughout the time they were in the shop. As this is an offence the Tobacco Advertising and Promotion Act 2002, Miss Hancock advised Mr Baria that he must always keep the door closed when he does not need to gain access to the tobacco products.

Miss Hancock took several photographs of the shop at the time of the visit to show the signage on display. These have been produced as Appendix 6. PC Tulley issued Mr Baria with a fixed penalty notice.

On a later date, Miss Hancock reviewed the camera footage of the sale. The footage showed the volunteers selecting the bottles of cider, going to the till and asking for

Mayfair cigarettes. The seller checked which cigarettes they wanted and only spoke again to tell them the price. The seller did not challenge the age of the volunteers nor did he ask them to provide any proof of age identification.

***Trader History on the Trading Standards database***

On 05 December 2014 a routine Challenge 25 test purchase took place. The sale was refused.

In December 2016 Trading Standards received an allegation from a member of the public saying that her 15 year old son has been getting tobacco from boys his own age who she alleges had been buying it from The Wine Shop, 75 Cotmandene Crescent, Orpington.

**Recommendations**

The following conditions to the premise licence could be considered:

1. The Premises Licence Holder shall maintain a list of names in the shop which identifies the staff who are permitted to sell alcohol. This shall be immediately made available to Police or Council Officers on request
2. The refusal register shall be inspected on a regular basis (at least weekly) by the DPS and signed by the DPS indicating that they have checked the register. Refusal register records shall be held for a minimum of 12 months
3. Signage of the 'challenge 25' policy shall be prominently displayed throughout the sales area of the premises
4. A short licence suspension or revocation could be considered.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

┆	┆	┆	┆	┆	┆	┆	┆	┆
---	---	---	---	---	---	---	---	---

**If you have made representations before relating to the premises please state what they were and when you made them**

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date *30-3-2017* .....

Capacity *Chief Inspector of Weights and Measures* .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



## LICENSING ACT 2003

**Who do I have to send a copy of an application to?**

When you make an application for a licence you have to send copies of your application to various people and organisations.

This list gives you the names and addresses of those people.

**At the Council**

The Licensing Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:licensing@bromley.gov.uk">licensing@bromley.gov.uk</a>  020 8313 4218 020 8461 7956/7546
Public Health Complaints Team	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:ehts.customer@bromley.gov.uk">ehts.customer@bromley.gov.uk</a>  020 8313 4800
Health and Safety Team (unless the premises are visited by HSE, see below)	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:health.safety@bromley.gov.uk">health.safety@bromley.gov.uk</a>  020 8313 4800
Chief Inspector of Weights and Measures	Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:trading_standards@bromley.gov.uk">trading_standards@bromley.gov.uk</a>  020 8313 4800
Planning Department	Planning Enforcement North Block, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:planning@bromley.gov.uk">planning@bromley.gov.uk</a>
Bromley Safe Guarding Children Board	Room B40A St. Blaise, Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:bscb@bromley.gov.uk">bscb@bromley.gov.uk</a>  020 8461 7816
Public Health	The Director of Public Health Bromley Civic Centre, Stockwell Bldg, Stockwell Close, Bromley Kent BR1 3UH	

**Others**

Metropolitan Police	Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER	<a href="mailto:licensing.py@met.police.uk">licensing.py@met.police.uk</a>  020 8284 9988
London Fire Brigade	Documents Management 169 Union Street London SE1 0LL	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>  Telephone: 020 8555 1200 Ext. 37630
HSE Only if the premises are visited by the HSE and not the Council	HSE Rose Court 2 Southwark Bridge London, SE1	<a href="mailto:licensing.applications@hse.gsi.gov.uk">licensing.applications@hse.gsi.gov.uk</a>

## **Appendix 1**

**Advance notice letter and enclosed information about an online underage sales prevention training option**





**Environmental Services**

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020-8464 3333

Direct Line: 020 8313 4467

Email: [tracey.firth@bromley.gov.uk](mailto:tracey.firth@bromley.gov.uk)

Fax: 020-8313 4450

Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)  
DX5727 Bromley

Business Owner/Occupier  
WINE SHOP  
75 Cotmandene Crescent  
Orpington  
BR5 2RA

24th January 2017

Dear Business Owner/Occupier

**Notification of Trading Standards Visit  
Tobacco Advertising and Promotion Act 2002; and  
Code of Practice – Powers of Entry (Section 48 (1)(a) of the Protection of Freedoms Act 2012)**

This notice is given under the provisions listed above to advise you that I am a duly authorised officer of the London Borough of Bromley Trading Standards and will be visiting your shop. I may be accompanied by such persons, and may take onto the premises such equipment as I think necessary.

The purpose of my visit is to carry out a routine inspection to check compliance against legislation enforced by this Service. I will mainly be speaking with you about the sale of age restricted products and will give you a free information pack. Enclosed in the pack will be details about online underage sales prevention training provided by [www.virtual-college.co.uk](http://www.virtual-college.co.uk). The training has been jointly produced with the Chartered Trading Standards Institute and costs £15 plus VAT. I have also enclosed a copy of this training opportunity with this letter. I would encourage you to follow a training programme on underage sales prevention either through the Virtual College or one of the many other training providers which are also available.

**This Notice is provided in accordance with the above mentioned Code of Practice (Section 8.1).**

I intend to visit your shop on: 31/1/2017.

**Obstruction offence:** Obstructing a duly authorised officer is an offence. Obstruction includes where a person intentionally obstructs an officer; intentionally fails to comply with instructions given by an officer; without good reason fails to give an officer assistance or information reasonably required; makes a statement or a reckless statement which they know is false or misleading.

**If you are an employee it is important that you pass this notice to the business owner(s), the relevant manager or company director etc.**

Yours faithfully

T.Firth

Mrs Tracey Firth  
Senior Consumer Protection Inspector



## Prevention of under age sales online training

[www.virtual-college.co.uk](http://www.virtual-college.co.uk)



The Chartered Trading Standards Institute (CTSI) and Virtual College have joined together to create a range of online training resources which are highly relevant to all businesses, including 'Prevention of under age sales.'

In the UK certain products have age based sales restriction mandated in law.

Enforcement is active: Police and Trading Standards officers are permitted to send children into retailers to attempt to buy restricted products.

The potential penalties are large, both for the individual and the retailer. If caught selling an age restricted product, the retailer will be required to demonstrate due diligence, this includes evidence of effective staff training and that the staff have understood the training.

This course aims to help protect organisations and employees from:

- Prosecution
- Bad PR
- Fines
- Loss of business

Most people have some difficulties in accurately judging the age of a person. Whether or not someone appears to be over a certain age is subjective and depends on the individual making the decision. This leaves brands and individuals vulnerable.

### **On completion of this module, learners will understand:**

- Why age restrictions exist, what the legal requirements are and who is responsible for upholding these requirements
- What goods are covered by age restrictions and where they are sold
- How to approach the sale and what forms of identification are acceptable
- How to refuse a sale

### **Lesson Plan**

The course will be split into the following sections and will provide contextual advice generated from a wide variety of scenarios:

- Section 1 – Introduction to Age Restricted Goods
- Section 2 – What good are covered and where are they sold?
- Section 3 – How to Approach the Sale
- Section 4 – How to Refuse a Sale

**Certification**

On completion of this course you will be able to download a Virtual College certificate.

**Duration**

Approximately 1 hour. The length of time taken depends entirely on how quickly you can study and absorb the material. You can proceed as quickly or slowly as you like.

**Target Audience**

All retail and hospitality outlets that sell age restricted products.

**Entry Requirements**

There are no specific entry requirements for this course.

£15.00 + VAT

January 2017

## **Appendix 2**

**Underage sales information pack**



**Environmental Services**

Civic Centre, Stockwell Close, Bromley BR1 3UH

Telephone: 020-8464 3333

Direct Line: 020 8461 7791

Email: [ruth.hancock@bromley.gov.uk](mailto:ruth.hancock@bromley.gov.uk)

Fax: 020-8313 4450

Internet: [www.bromley.gov.uk](http://www.bromley.gov.uk)  
DX5727 Bromley

Our Ref: **ARP IIV**

January 2017

Dear Business Owner/Premise Licence holder

**AGE RESTRICTED PRODUCTS SALES AND TRADING STANDARDS LAW**

An Officer from Bromley Trading Standards has visited your premises today to carry out a routine inspection to check compliance against legislation enforced by this Service and to talk with you about the sale of age restricted products.

During the visit you will have been given this **information pack** which is mainly about the sale of age restricted products and displaying your business names information in your shop. Please ensure that you read all of the information in this pack, review your processes and introduce any changes that you may feel necessary as it could protect you and your staff from breaking the law. The 'Challenge 25' policy is described in the pack and we strongly recommend that you introduce this if you have not already done so. There is a selection of age restricted sales display materials in the pack which you may find helpful.

Also enclosed in the pack are details about online underage sales prevention training provided by [www.virtual-college.co.uk](http://www.virtual-college.co.uk). The training has been jointly produced with the Chartered Trading Standards Institute and costs £15 plus VAT. We would encourage you to follow a training programme on underage sales prevention either through the Virtual College or one of the many other training underage providers which are also available.

Finally, you will have been left a **Trading Standards Inspection Report**. This will list any corrective actions which the Officer identifies during the visit.

**What you should do next?**

- Read carefully the information in the pack provided
- Review your own age restricted sales prevention processes and introduce any changes you feel may be necessary
- Use any of the materials in the pack which may helpful to you
- Review the Inspection Report and carry out all corrective action required
- We would also encourage you to complete underage sales prevention training.

Continued over page .....

Director of Environmental Services Nigel Davies



**Test purchases using volunteers under the age of 18**

A test purchase of an age restricted product(s) by volunteers under 25 will be made at your shop. The underage volunteers will not have any proof of age identification and will be instructed to say they are 18 if asked their age. Please be advised that in the course of making test purchases we may use a covert officer witnessing of the event and/or use covert recording equipment, for example, a concealed video camera.

In the event of a sale of an age restricted product being made to our underage volunteers you will be reported. This could result in legal proceedings, a criminal record and a fine. In the case of alcohol, a fixed penalty notice and/or a review of your licence could also result.

**'No Id, No Sale'**

When selling an age restricted product, it is crucial that your staff are trained to ask for proof of age identification rather than questioning a person's age. We recommend that you use the 'Challenge 25' policy which means **when a buyer looks under the age of 25 and does not have a valid proof of age which shows they are over 18, the sale must NOT be made**. Just as a reminder, acceptable forms of proof of age identification are:

- a UK DVLA issued photocard driving licence; or
- a UK passport; or
- a PASS hologram Proof of Age Card.

We request that you take this opportunity to ensure your business is complying with all relevant legislation. If you have read the information pack and you are unsure on any aspect, please request additional advice from Senior Consumer Protection Inspector Mrs Tracey Firth on 020 8313 4467.

Yours faithfully

*Ruth Hancock*

Ruth Hancock  
Lead Trading Standards Practitioner

## Prevention of under age sales online training

[www.virtual-college.co.uk](http://www.virtual-college.co.uk)



The Chartered Trading Standards Institute (CTSI) and Virtual College have joined together to create a range of online training resources which are highly relevant to all businesses, including 'Prevention of under age sales.'

In the UK certain products have age based sales restriction mandated in law.

Enforcement is active: Police and Trading Standards officers are permitted to send children into retailers to attempt to buy restricted products.

The potential penalties are large, both for the individual and the retailer. If caught selling an age restricted product, the retailer will be required to demonstrate due diligence, this includes evidence of effective staff training and that the staff have understood the training.

This course aims to help protect organisations and employees from:

- Prosecution
- Bad PR
- Fines
- Loss of business

Most people have some difficulties in accurately judging the age of a person. Whether or not someone appears to be over a certain age is subjective and depends on the individual making the decision. This leaves brands and individuals vulnerable.

**On completion of this module, learners will understand:**

- Why age restrictions exist, what the legal requirements are and who is responsible for upholding these requirements
- What goods are covered by age restrictions and where they are sold
- How to approach the sale and what forms of identification are acceptable
- How to refuse a sale

### **Lesson Plan**

The course will be split into the following sections and will provide contextual advice generated from a wide variety of scenarios:

- Section 1 – Introduction to Age Restricted Goods
- Section 2 – What good are covered and where are they sold?
- Section 3 – How to Approach the Sale
- Section 4 – How to Refuse a Sale

**Certification**

On completion of this course you will be able to download a Virtual College certificate.

**Duration**

Approximately 1 hour. The length of time taken depends entirely on how quickly you can study and absorb the material. You can proceed as quickly or slowly as you like.

**Target Audience**

All retail and hospitality outlets that sell age restricted products.

**Entry Requirements**

There are no specific entry requirements for this course.

£15.00 + VAT

January 2017



# Alcohol

## In the guide

- [Preventing the sale of alcohol to children - an overview](#)
- [The law](#)
- [Proxy sales of alcohol](#)
- [Keeping within the law](#)
- [Penalties](#)

## This guidance is for England & Wales

Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children. It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is under 18 you could be prosecuted and fined and your licence to sell alcohol could be at risk.

## Preventing the sale of alcohol to children - an overview

The Licensing Act 2003 sets out a series of objectives, which a licensing authority is required to promote. *'The licensing objectives are:*

- *the prevention of crime and disorder*
- *public safety*
- *the prevention of public nuisance*
- *the protection of children from harm'*

The objective on *'the protection of children from harm'* includes preventing the sale and supply of alcohol to children. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A penalty notice for disorder (PND) is a type of fixed penalty notice that can be issued by a police officer, police community support officer or an 'accredited person' to a person who sells alcohol to someone under the age of 18. It is intended to provide a quick and effective means of dealing with certain types of offending, as an alternative to prosecution, and may be issued where the person making the sale is the bar person or member of staff in off-licensed premises. The current penalty charge is £90.

A responsible authority, such as police or trading standards may ask the licensing authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

## **The law**

The Licensing Act 2003 sets out the offences, defences and penalties that relate to underage sales of alcohol.

### **SALE OF ALCOHOL TO CHILDREN**

A person commits an offence if he sells alcohol to an individual under 18.

A person charged with an offence has a defence available that he believed the individual was 18 or over, and he had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under 18. '*Reasonable steps*' means asking the individual for evidence of their age, and that the evidence would convince a reasonable person.

Where a person is charged with an offence due to the conduct of someone else - a member of staff for instance - he has the defence that he exercised all due diligence to avoid committing it. (The **Keeping within the law** section below explains what this means.)

### **ALLOWING THE SALE OF ALCOHOL TO CHILDREN**

A person who works at premises in a capacity that authorises her to prevent the sale of alcohol to an individual under 18 commits an offence if he knowingly allows the sale of alcohol to take place.

### **PERSISTENTLY SELLING ALCOHOL TO CHILDREN**

It is an offence for a '*responsible person*' (the premises licence holder) to unlawfully sell alcohol to an individual under 18 at the same premises on two or more different occasions within a period of three consecutive months.

An '*unlawful sale*' is defined as where the person making the sale believed the individual was under 18 or that the person did not have reasonable grounds for believing the individual was 18 or over. '*Reasonable grounds*' means asking the individual for evidence of their age and that this evidence when provided would convince a reasonable person, or that no one would reasonably suspect from the individual's appearance that they were under 18.

An enforcing body, such as the police or trading standards, can apply for a closure notice, which prohibits the sale of alcohol at the premises, as an alternative to prosecution; the duration of this notice can range from 48 to 336 hours. Where a premises licence holder is convicted of an offence of persistently selling alcohol to children, the court may suspend the licence authorising the sale of alcohol at that premises for a period of up to three months.

### **PROHIBITION OF UNSUPERVISED SALES BY CHILDREN**

The premises licence holder, designated premises supervisor, or other responsible person over the age of 18, commits an offence if he allows an individual under 18 to sell or supply alcohol unless the sale has been specifically approved and person is supervised. There are exceptions if alcohol is sold or supplied for consumption with a table meal. You need to check the ages of your staff and make sure you comply with the law.

### **Proxy sales of alcohol**

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children.

A person commits an offence if he buys or attempts to buy alcohol on behalf someone under the age of 18. It is also an offence for a person to buy or attempt to buy alcohol for someone under the age of 18 years to drink on licensed premises. However, it is legal for someone over 18 to buy beer, wine or cider for someone aged 16 or 17 to drink with a table meal on licensed premises, as long as the young person is accompanied at the meal by a person over the age of 18.

Although it is the person who buys or attempts to buy alcohol for a child who commits the offence, you have a duty under '*the protection of children from harm*' licensing objective to prevent such sales from occurring.

### **Keeping within the law**

In order to keep within the law and therefore satisfy the legal defences, you must introduce an age verification policy and have effective systems to prevent sales to persons under the minimum legal age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses or to keep pace with any advances in technology.

Key best practice features of an effective system include:

#### **AGE VERIFICATION CHECKS**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 introduced conditions that apply to all licensed premises. One of these is that if your premises sells or supplies alcohol, you must have an age verification policy. Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the Association of Chief Police Officers support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age; there are a number of card issuers in the scheme. A passport or photocard driving licence can also be accepted but make sure the card matches the person using it and that the date of birth shows they are the minimum legal age. If the person cannot prove they are the minimum legal age, then the sale should be refused.

#### **OPERATE A CHALLENGE 21 OR CHALLENGE 25 POLICY**

This means that if the person appears to be under the age of 21 or 25, they will be asked to verify that they are the minimum legal age by showing valid proof of age. You can incorporate this into your age verification policy.

#### **STAFF TRAINING**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe an underage person is attempting to buy. It is important that you can prove that your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner. Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

#### **MAINTAIN A REFUSALS LOG**

All refusals should be recorded (date, time, incident, description of potential buyer). Some tills have a refusals system built in. Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned

A specimen refusals log is attached below:

[Refusals log \(Word 14KB\)](#)

#### **STORE & PRODUCT LAYOUT**

Off-licensed premises should consider the layout of their store and site the alcohol in a place where it can be easily monitored, such as nearer to the counter or even behind it.

### TILL PROMPTS

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt.

### SIGNAGE

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

### CLOSED CIRCUIT TELEVISION (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter. Stay vigilant: be aware of any young people outside your premises or nearby who may attempt to buy alcohol themselves or who may try and persuade an older person to buy it on their behalf.

### Penalties

If you sell alcohol to an individual who is under 18 you could be prosecuted and the maximum penalty on conviction is an unlimited fine. A personal licence to sell alcohol could be at risk. If you knowingly allow the sale of alcohol to children you could be prosecuted and the maximum penalty on conviction is an unlimited fine.

Where persistent sales of alcohol to underage individuals take place, the premises licence holder could receive a maximum penalty on conviction of an unlimited fine, or a premises closure notice could be issued. Previous convictions, cautions and fixed penalties relating to sales of alcohol to individuals under 18 can all be used by the enforcing body as evidence.

If you allow someone under 18 to sell alcohol unsupervised the maximum penalty on conviction is a £200 fine.

A penalty notice for disorder (PND) may be issued where the person making the sale to an underage individual is a bar person or member of staff in an off-licensed premises. The current penalty charge is £90.

### Key legislation

- [Licensing Act 2003](#)
- [Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

Last reviewed / updated: February 2016

### Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

© 2016 itsa Ltd.

# Tobacco and nicotine inhaling products

## In the guide

- [What is meant by tobacco, tobacco products & nicotine inhaling products?](#)
- [Age restriction for the sale of tobacco products](#)
- [Age restriction for the sale of nicotine inhaling products](#)
- [Persistent sales to under 18s](#)
- [Proxy purchase of tobacco & nicotine inhaling products](#)
- [Is it legal to sell single cigarettes?](#)
- [Can tobacco be sold from vending machines?](#)
- [Display & price marking of tobacco products](#)
- [Cigarette lighter refills](#)
- [Matches & lighters](#)
- [Keeping within the law](#)
- [Penalties](#)

## This guidance is for England

Certain products cannot be sold to persons below a legal minimum age; for tobacco and nicotine inhaling products this legal minimum age is 18.

Cigarettes must only be sold in quantities of 10 or more in their original packaging. A notice must be displayed stating 'It is illegal to sell tobacco products to anyone under the age of 18'.

Tobacco products must not be on display in-store and there are also restrictions on how prices and price lists are displayed.

Young people should always be asked for proof of their age.

## What is meant by tobacco, tobacco products & nicotine inhaling products?

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff), and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes). 'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as '*a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed*'.

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' and the law covers both disposable and rechargeable types.

## Age restriction for the sale of tobacco products

The law states that it is an offence for **any person** to sell any tobacco products (including cigarette papers) to a person under the age of 18 whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. A person who is charged with this offence has a legal defence available to him to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. The '**Keeping within the law**' section of this guide includes steps that can be taken to provide a 'due diligence' defence.

You must display a notice that states:

**IT IS ILLEGAL TO SELL  
TOBACCO PRODUCTS  
TO ANYONE UNDER  
THE AGE OF 18**

The notice must be displayed in a prominent position and be easily visible at the point of sale. The notice must be no less than 297mm x 420mm (A3) and the characters must be no less than 36mm in height. Your local trading standards service or your tobacco supplier may be able to provide a notice for you to use. It is an offence if you do not have the required notice on display, although the 'due diligence' defence is available to you.

If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

### **Age restriction for the sale of nicotine inhaling products**

A person who sells a nicotine inhaling product to someone under the age of 18 commits an offence. This 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.

There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent to which the product is authorised.

If you sell e-cigarettes and associated devices you might want to display a poster advising customers that you will not sell to under 18s:

**If I sell e-cigarettes or  
nicotine refills to  
people under 18...  
TRADING STANDARDS  
WILL PROSECUTE ME**

**Note:** unlike the tobacco poster, this is NOT a legal requirement and is simply suggested wording. Additional [guidance \(PDF 98KB\)](#) for pharmacies (and other retailers that have not traditionally sold age-restricted products) has been produced by the Department of Health, the Medicines Healthcare products Agency and the Chartered Trading Standards Institute.

### **Persistent sales to under 18s**

If you are convicted of selling tobacco or nicotine inhaling products to persons under the age of 18 and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

A restricted sales order prohibits a specified person who has been convicted of a tobacco or nicotine offence from selling any tobacco, cigarette papers or nicotine inhaling products to any person and from having any management function related to the sale of tobacco, cigarette papers or nicotine inhaling products for a period of up to one year.

Offences are committed if a person sells tobacco, cigarette papers or nicotine inhaling products when a restricted premises order is in place or if a person fails to comply with a restricted sales order.

### **Proxy purchase of tobacco & nicotine inhaling products**

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under the age of 18 commits an offence. This is called 'proxy purchasing'. It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. You may wish to refuse such sales.

### **Is it legal to sell single cigarettes?**

No. You must only sell cigarettes to any person in prepacked quantities of 10 or more in their original packaging. It is an offence to split a pack and to sell in lesser quantities.

### **Can tobacco be sold from vending machines?**

No. Under the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010, the sale of tobacco from an automatic vending machine is prohibited. If a sale takes place, the person who controls, or is concerned with the management of the premises where the automatic vending machine is located, commits the offence.

Any machines still on the premises can only be used for storage where the public do not have access to them (such as behind the bar) and must not display any advertising material.

### **Display & price marking of tobacco products**

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person over the age of 18. It is NOT an offence to display tobacco-related accessories such as cigarette papers.

If you are charged with an offence where a requested display was to a person under the age of 18, you have a defence available in that you believed the person was aged 18 or over **and** you had taken all reasonable steps to establish their age or from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and the evidence would convince a reasonable person. If you are charged with an offence of causing the display of a tobacco product, you have a defence available in that you exercised all due diligence to avoid committing the offence.

There are also strict requirements relating to the manner in which tobacco products are price-marked set out in the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010; there are only three forms of lists and labels that are allowed (see paragraphs 49-62 of the detailed guidance linked to below).

There are specific rules for bulk and specialist tobacconists (see paragraphs 38-39 and 60-62 of the detailed guidance).

There is a range of guidance available to assist you in compliance:

Brief guidance has been produced by the Association of Convenience Stores and is available on its website. More detailed guidance (PDF 418KB) has been produced by the Department of Health and the Chartered Trading Standards Institute. A Q&A document (PDF 358KB) from DH and CTSI is also available.

### **Cigarette lighter refills**

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under the age of 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous. See 'Cigarette lighter refills & solvents' for further details.

### **Matches & lighters**

It is not illegal to sell matches or lighters to children. However, it is recommended that you do not sell these items to children, who are unlikely to have a legitimate use for them.

### **Keeping within the law**

If you are charged with any of the offences detailed above you have a legal defence that is often referred to as the 'due diligence' defence. You must prove that you took 'all reasonable precautions' and exercised 'all due diligence' to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and display to persons under 18 years of age. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include:

#### **AGE VERIFICATION CHECKS**

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the Association of Chief Police Officers support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. A passport or UK photocard driving licence is also acceptable but make sure the card matches the person using it and that the date of birth shows they are over 18. If the person cannot prove they are over 18, then the sale should be refused.

#### **OPERATE A 'CHALLENGE 21' OR 'CHALLENGE 25' POLICY**

This means that if the person appears to be under the age of 21 or 25, they will be asked to verify that they are over 18 by showing valid proof of age.

#### **STAFF TRAINING**

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to buy. It is important that you can prove that your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

#### **MAINTAIN A REFUSALS LOG**

All refusals of tobacco and tobacco products should be recorded (date, time, incident, description of potential buyer). Some tills have a refusals system built in. Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them. If using a till-



based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

A specimen refusal log is attached below:

[Refusal log \(Word 14KB\)](#)

#### TILL PROMPTS

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010 as the scan and prompt takes place after the display has been made.

#### SIGNAGE

You must display the legally required tobacco notice (see above). This should deter potential purchasers and act as a reminder to staff.

#### CLOSED CIRCUIT TELEVISION (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

#### Penalties

If you sell tobacco products or cigarette papers to a person under the age of 18 the maximum penalty on conviction is a fine of £2,500.

If you sell nicotine inhaling products to a person under the age of 18 the maximum penalty on conviction is a fine of £2,500.

If you sell cigarettes to any person, other than in prepacked quantities of 10 or more in their original package, the maximum penalty on conviction is a fine of £1,000.

If you fail to display the required tobacco notice the maximum penalty on conviction is a fine of £1,000.

If you break a restricted premises order or a restricted sales order the maximum penalty on conviction is an unlimited fine.

If you sell tobacco from a vending machine the maximum penalty on conviction is a fine of £2,500. If you display tobacco products or cause tobacco products to be displayed to an individual under the age of 18 or in any manner other than the limited circumstances set out in the law (see '**Display & price marking of tobacco products**' above) the maximum penalty on conviction is an unlimited fine and two years' imprisonment.

If you fail to display prices of tobacco products, or if you do display prices or cause them to be displayed in any format except those set out in the law (see '**Display & price marking of tobacco products**' above), the maximum penalty on conviction is an unlimited fine and two years' imprisonment.

If you supply any cigarette lighter refill canister containing butane to any person under the age of 18 the maximum penalty on conviction is an unlimited fine and six months' imprisonment.

#### Key legislation

- [Children and Young Persons Act 1933](#)
- [Children and Young Persons \(Protection from Tobacco\) Act 1991](#)
- [Cigarette Lighter Refill \(Safety\) Regulations 1999](#)
- [Tobacco Advertising and Promotion Act 2002](#)
- [Protection from Tobacco \(Sales from Vending Machines\) \(England\) Regulations 2010](#)

- [Tobacco Advertising and Promotion \(Display\) \(England\) Regulations 2010](#)
- [Tobacco Advertising and Promotion \(Display of Prices\) \(England\) Regulations 2010](#)
- [Children and Families Act 2014](#)
- [Nicotine Inhaling Products \(Age of Sale and Proxy Purchasing\) Regulations 2015](#)

Last reviewed / updated: February 2016

**Please note**

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

© 2016 itsa Ltd.

## Tobacco etc - labelling, advertising & packaging

### In the guide

- [The law](#)
- [General labelling requirements](#)
- [Labelling requirements by product](#)
- [Standardised packaging requirements](#)
- [Other requirements](#)
- [Offences & defences](#)
- [Penalties](#)
- [Further reading](#)

### This guidance is for England, Scotland & Wales

There are new Regulations in place, which are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking.

### The law

The Tobacco and Related Products Regulations 2016 implement the European Union (EU) directive on tobacco products (Directive 2014/40/EU) into UK law and came into effect on 20 May 2016. They deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill containers as well as smokeless and novel tobacco products.

The Standardised Packaging of Tobacco Products Regulations 2015 also came into effect on 20 May 2016. The aim of these Regulations is to standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

There is a transition period that runs until 21 May 2017, which means that most products covered by the 2015 and 2016 Regulations that were manufactured, produced or imported into the UK before 20 May 2016 or in free circulation within the EU before that date, can continue to be supplied as long as they comply with the previous EU Regulations.

This guide will help you to understand your obligations to ensure that all tobacco and related products that you offer for supply or sale in the UK comply with the Regulations. There are some general rules that apply to all tobacco products, which you will find at the beginning of the guide. For ease of reference, the other key requirements of both Regulations have been combined in a way that clearly identifies how they apply to each type of product.

It may be useful for you to refer to the illustration below which shows a typical cigarette pack that is fully compliant with both Regulations:



## General labelling requirements

### GENERAL CONDITIONS FOR ALL HEALTH WARNINGS

Warnings on tobacco products make users aware of the health risks associated with smoking. There are new rules that apply to all health warnings on tobacco products:

- a health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way
- it must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable
- a health warning must remain intact when the pack is opened. However, the combined health warning (described in more detail below) may be split in the case of a unit pack with a flip-top lid. This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place

A health warning must not:

- be partially or totally hidden or interrupted by wrappers, jackets or boxes (except when a unit pack is inside a container pack)
- be partially or totally interrupted by any other item such as a tax stamp, price mark or security feature
- partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other mark required in law

## GENERAL RULES ABOUT THE PRESENTATION OF ALL TOBACCO PRODUCTS

These are rules that prohibit the packaging of tobacco products from misleading consumers.

No-one may produce or supply a tobacco product where the package labelling or the product itself contains the following elements or features (including texts, symbols, names, trademarks, figurative signs and other types of sign):

- promotes a tobacco product or encourages its consumption by creating a false impression about its characteristics, health effects, risks or emissions
- information about the nicotine, tar or carbon monoxide content
- suggests that the tobacco product:
  - is less harmful than others
  - aims to reduce harmful effects of smoke
  - has vitalising, energising, healing, rejuvenating, natural or organic properties or has other health or lifestyle benefits
- refers to taste, smell, flavourings or additives or their absence (flavours are permitted in tobacco products other than cigarettes and hand-rolling tobacco, and cigarettes may have menthol flavour until 2020, but these are *not* permitted to be depicted or mentioned on the packets)
- resembles a food or a cosmetic product
- suggests a particular product has improved biodegradability or other environmental advantage
- must not contain printed vouchers or offer discounts, free distribution, two-for-one or similar offers

### Labelling requirements by product

#### TOBACCO PRODUCTS FOR SMOKING

(does not include large cigars, individually wrapped cigars or cigarillos)

Combined health warnings:

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a colour photograph, as well as the smoking cessation statement 'Get help to stop smoking at [www.nhs.uk/quit](http://www.nhs.uk/quit)'
- it must appear on the front and back surfaces of the unit pack and any container pack using the same warning and photograph on each surface and in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- the EU has laid out technical specifications for the layout, design and shape of the combined health warnings
- the photographs used as part of the combined health warning must be selected from a set specified for the production year during which the pack is produced

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning 'Smoking kills - quit now' and an information message 'Tobacco smoke contains over 70 substances known to cause cancer'

- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:
  - on most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
  - on a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box
  - on a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message must appear on the inside surface of the lid
  - there are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch

## LARGE CIGARS & INDIVIDUALLY WRAPPED CIGARS & CIGARILLOS

The Regulations only apply to a unit pack or container pack that contains a single cigar or cigarillo, or two or more cigars each with a unit weight of more than three grams.

A unit pack and any container pack must carry the general health warning 'Smoking kills - quit now' and one of the text warnings that is listed in [annex I](#) of the EU directive on tobacco products (please scroll down the linked web page to see the annexes).

There are rules that cover the rotational use of text warnings by producers.

The format for the general health warning includes a requirement that it must appear on the most visible surface of the pack and cover 30% of that area.

The text warning must appear on the next most visible surface (or if the pack has a hinged lid, the surface that appears when the pack is opened) and cover 40% of that area.

## SMOKELESS TOBACCO PRODUCTS

This means a tobacco product that is consumed in a way that does not involve a combustion process. It includes chewing tobacco and nasal tobacco.

Health warnings:

- a unit pack and any container pack of a smokeless tobacco product must carry the health warning 'This tobacco product damages your health and is addictive'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the pack and covers 30% of that area

## HERBAL PRODUCTS FOR SMOKING

Herbal products for smoking are defined as products based on plants, herbs or fruits that do not contain tobacco and can be consumed via a combustion process. The Standardised Packaging of Tobacco Products Regulations 2015 do not apply to herbal products for smoking but the Tobacco and Related Products Regulations 2016 introduce new requirements as set out below.

Health warnings:

- a unit pack and any container pack of a herbal product for smoking must carry the health warning 'Smoking this product damages your health'

- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the unit pack and any container pack and covers 30% of that area

A unit pack and any container pack of a herbal product for smoking must not state that it is free of additives or flavourings. Nor must it include any element or feature (including texts, symbols, names, trade marks, figurative signs or other types of sign) that:

- promotes or encourages the consumption of a herbal product for smoking by creating a false impression about its characteristics, health effects, risks or emissions
- includes any information about nicotine, tar or carbon monoxide content
- resembles a food or cosmetic product
- suggests a particular herbal product for smoking is:
  - less harmful than other herbal products for smoking
  - aims to reduce the effect of some harmful components of smoke
  - has vitalising, energising, healing, rejuvenating, natural or organic properties
  - has other health or lifestyle benefits

### **Standardised packaging requirements**

Cigarette packs, individual cigarette sticks and hand-rolling tobacco packs must be produced and supplied in standardised packaging, which means they have to meet requirements laid down in the Standardised Packaging of Tobacco Products Regulations 2015.

Cigarette packs:

- the only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)
- the packaging's surface must be smooth and flat and have no irregularities of shape or texture
- flip-top or shoulder boxed lids are permitted
- slim packets are prohibited but slim individual cigarette sticks are allowed
- inserts and additional material are prohibited
- any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing
- wrappers must be clear and transparent, not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Individual cigarette sticks:

- cigarette paper, filter, casing or other material forming part of a cigarette must be plain white with a matt finish, apart from the end of the cigarette, the colour of which can imitate cork
- brand and variant names are permitted on the cigarette itself, subject to conditions

Hand-rolling tobacco:

- the only permitted colour or shade for the external packaging of a unit or container pack of hand-rolling tobacco is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish

- unit packets may be cuboid (bevelled or rounded edges are permitted), cylindrical or take the form of a pouch
- packets must be smooth and flat (if cuboid in shape) with no irregularities of shape or texture
- wrappers must be clear and transparent and not coloured or marked with no irregularities or shape or texture
- the internal packaging must be either white or Pantone 448C with a matt finish
- inserts and additional materials are prohibited, except for cigarette papers or filters as long as they are not visible before the packet is opened
- any tabs for resealing the packet must be clear and transparent and not coloured or marked
- any foil seal that forms part of the internal packaging must be silver coloured with no variation in tone or shade

A unit packet of hand-rolling tobacco must contain 30 grams of tobacco.

The packaging of cigarette packs, individual cigarette sticks or hand-rolling tobacco must not make a noise, nor contain or produce a smell that is not normally associated with the product. In addition, packaging must not change after retail sale; this means that features such as heat activated inks, inks that appear fluorescent in certain light and removable tabs are not allowed.

The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode, and calibration mark are permitted on the packaging but must be in a standardised format and the UK duty-paid mark must be displayed.

### **Other requirements**

#### **IMAGES OF TOBACCO PRODUCTS AIMED AT CONSUMERS**

Be aware that if you publish an image of a unit or container pack of a tobacco product (when it is lawful to do so according to tobacco advertising rules), the pack must comply with all the labelling and packaging requirements set out in both Regulations.

#### **NO VITAMINS, COLOURINGS OR PROHIBITED ADDITIVES IN TOBACCO PRODUCTS**

No-one may produce or supply a tobacco product containing:

- vitamins or other additives that create an impression that it has health benefits or reduces health risks
- caffeine, taurine or other additives or stimulants that are associated with energy and vitality
- additives that give colouring effects to any emissions
- additives that aid inhalation or nicotine uptake in the case of tobacco products for smoking
- additives with CMR properties or that can affect CMR properties (carcinogenic, mutagenic or toxic for reproduction)

#### **NO FLAVOURED CIGARETTES OR HAND-ROLLING TOBACCO**

Cigarette packs, individual cigarette sticks or hand-rolling tobacco, including any filter, paper, package or capsule component of the product, must not be produced or supplied with a characterising flavour. A filter, paper or capsule must not contain tobacco or nicotine and any technical features that would modify the smell, taste or smoke intensity of a product are not allowed.

These rules do not apply to menthol cigarettes until 20 May 2020.



## CROSS-BORDER DISTANCE SALES OF TOBACCO PRODUCTS & E-CIGARETTES

If a retailer wants to sell tobacco products and e-cigarettes to consumers elsewhere in the European Economic Area (EEA) they must register their intention with the UK government. As part of this registration, a retailer must operate an age verification system that confirms that before or at the time of sale the consumer's age is not lower than the minimum age in the EU country where the consumer is located.

If a retailer outside the UK wants to sell tobacco products and e-cigarettes to consumers within the UK they must register their intention with the UK government.

The European Commission will make available a list of all countries that have banned such sales and details of the registration schemes in operation in other countries.

## PRODUCT REQUIREMENTS

The Tobacco and Related Products Regulations 2016 set out new rules covering e-cigarettes. No one must produce or supply an e-cigarette or refill container unless they meet the following requirements:

- nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10ml or in a disposable e-cigarette, single use cartridge or a tank in a maximum volume of 2ml
- the capacity of the tank of a refillable e-cigarette must not be more than 2ml
- there is a nicotine limit of 20mg per ml that applies to nicotine-containing liquids in an e-cigarette or refill container

Nicotine-containing liquid must:

- be manufactured using only ingredients of high purity
- not contain certain additives (the '**No vitamins, colourings or prohibited additives in tobacco products**' section of this guide gives more details) but can contain flavours)
- not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- not include ingredients (except nicotine) that pose a risk to human health

In normal use the e-cigarette must deliver a consistent dose of nicotine.

An e-cigarette or refill container must be child-resistant and tamper-evident, protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable e-cigarettes).

These requirements do not apply to the production of e-cigarettes or refill containers until 20 November 2016. In relation to their supply, there is a transition period that runs until 20 May 2017 for products that were produced and released for free circulation within the EU before 20 November 2016.

## INFORMATION & LABELLING

No-one may produce or supply an e-cigarette or refill container unless they meet the requirements set out below:

- each unit packet of the e-cigarette or refill container must include a leaflet with the following information:
  - instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
  - contra-indications
  - warnings for specific risk groups of people
  - possible adverse effects
  - addictiveness and toxicity
  - the producer's contact details (if the producer is not based in the EU then a contact person within the EU)
- each unit packet of the e-cigarette or refill container must include:
  - a list of all ingredients in descending order by weight
  - nicotine content and delivery per dose
  - batch number
  - recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area

## PRODUCT PRESENTATION

An e-cigarette or refill container must meet the following requirements before it is produced or supplied. The unit packet and any container pack may not include any element or feature (including text, symbols, names, trademarks, figurative or other types of sign) which:

- promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions
- suggests it is less harmful than other e-cigarettes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits.
- refers to taste, smell or other additives (except flavourings) or their absence
- suggests that a particular e-cigarette or refill container has improved biodegradability or other environmental advantage
- must not contain printed vouchers, offer discounts, free distribution two-for-one or other similar offers

## E-CIGARETTE ADVERTISING

E-cigarettes and refill containers cannot be advertised or promoted, directly or indirectly:

- on TV or on-demand TV
- on radio
- through internet advertising, commercial email and any other information society services
- in certain printed publications, such as newspapers, magazines and periodicals

The following activities are also prohibited:

- sponsorship of television and radio programmes that promote e-cigarettes
- product placement of e-cigarettes
- sponsorship of cross-border activities or events (those that have an effect in two or more EEA countries) or individuals that take part in cross-border activities or events

The rules on advertising do not prevent you from supplying information about e-cigarettes and refill containers as long as it is supplied at the request of a consumer and given in a non-promotional manner.

The requirements of the Standardised Packaging of Tobacco Products Regulations 2015 do not apply to e-cigarettes or refill containers.

## **Offences & defences**

### **TOBACCO AND RELATED PRODUCTS REGULATIONS 2016**

A person is guilty of an offence if they breach a provision of the Tobacco and Related Products Regulations 2016. A producer or retailer is guilty of an offence if they knowingly or recklessly provide information that is false or misleading to someone who has obligations under the Regulations.

There is a general defence available to suppliers of tobacco or other related products that they exercised all due diligence to avoid committing the offence. The same defence is available to anyone who has committed an offence related to advertising and sponsorship. There are further defences available to anyone who has committed offences relating to e-cigarette advertising: that they did not know and had no reason to suspect that the advertisement was an e-cigarette advertisement or that the newspaper, periodical or magazine contained an e-cigarette advertisement.

### **STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015**

A person who produces or supplies a tobacco product in breach of the Standardised Packaging of Tobacco Products Regulations 2015 is guilty of an offence. It is a defence if the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of the 2015 Regulations.

---

## **Penalties**

The maximum penalty on conviction is an unlimited fine and two years' imprisonment.

## **Further reading**

The Department of Health has produced additional [guidance on the packaging of tobacco products](#) and [guidance on the distribution and advertising of e-cigarettes](#).

## **Key legislation**

- [Standardised Packaging of Tobacco Products Regulations 2015](#)
- [Tobacco and Related Products Regulations 2016](#)

Last reviewed / updated: June 2016

**Please note**

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

© 2016 itsa Ltd.

## Company and business names

### In the guide

- [Who do the business names provisions apply to?](#)
- [PART 1: Sole traders & partnerships](#)
- [Business names display](#)
- [PART 2: Companies](#)
- [Rules on names](#)
- [Displaying company information](#)
- [PART 3](#)
- [Penalties](#)
- [Other requirements](#)

### This guidance is for England, Scotland & Wales

Requirements for the use, display and disclosure of company, business and trading names are detailed in three pieces of legislation:

- Companies Act 2006
- Company, Limited Liability Partnership and Business Names (Sensitive Words and Expressions) Regulations 2014
- Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015

There are requirements relating to the name a business chooses to trade under and rules to prevent the use of names that could mislead the public.

### Who do the business names provisions apply to?

This legislation gives detailed requirements regarding names that businesses can choose to trade under and how particular details about businesses have to be disclosed to their customers. The provisions apply to:

- individuals who trade under a name that is not their own
- partnerships that do not operate under the names of the individual partners
- companies / limited liability partnerships

### PART 1: Sole traders & partnerships

Sole traders and partnerships that are not registered companies are required to display and disclose detailed information about their businesses when they use a business name that is not their own or one that uses all the names of the partners. For example, if John Smith has a shop called Happy Family Bakers the requirements would apply to him; were he to call his business Mr Smith the Baker the legislation would not apply. The same would apply to a partnership. If John Smith and David Jones had a business partnership called Happy Bakers the requirements would apply; were they to call their business J Smith and D Jones Bakery the legislation would not apply.

### Business names display

Where a sole trader or partnership carries on business under a name that is not that of the proprietor or partners their details must be fully disclosed to customers and suppliers in order to inform them who they are doing business with.

The information that is required to be disclosed is:

- the full name of the proprietor or of all of the partners
- an address at which the business can be contacted and have legal documents formally served on it

The required information must be:

- displayed in a prominent position in all business premises where customers and suppliers have access
- included legibly on all business documents:
  - letters
  - written orders for goods or services
  - invoices and receipts
  - written demands for payment
  - business websites (a requirement under the Electronic Commerce (EC Directive) Regulations 2002)
- given immediately in writing to any customer or supplier who requests business details information

Partnerships of more than 20 persons are not required to disclose details all of the partners in business documents if:

- a list of the names of all the partners is maintained at the principal place of business
- none of the partner's names appears in documents except in the text or as a signatory
- documents state legibly the address of the partnership's principal place of business and that the list of the partners' names is open to inspection there
- the list of the partners' names is available for inspection during office hours

Below is an example of a notice that could be displayed to comply with the business premises requirements for a sole trader. Partnerships need to include the full names of all of the partners in such a notice.

#### **PARTICULARS OF OWNERSHIP OF**

**Happy Family Bakery** as required by section 1204 of the Companies Act 2006

Full name of owner: John Smith

Address at which documents relating to the business may effectively be served:

The Cottage Bakery  
10 Cobb Street  
Bath  
BA23 3UN

#### **PART 2: Companies**

The following requirements apply only to companies that are registered with Companies House.

##### **Rules on names**

There are specific rules in the legislation concerning incorporation and names that can be used and registered with Companies House, full guidance on which can be found on the GOV.UK website.

Briefly, the rules concerning company names include:

- having a maximum of 160 characters
- not being the same as a current registered company
- not infringing registered trade marks
- containing only permitted characters, punctuation, abbreviations, signs and symbols
- not using words or expressions that are banned or need approval from the Secretary of State such as:
  - 'association'
  - 'royal'
  - 'English'
  - 'council'

## **Displaying company information**

### **REGISTERED NAME**

Active companies must display their full registered company name at:

- their registered office
- all other locations at which they carry on business except those used primarily for living accommodation
- an inspection place at which required company records are kept available for inspection

This requirement does not apply to companies where every individual director is required to refrain from disclosing protected information to a credit reference agency.

### **MANNER OF DISPLAY**

Where business premises are shared by up to five companies the registered name must be:

- easily seen by visitors
- continuously displayed

Where business premises are shared by six or more companies each company must ensure that its registered name is either:

- displayed for at least fifteen continuous seconds at least once every three minutes  
...or
- available for inspection by visitors

### **REGISTERED NAME TO APPEAR IN COMMUNICATIONS**

Companies must disclose their registered name on:

- business letters
- notices
- official publications
- websites
- bills of exchange
- promissory notes
- endorsements
- order forms
- cheques signed by or on behalf of the company
- orders for money, goods or services signed by or on behalf of the company

- bills of parcels
- invoices
- demands for payment
- receipts
- letters of credit
- applications for licences to carry on a trade or activity
- all other forms of its business correspondence and documentation

#### FURTHER PARTICULARS TO BE DISCLOSED

Companies must disclose the following particulars on their business letters, order forms and websites:

- the part of the United Kingdom in which the company is registered
- the company's registered number
- the address of the company's registered office
- that it is a limited company (for companies exempt from the obligation to use the word 'limited')
- that it is a limited company (for community interest companies that are not public companies)
- that it is an investment company (where appropriate)

If companies disclose the amount of share capital in those places the disclosure must be as to paid-up share capital.

#### DISCLOSURE OF NAMES OF DIRECTORS

Where a company's business letters includes the names of any individual or corporate director of the company, other than in the text or as a signatory, the letter must disclose the names of every director of the company.

#### REQUESTS FOR COMPANY INFORMATION

Within five working days of receiving a written request for company information from anyone it deals with in the course of business, companies must send a written reply disclosing:

- its registered office address
- the location of any inspection place
- the type of company records that are kept at that those places

#### LEGIBILITY OF DISPLAYS & DISCLOSURES

All information that is required to be displayed or disclosed must be clearly legible.

### **PART 3**

#### **Penalties**

It is an offence for a business or company to fail to comply with these requirements. The maximum penalty on conviction is a £1,000 fine plus, for continued contravention, a maximum daily default fine of £100.



## Other requirements

Also applicable to any business that trades through advertisements or online are the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013. These Regulations require a supplier to provide a prospective buyer with details about themselves. Before a consumer concludes an online transaction or responds to an advert etc the supplier must provide details of the postal address of their business, so that a consumer may address complaints in a durable written format.

The Electronic Commerce (EC Directive) Regulations 2002 require a business selling or advertising online to provide certain information on its website, some of which overlaps with the above requirements, such as the company or business name, a UK geographic address and detailed information on pricing, delivery charges, etc.

See 'Consumer contracts - distance sales' for more information.

## Key legislation

- [Insolvency Act 1986](#)
- [Electronic Commerce \(EC Directive\) Regulations 2002](#)
- [Companies Act 2006](#)
- [Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#)
- [Company, Limited Liability Partnership and Business Names \(Sensitive Words and Expressions\) Regulations 2014](#)
- [Company, Limited Liability Partnership and Business \(Names and Trading Disclosures\) Regulations 2015](#)

Last reviewed / updated: July 2016

## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

© 2016 itsa Ltd.

## Examples of Particulars of Ownership Notices

Sole Trader Example	Partnership Example	Company Example
<p style="text-align: center;"><b>PARTICULARS OF OWNERSHIP OF</b></p> <p style="text-align: center;"><u>W. JONES BAKERY</u></p> <p style="text-align: center;">As required by The Companies Act 2006</p> <p><b>Full name of owner:</b> William John Jones</p> <p><b>Address at which documents relating to the business may effectively be served:</b></p> <p style="text-align: center;">12 High Street Everywhere Every EW01 111</p>	<p style="text-align: center;"><b>PARTICULARS OF OWNERSHIP OF</b></p> <p style="text-align: center;"><u>W. JONES BAKERY</u></p> <p style="text-align: center;">As required by The Companies Act 2006</p> <p><b>Full names of partners:</b> William John Jones and Mary Eve Jones</p> <p><b>Address at which documents relating to the business may effectively be served:</b></p> <p style="text-align: center;">12 High Street Everywhere Every EW01 111</p>	<p style="text-align: center;"><b>PARTICULARS OF OWNERSHIP OF</b></p> <p style="text-align: center;"><u>JONES BAKERY LTD</u> <u>Trading as: Bread 'n Cakes</u></p> <p style="text-align: center;">As required by The Companies Act 2006</p> <p><b>Registered Office:</b></p> <p style="text-align: center;">12 High Street Everywhere Every EW01 111</p>

<p><b>PARTICULARS OF OWNERSHIP OF</b></p> <hr/>
<p><b>As required by The Companies Act 2006</b></p>
<p><b>Full name of owner/Full names of partners*:</b></p>
<p><b>Address at which documents relating to the business may effectively be served:</b></p>
<p><small>*Please delete as appropriate</small></p>

<p><b>PARTICULARS OF OWNERSHIP OF</b></p> <hr/>
<p><b>Trading as:</b></p> <hr/>
<p><b>As required by The Companies Act 2006</b></p>
<p><b>Registered Office:</b></p>



You are now in a

# Bromley Identification Zone

If you look **under 25**  
you **will** be asked  
to prove your age

**Alcohol  
Tobacco  
Fireworks  
18 DVDs  
Knives**

London Borough of Bromley  
Trading Standards - Public Protection



You are now in a

# Bromley Identification Zone

If you want to buy

**Alcohol Tobacco  
Fireworks  
18 DVDs Knives**

and you look

# under 25

you **will** be asked to prove your age

Bromley Environmental  
Health & Trading Standards



**Acceptable forms of ID:**

- > Photocard driving licence
- > Passport
- > PASS hologram proof of age card
- > Bromley 'biz' proof of age card





**Important information to support your business enclosed**



## REMEMBER THE FRAUD ACT 2006: "Providing false information is a criminal offence"

### ROUTE ONE: Take your original ID to a verifier

Take this form to a person aged 25 or older, in work, contactable at their workplace and must not be a relative, guardian or carer. They cannot be retired, self employed or work from home. They must also be one of the following:

- Your Teacher/Tutor/Head of Year/Administrator at your School/College/University
- Your Doctor/Nurse/Dentist/ Social Worker/Certified Solicitor
- A Bank/Building Society Staff Member at your branch
- Your JobCentre/DWP Adviser
- Your Prison/Probation Officer
- Accountant
- Director/Manager of a VAT registered Charity
- Director/Manager/Personnel Officer of a VAT registered company
- Engineer (with professional qualifications)
- Police Officer
- Post Office Official
- Salvation Army Officer
- Social Worker
- Solicitor
- Surveyor
- Teacher, Lecturer
- Chairman/Director of limited company
- Chemist
- CitizenCard Staff Member
- Civil Servant (permanent)
- Counsellor: local or county
- Dentist
- Designated Premises Supervisor (of limited company)

1 The verifier must complete the VERIFIER DECLARATION and countersign one photo

2 You must show the verifier one of the following original ID:

- passport
- UK or EU photo driving licence
- card containing PASS hologram
- Home Office ID
- UKBA Biometric Residence Permit

If the verifier knows you personally you can show them one of the following forms of ID instead:

- original or certified copy of a birth certificate
- NHS Medical Card

3 Take this form, together with one of the above original ID plus a photocopy of that ID, to the verifier who will need to countersign this form, one photo and the photocopy of the ID.

4 If you have changed your name you will need to get a copy of the legal documentation (e.g. marriage certificate/deed poll) signed and dated by the verifier.

### Notes for the verifier

- 1 Check you are working in one of the occupations listed above.
- 2 You must be willing and able to tick all boxes.
- 3 Complete the VERIFIER DECLARATION in full. Stamp form (if stamp available).
- 4 Check the details on the applicant's original ID which must be one of the following:
  - passport
  - UK or EU photo driving licence
  - card containing PASS hologram
  - UKBA Biometric Residence Permit
 If you know the applicant personally the original ID can be one of the following:
  - original or certified copy of a birth certificate
  - NHS Medical Card
- 5 Write on the photocopy of the ID: "I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form" adding your full name underneath, your signature and the date.

I certify that I have seen the original of this copy and that it matches the name and date of birth printed on this application form.

*JBrown*  
John Brown 28.02.15

I certify that this is a true likeness of Andy Faucet

*JBrown*  
John Brown 28.02.15

6 Write on the reverse of one photo: "I certify that this is a true likeness of [name]" and add your full name underneath, your signature and the date

7 CitizenCard will phone you at your workplace to verify the information supplied

### ROUTE TWO: verifier checks details match official records

Take this form to a person aged 25 or older, in work, contactable at their workplace and must not be a relative, guardian or carer. They cannot be retired, self employed or work from home. They must also be one of the following:

- Your Teacher/Tutor/Head of Year/Administrator at your School/College/University
- Your Doctor/Nurse/Dentist/ Social Worker/Certified Solicitor
- A Bank/Building Society Staff Member at your branch
- Your JobCentre/DWP Adviser
- Your Prison/Probation Officer

1 The verifier must complete the VERIFIER DECLARATION and countersign one photo

2 The verifier must certify that your name, home address and date of birth match the official records held at their office/organisation

### NOTES FOR VERIFIER

- 1 Check you are working in one of the occupations listed above.
- 2 You must be willing and able to tick all boxes.
- 3 Complete VERIFIER DECLARATION in full. Stamp form (if stamp available)
- 4 You should certify that the applicant's full name, date of birth and home address match the official records held by your office/organisation. You should certify that the applicant is the person pertaining to those records
- 5 Write on the reverse of one photo: "I certify that this is a true likeness of [name]" and add your name, signature and the date. Check the photo matches the photo stuck or glued to this form.
- 6 CitizenCard will phone you to verify the information supplied.

### Payment, Parental Consent & Checklist

- 1 Standard applications cost £15.00. (Card posted 2nd class within 21 days) Enclose postal orders (payable to 'CitizenCard') or pay by debit/credit card NO cash or cheques.
- 2 Urgent applications cost £30.00. Your card will be posted by Next Day Delivery 1-2 working days after receipt (subject to validation). Pay by postal order (to 'CitizenCard') or debit/credit card. We advise you to post your application by Special or Recorded Delivery.
- 3 Please note a CitizenCard remains the property of CitizenCard Ltd. Payments are charged for the process of handling the application, processing and validation of data. If an application fails, payments will not be refunded. Full terms and conditions at [www.citizencard.com](http://www.citizencard.com) If applicant is under 16, a parent/guardian with whom the applicant lives must consent to the application.

### Checklist

- Complete all parts of the application in full, signed and dated where required. This form is invalid if any section is incomplete. Your signature consents to the application and to being contacted by CitizenCard for legal, advisory and promotional purposes (e.g. replacement cards)
- Supply two passport quality colour photos (45x35mm). One photo must be countersigned by the verifier. Each photo must be a colour passport quality image of your head and shoulders (see image above). The background must be white. Do not wear headwear or sunglasses. Your face must be completely visible. Do not smile, laugh or grimace.



- Photo 1 must be stuck or glued within the specified box marked ATTACH ONE PHOTO HERE.
- Photo 2 must be countersigned by the verifier. Do NOT stick or glue this photo to the form.
- If Route 1, enclose the photocopy of your ID making sure the verifier has countersigned it first. Do NOT send the original ID. Photocopy of ID must be sent in with this form.
- Enclose postal order (payable to 'CitizenCard') unless you are paying by debit/credit card. DO NOT SEND CASH OR CHEQUE.

- If paying by debit/credit card make sure all sections have been completed and that the person paying has signed next to the card number
- Post the application by 1st class or 2nd class post, but if you want proof we have received it you should use Recorded or Special Delivery.
- Post to: **CITIZENCARD, 36 BROMELLS ROAD, LONDON SW4 0BG**

The CitizenCard Scheme is operated by CitizenCard Ltd a non profit company limited by guarantee in England & Wales (N° 368-99-45)  
Registered Office:  
36 Bromells Road London SW4 0BG

Full Terms and Conditions at [www.citizencard.com](http://www.citizencard.com) Data Reg. N° Z7733342 (Data Protection Act 1998)

# CITIZENCARD APPLICATION FORM



# NOT A SALE!

18+ CitizenCards display the logos of:





**Applicant Declaration – please use CAPITAL LETTERS and BLACK INK ONLY – all sections must be completed in full**

Title \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial(s) \_\_\_\_\_ Tick as appropriate  
 Surname \_\_\_\_\_ Date of Birth \_\_\_\_\_  Male or  Female  
 House N° \_\_\_\_\_ House Name \_\_\_\_\_ Age \_\_\_\_\_  
 Street \_\_\_\_\_  
 Town/City \_\_\_\_\_  
 County \_\_\_\_\_ Postcode \_\_\_\_\_  
 Home Tel. N° inc. Code \_\_\_\_\_ Mobile \_\_\_\_\_  
 E-mail address \_\_\_\_\_  
 Repeat E-mail \_\_\_\_\_



- I acknowledge that providing false information is a criminal offence (Fraud Act 2006). I understand CitizenCard will not issue a card unless all requirements for card issue have been met.
- I understand that payment covers the cost of processing this application. I am not buying the card, which remains the property of CitizenCard Limited and that the card may not be lent to, or used by, anyone other than myself.
- I enclose **2 colour photos** (45x35mm), one of which is signed by the verifier and one of which is attached here.
- (Route 1 only)** I attach a photocopy of original ID signed by the verifier. COPY ID MUST BE SENT WITH THIS FORM.
- I consent to being contacted by CitizenCard in connection with legal, advisory and promotional purposes.
- I understand that an incomplete application form cannot be processed.
- I consent to the verifier (named below) confirming my details when contacted by CitizenCard at their workplace.

Applicant Signature: \_\_\_\_\_

**Verifier Declaration – minimum age 25 must work as listed overleaf**

Only act as a verifier if qualified (see overleaf) and if you are willing to be contacted by phone at your workplace. If you are retired, self employed, related to the applicant or working from home you cannot act as a verifier.

Title \_\_\_\_\_ First Name \_\_\_\_\_ Surname \_\_\_\_\_  
 Job Title \_\_\_\_\_  
 Name of Organisation \_\_\_\_\_  
 Professional registration no./reference if applicable \_\_\_\_\_  
 Work address \_\_\_\_\_ Postcode \_\_\_\_\_  
 Work Tel. N° inc. Code (no Mobiles) \_\_\_\_\_ Ext. \_\_\_\_\_  
 Work E-mail Address \_\_\_\_\_



You must be able and willing to tick ALL boxes for either ROUTE 1 or ROUTE 2

**ROUTE 1**

- The applicant is known to me personally and I have written on a photocopy of their original ID "I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form" adding my name, signature and date underneath.
- OR The applicant is not known to me personally and I have written on a photocopy of their original photographic ID "I certify that I have seen the original of this copy and that it matches the name and date of birth on this application form" adding my name, signature and date underneath.
- I have written on the reverse of one photo "I certify that this is a true likeness of..." adding my name, signature and the date.
- I understand that providing false information is a criminal offence (Fraud Act 2006). I consent to being contacted at my workplace, by telephone, to confirm the information supplied and acknowledge that the applicant has consented to me confirming their personal details (see above).

**ROUTE 2**

- I certify that the applicant's full name, their date of birth, their age, their gender and their home address as declared above on this application form match the records held at this office/organisation.
- I certify that the applicant is the person pertaining to our records.
- I have written on the reverse of one photo "I certify that this is a true likeness of..." adding my name, signature and the date.
- I understand that providing false information is a criminal offence (Fraud Act 2006). I consent to being contacted if required, to confirm the information supplied and acknowledge that the applicant has consented to me confirming their personal details (see above).

Verifier Signature: \_\_\_\_\_ Date \_\_\_\_\_

**Payment – and Parental Consent (if applicant is under 16)**

POSTAL ORDERS payable to 'CitizenCard'  
 DO NOT SEND CASH OR CHEQUE

STANDARD APPLICATION: allow up to 21 days

Cardholder name as it appears on your Card \_\_\_\_\_  
 Card Expiry Date \_\_\_\_\_ Issue No. (Switch) \_\_\_\_\_  
 Card Valid From Date (if applicable) \_\_\_\_\_ Amount (£) \_\_\_\_\_  
 Card Number \_\_\_\_\_

- STANDARD APPLICATION:  
 I enclose standard payment of £15
- URGENT APPLICATION:  
 I enclose urgent payment of £30   
 1–2 Working days after receipt of application  
 (subject to validation)

Cardholder Signature: \_\_\_\_\_

IF APPLICANT IS UNDER 16: I confirm the applicant lives at the same address as myself and I consent to this application for a card.

Name \_\_\_\_\_  
 Mother  Father  Guardian (Tick as appropriate)

Parent/Guardian Signature: \_\_\_\_\_  
 Date \_\_\_\_\_

This application is valid only if all relevant sections are signed and all boxes are ticked  
 NINS Route1&2 Form © CitizenCard Ltd Feb 2015



Managers Guide

2

## Managers Guide

### Where to get help?

#### No ID, No Sale!

Order or download more No ID, No Sale! support materials.

[noidnosale.com](http://noidnosale.com)

#### CitizenCard

The UK's leading proof-of-age card scheme with more than half a million cards now in circulation.

[citizencard.com](http://citizencard.com)

#### Under Age Sales Ltd

Specialists in providing training and support to retailers of age restricted goods. Including free advice if you fail a test purchase by Trading Standards.

Tel: 0345 257 0018  
[underagesales.co.uk](http://underagesales.co.uk)

#### Young Scot

The Scottish Government's proof-of-age scheme.

Tel: 0808 801 0338  
[youngscot.org](http://youngscot.org)

#### Trading Standards

The lead law enforcement agency in the UK for most age restricted sales.

Tel: 0345 404 0506  
[www.tradingstandards.uk](http://www.tradingstandards.uk)

#### Copyright Disclaimer

**No ID, No Sale! Managers Guide**  
**Copyright © 2016 all rights reserved.**

Unless otherwise indicated, all materials on these pages are copyrighted. No part of these pages, either text or images may be used for any purpose other than internal use, unless explicit authorisation is given by the author.

## Introduction

### Preventing under age sales

Children should not smoke, drink alcohol, play with fireworks or take part in the lottery. You are the front line in preventing under age sales of these products and all of the other restricted goods listed on the next page. It is a challenging role for all responsible retailers and the No ID, No Sale! campaign materials are here to help you.

No ID, No Sale! is now well recognised throughout the UK. The distinctive red roundel serves as a reminder to your customers that they can be expected to be asked for ID to purchase restricted goods no matter how old they are and particularly if they still look young.

The materials in this pack are here to help you together with the support that you can find on our website [www.noidnosale.com](http://www.noidnosale.com) and with our other partners.

Take a short time to read through this leaflet, ask your staff to read through it and use the materials in your store. It is about creating the expectation that customers will be challenged for ID.

**It's not personal, It's the law!**

## Age Restrictions

### Which products are restricted?

**18**

Tobacco products, papers, cigarettes, rolling tobacco  
Alcohol, including pre-mixed drinks and 'shot tubes'  
Cigarette lighter refills, butane  
Solvents, including glue, e-cigarettes, nicotine refills and intoxicating substances  
Fireworks and sparklers  
Knives, razor blades (except safety razors)  
18 Videos, DVDs and PEGI 18 rated games  
R18 videos, but you need a special license to sell these  
Newspapers and magazines with any 18/R18 DVDs or games attached  
Tattoos and sunbeds

**16**

Lottery, including the National Lottery, scratchcards and the Health Lottery  
Party poppers, cracker snaps  
Pets and animals  
Petrol  
PEGI 16 rated games  
Aerosol spray paints

**15**

15 videos, DVDs and games  
Newspapers and magazines with any 15 DVDs or games attached

**12**

12 Videos, DVDs and PEGI 12 games  
Christmas crackers  
Newspapers and magazines with any 12 DVDs or PEGI 12 games attached

**PENALTIES** vary depending on the product and the circumstances of the sale. A seller of alcohol can receive a fixed penalty of £90 but may be subject to an unlimited fine in the magistrate's court. A seller of tobacco products can be subject to an unlimited fine.

A shop owner could receive substantial and unlimited fines for breaches. They would also receive a criminal record and can have conditions placed on any licence they hold or apply for. Other sanctions can include having your lottery terminal removed, loss of your licence to supply alcohol or fireworks or being prohibited from supplying tobacco products.

**18**



**MATCHES & LIGHTERS**  
As a matter of best practice, retail staff are advised not to sell matches and lighters to anyone under 18



If you have a petrol station on site, there is an additional restriction prohibiting a person under 16 years of age from operating the petrol pumps.

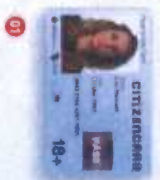
## Acceptable ID

### How to challenge for ID?

You should always challenge younger customers for ID, even if they look like they might be old enough. It's always better to check. If the customer doesn't have their driving licence or passport, you should look for the PASS hologram on any proof-of-age presented. Make sure you check the ID carefully, look for tampering and check the date. It's often useful to have a note on your till of the year of birth for today's 18 year olds.

**Check for a PASS card, such as a CitizenCard, or a driving licence, passport or military ID.**

**We only recommend military ID being acceptable if your shop is on or near a military base AND you are familiar with what military ID looks like.**



- 01** CitizenCard **02** Young Scot card
- 03** Driving licence **04** Passport





## How to layout your store?

As many of the age restricted products as possible should be behind the till or in direct sight of your staff working on the till. This may not always be possible, but the courts have said that if you set out your store in a piecemeal and cavalier way, it may prevent you from defending any prosecution brought by Trading Standards for under age sales.

**[011]** A3 Statutory notice: If you sell tobacco, you are legally required to prominently display this notice near to your tobacco products | **[02]** Pin badge | **[03]** DL leaflet dispenser | **[04]** A4 poster | **[05]** A5 vinyl window sticker.

## Tobacco Display Ban

All tobacco products must be stored out of sight of the public. You can reveal only up to 1.5m<sup>2</sup> of display when: retrieving products; showing stock to an over 18 at their request (they must be ID'd before the stock is revealed); counting stock or restocking the fixture; maintenance/cleaning; or staff training.

**PENALTIES:** England, Wales & Northern Ireland - Non-compliance with Tobacco Ban up to an unlimited fine and/or up to 2 years in prison. Scotland - Fixed Penalty Notices £50 to £200 and Refill Tobacco Licence revoked for 3 offences in 2 years.

### SIX Top Tips

## How to get it right?

1

#### Train your staff

You rely on the snap decisions of your staff to prevent under age sales. You need to ensure that they are properly trained and have the skills to challenge for ID. You can get nationally accredited training at relatively low cost - see useful contacts.

#### Set your store out

Think carefully about how you layout your store. Keep as many of the age restricted goods listed on page 4 as possible behind the counter. Tobacco products must be stored out of sight of the public. That way your customers will need to ask for them giving your staff an added opportunity to assess their age. If all of your age restricted goods won't fit behind the counter keep them in sight, not hidden away at the back of the store. Use the materials in this pack and order more from the useful contacts if you need them.

3

#### Keep your records

Get your staff to keep a record of when they have refused sales. You can either set your till up to do this or use the refusals register included in this pack. Regularly check the record to see if any of your staff might not be making any refusals - that might indicate that they need some more training. Also keep a copy of any training provided. Show your staff this booklet and get them to sign page 11 to prove that they have read it - it may be useful to show Trading Standards.

2

#### If it goes wrong

Local trading standards officers actively enforce this legislation and one slip up can put your business and licences in jeopardy. If you do fail an official test purchase they will tell you within a few days. You should be prepared to be retested in the next few days and certainly within 3 months. If you fail again, the penalties can be much higher. Don't panic. You can get free advice from our useful contacts on page 2.

4

#### Remind your staff again

Have regular reminders for your staff. Perhaps get them to re-read this booklet and keep a log of when you have reminded them about the rules. You should carry out refresher training for your till staff at least once every three months.

5

#### Challenge for ID

If a customer is purchasing age restricted goods always think about challenging them for ID. Your staff should never try to guess someone's age - if in doubt, always ask for ID.

You should be clear with staff over what you will accept as valid proof of age. We recommend that you only accept driving licences, passports, proof-of-age cards that carry the PASS hologram (such as CitizenCard) and military ID. Place the CitizenCard dispenser in this pack by your till. That way, if a young customer doesn't have ID, you can give them a leaflet to diffuse the situation.

6

**In your Pack**

What is in my No ID, No Sale! pack?



- [01] 1x C4 envelope
  - [02] 1x A4 folder with pocket
  - [03] 1x A3 statutory notice
  - [04] 1x A5 vinyl window sticker
  - [05] 1x Pin badge
  - [06] 1x A4 refusals register
  - [07] 1x A4 covering letter/poster
  - [08] 1x A5 managers guide
  - [09] 50x CitizenCard leaflets with dispenser
- More materials are available from [noidnosale.com](http://noidnosale.com)

**Declaration**

Challenge purchasers

I have read and understood this booklet and taken note that I am required to challenge purchasers of age restricted goods for ID, verify their age and that, if I sell to a person who is under age, I will be committing an offence and I could be fined and/or face disciplinary action.

**Keep this record in a safe place**

Name	Date	Sign



noidnosale.com



Remember to properly  
train your staff!

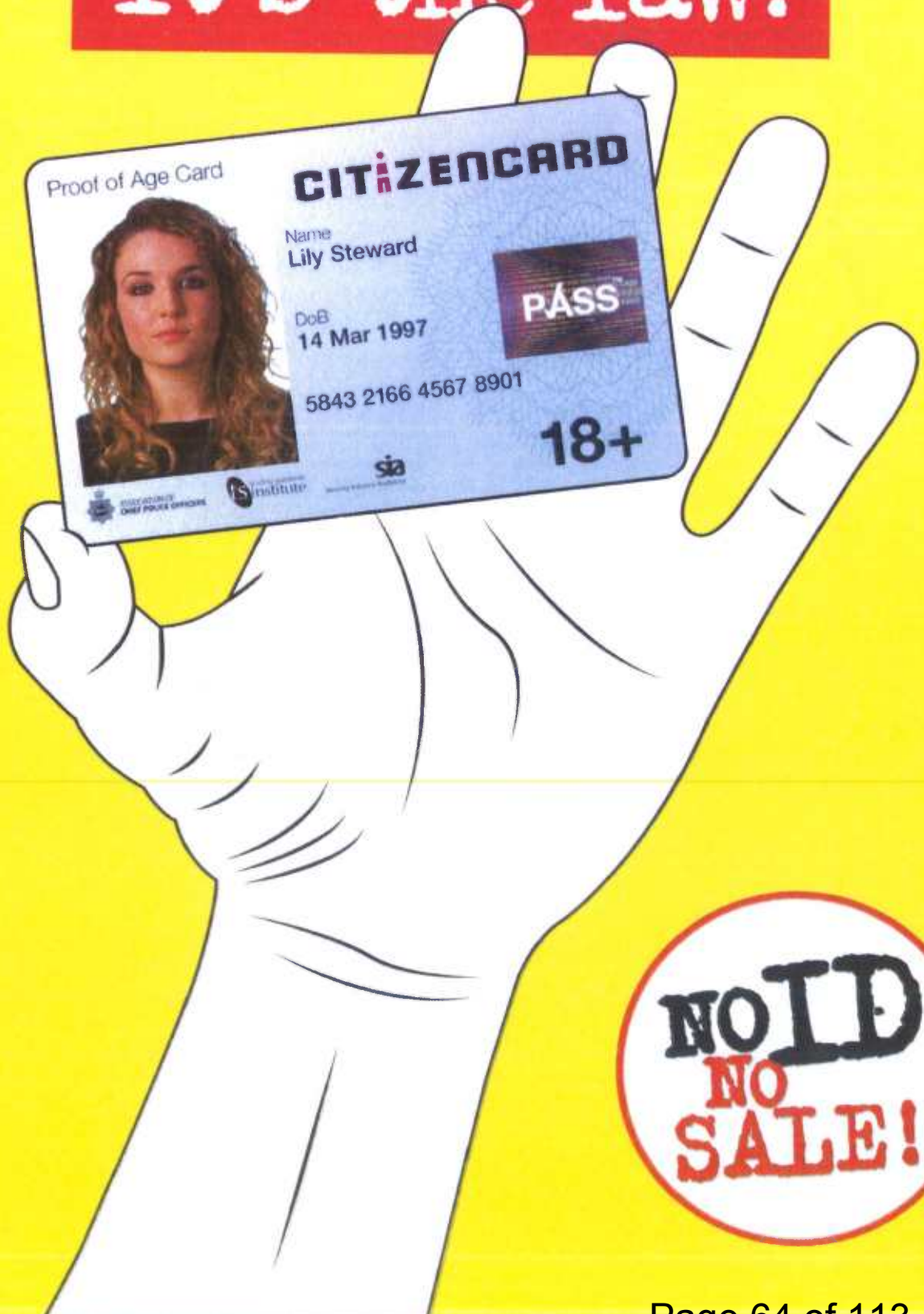
Make sure you set up your  
store properly!

Always be vigilant, challenge  
young adults for ID!

Never try to guess  
the customer's age!

It's not personal

It's the law!



DATE AS POSTMARK

Dear Retailer

**"It's not personal, it's the law"**

This new 'No ID, No Sale!' Retail Toolkit might just save your livelihood. Use the materials to help you and your staff to comply with the legislation on underage sales. Doing so will help prevent you from being prosecuted, fined or losing the right to sell alcohol, tobacco or lottery products.

If your shop has been caught selling tobacco to under-18s twice within 2 years, a conviction on a 3rd illegal sale can result in a Restricted Sale Order (banning the staff member from selling tobacco for up to 12 months) or a Restricted Premises Order (banning the shop from selling tobacco for up to 12 months). Failure to comply with the terms of an RSO or RPO is a fine of up to £20,000.

### Tobacco Display Ban

The ban means that all tobacco products must be stored out of sight of the public. You can reveal only up to 1.5m<sup>2</sup> of display when: retrieving products; showing stock to an over 18 at their request (they must be ID'd before the stock is revealed); counting stock or restocking the fixture; maintenance/cleaning; or staff training.

In every case, the products must be displayed for the minimum length of time. It is **NOT** an offence for other customers, including children, to incidentally see tobacco products whilst the door is open for a legitimate purpose. You **MUST** continue to display an **A3 Statutory Notice** (copy enclosed).

### Your Retail Toolkit contains:

- (01) Managers Guide which explains how to train your staff. All managers should read it and sign it.
- (02) A3 Statutory Tobacco Notice. The maximum fine for displaying it is £1,000.
- (03) Window Sticker shows the image of the new CitizenCard.
- (04) Poster (reverse of this letter) which tells customers that "It's not personal, it's the law".
- (05) Refusals Register which should be used by all staff and signed off by a manager. Kept close to the counter but out of sight, the Register is proof of due diligence - and in some cases the existence of a well - maintained Register has prevented staff from being prosecuted.
- (06) 50 CitizenCard application forms. These allow staff to offer customers without ID the means to get one, so just handing the form out can diffuse a difficult encounter.
- (07) A leaflet dispenser to display the forms in.
- (08) A No ID, No Sale! pin badge.

To order further copies of any materials, register with the **No ID, No Sale!** Campaign by emailing [contact@noidnosale.com](mailto:contact@noidnosale.com) or download them from [www.noidnosale.com](http://www.noidnosale.com)

Whether you sell tobacco, alcohol, lottery or knives I hope that these materials are of use, and if you have any comments please email [contact@noidnosale.com](mailto:contact@noidnosale.com)

Yours sincerely,  
Andrew Chevis

Proof of Age Card

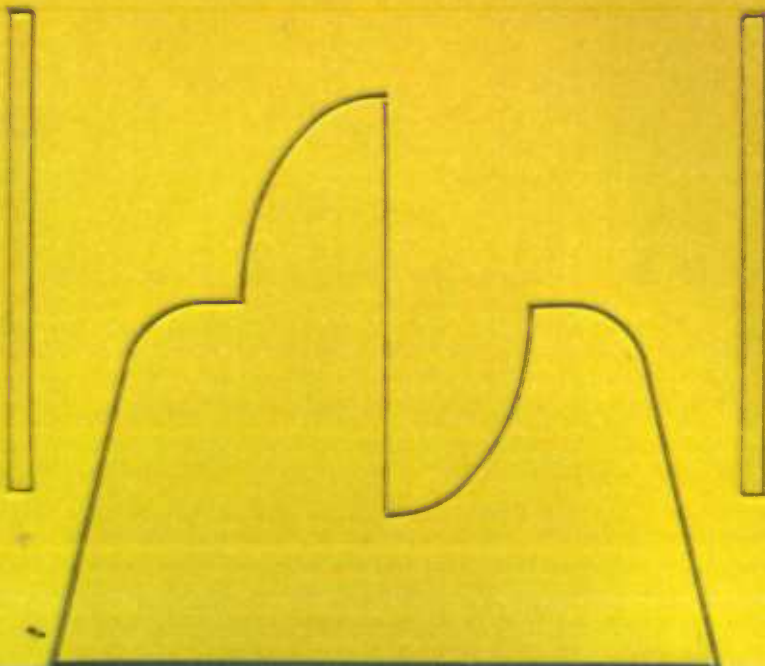

[noidnosale.com](http://noidnosale.com)

The new 18+ PASS card is endorsed by the police, trading standards and the security industry.

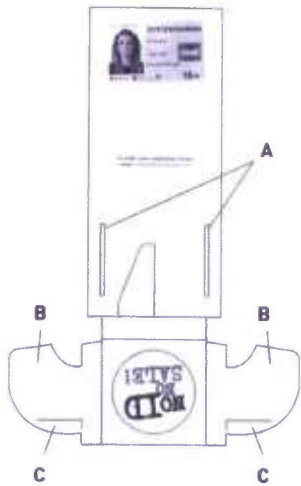




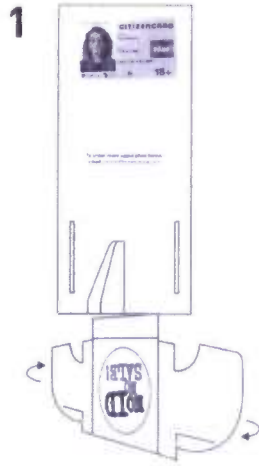
To order more application forms  
email [contact@noidnosale.com](mailto:contact@noidnosale.com)



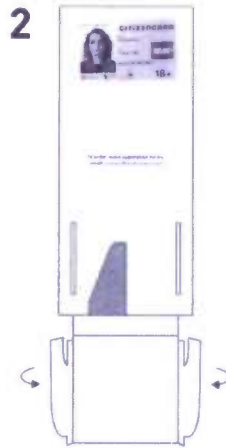
# Leaflet Dispenser Assembly Instructions



- A** = Slots
- B** = Side flap
- C** = Locking Flap



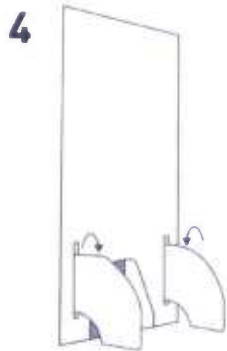
**1.** Rotate the printed front pocket and side flaps 180° anti-clockwise (the printed front) pocket should then be facing away from you)



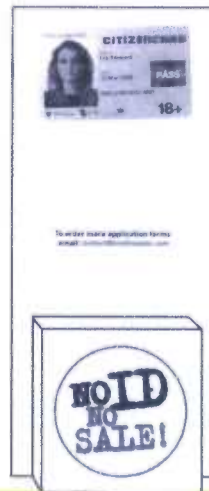
**2.** Fold side flaps **(B)** inwards



**3.** Push the side flaps **(B)** through the slots **(A)** on the printed back panel



**4.** From the back of the leaflet dispenser fold down the locking flaps **(C)**





Refusals Register

Keep the Register close to the counter but out of SIGHT!

## Best Practice

If a customer fails to produce valid photo-ID that confirms his or her age, the sale should be **REFUSED** and recorded in this Refusals Register after the customer has left the premises.

**Keep the register close to the counter but out of SIGHT!**



All staff should know where this Refusals Register is kept, and should write an entry whenever an age-related sale is **REFUSED**. A Trading Standards Officer will ask to see it if they visit your store.

The manager will sign off and date each page of this register, which will be kept in a safe place away from customers. The Register may need to be produced in the event that local authority enforcement officers undertake test purchases, other enforcement activity or if a threat of legal action against the premises' manager or staff arises.

[noidnosale.com](http://noidnosale.com)

## Age Restrictions

Which products are restricted?

18

Tobacco products, papers, cigarettes, rolling tobacco  
Alcohol, including pre-mixed drinks and 'shot tubes'  
Cigarette lighter refills, butane  
Solvents, including glue, e-cigarettes, nicotine refills and intoxicating substances  
Fireworks and sparklers  
Knives, razor blades (except safety razors)  
18 Videos, DVDs and PEGI 18 rated games  
18 videos, but you need a special license to sell, these  
Newspapers and magazines with any 18/18 DVDs or games attached  
Tattoos and sunbeds

16

Lottery, including the National Lottery, scratchcards and the Health Lottery  
Party poppers, cracker snaps  
Pets and animals  
Petrol  
PEGI 16 rated games  
Aerosol spray paints

15

15 videos, DVDs and games  
Newspapers and magazines with any 15 DVDs or games attached

12

12 videos, DVDs and PEGI 12 games  
Christmas crackers  
Newspapers and magazines with any 12 DVDs or PEGI 12 games attached

**PENALTIES** vary depending on the product and the circumstances of the sale. A seller of alcohol can receive a fixed penalty of £90 but may be subject to an unlimited fine in the magistrate's court. A seller of tobacco products can be subject to an unlimited fine.

A shop owner could receive substantial and unlimited fines for breaches. They would also receive a criminal record and can have conditions placed on any licence they hold or apply for. Other sanctions can include having your lottery terminal removed, loss of your licence to supply alcohol or fireworks or being prohibited from supplying tobacco products.



18

**MATCHES & LIGHTERS**  
As a matter of best practice, retail staff are advised not to sell matches and lighters to anyone under 18



If you have a petrol station on site, there is an additional restriction prohibiting a person under 16 years of age from operating the petrol pumps.



Please record all refusals on the register below

**Refusals Register**

NO.	Date	Product	Time	Name of person or description	Observations	Staff member
01	Example 01/05/2016	Cigarettes	7:10 PM	Male 14 years Blonde, 5ft 11"	Nervous and refusing to show ID	Allen Smith
02						
03						
04						
05						
06						
07						
08						

Manager's Signature:

Date:

Additional pages can be downloaded from [noidnosale.com](http://noidnosale.com)



**IT IS ILLEGAL  
TO SELL TOBACCO  
PRODUCTS TO  
ANYONE UNDER  
THE AGE OF 18**

## **Appendix 3**

**Witness statement by Ruth Hancock, Lead Trading Standards Practitioner**

Page 1

RESTRICTED (when complete)

**WITNESS STATEMENT**

(CJ Act 1967, s9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2012 Part 27)

CAPS ref 17/00275/INIT

Statement of: Ruth Hancock

Age if under 18:      Over 18 (if over 18 insert 'over18')      Occupation: Lead Trading Standards Practitioner

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date:

30 March 2017

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am employed by the London Borough of Bromley as a Lead Trading Standards Practitioner. My duties include the enforcement of age restricted sales legislation including the Licensing Act 2003, the Children and Young Persons Act 1933 (as amended) and the Tobacco Advertising and Promotion Act 2002.

On 31 January 2017 I visited The Wine Shop, 75 Cotmandene Crescent, Orpington BR5 2RA along with Mrs Tracey Firth a Senior Consumer Protection Inspector also employed by the London Borough of Bromley in the Trading Standards team. We introduced ourselves and asked to speak to whoever was in charge. We spoke with a man who said he was the owner and that his name was Mr Nick Singh. During the inspection I saw Mrs Firth hand Mr Singh the free underage sales information pack. I produce an example of this pack as Appendix 2. I watched Mrs Firth show Mr Singh the items in the pack and explained to him the purpose the forms and information leaflets. We talked to him about the selling of age restricted products, including advising him that it is an offence to sell tobacco and alcohol to persons under the age of 18, we described Challenge 25, encouraging him to use it and reminded him about "No Id, No Sale". I saw there were a only a small number of Challenge 25 materials already on display in the shop. I took 9 photographs of the shop which show numerous shelves of alcohol exposed for sale without any age verification publicity materials in close proximity. I produce these photographs in Appendix 6. We also advised Mr Singh that we would be carrying out test purchases in the future in order to check compliance with this legislation. Finally I heard Mrs Firth confirm our advice to remember to ask for Identification – "no ID no sale". At the end of the inspection Mrs Firth completed the Trading Standards Premises Record Form reference number 1069 where

Signature:



Signature witnessed by

she noted down the findings of the visit including that she had left the information pack, we had discussed the online training course and Challenge 25, which Mr Singh understood, and that we had reminded Mr Singh that the tobacco cabinet door must be kept closed. Mr Singh signed this form and Mrs Firth gave him the top copy to keep. I produce the carbon copy of the form and the notes made during the visit as Appendix 4.

On 14<sup>th</sup> March 2017 I led the Trading Standards test purchase operation. A female volunteer aged 15 and a female volunteer, aged 16 carried out a test purchase at The Wine Shop and a sale was made of 1 bottle of Bulmers Wild Blueberry and Lime cider and 1 bottle of Bulmers Crushed Red Berries and Lime cider and a packet of Mayfair cigarettes. After the sale I went into the shop with PC Tulley and spoke with a male who said his name was Mr Bal Baria and was the manager. Mr Baria told me that:

1. There was not a refusals register available to show me and he told me that he always checks ID so doesn't write them down
2. He didn't age check the volunteers due to their height
3. Mr Singh gave verbal instruction to him about a month earlier about underage sales
4. He was unable to find any training records to show me
5. He would be working on his own all of that evening.

Whilst watching the footage being recorded by the covert camera on the tablet outside of the shop, I could see that the door to the tobacco cupboard had been left open and the tobacco products were on display to our underage volunteers throughout the time they were in the shop. As this is an offence the Tobacco Advertising and Promotion Act 2002, I advised Mr Baria that he must keep the door closed at all times when he does not need to gain access to the tobacco products. During the visit I took several photographs of the shop to show the signage on display. These have been produced as Appendix 6.

*N. Hunt*

Signature:

*N. Hunt*

Signature witnessed by

## **Appendix 4**

**Records made by Mrs Tracey Firth, Senior Consumer Protection Inspector at the time of the visit on Tuesday 31st January 2017**



Trading Standards Premises Record Form

Information to the occupier  
(Notice of the powers to search premises and of the rights of occupiers - Police and Criminal Evidence Act 1984 and Code of Practice)

Reference No:

1069

Trader name ..... *The Value Shop* .....  
 Person seen ..... *Nick Singh* .....  
 Address ..... *75 Colman Row, Colman St, BR5 2BA* .....  
 Website ..... *02083015332* .....

POWER UNDER WHICH SEARCH MADE  
 Warrant (copy attached)  
 Act section .....  
 Date granted ..... by .....

Advice/action to be taken/articles seized/voluntary surrender\*

*1) Tobacco Notice of seizure supplied and on  
 2) Tobacco Notice supplied and on  
 3) Banned items Act notice displayed  
 4) Gift wrap pack  
 5) Disposed on line training  
 6) 25 Police issued and Mr Singh  
 7) 25 Police issued and supplied*

Notice received by ..... *Nick Singh* ..... Name ..... *Nick Singh* ..... (print)  
 (signature)

or  Statutory power under  
*Police and Criminal Evidence Act 1984*  
 or  with consent of person  
 (only applicable where officer has no statutory powers to investigate matter)  
 I hereby consent to Public Protection Personnel to search the above named premises  
 Signature .....  
 Name (capitals) ..... Age .....  
 Position held .....

PERSONS ON PREMISES (record names if known)  
 .....  
 Did occupier request other person to be present during search? Yes/No  
 If request refused, state why .....

OFFICER IN CHARGE OF SEARCH/VISIT\*  
 Name ..... *Tanya Firth* .....  
 Position ..... *Police Officer* .....  
 Signed (reporting officer) ..... *Tanya Firth* .....  
 Telephone number: ..... *02083015332* .....

Date: ..... *21/2/07* .....  
 Time of visit  
 Start ..... *6:30* ..... Finish .....

If you wish to see a copy of the code please contact the officer in charge of the search/visit.

Name	Nick Singh	Position	owner
Trading name	The Wine Shop.		
Premise address	75 Cotmanston Crescent BR5 2RA	Shop tel no	0208 3095733
Owner(s) of business (Sole, partners or company)	sole trader Nick Singh		
Owner's tel no		Owner's e-mail	

**Statutory Section**

Is a business names notice on display? Duty to enforce under Companies Act 2006	Yes or <input checked="" type="radio"/> No
Is a tobacco notice on display? Duty to enforce under Children and Young Persons (Protection from Tobacco) Act 1991	Yes or <input checked="" type="radio"/> No
Is the tobacco display covered? Powers of entry etc under: Tobacco Advertising and Promotion Act 2002	<input checked="" type="radio"/> Yes or No
If any No answers, did you refer the trader to the advice pack for guidance about compliance?	Yes or No

**UAS Advice Section**

Tobacco, alcohol and/or e-cigs sold?	Tobacco: <input checked="" type="radio"/> Yes or No	Alcohol: <input checked="" type="radio"/> Yes or No	E-cigs: <input checked="" type="radio"/> Yes or No
Did you remind the trader about the age restriction on the sale of relevant products in his/her shop?	<input checked="" type="radio"/> Yes or No		
Did you describe Challenge 25 and encourage the trader to use it?	<input checked="" type="radio"/> Yes or No		
Did you remind the trader: "No Id, No sale"?	<input checked="" type="radio"/> Yes or No		
Were there any Challenge 25 materials on display?	<input checked="" type="radio"/> Yes or No		
What was on display and where?			
Did you leave the advice pack?	<input checked="" type="radio"/> Yes or No		



## **Appendix 5**

**Test purchases – 1 bottle of Bulmers Wild Blueberry and Lime cider and 1 bottle of Bulmers Crushed Red Berries and Lime cider and a packet of Mayfair cigarettes.**

**(These will be available to view at the hearing)**

## **Appendix 6**

**Photographs of shop taken on Tuesday 14th March 2017**

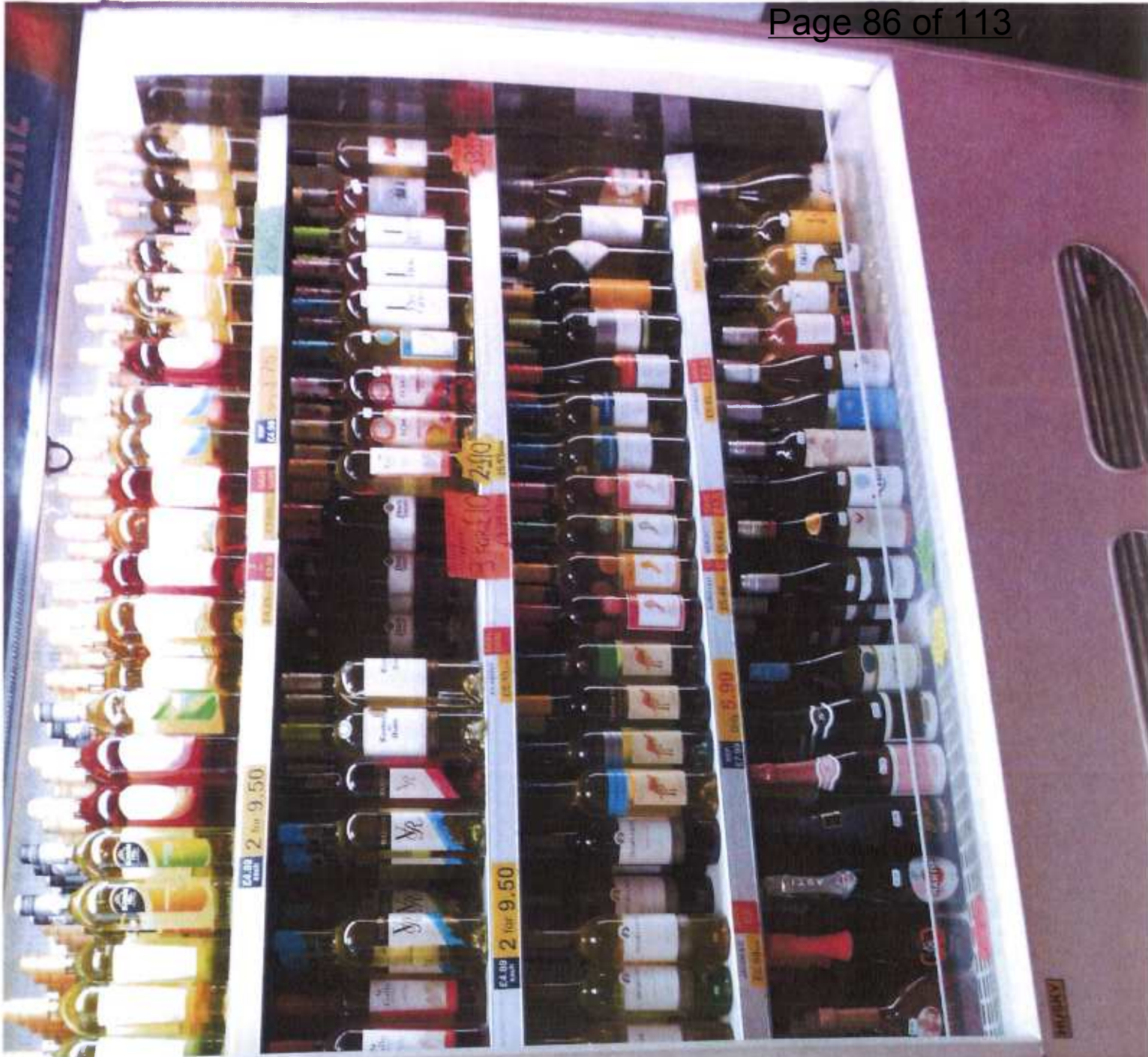
















# BULMERS N°17 THE UK'S NO.1 FLAVOURED CIDER\*

Flavoured Ciders have grown by 10% in the UK trade in 12 months and now account for 22% of the Modern Cider category.

Bulmers N°17 is the No.1 Flavoured Cider. It accounts for over 1/3 of the growth in Modern Cider!

Bulmers has more shops selling more per visit than any other cider brand!

Make the most of the Flavoured Cider opportunity by stocking

Bulmers N°17, the Number 1 Flavoured Cider! from the Number 1 Modern Cider Brand!



## Cycle 8 Support

During a period that is often dominated by other categories, we would like to see you in maintaining a strong presence in your category in your stores.



In Cycle 8, POS will be available to help you signpost your Modern Cider offering and drive incremental purchases...

Display this POS between 17.11.12 to 04.01.2013.

Earn an extra **100 Bonus Points** by displaying an FSDU.



© Bulmers Ltd 2012. All rights reserved. \*Based on UK sales of flavoured ciders in the Modern Cider category.



RRP £8.99  
NOW  
£5.99

R.R.P. £10.99  
NOW £7.49

6.89

# **Appendix 2**

**(Premises Licence)**

**LICENSING ACT 2003**

**Premises Licence  
London Borough of Bromley**

Premises licence number

11/00158/LAPRE

Signed

Paul Lehane

Head of Food Safety, Occupational Safety and Licensing

Licence Granted **20<sup>th</sup> April 2011** Issue Number **001**

This licence consists of **8** pages (Including Licence Summary)

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

The Wine Shop  
75 Cotmandene Crescent  
Orpington  
Kent  
BR5 2RA

**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**

Alcohol Off Sales

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Off Supplies Only

**The opening hours of the premises**

Hours Open to the Public on Every Day from 10:00 to 22:15

**The time the licence authorises the carrying out of licensable activities.**

Alcohol off Sales on Every Day from 10:00 to 22:15

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Rajeshkumar Ramaswamy  
of  
58 Northfield Road  
London  
E6 2AJ

**Registered number of holder, for example company number, charity number (where applicable)**

Not Applicable.

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Full Name: Mr Rajeshkumar Ramaswamy  
Address: 58 Northfield Road London E6 2AJ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

DPS Licence Ref: 09/00827/LAPER issued by London Borough Of Newham

### **Mandatory Conditions**

1. No sale of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

2. Every sale of alcohol under the premises licence must be authorised by a personal licence holder.

3. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
7. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

#### **Conditions consistent with the Operating Schedule**

8. The premises shall have an approved, effective and well managed CCTV system installed by an NS1 - Nacoss Gold Standard / SSAIB registered installer in accordance with NACP 20 and shall be capable of supplying images in all lighting conditions. The installed system shall be compliant with the requirements of the Data Protection Act 1998 and the licensee shall be the data controller for any images caught on the system and register and notify the ICO.
9. The system installed shall be subject to a regular maintenance contract as stipulated by the installer, have the capability to download images on request of a lawful, relevant authority by a responsible staff member. A responsible staff member must be present at all times to be able to provide to any relevant authority on request images necessary for investigating or preventing crime or apprehending or prosecuting an offender.
10. All images shall be kept on a secure data base for a minimum of 31 days.



11. A “Challenge 25” scheme shall be implemented at the premises. This Scheme must be approved by the Council. No sale of age restricted products shall take place save in accordance with the scheme.

12. Where it is necessary to request proof of age it shall be proven by either the production of a passport, driving licence or Government-approved PASS (Proof of Age Standards Scheme) accredited cards.

13. A refusals record in either soft or hard form must be kept of all age related sale refusals. This must be available for inspection on request by an Authorised Officer of the Council or a Metropolitan Police Officer.

#### **Conditions attached after a hearing by the Licensing Authority**

14. All staff will receive training in their roles and responsibilities under the Licensing Act 2003. Records relating to this training will be kept and made available to Police or Council Officers on request.

15. All staff training is to take place at six monthly intervals.

16. An approved recognised, robust access control system shall be installed at the main entrance to the applicant premises that shall be installed by a recognised NSI-Nacoss Gold / SSAIB installer and shall meet the requirements of NACP, details of which shall be supplied in writing to the relevant authority.

17. This device must be used from 19:00 hours or at any other time when the use is deemed necessary by a responsible staff member.

18. A minimum of 2 staff members shall be within the licensable area of the premises (as indicated on the plans of the premises) whenever alcohol sales extend beyond 19:00 hours.

19. The premises will adopt a clear window policy whereby no signs except those required by the Licensing Act 2003, or any other legislation are displayed to give staff a clear view of the street immediately outside of the premises.

20. **(see condition 11)**The premises will adopt the “challenge 25” scheme whereby any person that appears to be under 25 years of age has to prove that they are over 18 by providing identification by means of passport, photographic identity drivers licence or identification card approved by the proof of age standards scheme (PASS) and bearing the PAS logo. In addition, a refusals log will be kept and maintained. The log must be available to Police or Council Officers on request.

**Plans**

Held by the Licensing Authority Stamped Reference Number: 11/00158/LAPRE  
Dated 20<sup>th</sup> April 2011

**LICENSING ACT 2003**

**Premises Licence Summary**

**Premises licence number**

11/00158/LAPRE

Signed

Paul Lehane  
Head of Food Safety, Occupational Safety and Licensing

Licence Granted **20<sup>th</sup> April 2011** Issue Number **001**

This licence summary consists of **2** pages

**Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

The Wine Shop  
75 Cotmandene Crescent  
Orpington  
Kent  
BR5 2RA

**Where the licence is time limited the dates**

Not applicable.

**Licensable activities authorised by the licence**

Alcohol Off Sales

**The opening hours of the premises**

Hours Open to the Public on Every Day from 10:00 to 22:15

**Where the licence authorises supplies of alcohol whether these are on and/or off sales**

Off Sales Only

**The times the licence authorises the carrying out of licensable activities**

Alcohol Off Sales on Every Day from 10:00 to 22:15

**Name, (registered) address of holder of premises licence**

Mr Rajeshkumar Ramaswamy  
of  
58 Northfield Road  
London  
E6 2AJ

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable.

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

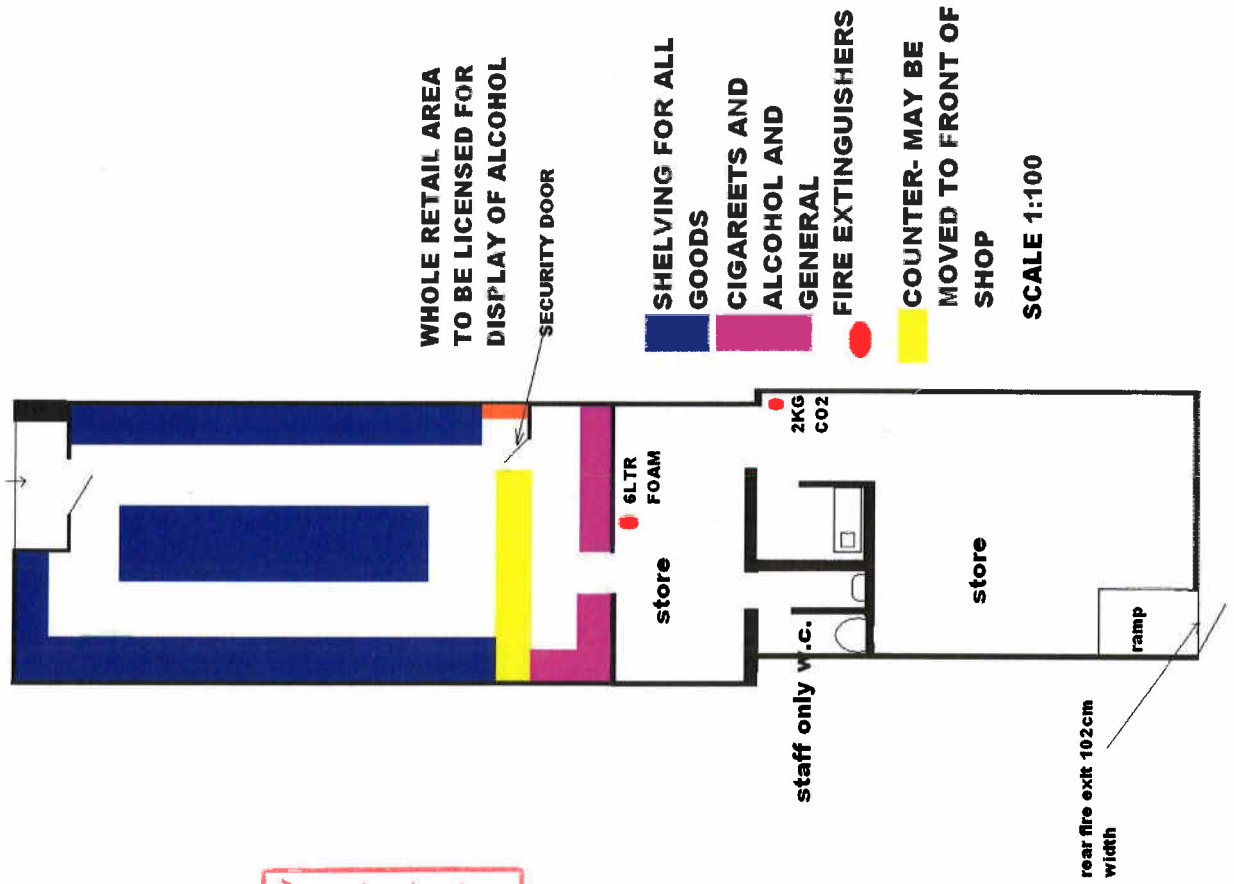
Full Name: Mr Rajeshkumar Ramaswamy

**State whether access to the premises by children is restricted or prohibited**

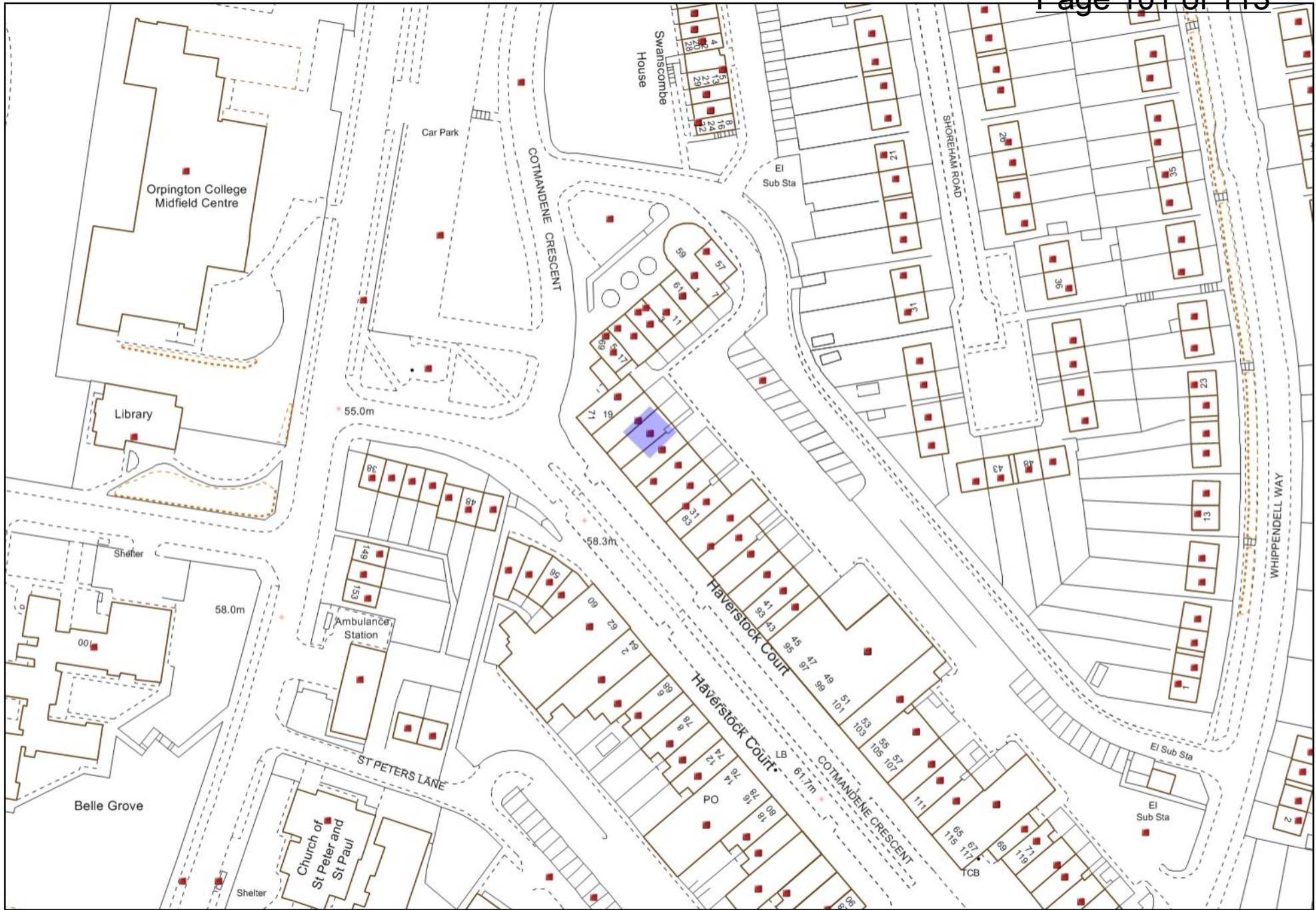
Not applicable.

PREMISES:  
75 COTMANDENE CRESCENT, ST PAULS CRAY, ORPINGTON  
BR5 2RA

LONDON BOROUGH OF BROMLEY
LICENSING <u>lof</u>
PLAN REF. <u>11/00158/LAGRE</u>
DATE <u>20TH APRIL 2011</u>
OFFICER <u>LAG</u>



# Appendix 3



# Appendix 4



**Guidance for Members hearing a Review of a Premises Licence or Club Premises Certificate**

Licensing Act 2003 section 52 & 88 and Part 11 of the Secretary of States Guidance

**The purpose of a Review**

To ensure that the licence holder is promoting the licensing objectives, which are

1. Prevention of crime & disorder
2. Prevention of public nuisance
3. Protection of public safety
4. Protection of children from harm

Reviews can be brought by any Responsible Authority, individual, business or Ward Councillors on any of the licensing objectives

**At a Review Members of the Sub Committee can**

1. Modify licence conditions
2. Exclude a licensable activity from the licence
3. Remove the DPS from the licence
4. Suspend the licence for up to 3 months
5. Revoke the licence

**Seriousness**

After hearing the evidence at a Review hearing Members need to decide the level of seriousness of the failure to promote the licensing objective. This guide suggests factors which Members may consider to be 'aggravating' or 'mitigating' but it is not a definitive list and Members may identify other factors during a Review hearing.

Based on Members views as to seriousness and 'aggravating' or 'mitigating' factors the suggested 'starting Point' for the imposition of actions under Section 52 can be considered and varied 'upwards' or 'downwards'.

Members are advised to note 'aggravating' or 'mitigating' factors and ensure these are recorded in their reasoned decision.

### Reviews Based on Crime & Disorder

(Matters referred to in Paragraph 11.29 of the secretary of States Guidance (April 2012))

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members in Bold
Manufacture sale or distribution of Class A drugs	<ul style="list-style-type: none"> <li>• Large scale over a long period</li> <li>• Professional operation</li> <li>• Links to organised crime</li> <li>• 2<sup>nd</sup> Review</li> </ul>	<ul style="list-style-type: none"> <li>• Small scale for a short period of time.</li> <li>• No links to organised crime</li> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> </ul>	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b>
Sale or distribution of Firearms	<ul style="list-style-type: none"> <li>• Large scale over a long period</li> <li>• Professional operation</li> <li>• Links to organised crime</li> <li>• 2<sup>nd</sup> Review</li> </ul>	<ul style="list-style-type: none"> <li>• Small scale for a short period of time.</li> <li>• No links to organised crime</li> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> </ul>	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b>
Underage sales affecting the health, educational attainment employment prospects or the propensity for crime	<ul style="list-style-type: none"> <li>• Evidence of a significant impact / harm on a number of children</li> <li>• Associated with significant crime and / or disorder in the area</li> <li>• 2<sup>nd</sup> Sale</li> <li>• 2<sup>nd</sup> Review</li> </ul> <p>See also section on underage sales in Protection of Children section</p>	<ul style="list-style-type: none"> <li>• No evidence of a significant impact / harm on a number of children</li> <li>• Not associated with significant crime and / or disorder in the area</li> </ul> <p>See also section on underage sales in Protection of Children section</p>	Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b> See also section on underage sales in Protection of Children section

Use of the premises for prostitution or pornography	<ul style="list-style-type: none"> <li>• Associated with serious organised crime.</li> <li>• Involves children or trafficked women</li> <li>• 2<sup>nd</sup> Review</li> <li>• Large scale and for a long period</li> </ul>	<ul style="list-style-type: none"> <li>• No association with serious organised crime.</li> <li>• No involvement with children or trafficked women</li> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> <li>• Small scale and for a short period</li> </ul>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>
Grooming of children by paedophiles	<ul style="list-style-type: none"> <li>• Organised and large scale</li> <li>• Resulted in psychological harm</li> <li>• Resulted in actual physical abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> <li>• No evidence of psychological harm</li> <li>• No evidence of actual physical abuse</li> </ul>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>
Use of premises for organised crime especially by gangs		<ul style="list-style-type: none"> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> </ul>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>
Racist activity	<ul style="list-style-type: none"> <li>• Condoned or encouraged by the Licence holder</li> <li>• Associated with organised groups or with organised crime</li> </ul>	<ul style="list-style-type: none"> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> </ul>	<p>Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>

Unlawful gambling or gaming			<p>Modify licence conditions  Exclude a licensable activity from the licence  Remove the DPS from the licence  <b>Suspend the licence for up to 3 months</b>  <b>Revoke the licence</b></p>
Sale of smuggled alcohol or tobacco			<p>Modify licence conditions  Exclude a licensable activity from the licence  Remove the DPS from the licence  <b>Suspend the licence for up to 3 months</b>  <b>Revoke the licence</b></p>
<b>Crime and Disorder - Other matters</b>			
Sale, distribution or use of Class B or C drugs	<ul style="list-style-type: none"> <li>• Large scale over a long period</li> <li>• Professional operation</li> <li>• Links to organised crime</li> <li>• 2<sup>nd</sup> Review</li> </ul>	<ul style="list-style-type: none"> <li>• Small scale for a short period of time.</li> <li>• No links to organised crime</li> <li>• Licence holder genuinely unaware or had tried to deal with the problem</li> </ul>	<p>Modify licence conditions  Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>  <b>Suspend the licence for up to 3 months</b>  <b>Revoke the licence</b></p>
Other underage sales			See section on the Protection of Children from harm

<p>Breach of Licence conditions 1<sup>st</sup> occasion</p>	<ul style="list-style-type: none"> <li>• Previous warnings ignored</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach</li> </ul>	<p>Modify licence conditions                  Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>                  Suspend the licence for up to 3 months                  Revoke the licence</p>
<p>Breach of Licence conditions 2<sup>nd</sup> occasion</p>			<p>Modify licence conditions                  Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>  <b>Suspend the licence for up to 3 months</b>  <b>Revoke the licence</b></p>

### Reviews Based on Prevention of Public Nuisance

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
One off serious noise nuisance	<ul style="list-style-type: none"> <li>• Long duration affecting many people</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> <li>• Significant financial gain obtained</li> </ul>	<ul style="list-style-type: none"> <li>• Short duration affecting limited number of people</li> <li>• Not deliberate</li> <li>• Full cooperation by licences</li> </ul>	<p><b>Modify licence conditions</b>            Exclude a licensable activity from the licence            Remove the DPS from the licence            Suspend the licence for up to 3 months            Revoke the licence</p>
More than one serious noise nuisance or second Review for a similar matter	<ul style="list-style-type: none"> <li>• Long duration affecting many people</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> <li>• Significant financial gain obtained</li> </ul>		<p>Modify licence conditions            Exclude a licensable activity from the licence            Remove the DPS from the licence  <b>Suspend the licence for up to 3 months</b>            Revoke the licence</p>
Deliberate and persistent noise / nuisance, anti social behaviour	<ul style="list-style-type: none"> <li>• Long duration affecting many people</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> </ul>		<p>Modify licence conditions            Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>  <b>Suspend the licence for up to 3 months</b>            Revoke the licence</p>

<p>Breach of Licence conditions 1<sup>st</sup> occasion</p>	<ul style="list-style-type: none"> <li>• Previous warnings ignored</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach</li> </ul>	<p>Modify licence conditions          Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>          Suspend the licence for up to 3 months          Revoke the licence</p>
<p>Breach of Licence conditions 2<sup>nd</sup> occasion</p>			<p>Modify licence conditions          Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>  <b>Suspend the licence for up to 3 months</b>  <b>Revoke the licence</b></p>

**Reviews based on Public Safety**

<b>Failure to promote the licensing objective by</b>	<b>Aggravating factors</b>	<b>Mitigating factors</b>	<b>Suggested Starting point action by Members</b>
One off failure to protect public safety / breach of a licence condition / A matter dealt with by an Improvement Notice	<ul style="list-style-type: none"> <li>• Long duration affecting many people</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> <li>• Significant financial gain obtained</li> </ul>		<p><b>Modify licence conditions</b> Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Repeated failures to protect public safety / Serious single failure or breach of condition / a matter dealt with by a Prohibition Notice	<ul style="list-style-type: none"> <li>• Long duration affecting many people</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> <li>• Significant financial gain obtained</li> </ul>		<p>Modify licence conditions Exclude a licensable activity from the licence <b>Remove the DPS from the licence</b> <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>
Deliberate / persistent placing of public / staff at risk	<ul style="list-style-type: none"> <li>• Actual harm caused</li> <li>• Risk of significant harm</li> <li>• Deliberate act</li> <li>• Lack of cooperation from the licensee</li> <li>• Significant financial gain obtained</li> </ul>	<ul style="list-style-type: none"> <li>• No actual harm caused</li> <li>• Risk of minor injury</li> <li>• Cooperation</li> </ul>	<p>Modify licence conditions Exclude a licensable activity from the licence <b>Remove the DPS from the licence</b> <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>



<p>Breach of Licence conditions 1<sup>st</sup> occasion</p>	<ul style="list-style-type: none"> <li>• Previous warnings ignored</li> </ul>	<ul style="list-style-type: none"> <li>• Minor breach</li> </ul>	<p><b>Modify licence conditions</b>  <b>Exclude a licensable activity from the licence</b>          Remove the DPS from the licence          Suspend the licence for up to 3 months          Revoke the licence</p>
<p>Breach of Licence conditions 2<sup>nd</sup> occasion</p>			<p>Modify licence conditions          Exclude a licensable activity from the licence  <b>Remove the DPS from the licence</b>  <b>Suspend the licence for up to 3 months</b>          Revoke the licence</p>

## Reviews Based Protection of Children from Harm

Failure to promote the licensing objective by	Aggravating factors	Mitigating factors	Suggested Starting point action by Members
1 <sup>st</sup> time underage sale	<ul style="list-style-type: none"> <li>• Poor Management</li> <li>• No effective challenge policy</li> <li>• Poor training</li> <li>• Deliberate</li> <li>• Significant financial gain</li> </ul>	<ul style="list-style-type: none"> <li>• Effective challenge policy but a one off failure</li> </ul>	Vary conditions Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> Revoke the licence
2 <sup>nd</sup> Underage sale	<ul style="list-style-type: none"> <li>• Failed to respond to previous sale</li> <li>• Deliberate</li> <li>• Significant financial gain</li> <li>• Failed other underage sales for age restricted products</li> </ul>		Modify licence conditions Exclude a licensable activity from the licence Remove the DPS from the licence <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b>
Permitting children to be in premises where there is drunkenness	<ul style="list-style-type: none"> <li>• Younger children would be treated more seriously</li> <li>• Regular occurrence</li> </ul>	<ul style="list-style-type: none"> <li>• Older children may be treated as being less serious</li> <li>• Infrequent occurrence</li> </ul>	<b>Modify licence conditions</b> Exclude a licensable activity from the licence <b>Remove the DPS from the licence</b> Suspend the licence for up to 3 months Revoke the licence
Exposing children to age restricted films	<ul style="list-style-type: none"> <li>• Poor Management</li> <li>• no effective challenge policy</li> <li>• Poor training</li> <li>• Deliberate</li> <li>• Significant financial gain</li> </ul>	<ul style="list-style-type: none"> <li>• Effective challenge policy but a one off failure</li> </ul>	<b>Modify licence conditions</b> Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence

Exposing to entertainment of an adult , sexual, violent nature	<ul style="list-style-type: none"> <li>• Poor Management &amp; supervision</li> <li>• No effective challenge policy</li> <li>• Poor training</li> <li>• Deliberate</li> <li>• Significant financial gain</li> </ul>	<ul style="list-style-type: none"> <li>• Effective challenge policy but a one off failure</li> </ul>	<p><b>Modify licence conditions</b> Exclude a licensable activity from the licence <b>Remove the DPS from the licence</b> Suspend the licence for up to 3 months Revoke the licence</p>
Permitting children to gamble	<ul style="list-style-type: none"> <li>• Poor Management &amp; supervision</li> <li>• No effective challenge policy</li> <li>• Poor training</li> <li>• Deliberate</li> <li>• Significant financial gain</li> </ul>		<p><b>Modify licence conditions</b> Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 1 <sup>st</sup> occasion	Previous warnings ignored	<ul style="list-style-type: none"> <li>• Minor breach</li> </ul>	<p><b>Modify licence conditions</b> Exclude a licensable activity from the licence Remove the DPS from the licence Suspend the licence for up to 3 months Revoke the licence</p>
Breach of Licence conditions 2 <sup>nd</sup> occasion			<p>Modify licence conditions Exclude a licensable activity from the licence <b>Remove the DPS from the licence</b> <b>Suspend the licence for up to 3 months</b> <b>Revoke the licence</b></p>

This page is left intentionally blank