



Trading Standards Service  
Graham Hill House  
Electric Avenue  
Ferry Hinksey Road  
Oxford OX2 0BY

The Licensing Department  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Richard Webb  
Head of Community Protection Services

9<sup>th</sup> October 2017

Dear Sir / Madam

**Licensing Act 2003: Application for the review of a premises licence**

I write in reference to the licensed premises at 12 The Parade, Kidlington.

As a designated Responsible Authority under the Licensing Act 2003, the Trading Standards Service are applying for a review of the premises licence.

I would be most grateful if, prior to the date of any hearing being set, my availability could be sought.

Yours faithfully

  
Tobacco Control Officer

@oxfordshire.gov.uk

**[www.oxfordshire.gov.uk /tradingstandards](http://www.oxfordshire.gov.uk/tradingstandards)**



**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 Russell Sharland

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 (delete as applicable)**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Wisla Supermarket 12 The Parade Oxford Road	
<b>Post town</b> Kidlington	<b>Post code (if known)</b> OX5 1EE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Soran Mohammed Salih
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<b>Number of premises licence or club premises certificate (if known)</b> PRM0595
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 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

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  Russell Sharland Tobacco Control Officer Oxfordshire County Council Graham Hill House Electric Avenue Ferry Hinksey Road Oxford OX2 0BY
Telephone number (if any) [REDACTED]
E-mail address (optional) russell.sharland@oxfordshire.gov.uk

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

The grounds for review are as follows:

1. On 17<sup>th</sup> February 2017, Thames Valley Police undertook a test purchase operation which resulted in 4 cans of lager (4.8% abv) being sold to a 15 year old. Proof of age was not requested. The person who made the underage sale was the premises licence holder.
2. On 6<sup>th</sup> April 2017, Oxfordshire County Council Trading Standards conducted an advice visit to the premises and provided verbal and written advice regarding age-restricted sales to the shop manager.
3. On 10<sup>th</sup> April 2017, Oxfordshire County Council Trading Standards undertook a test purchase operation which resulted in a packet of Berkeley Blue cigarettes being sold to a 17 year old. Proof of age was not requested. The person who made the underage sale was the shop manager.

**Please provide as much information as possible to support the application**

(please read guidance note 2)

1. On 17<sup>th</sup> February 2017, a test purchase operation was conducted by Thames Valley Police in the Kidlington area. As part of this operation, a 15 year old male entered the premises known as Wisla Supermarket, 12 The Parade, Kidlington OX5 1EE.

2. The 15 year old selected 4 cans of Budweiser (4.8% abv) and approached the till area. The alcohol was served to the young male without any proof of age being requested. The underage sale was made by the premises licence holder, Soran Mohammed Salih. Mr Salih was issued with a £90 fixed penalty notice in respect of this matter.

3. Laura Warner, Thames Valley Police Licensing Officer conducted checks on the premises immediately following the underage sale. Officer Warner established that, whilst the premises had a till prompt reminding staff about Challenge 25, there were not any equivalent posters or signage on display within the store. She also advised that all staff working on the premises should be trained in Challenge 25 and that a written record of such training should be kept and signed by all staff.

4. It was also noted by Officer Warner, that the Designated Premises Supervisor (DPS), Caroline Vinatzer, no longer worked or had any association with the premises and therefore was not contactable.

5. In addition, it was noted that the premises had changed its name from Kidlington Local to Wisla Supermarket but a notification had not been received to this effect. Mr Salih also gave a different address in respect of the fixed penalty notice to that which had been given on the premises licence. He was advised to rectify the issues that were out of date.

6. On 21<sup>st</sup> February 2017, Officer Warner wrote to Mr Salih summarising the issues arising from the underage sale on 17<sup>th</sup> February and reiterating the advice previously provided verbally. Within the letter it states:

"As this is the first occasion that the premises have failed a test purchase, it can now be seen that this is an initial warning and that any future failures will be met with a more robust response. This will be in the form of an application to review the license and/or a prosecution under the Licensing Act 2003".

7. On 3<sup>rd</sup> March 2017, Thames Valley Police received the DPS change to Monika Baranowska, change of premises name to Wisla Supermarket and change of premises licence holder address to 12 The Parade, Kidlington.

8. On 5<sup>th</sup> April 2017, Paula Bonham-Samuels, Principal Trading Standards Officer, Oxfordshire County Council, visited Wisla Supermarket and spoke with a man who identified himself as Erfan Gharib who described himself as the shop manager.

9. Mr Gharib confirmed the owner of the business to be Soran Salih. Officer Bonham-Samuels discussed the systems in place in the store to prevent underage sales. Mr Gharib explained that he always asked for proof of age if customers looked young and under 25. He stated that he also asked customers if he was suspicious that they were buying on behalf of underage persons outside the shop. He added that he was trained and understood the law. Officer Bonham-Samuels re-iterated that it was a criminal offence to sell alcohol or tobacco to an underage person and that Trading Standards routinely undertook test purchasing operations to check compliance with the law. A "business companion" leaflet giving advice on the law

and how to comply with it, was left with Mr Gharib. Within the leaflet is a section called "Keeping within the law" which includes advice on age-verification checks, challenge 21 & 25 policies, refusals books and signage.

10. On the 10<sup>th</sup> April 2017, Officer Bonham-Samuels was part of a test-purchasing operation using a volunteer aged 17 years and 4 days. At 10:29am, the volunteer entered the shop premises known as Wisla Supermarket, 12 The Parade, Kidlington. The young person approached the till point and asked for cigarettes. A specific brand name was not requested. The person behind the till point, Erfan Gharib, responded by asking "which ones?" and the young person replied "the cheapest". It is submitted that, aside from the appearance of the young person, the nature of this conversation in itself should have necessitated Mr Gharib to request proof of age.

11. Mr Gharib then opened up the cigarette gantry, selected a packet of 20 Berkeley Blue cigarettes and completed the transaction of £7.10. At no point did he ask the young person their age or for proof of age.

12. Officer Bonham-Samuels subsequently entered the premises and confirmed that Mr Gharib was the person that had made the underage sale. Mr Gharib stated that the shop owner, Mr Salih, was out of the country. Mr Gharib was upset and tearful.

13. Mr Gharib was interviewed under caution on 4<sup>th</sup> May 2017 via a translator. He stated that on the day of the underage sale he had been busy preparing the shop for the business day. He said he didn't know the young person and never thought that the young person would do something they shouldn't, like buying cigarettes underage. He admitted that maybe he had to be more careful about her age.

14. Mr Gharib went on to say that the sale wasn't done intentionally. He knew the law and hopes his apology is accepted. He was aware of the underage sale of alcohol in February. He reminds himself every day to be more aware and careful. He had worked in the shop for a few months, full-time. He hadn't had any formal training like going on a course but had been told verbally by the owner what to do, what not to do and to be careful.

15. The owner of the business, Mr Soran Mohammed Salih, was interviewed under caution on 22<sup>nd</sup> June 2017 via interpreter. He initially misunderstood the reason for the interview, believing it to be in connection with the underage sale of alcohol in February and began answering accordingly.

16. He went on to explain that he had been on holiday between 19<sup>th</sup> March to 19<sup>th</sup> May. He is a sole trader and had owned the business for about 1 year and 6 months. He had 3 staff. He did not have any training records for his staff but had verbally trained Mr Gharib 10 times at least. He did not follow the advice contained in Officer Laura Warner's letter of 21<sup>st</sup> February in that he did not re-train staff and keep a record.

Trading Standards recommend the following suggested conditions are considered to strengthen the existing operating schedule or to be added to the premises licence:

1. CCTV to be in operation during trading hours and available for inspection by any duly authorised officer of trading standards or licensing (including Police licensing) at any reasonable hour.

2. The premises shall operate in accordance with the "Challenge 25" scheme. This scheme operates on the basis that whilst alcohol may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for proof of age. Notices to this effect shall be displayed in a clear and prominent position at the

entrance to the premises and at the point of sale.

3. A refusals book shall be kept at the premises in which must be recorded forthwith the date, time and circumstances under which any attempted purchase of alcohol by a customer has been refused. This book must be made available for inspection by any duly authorised officer of trading standards or licensing (including Police licensing) upon request.

4. All staff working at the premises (whether paid or unpaid) who sell alcohol shall receive training in the responsible retail of alcohol and this training will be repeated on at least an annual basis. The premises licence holder will consult with trading standards and the Police regarding the nature of that training. Such training shall be recorded and these records shall be made available upon the request of a duly authorised officer of trading standards or licensing (including Police licensing).



**Please tick yes**

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

**If you have made representations before relating to this 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 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

9th October 2017

Capacity

Tobacco Control Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
See section C above

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** russell.sharland@oxfordshire.gov.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Laura Warner  
Licensing Officer  
Thames Valley Police  
HQ South  
Kidlington  
OX5 2NX

Tel: [REDACTED]

[laura.warner@thamesvalley.pnn.police.uk](mailto:laura.warner@thamesvalley.pnn.police.uk)

LW/11

19) 25571

Soran Salih  
Wisla International Store  
12 The Parade  
Kidlington  
OX5 1EE

21<sup>st</sup> February 2017

Dear Sir/ Madam,

**Wisla International, The Parade, Kidlington Premises Licence Number 0595**

On the evening of 17<sup>th</sup> February 2017, a Test Purchasing Operation was carried out by Thames Valley Police, in Kidlington.

Unfortunately your premises failed the test, and alcohol was served to a male, aged fifteen years old. 4 cans of Budweiser (4.8% vol) were sold by a member of staff.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the evening of 17<sup>th</sup> February was dealt with via a Fixed Penalty notice of £90 to the person who made the sale. At this time, the Police will not seek a prosecution against the Designated Premises Supervisor (DPS), Caroline Vinatzer. However, the Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003.

It was suggested on the night that a challenge 25 policy is put into place this includes posters. That all staff are retrained and that this training is recorded and signed by each member of staff. Whilst at the premise it was noted that the DPS was incorrect and that this had not been updated. That the premise licence holder had changed address without informing the council of this and that the name had not been changed on the licence.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Warner  
Licensing Officer  
Oxfordshire BCU  
Thames Valley Police



PBS/11

KA  
C21

Trading Standards Service  
Graham Hill House, Electric Avenue  
Ferry Hinksey Road, Oxford, OX2 0BY  
Trading.standards@oxfordshire.gov.uk  
Tel: 01865 815000 Option 2



### INSPECTION & ACTION REPORT

Date: 5 <sup>th</sup> April 2017	Business Owner: SORAN SALIH
Trading Name: WISLA SUPERMARKET 12 The Parade OX5 1EE Kidlington	Address, Telephone & Email:

OXFORDSHIRE COUNTY COUNCIL  
 Trading Standards Service  
 Exhibit: PBS/11  
 Dated: 10<sup>th</sup> April 2017  
 Signed: [Redacted]

TSD/LEG/02: Issue 3

This intervention was carried out under the legislation ticked below:

Children and Young Persons (Protection from Tobacco) Act	<input checked="" type="checkbox"/>	Consumer Protection Act	<input type="checkbox"/>	Prices Act	<input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations	<input type="checkbox"/>	Companies Act	<input type="checkbox"/>	Weights & Measures Act	<input type="checkbox"/>
Animal Health Act	<input type="checkbox"/>	Food Safety Act	<input type="checkbox"/>	Other	<input type="checkbox"/>
Agriculture Act	<input type="checkbox"/>	Licensing Act	<input type="checkbox"/>		<input type="checkbox"/>

Areas examined/Issues discussed/Matters requiring action	Legal Requirement	Best Practice
<p>Routine business advice visit to discuss sales of cigarettes &amp; e-cigarettes.</p> <p>Discussion procedures in place to prevent sales to people under 18 years old.</p> <p>Systems in place - under 25 policy applicable for ID always checked at supervision station buying for someone else sign displayed discussed staff training</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
ERFAN GHARIB - spoke with Manager		
Business Companion advice booklet left - Tobacco & nicotine inhaling products.		
This service carries out test purchasing exercises working with young people under the age of 18.		
This service prosecutes offenders who sell to under 18 year olds.		
Timescale for rectifying matters above:		18 year olds.

This report covers the specific areas inspected at the time of the inspection. It does not indicate compliance with any legal provisions, nor does it give general approval to your business.

Inspecting Officer Name: PAULA GUNHAM SMITH	Recipient Name: ERFAN GHARIB
Signature: [Redacted]	Signature: [Redacted]
Job Title: PRINCIPAL TRADING STANDARDS OFFICER	Job Title: Job Manager



PBS/2

# businesscompanion

## trading standards law explained

### Tobacco & nicotine inhaling products

#### In the guide

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OXFORDSHIRE COUNTY COUNCIL  
Trading Standards Service

Exhibit: PBS 2

Dated: 10th April 2017

Signed: 

TSD/LEG/32: Issue 3

#### 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 on 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. If you are charged with this offence, you have a legal defence available in that you 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.

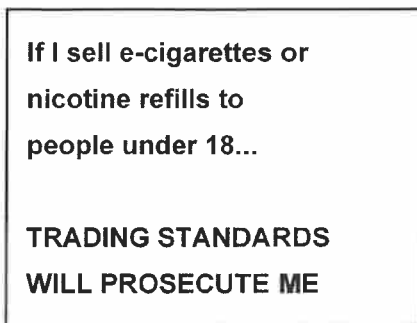


## Age restriction on the sale of nicotine inhaling products

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:



**Note:** unlike the tobacco poster, this is NOT a legal requirement and is simply suggested wording.

Additional [guidance 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](#) has been produced by the Department of Health and the Chartered Trading Standards Institute.

A [Q&A document](#) 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. Military identification cards can be used as proof of age but, as with other forms of identification, make sure the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17 year-old service people.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove they are over 18 or if you are in any doubt, then the sale should be refused.

Please see the Home Office False ID guidance for more information.

### **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 [refusals log](#) is attached.

### **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 a 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 a 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 a 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 a 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](#)

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## 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.



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