

Underage Sales Prevention — Implementation Guide

Read this first. The defence is the product.

The legal position

Licensing Act 2003 s.146 makes it an offence to sell alcohol to a child. The fine is at level 5 on the standard scale, which for offences committed on or after 12 March 2015 is UNLIMITED. s.147 covers allowing such a sale. s.147A, persistently selling to children, is committed where alcohol is unlawfully sold to an under-18 on the same premises on three or more occasions in three consecutive months: a fine of up to £20,000, a closure notice from police or trading standards, and the court may suspend the alcohol part of the premises licence for up to three months.

Why the paperwork is the point

s.146 provides a DUE DILIGENCE DEFENCE where the offence arises from the act or default of another person: the accused must show they exercised ALL DUE DILIGENCE to avoid committing it. That defence is only ever as good as the evidence behind it. A policy nobody was trained on, a refusals register nobody completed, and staff who never signed anything will not sustain it. This pack is that evidence.

What a test purchase actually checks

- Did the server ask for ID, and did they ask at the right point?
- Is there a written age verification policy, and does the server know it?
- Has that server been trained, and can you produce the dated record?
- Is the refusals register being completed, or is the last entry four months old?
- Are the till prompts working and is the signage up?
- Has the DPS reviewed any of it this year?

Every one of those is a document, not an opinion. Six of them are in this pack.

The order to do it in

1. Adopt the age verification policy (UAS-01) and have the DPS sign it.
2. Train every person who sells or authorises the sale of alcohol using UAS-02.
3. Test them with UAS-03. Mark it with the separate answer key.
4. Have each of them sign the authorisation and declaration (UAS-06).
5. Put the refusals register (UAS-04) at the till and start using it the same day.
6. Put up the signage and set the till prompts from UAS-05.
7. Run the readiness audit (UAS-07) yourself before trading standards run it for you.
8. Brief the team with UAS-08 and keep the signed sheets. Repeat at every new starter.

Half a day to set up. Twenty minutes per member of staff after that.

Note on Challenge 25

Challenge 25 is industry best practice and the accepted standard, not a statutory duty. Adopting it is the clearest way to evidence due diligence, and licensing authorities expect it. Do not tell staff it is 'the law', tell them it is our policy and that departing from it is a disciplinary matter.

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