

Staff Training for Licensed Premises



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How else can I help you?

As well as providing you with this Operations manual, Licence Leader Ltd will provide you with the help to navigate the minefield of the legislation and associated guidance; as a licensing specialist, I am there to assist you with any issues you have with the Council, Local Police, or other authorities, in relation to premises licensing.

Whether you are a business who wants to obtain or vary a premises licence or change the DPS; or possibly extend your trading hours.....Get in touch.

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Introduction.

This manual has been produced by **Licence Leader Limited** licensing team and is designed to be a reference and training tool for the licensed premises and their staff and employees.

Please ensure that you have a good working knowledge of your responsibilities with regard to the responsible retailing of alcohol, always promote best practice and ensure compliance with the law in relation to alcohol sales. You must be extremely careful how and to whom you sell such products. Poor staff training and lack of knowledge are a major contributing factor in failed test purchases conducted by the police and trading standards.

Remember if your premises are associated with underage drinking or sales, your trade can be adversely affected. You or a member of staff may face prosecution or even a review of your premises licence which allows you to sell alcohol. A review hearing can result in your licence being suspended or even revoked.

You and your staff also have an obligation towards your customers and people living in the vicinity to be a responsible retailer. Make sure that you train your staff and also family members who may help you in the premises from time to time. This booklet will be as useful to employees who have worked in the licensed trade for a number of years, as it will be to new employees.

How to use this booklet

The booklet contains a comprehensive overview of the basic information you and your staff should have and understand in order to sell alcohol and other age restricted products in a responsible fashion. This staff training manual should readily be available in your store to be referred to (if necessary) at a later date.

.....**Alcohol**

Alcohol is classed as a drug. It alters the physical, mental, and emotional state of the drinker. Moderate drinking can be part of a healthy lifestyle and often contributes to sociability and relaxation. However, drinking too much on one occasion (binge drinking) or drinking heavily on a regular basis can lead to anti-social behaviour and can damage health, in the long-term. Those in the licensed retail trade should have an understanding of the products they sell and should perform their duties responsibly

.....**Strength of intoxicating drinks**

A drink is classed as intoxicating if it contains more than 0.5% abv. The amount of alcohol in a product is expressed as a percentage of alcohol by volume, or abv. The

label will state the strength of the product as alc % volume or %vol. For example, a wine labelled as 13% vol or alc 13% vol means that 13% of any given quantity is pure alcohol. Most spirits are around 40% and beers and ciders are typically range from 3% to 9% abv. To be classed as alcohol free, a drink must contain no more than 0.05% abv, and to be classed as low alcohol, no more than 1.2% abv. It is most important that someone asking for alcohol free drink is not given a low alcohol product

.....Units of alcohol

The amount of alcohol in a drink can also be expressed by using the unit measurement. One unit of alcohol weighs 8 grammes (g) or measures 10 millilitres (ml) of liquid. Half a pint of beer of strength 3.6% abv contains 8g of alcohol, therefore, is equal to one unit. One 25ml measure of whisky of strength 40% abv also contains 8g of alcohol. Therefore, in terms of alcohol intake, half a pint of beer is equivalent to one 25ml measure of whisky (a measure used in pubs).

The Department of Health issue the following recommended weekly alcohol consumption limits: Men - 21 units per week Women - 14 units per week The Government advises that men should not regularly drink more than three to four units a day and women not more than two to three. Consistently drinking four or more units for men, and three or more for women, isn't advisable because of the progressive health risks it carries. After an episode of heavy drinking, it is advisable to refrain from drinking for 48 hours. And of course, in some situations like pregnancy, it is better to drink less and avoid intoxication.

How alcohol affects the body

The effect alcohol has on the body depends on how much alcohol is in the bloodstream - the blood alcohol concentration (BAC).

BAC is measured in milligrams (mg) of alcohol in millilitres (ml) of blood. A BAC of 80mg of alcohol in 100ml of blood is the level above which it is an offence to drive.

The amount of alcohol, which gets in to the bloodstream is dependent on several factors:

- How many drinks the person has consumed and of what strength
- The size of the person. A small person has less blood than a large one, therefore the same amount of drinks will produce a larger concentration
- Gender - a drink will produce a higher concentration in women than men
- Food eaten - Food in the stomach slows the rate at which alcohol enters the bloodstream.

There is no simple way of knowing how to stay within the legal limit for driving, or how the same amount of alcohol will affect different people. It takes approximately one hour to eliminate one unit of alcohol from the body. There is no way of speeding the process up.

Alcohol Sales

Selling an alcohol product to a person under the age of 18 years is unlawful.

Most responsible retailers operate a Challenge 25 Policy. This means that anyone who appears to be under 25 must be challenged to produce valid proof of age. This must contain a photograph and date of birth and the only ID we can accept is a photographic driving licence, a passport, or a PASS approved Proof of Age card.

- If you suspect somebody to be intoxicated (drunk or under the influence of drugs) it is illegal for you to serve them.
- Alcohol can only be sold during the hours permitted by your Premises Licence. Selling alcohol outside these times is unlawful. (The permitted hours for your store are stated on the Premises Licence Summary, which must be prominently displayed in the premises where anyone can read it.

.....Underage customers

You may find the following points useful in spotting those who are attempting to buy age restricted products whilst underage. Remember such people will be nervous, as they know they are committing a criminal offence. Please note that if you are subject to a test purchase, the minor may not exhibit these traits. A test purchase is different to a 'real life' situation because the child is doing something he or she has been instructed to do by a Police officer or a Trading Standards officer. Therefore, he or she may not exhibit the following signs of nervousness.

- **Body Language.** Look out for signs of nervousness such as stuttering and becoming pale. Over confidence and giggling is sometimes a give-away clue.
- **Physical Appearance** in boys, ask yourself: Are they shaving? Look at how they are dressed. Do they have an adult hairstyle? With girls, look for evidence that they have tried to make themselves look older by using excessive make up, high heels to make them appear taller and wearing more mature clothing.
- **Product** What is the person buying? If it is a product which is age restricted and is likely to be favoured by underage (e.g. - alco pops, cider etc.), be particularly careful.
- **Payment Method** Payment with large quantities of loose change can be an indication of an underage person as it may be the result of a collection. Money obtained from a wallet or purse is a more normal practice amongst adults. People who pay by credit or debit card are, perhaps, less likely to be underage but you cannot be certain.

.....Adults buying for minors (Proxy sales)

Adults buying alcohol for underage persons or proxy purchasing is a big problem as youths try to find ways to get around producing their ID. You have a responsibility to refuse the sale if you suspect that an adult is buying alcohol to pass on to persons under 18.

Legislation does not prevent parents buying alcoholic products and then allowing their children over 5 years of age to drink them at home under supervision. In any other circumstances both the adult who buys an alcohol product and the person who

serves them may commit a criminal offence. This is therefore a difficult area. There can be no doubt that the bulk of alcohol that falls into the hands of children is supplied to them by adults. You can only do the best you can to prevent it. There have been occasions when parents have brought their children into the premises to choose which alcohol products they want. In such cases you cannot be sure that the alcohol will be consumed in the home, therefore you should refuse service. Likewise, children have produced notes from their parents authorising the supply of alcohol and other age restricted products to the child.

These should be ignored, and service refused. If you suspect that an adult is buying to give to a child the following course of action should be adopted:

- Question the person politely as to the eventual destination of the purchase
- Explain to them that they commit a criminal offence if they purchase the product with the intention of giving it to a person underage.
- Let them know that they are on CCTV and that the footage can be supplied to the Police should they request it.

If you serve the customer and later find that the alcohol has been given to underage persons, speak to your employer about barring them so that the other staff can be given the information also.

Refusing sales

If in doubt - Don't Sell

Take special care during busy periods. The standard procedure for age-restricted products must be followed no matter how busy you are. Be vigilant but remember to be calm and understanding. Be aware that if you break the law, you will be liable, as well as the management and any supervisor in the premises at the time you made the sale. After the customer has chosen, but before they pay for the age-restricted product you must:

Look at them

Remember the Challenge 25 Policy, your store has chosen to adopt. You should request ID from anyone who appears to be under 25. This should be easier to judge than whether they are under 18. If you are in any doubt about their age in relation to the age restriction of the product,

Don't ask questions

Once you have a doubt about their age you must not serve them until they have provided adequate identification. **DO NOT ASK THE PERSON'S AGE, SIMPLY ASK IF THEY HAVE ID.** When asking for proof of age documentation you may only accept those which contain a photograph and a date of birth, from which you can discover the person's age.

This must **ONLY** be: -

- A passport
- A photocard driving licence

- A Proof of Age card with a PASS hologram logo (The PASS hologram has to our knowledge not been successfully forged).

Therefore, only accept cards carrying the logo). If the identification is given and the sale is made, you may be able to log the fact that ID was checked on some tills by keying in a code. Do not just accept the ID given. Make sure that you check the details. Look at the photograph and check the date of birth to ensure that the holder is the correct age to purchase the product. There are a number of different schemes in existence which makes forgery relatively easy. Many websites offer fake identity cards. However, if you are satisfied that the card is genuine, you are entitled to accept it (provided it is not an obvious forgery i.e., details crossed out and others written in).

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Normally poor forgeries are easy to detect. If, after proof of age is provided, you are still unhappy about either the age of the person or the document provided, you are entitled to refuse service. You are, in fact not obliged to serve anybody, provided you can show that you have refused service for the right reasons. If you have done all you can to establish the customer's age and you are still unhappy you must not serve them with an age-restricted product. Draw their attention to the notices in the premises, which govern the sale of that particular product. You should be polite but firm.

You should, for example, say: -

“If you are over 18, I apologise, but in my opinion, you do not look 25 and I cannot serve you”

Don't let yourself be drawn into an argument or into discussing your decisions. Your decision is final. It is your responsibility, not that of any other person in the premises. Once you have made the decision the premises manager, DPS (Designated Premises Supervisor) or any other supervisor should not interfere to overturn it. If the customer queries your decision, inform them that your policy follows the recommendations of police and trading standards officers as well as the Home Office. It shows that you are simply doing your job.

Drunk or intoxicated

If a potential customer appears to be under the influence of drink or drugs you must refuse to serve without any further discussion. But please remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed, and they smell of alcohol.

BE FIRM BUT POLITE

Refusal in this situation can sometimes lead to conflict if handled incorrectly. Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.

Refusals - General

When a refusal has taken place you should record this fact either by completing a refusal or incident book and by recording it on the till, if it has this facility. This is recognised as best practice; it shows that you are a responsible retailer and can be given in evidence at a later stage should you be accused of selling an age-restricted product to an underage person. This is, therefore, a very valuable system for you to use and affords both you and the store some protection. You can write a brief description of the incident in the book with the name or description of the person refused. If the premises is busy at the time the incident occurs, make the entry in the log as soon as you can.

You must ensure that the entry is always made, Trading standards, police or council licensing officers will expect to see your incident log if they visit your store. It is a vital piece of **due diligence** to prove that you are upholding the law.

Test purchasing and responsible retailing

Police and trading standards officers are authorised to send youths under 18 years of age into your store at any time in order to check that you are complying with the law. For anyone else to send in youths under age is an offence. The youths will attempt to purchase an age restricted product from you and if it is an alcoholic product and the sale is made, the sales assistant can receive an on the spot fine. The fine can be recorded as an offence relating to the Violent Crime Reduction Act.

The assistant, DPS and the premises licence holder may all be called for an interview to check that all steps to avoid such sales are taken - e.g., staff training, refused sales and accepted ID logged in the incident book etc. Premises which fail more than one test purchase may have their premises licence reviewed by the local authority licensing committee. This could result in your licence being revoked or suspended and/or additional conditions being placed on your licence to prevent further incident of underage sales. Reviews of licensed premises usually attract local press interest which will reflect badly on your business and may affect custom

Licensing Act 2003

Licensing Objectives

The implementation of the Licensing Act 2003 means that the licensing authority at the local Council deal with all licensing matters.

The Act has four principles, called the Licensing Objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Anyone working in the licensed trade **must** promote these objectives.

Licences

There are two types of licence – premises licences and personal licences. A premises licence is required to sell alcohol from a particular site. A personal licence allows the holder to sell alcohol from premises covered by a premises licence.

Premises Licence

- All licences are granted by the local council licensing authority instead of magistrates courts
- A premises licence is required to sell alcohol, however -
- The word 'licensee' is no longer used
- The designated premises supervisor is the point of contact for the authorities

Your premises must have a premises licence to enable you to sell alcohol. The owner of the business should apply for the premises licence either as an individual or a limited company. You must make the application to the council licensing authority and other relevant authorities such as the police, fire authority and child protection authority. Application forms and guidance notes are available from your council licensing department.

Any of these authorities have the right to object to the licence being granted. The licence application must also be advertised on the premises and in a local newspaper, to give local residents the opportunity to raise their concerns. If relevant representations are made to the licensing authority, a hearing will be held to discuss the concerns, sometimes a hearing can be avoided through mediation with the interested parties. Once granted, the premises licence does not expire, but can be surrendered by the licence holder if the business closes, or revoked by the licensing authority should concerns arise regarding the running of the premises. An Annual Fee is payable to the Council to cover the costs of their licensing functions under the 2003 Act.

Designated Premises Supervisor

The designated premises supervisor is the person who is in day-to-day control of the licensed premises. They must give their consent to taking on the role. Their name and address will be stated on the premises licence. It is a condition of every premises licence that NO sale of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. Remember if the DPS leaves, resigns, or changes for any reason you MUST apply to the licensing authority to vary the licence a copy of your application must be given to the police. You will be unable to sell alcohol and may be liable to prosecution if you continue to sell without a DPS. The DPS must hold a personal licence and is responsible for ensuring that staff are aware of their responsibilities relating to licensing law.

Mandatory Conditions

There are two mandatory conditions on all premises licences. These are:

- No supply of alcohol can be made unless there is a designated premises supervisor appointed in respect of the premises. The designated premises supervisor must hold a current personal licence
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This means that if an individual is not a personal licence holder, that person can only sell alcohol in licensed premises if permission to do so has been given by a personal licence holder.

There may be additional conditions on your premises licence, which are unique to your premises, for example, a requirement for CCTV. These conditions are enforceable by law and must be adhered to at all times. Enforcement visits are conducted by police and local authority officers to ensure you are complying with your licence conditions.

Authority to Sell (by the DPS)

So, how do you comply with the condition above which states that sales must be made or authorised by a personal licence holder?

If you do not hold a personal licence, any sales of alcohol that you make must be authorised by the DPS or another personal licence holder in order for you to serve alcohol. Best practice advises that the authority to sell should be recorded in writing. An example of this can be found in Appendix 1 of this manual. The form should then be kept on file as evidence of your ongoing authorisation. If you are asked by a police officer or local authority officer who has authorised a sale you have made you should be able to tell them who that person is.

Review of Premises Licences

The Licensing Act 2003 allows for the conduct of licensed premises to be scrutinised when the licensing objectives are not being addressed. Any responsible authority or interested party may apply for the review of a licence, for example if there have been failures during test purchase exercises. The applicant must give a notice containing details of the application to the holder of the premises licence and to each responsible authority. The licensing authority must advertise the application and invite

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representations from authorities and interested parties. If the application does not relate to one of the licensing objectives or is repetitious, vexatious, or frivolous, it can be rejected. If the licensing authority rejects the application, they must notify the applicant and give reasons for their decision. If the application is not rejected, a hearing must be held.

The licensing authority can:

- modify the conditions
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for up to 3 months
- revoke the licence

Duties and responsibilities of the Premises Licence Holder

As a premises licence holder, you must:

- Inform the licensing authority of any change in your name or address
- Notify the licensing authority of any change in the name or address of your designated premises supervisor, if the DPS has not already done so.
- Notify the DPS if they are being replaced or that an application to replace them has been made and refused (i.e., the premises licence holder cannot change the DPS without their knowledge)
- Send the premises licence to the licensing authority within 14 days of your DPS giving notice that they wish to give up the role. This is so that the DPS details on the licence can be updated
- Notify the DPS of an application to transfer the premises licence
- Notify the DPS of the existence of an interim authority notice for the premises
- Produce the premises licence to the licensing authority for updating within 14 days of a requirement to do so
- Keep the premises licence or a certified copy at the premises
- Ensure that a summary of the licence or a certified copy is prominently displayed at the premises
- Produce the premises licence for inspection by a constable or authorised person upon request.

Personal Licences

A personal licence allows the holder to sell alcohol from any premises which has a premises licence. The licence does not relate to a particular store and is therefore portable. Once granted, the licence allows the individual to sell alcohol from on or off licensed premises. The process of applying for a personal licence should not require you to instruct a Solicitor, except in some circumstances.

In order to apply for a personal licence, the applicant must possess a recognised qualification. This is called the National Certificate for Personal Licence Holders. The application for a personal licence is made to the licensing authority for the area in

which you live, NOT where you work unless they are the same. You are also required to notify the issuing authority of any change of address, failing to do so is an offence. A personal licence does not expire. Personal licences can be suspended, or revoked, upon conviction of a relevant offence. If you are convicted of a relevant offence you must notify the issuing authority of this, you are also required to notify the court during the hearing that you are the holder of a personal licence. Failure to do this is an offence