

Licensing Department, Padiham Police Station,
Station Road, Padiham, BB12 8EF
Tel. 01282 472383/6
Fax. 01282 472379



**Lancashire
Constabulary**
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**Adrian Charles Watts,
Quix @ Watt's News,
63/65 Burnley Road East,
Waterfoot,
Rossendale.
BB4 9AR**

Tuesday, 01 August 2006

Dear Adrian,

Licensing Act 2003 – Failed Test Purchase 3rd June 2006

I have recently been informed by local Community Beat Managers for Rossendale that a series of test purchase operations took place on Saturday 3rd June 2006, and that staff from your shop sold alcohol to a person under 18 years of age in contravention of section 146 of the Licensing Act 2006.

Alcohol related Juvenile crime and disorder is a major problem both locally and nationally, and is a constant drain upon Police resources. As such we will be using any and all of the powers available in legislation to clamp down on underage sales including fixed penalty notices, personal licence holders being reported for summons in order to have licences revoked or endorsed with relevant offences, and premises reviews. I am sure you are aware of the implications relating to your business should your licence, either personal or premises, be revoked.

Whilst we accept that judging ages of young persons these days may be difficult the onus is on you, and your staff to challenge anyone you suspect to be under 18 and seek proof of age, and is why we advocate the use of "Challenge 21". If you abide by its principles then you simply cannot fall foul of the law. I have attached posters and information regarding this scheme for your attention. Should you require any further help or advice on this or any other licensing issue then please contact us on the numbers shown above.

Yours sincerely,

Mark Driver

Chris Storey

Mark Driver PC 1140

Chris Storey PC 1221

Pennine Division Licensing Officers

Pennine Division Licensing Department,
Padiham Police Station,
Station Road, Padiham, BB12 8EF
Tel. 01282 472383/6
Fax. 01282 472379
E-mail Christopher.storey@lancashire.pnn.police.uk
Mark.driver@lancashire.pnn.police.uk



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To the Designated Premises Supervisor

SALE OF ALCOHOL TO PERSONS UNDER 18 – TEST PURCHASING & CHALLENGE 21

You and your staff will be well aware that you have a duty to take all reasonable steps to ensure that you do not sell alcohol to persons under the age of eighteen.

It is an offence under the Licensing Act 2003 for any person to make such a sale.

We would like to take this opportunity to remind you again that if you are in any doubt as to the age of a customer you should ask for appropriate identification. Any such identification provided should be a nationally recognised document containing a photograph, date of birth and signature. This could take the form of a PASS accredited proof of age card, a photo driving licence, HM forces ID card or a passport. If there is any doubt the sale should be refused.

The police and Local Authority have powers to enforce this legislation by using persons under eighteen to make test purchases of alcohol. The purpose of this letter is to inform you that we are continuing to exercise that power.

Juvenile nuisance, particularly when associated with alcohol misuse is a major concern of the public and it is our intention to carry on running 'test purchasing exercises' in order to detect any offences.

Where infringements of the law are detected offenders will be prosecuted. In addition your premises licence will be liable for review and the licence may be revoked.

We would also remind you that it is an offence for a person over eighteen years old to buy alcohol for a person under eighteen, the so called 'Proxy Purchase' This is unfortunately a common practise and you should be vigilant to prevent this occurring.

Ultimately we rely on your vigilance and cooperation to assist us in ensuring persons under eighteen do not purchase alcohol from your premises.

In order to assist you in fulfilling your legal obligations we have introduced the CHALLENGE 21 scheme throughout our policing division. Some of you will have already adopted it or something similar. i.e. CHECK 21, THINK 21 etc. Whichever scheme you adopt the principles are the same. ANYONE WHO APPEARS TO BE UNDER 21 WILL BE ASKED FOR ID.
NO ID NO SALE.

We have enclosed an information sheet and posters to support the CHALLENGE 21 scheme. If you adopt this scheme it is unlikely you will fail any future test purchase carried out at your premises.

We have also included a booklet provided by the Portman Group entitled 'Saying NO to underage drinkers' which includes advice and information on this subject.

If you require any further information, literature or posters please contact us on the telephone numbers or email addresses given above.

Chris Storey & Mark Driver
Pennine Division Licensing Officers

21/18 – A Policy To Prevent Under-Age Drinking

Background

It is an offence under the Licensing Act 1964 and the Licensing Act 2003 to permit the sale of alcohol to persons under the age of 18 years

This position is not new, however focus on the issue has increased substantially over the past year, driven by the Government's Alcohol Harm Reduction Strategy and impending reform of the Licensing Act, one objective of which is the protection of children (those under 18 years old) from harm. Police and Trading Standards now have specific powers and a duty placed on them to complete checks in licensed premises for under age drinking, which can include test purchasing by people under the age of 18.

The practical reality is that judging the age of our customers can sometimes be challenging, and as such our policy has always been to require one of the forms of identification as stipulated in the NCL/NCPLH syllabus (PASS accredited ID card, Passport or Photo Card Driving Licence). Put it simply our policy is

“NO ID – NO SALE”

As we go forward it is the police intention to put in place an extension to this policy backed up by customer communication both inside and outside all of Pennines Public Houses and Bars & Off Licenses, which makes it clear that:

IF A CUSTOMER APPEARS TO BE UNDER 21 THEY MUST PROVE THEY ARE OVER 18

This safe guard is to remove any ambiguity in the minds of our staff as to “are they or are they not over 18 years – if they look under 21 they MUST prove they are over 18 using one of the the acceptable forms of ID noted above.

Remember that if you or a member of your staff are in doubt about a persons age simply don't serve them.

It has to be stressed that this is NOT an “over 21's policy” either for entrance or serving of alcohol – rather a policy to ensure that you, your staff and your business are not exposed to under age sales

This approach has been in operation in other areas for some time, and we would like to ensure that immediately following it's implementation that you introduce it at your next Pub or Shop Watch meeting, so ensuring that others take up the drive for safe retailing and that you and your business receive the appropriate recognition for it's implementation and introduction.

Enclosed is a framework for the implementation, and a short brief for your use with your staff.

Please read the notes and then ensure that your staff are briefed. As part of your audit trail I ask that your staff sign the enclosed schedule to acknowledge they understand the policy. Retain this in an appropriate file.

Please note that this policy in no way impedes your rights to refuse admission at any time providing you do not discriminate on the grounds of sex, race or disability.

Finally it should be pointed out that this information has been designed to help protect you because you, as the licensee or your staff, as servers of alcohol have a personal responsibility not to serve alcohol to a person under 18 years of age and if you do you or the member of staff could be prosecuted. A conviction may result in the revocation of your licence.

RETAIL STAFF BRIEFING

21/18 Challenge

As you are aware from your initial training it is illegal under the Licensing Act 1964 and the Licensing Act 2003 to permit the sale of intoxicating drinks to persons under the age of 18 years old.

Recent focus on the issue has increased, driven by the Government's Alcohol Harm Reduction Strategy and impending reform of the Licensing Act, one objective of which is the protection of children **(those under 18 years old)** from harm.

The practical reality is that judging the age of customers can sometimes be challenging, and so the policy is to require one of these forms of identification (Pass accredited ID Card, Passport or Photo Card Driving Licence) where age is in question.

Put simply:

'NO ID – NO SALE'

It is now the intention to put in place an extension to this policy supported by posters in the shop which makes it clear that:

IF A CUSTOMER APPEARS TO BE UNDER 21 THEY MUST PROVE THEY ARE OVER 18.

This safeguard is to remove any ambiguity as to "are they or are they not over 18", if they look under 21 they **MUST** prove they are over 18 using one of the acceptable ID noted above.

This is a copy of the poster (SHOW POSTER AND SIGN TO STAFF)

Should you have any doubt as to a customer being under 21 I would ask you to refer to the poster and seek ID, if they cannot supply one of the the forms of acceptable ID noted above you should refuse them service and ask them politely to leave and return with the appropriate ID. Should any customer refuse to do so you should refer to a member of management.

It is stressed that this is NOT an "over 21's policy" either for entrance or the serving of alcohol – rather a policy to ensure that you and the business are not exposed to under age (18) drinking

Are there any questions ???

Can I now ask you to sign the attached schedule confirming you have been briefed on the 21/18 policy

Thank you.

21/18 CHALLENGE STAFF NOTICE (to be placed on staff notice board)

It is illegal under the Licensing Act 1964 and the Licensing Act 2003 to permit the sale of intoxicating drinks to persons under the age of 18 years old

The reality is that judging the age of customers can sometimes be challenging, and so the policy is to require one of three forms of identification (Pass Accredited Prove It Card, Passport or Photo Card Driving Licence) where age is in question.

Put simply:

‘NO ID – NO SALE’

As an extension to this policy (supported by posters in the shop) which makes it clear that:

IF A CUSTOMER APPEARS TO BE UNDER 21 THEY MUST PROVE THEY ARE OVER 18.

This safeguard is to remove any ambiguity as to “are they or are they not over 18”, if they look under 21 they **MUST** prove they are over 18 using one of the acceptable ID noted above.

Should you have any doubt as to a customer being under 21 I would ask you to refer to the poster and seek ID, if they cannot supply one of the three forms of acceptable ID noted above you should refuse them service and ask them politely to leave and return with the appropriate ID. Should any customer refuse to do so you should refer to a member of management.

It is stressed that this is NOT an “over 21’s policy” either for entrance or the serving of alcohol – rather a policy to ensure that you and the shop are not exposed to the sale of alcohol to under 18s.

CHALLENGE 21

If you appear to be

UNDER 21

You will be asked to prove you are

OVER 18

The only acceptable forms of proof are:

Passport

Photocard Driving Licence

PASS Accredited Age Card



Nightsafe

Reducing alcohol
related violent crime

PENNINE DIVISION



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**AGREEMENT WITH PARENT / GUARDIAN AND
CHILD FOR TEST PURCHASING PROGRAMME**

Name:

D.O.B: 26.12.90

Address:

The purpose of this agreement is to ensure that the parent / guardian and child are aware of what the Lancashire Constabulary intend to do, why and what safeguards will be used.

1. The child will be fully trained in what to say and do. Parent / guardian may attend the training session.
2. The child will be accompanied by a Police Officer to all premises subject to Test Purchase. The officer will be immediately available to assist the child should the need arise.
3. The child will not be asked to work in any areas where they are likely to be recognised.
4. The seller / licensee will not be approached by a Police Officer whilst the child is in the licensed premises unless the Officer is of the opinion that the child is being treated in an inappropriate manner, or is likely to be so treated. (Other than when accompanied by an officer should an identification issue arise)
5. The child's identity will not be revealed in any subsequent publicity.

No payments will be made for this assistance, but refreshment and travelling expenses will be provided.

Note

- 1) The general purpose of this exercise is to obtain evidence to mount a prosecution in appropriate circumstances.
- 2) Everything possible is done to prevent the child attending court as a witness and being identified.

PARENTAL CONSENT FORM

Name of child _____

~~Male~~ / Female _____

Address _____

Date of Birth 26/12/90 Copy of Birth Certificate attached YES/NO

Nature of exercise **TEST PURCHASE OF ALCOHOL**

Time of collection & return of child 17.00 HR

Date(s) 3.6.06

Address child to be collected from (if different from above) _____

Contact phone numbers: Home _____

Mobile _____

Area in which Test Purchasing will take place ROSSENDALE

Areas to be avoided (i.e. areas where child is likely to be recognised) _____

Any special dietary / medical needs NO

I _____ am the parent / guardian of the above mentioned child
and I agree that they will be available to assist the Lancashire Constabulary as detailed above. I have
discussed the details of this exercise with PC / PS _____

Signed _____ (parent / guardian)

Signed _____ (child)

Signed [Signature] PC3422 (PC)

Date 03.06.06

Officer in charge of team PC3422 Fairclough

Tetra radio telephone contact number: 0870 6007 002 _____

N.B. One copy of this form to be left with parent / guardian and one to be retained by Police.

PENNINE DIVISION



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**AGREEMENT WITH PARENT / GUARDIAN AND
CHILD FOR TEST PURCHASING PROGRAMME**

Name:

D.O.B: 14.11.90.

Address:

The purpose of this agreement is to ensure that the parent / guardian and child are aware of what the Lancashire Constabulary intend to do, why and what safeguards will be used.

1. The child will be fully trained in what to say and do. Parent / guardian may attend the training session.
2. The child will be accompanied by a Police Officer to all premises subject to Test Purchase. The officer will be immediately available to assist the child should the need arise.
3. The child will not be asked to work in any areas where they are likely to be recognised.
4. The seller / licensee will not be approached by a Police Officer whilst the child is in the licensed premises unless the Officer is of the opinion that the child is being treated in an inappropriate manner, or is likely to be so treated. (Other than when accompanied by an officer should an identification issue arise)
5. The child's identity will not be revealed in any subsequent publicity.

No payments will be made for this assistance, but refreshment and travelling expenses will be provided.

Note

- 1) The general purpose of this exercise is to obtain evidence to mount a prosecution in appropriate circumstances.
- 2) Everything possible is done to prevent the child attending court as a witness and being identified.

PARENTAL CONSENT FORM

Name of child _____ ~~Male~~ / Female

Address _____

Date of Birth 14.11.90 Copy of Birth Certificate attached YES / ~~NO~~

Nature of exercise TEST PURCHASE OF ALCOHOL

Time of collection & return of child 5.00pm

Date(s) 20.10.06

Address child to be collected from (if different from above) _____

Contact phone numbers: Home _____ Mobile _____

Area in which Test Purchasing will take place ROSSENDALE

Areas to be avoided (i.e. areas where child is likely to be recognised) N/A

Any special dietary / medical needs NO

I _____, _____ am the parent / guardian of the above mentioned child

and I agree that they will be available to assist the Lancashire Constabulary as detailed above. I have

discussed the details of this exercise with PC / PS 2063 ROMASANTA.

Signed _____ (parent / guardian)

Signed _____ (child)

Signed A. Romasanta (PS / PC)

Date 20.10.06

Officer in charge of team PC 2063 ROMASANTA

Tetra radio telephone contact number: 0870 6007 002 _____

N.B. One copy of this form to be left with parent / guardian and one to be retained by Police.