



Underage Sales - Two Strikes and You're Out!

BRIEFING

Introduction

Licence holders need to keep their eye on the ball following recent changes to the law relating to sales of alcohol to children. The stakes are becoming increasingly high for licence holders in the battle against underage drinkers.

From 6 April 2007, a licence holder could be found guilty of a new offence of "persistently selling alcohol to children". A licence holder could be guilty of this offence if on three or more occasions in three consecutive months, alcohol was unlawfully sold on the same premises to an individual under the age of eighteen.

Since 29 January 2010, the position has now changed. A licence holder can now be guilty of this offence if it unlawfully sells alcohol to underage drinkers on two or more different occasions within a period of three consecutive months.

Clearly this increases the risk of a licence holder being caught by the legislation. Businesses are also likely to be the target of increased test-purchases. It would be wise for licence holders, particularly those associated with off-licences and convenience stores, to cascade this information to cashiers and refresh training on underage sales.

The Implications of Selling Alcohol to Individuals under 18

A premises licence holder who is caught persistently selling alcohol to children is liable to be fined up to £10,000. In addition, the premises licence could also be suspended for up to three months.

Licence holders may be able to avoid criminal liability if the Police and Trading Standards agree to give a closure notice. The effect of a closure notice would be to ban the sale of alcohol from the premises for up to 48 hours.

Either way, the outcome of the "two strikes and you're out" rule could have a massive impact on sales and seriously damage the reputation of the store. In addition, the consequences of falling foul of this legislation will divert time and resources away from the business.

Conviction for this offence or acceptance of a closure notice will not prevent a review of the licence. In other words, all of the above is additional to the risk of a formal review of the licence before a Licensing Sub-Committee which could lead to the licence being revoked.



Conclusion

Licence holders will be all too aware of how difficult it can be to ensure that all underage drinkers are challenged for ID. The majority of licence holders do not set out to break the law but can end up in serious trouble if a cashier sells alcohol to a person under the age of 18. Reasons why a cashier might not ask for ID could be fear of confrontation, embarrassment or simply lacking the confidence to challenge a group of teenagers for ID. However, these excuses will not provide a defence for the licence holder.

We urge all licence holders to ensure that their staff are sufficiently trained and to be extremely vigilant to ensure that no alcohol is sold to persons under the age of 18.

For further information or advice please contact:

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