



Solihull Metropolitan Borough Council  
Licensing, Central Depot, Moat Lane, Solihull, B91 2LW  
Telephone No. 0121 704 6830

**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 Richard Staveley**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (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> Bosworth Food Stores Ltd 151 Bosworth Drive Fordbridge Birmingham (The licence shows the address as 157 Bosworth Drive but this is incorrect)	
<b>Post town</b> Solihull	<b>Post code (if known)</b> B37 5BT

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Abid Ali
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<b>Number of premises licence or club premises certificate (if known)</b> SOL/PR/005426
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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: Mr Richard Staveley Trading Standards & Environmental Compliance Safer Communities (Regulation & Enforcement) Economy & Infrastructure Directorate The Core, Homer Road, Solihull B91 3RG
Telephone number (if any) 0121 704 8124
E-mail address (optional) rstaveley@solihull.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

- ✓
- 
- 
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-

**Please state the ground(s) for review** (please read guidance note 2):

I am submitting this review on the grounds of actions or in actions which are contrary to the licensing objectives: the protection of children from harm and the prevention of crime and disorder.

S141A Criminal Justice Act 1988

Sales of knives and other bladed items to individuals under the age of 18

This review is being sought due to a sale of razor blades being made to an individual under 18.

Investigations continue in relation to potential criminal offences committed as a result of the sale of the razor blades to someone under 18. However, due to the time this could take and the consequences of no change in the management of the premises, I feel the license review should commence before the conclusion of any criminal case.

The sale of knives or bladed items is not a licensable activity under the Licensing Act 2003 but the four licensing objectives set out in Section 4 of the Act are not specific to licensable activities.

Further, the owner of the business is Bosworth Food Stores Ltd, the sole director for which is Mohammed Azeem. According to the licence the designated supervisor for the premises is Mohammed Azeem. Therefore, the controlling mind for the business and the person responsible for the sale of alcohol is one and the same person.

The principles around the control of age restricted products such as knives to those of the sale of alcohol are so closely aligned that the failure of the management in one area is highly likely to reflect on the other.

It is a criminal offence to sell knives and bladed articles to persons under 18 contrary to the Section 141A of the Criminal Justice Act 1988. Therefore, there has been a breach of the licensing objective relating to the prevention of crime and disorder.

This sale was made to a person under 18 and therefore, by definition, to a child (Children Act 2004). Therefore, there has been a breach of the licensing objective of the protection of children from harm.

**Please provide as much information as possible to support the application**  
(please read guidance note 3)

Extract from statement of Richard Staveley, Trading Standards & Environment Manager, in relation to test purchase on 14<sup>th</sup> October 2022.

I am Richard Staveley and I am employed by Solihull Metropolitan Borough Council as the Trading Standards and Environment Manager. I am an Inspector of Weights and Measures for the purposes of the Weights & Measures Act 1985 and I am an authorised officer for the purposes of the Licensing Act 2003.

In July 2022, in preparation for a test purchase exercise and to provide advice to businesses about the sale of knives to people under the age of 18, I arranged for a mailshot to be sent from Solihull Trading Standards to those businesses we thought likely to sell bladed articles such as knives and razor blades.

A copy of the letter and advice leaflet is appended to this review application.

On Friday 14<sup>th</sup> October 2022 I took part in a test purchase exercise in relation to age restricted products along with Officers Garry Brown and Craig Dabin-Williams. For this exercise we asked two 17 year old female volunteers to enter premises, as usual customers, and attempt to purchase age restricted products. Throughout the exercise the volunteers were identified as volunteer 1 and volunteer 2.

At the start of the exercise I briefed the volunteers: they were instructed to tell the truth if they were asked how old they are and to say that they did not have any if they were asked if they had any identification.

At approximately 16:35 I asked the volunteers to attempt to purchase a packet of Wilkinson's Sword razor blades from the Nisa, Bosworth Drive, Fordbridge, B37 5BT. I gave volunteer 1 a £10 note and, accompanied by volunteer 2, asked her to enter the shop and attempt to purchase the razor blades. Craig Dabin-Williams was also asked to enter the shop as an unrelated customer to observe the activity in the premises.

When she came out of the shop volunteer 1 handed me a packet containing a cartridge of 5 Wilkinson's Sword Razor blades and £8.01 in change.

The volunteers were not asked their age or whether they had any identification.

Mr Dabin-Williams and I re-entered the premises and Mr Dabin-Williams identified the male member of staff who had made the sale to volunteer 1. I approached him, identified myself and explained what had happened.

I asked if I could see the refusals register or book but the staff member was unable to produce such a record.

Extract from statement of Craig Dabin-Williams, Public Protection Officer, in relation to test purchase on 14<sup>th</sup> October 2022.

I saw test purchaser one place a pack of razor blades on the counter, the cashier then picked up the item to scan it and asked for payment. I saw test purchaser one hand over some money and the cashier return the change, following which test purchaser one picked up the razor blades and left the store with the change and the razor blades. The cashier did not ask for their age or any identification.

Comment

The Criminal Justice Act 1988

It is a mandatory requirement for licensees to implement an age verification policy for their premises.

While this is an application for a review of the alcohol licence and not criminal proceedings I believe that reference to Section 141A (4) of the Criminal Justice Act 1988 would assist in providing context around this matter. This section says "...shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence."

In this case, as the owner, Bosworth Food Stores Ltd could be charged as a result of the actions of the employee and so would be able to avail itself of the defence of due diligence.

To 'exercise all due diligence' a person must ensure that there is a system in place and that that system is working. What constitutes due diligence will depend on the size of the business with bigger, national companies being required to implement more stringent standards than small independent businesses. However, this is likely to be dependent on the risk posed by the business: the higher the risk the more sophisticated the system.

On top of an age challenge policy, in the case of age restricted products the sorts of measures that would need to be put in place in order to satisfy this requirement are likely to be, at least; documented staff training, a refusals book or register and notices in the shop. In bigger or more high risk premises tills which prompt the shop worker to carry out an age check when an age restricted product is scanned, and will not complete the transaction until the action is completed, are appropriate.

Age Challenge Policy, Signage & Training Records

Immigration case law indicates that it is not reasonable to expect an individual to accurately assess the age of another person. Especially when trying to determine whether someone is a child (under 18 years) or an adult (18 years and over). This is recognised by introducing a policy such as Challenge 25. Anyone attempting to purchase alcohol, or other age restricted products, who

looks under the age of 25 should be challenged to provide evidence of their ability to legally purchase the product.

Notices should be posted in the premises informing customers that a Challenge 25 policy is in force and they should expect to be challenged if they look younger than 25.

Training is intended to give employees information about the age restrictions, what to look out for, what "Challenge" policy is used in the premises and what to do if faced with a purchaser they believe to be under age. Training records signed by the staff members provides evidence that this training took place.

Evidence from the owner of the premises suggests that he received and subsequently used the letter I sent as training for staff, but only after the test purchase.

### Refusals Register

A refusals book or register is a record of the incidents when customers have been refused a sale of an age restricted product because they did not appear old enough.

When requested the seller of the razor blades, was not just unable to show us the refusals register, they did not appear to know what we were talking about. This then calls into question not only the existence of a refusals register but also the training they have received and indeed the existence of an age verification policy for the premises.

### Recommendations

To help prevent further breaches of the licensing objectives, I recommend that the following license conditions be added to the premises licence for Bosworth Food Stores Ltd:

#### The prevention of crime and disorder

- CCTV covering the interior and exterior of the premises will be installed and shall be kept operational at all times the premises are open to the public.
  - It shall be capable of taking a head and shoulders shot of persons entering the premises, of recording images to an evidential standard in any light and be capable of storing images for a minimum of 31 days.
  - At least one member of staff trained to operate the CCTV system and download images shall be on duty at all times the premises are open to the public. Footage shall be shown to the police and screenshots provided to them on request. Copies of downloaded images shall be provided to the police on a USB stick, CD or other acceptable means as soon as possible and in any case within 24 hours of the request.

- All staff who work front of house will be trained for their role on induction, training must include their roles and responsibilities around the licensing objectives. They must be given refresher training every six months and sign to say they have received such training. Written training records will be kept for each staff member and be produced to police and authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, avoiding conflict and responsible alcohol retailing.
- An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
  - All crimes reported,
  - Any complaints received,
  - Any faults in the CCTV,
  - Any refusal in the sale of alcohol,
  - Any visit by a relevant authority or emergency service.
- Notices will be prominently displayed by the entry/exit door and point of sale (as appropriate) advising customers:
  - That CCTV and Challenge 25 are in operation.

#### **The protection of children from harm**

- Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM Forces photographic ID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.
- All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book (or electronically if available). The incident book shall be kept and produced to police and authorised council officers on request.
- Notices for Challenge 25 will be prominently displayed by the entry/exit doors and point of sale.
- Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.



**Please tick ✓ yes**

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

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

*Richard Savely*

Date

*11<sup>th</sup> January 2023*

Capacity Responsible authority – Trading Standards.

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)  
As 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)**

## Notes for Guidance

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





Nisa Local  
151 Bosworth Drive  
Fordbridge  
Birmingham  
B37 5BT

**Economy & Infrastructure Directorate**  
Trading Standards & Environmental  
Compliance  
The Core, Homer Road, Solihull  
B91 3RG

Email: [tradingstandards@solihull.gov.uk](mailto:tradingstandards@solihull.gov.uk)  
Tel: 0121 7046846

[www.solihull.gov.uk](http://www.solihull.gov.uk)

July 2022

Dear Sir or Madam

**Age Restricted Products – Knives**  
**Notice of Test Purchasing in the area to underage children**

Solihull Council's Trading Standards service are working in partnership with West Midlands Police to support the national knife campaign known as "Operation Sceptre".

As a business in Solihull who may sell knives, we are writing to advise you of how to comply with the law regarding age restricted sales. Enclosed with this letter is an advisory leaflet on how to comply.

As part of our enforcement role, we check business procedures in relation to age restricted products, by carrying out compliance checks, using under age volunteers. These compliance checks will be conducted within the next 3 months and your business may be one that is tested.

Our test involves volunteers engaged by Trading Standards, who are under the age of 18, entering retail premises selling knives in the attempt to purchase a knife or bladed item. The volunteers are under the observation of a Trading Standards Officer or a Police Officer.

We carry out these tests in order to safeguard children and ensure that retailers do not sell age restricted products such as knives to underage children contrary to the Criminal Justice Act 1988.

For further information please contact 0121 7046846, [tradingstandards@solihull.gov.uk](mailto:tradingstandards@solihull.gov.uk) or visit [www.businesscompanion.info](http://www.businesscompanion.info)

Yours faithfully

Richard Staveley  
Trading Standards & Environmental Compliance Manager



# businesscompanion

## trading standards law explained

### Knives, other bladed items and corrosive substances

#### In the guide

#### The law

- Criminal Justice Act 1988
- Knives Act 1997
- Offensive Weapons Act 2019

#### Defences

- Criminal Justice Act 1988
- Knives Act 1997
- Offensive Weapons Act 2019

#### Keeping within the law

- Age verification checks
- Operate a Challenge 21 or Challenge 25 policy
- Staff training
- Maintain a refusals log
- Store and product layout
- Till prompts
- Signage
- Closed circuit television (CCTV)
- Online sales

#### Other legislation

#### Further information

#### Trading standards

#### In this update

#### Key legislation

#### **This guidance is for England and Wales**

It is illegal to sell and deliver knives, other bladed products and corrosive substances to anyone under 18. When they are delivered, they should not be handed over to anyone under that age. Corrosive substances, when sold remotely, must not be delivered to a residential address.

The legislation is enforced by the police and trading standards. Sellers should always verify the age of the purchaser before a sale, and delivery companies should do so on delivery.

Further restrictions are included in the Knives Act 1997, which specifically deals with knives advertised for use in 'combat'.

The Government has introduced schemes that aim to restrict access by under-18s to these products:

- responsible sales of acid and corrosive substances: voluntary commitments

- sale of knives: voluntary agreement by retailers

Sellers are encouraged to sign up to these schemes.

## **The law**

In the following text you will see references to both 'bladed articles' and 'bladed products', which are the terms used in different pieces of legislation. They have slightly different meanings, which are explained below.

### **Criminal Justice Act 1988**

It is an offence for any person to sell the following bladed articles to someone under the age of 18:

- knife, knife blade or razor blade
- axe
- other article that has a blade or is sharply pointed, and is made or adapted for use for causing injury to the person

The Act does not interpret these categories any further, but it is expected that they include:

- any kitchen knife
- cutlery and bread knives
- butchers knives, including meat cleavers
- hobby knives and knives for trade use
- utility and survival knives
- trade tools, including those used for gardening and farming that fit the description of a knife
- cut-throat razors
- machetes and swords

The prohibition does not apply to:

- folding pocket knives, if the cutting edge of the blade is less than 7.62 cm (three inches)
- replacement cartridges for safety razors, where less than 2 mm of the blade is exposed

When an age-restricted bladed article is sold remotely (such as online or by phone) the package should be delivered into the hands of someone aged at least 18.

An age-restricted bladed article should not be delivered, nor arrangements made to deliver it, to a locker (for example, the type where the consumer would be given an access code to open the locker and collect the product). This is because it would not be possible to verify the age of the person collecting the item from a locker.

### **Knives Act 1997**

It is an offence to market a knife and also an offence to publish marketing material in relation to a knife in a way that either:

- indicates or suggests that it is suitable for combat (the term 'suitable for combat' means that the



knife is suitable for use as a weapon for inflicting injury or causing fear of injury to the person)

... or

- is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon

An indication or suggestion that a knife is suitable for combat may be made by a name or description in any of the following ways:

- applied to the knife
- on the knife or on any packaging in which it is contained
- included in any advertisement that expressly or by implication relates to the knife

There are exemptions to allow sales of such items for legitimate purposes, such as for use by armed forces, as antiques or as collectors' pieces.

## **Offensive Weapons Act 2019**

### **Bladed articles / bladed products**

'Bladed products' are a specific type of bladed article. They are defined as articles that are, or have, a blade and are capable of causing serious injury to a person, involving cutting that person's skin. They have extra restrictions on sale and delivery.

As bladed products are a type of bladed article, all requirements that apply to bladed articles also apply to bladed products, but not vice versa.

The Offensive Weapons Act 2019 makes it an offence for the seller to deliver, or arrange the delivery of, bladed products to residential premises, unless certain conditions are met that would allow the seller to prove that they took all reasonable precautions and exercised all due diligence to prevent the item from being delivered to a person under 18. This would apply to sellers whether they have their own delivery arm or to those who arrange delivery to a residential address by a separate delivery company.

Sellers that make their own deliveries have defences available to them. Where a seller is delivering the bladed product themselves, they will need to ensure that they have internal procedures in place to ensure that when delivered, the bladed product would not be handed to a person under 18. They also need to prove they have taken all reasonable precautions and exercised all due diligence to ensure that this occurred. Steps that sellers would need to take are likely to include those for the sale of bladed articles, such as having an adequate age verification system in place, labelled packaging and taking measures to ensure that the package is only handed over to someone aged 18 or over.

The effect of this is that where a seller has such procedures and has taken all reasonable precautions and exercised all due diligence, they can deliver bladed products to residential premises.

See below for more information on defences.

There are some products that are unlikely to fall under the definition of a bladed product and can be delivered to residential premises (though the age of the person they are handed to still needs to be checked):

- cutlery knives (not sharply pointed steak knives)
- utility knives with small cutting blades
- small cheese knives

- snap off cutters
- pizza cutters

A delivery company that has an arrangement with a non-UK seller of 'bladed articles'\* to deliver them to buyers in the UK, where the sale is made remotely (such as online or by phone), commits an offence if they do not deliver the bladed article into the hands of a person aged 18 or over. If the delivery company has no arrangement, or is unaware that they are delivering bladed articles, they are not committing an offence if the products are delivered to someone under 18.

[\*The definition of bladed articles is in the '**Criminal Justice Act 1988**' section above.]

A delivery company that has an arrangement with a UK seller of 'bladed products', where the sale is made remotely, commits an offence if they do not deliver the bladed product into the hands of a person aged 18 or over at that premises.

To assist delivery drivers, packages should be marked as containing an age-restricted product, which must only be delivered to somebody aged 18 or over.

### **Corrosive products**

A person commits an offence if they sell a corrosive product to a person under the age of 18.

Corrosive substances (and the types of product in which they may be found)

<b>Name of substance</b>	<b>May be present in</b>
ammonium hydroxide	household cleaners, disinfectants, stain treaters
formic acid	wart removers, household descalers, food preservatives
hydrochloric acid	household cleaners (toilet bowl, bathroom tile and other porcelain cleaners), brick and patio cleaners, limescale removers
hydrofluoric acid	aluminium wheel cleaners, wire cleaners, rust removers
nitric acid	drain cleaners, toilet bowl cleaners, descalers
phosphoric acid	bath cleaners, tile cleaners, sink cleaners, toilet bowl cleaners, rust removers
sodium hydroxide	drain cleaners, oven cleaners, paint strippers
sodium hypochlorite	drain cleaners, toilet bowl cleaners, bleach (low concentration), descalers
sulfuric acid	drain cleaners, brick cleaners, car wheel cleaners, acid for car batteries (sold as such)

When a corrosive product is sold remotely, it is an offence to deliver it to a residential address, unless that address is also used as a business. It is also an offence for a seller to deliver, or arrange to deliver, corrosive products to a locker for collection. This is because it would not be possible to verify the age of the person collecting the item from a locker.

A delivery company that has an arrangement with a non-UK seller of corrosive products, where the sale is made remotely, commits an offence if they do not deliver the corrosive product into the hands of a person aged 18 or over. If the delivery company has no arrangement, or is unaware that they are delivering corrosive products, they are not committing an offence if the products are delivered to someone under 18.

To assist delivery drivers, packages should be marked as containing a corrosive product, which must only be delivered to somebody aged 18 or over.

## **Defences**

### **Criminal Justice Act 1988**

If you are charged with an offence of selling a bladed article to a person under the age of 18, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is known as the 'due diligence' defence. However, there are some limitations to this defence where the sale was a remote sale. To prove 'due diligence' you must prove the following conditions were met:

- you operated a system for checking that the buyer was not under the age of 18 and that the system was likely to prevent such a sale
- when the product was dispatched, it was clearly marked to show that it contained an article with a blade or was sharply pointed and that it should only be delivered into the hands of a person aged 18 or over
- you took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of a person aged 18 or over
- you did not deliver, or arrange to deliver, the package to a locker

### **Knives Act 1997**

If you are charged with an offence under the Knives Act 1997, you have the defence that you did not know or suspect, and had no reasonable grounds for suspecting, that the way in which the knife was marketed (or the marketing material) amounted to an indication or suggestion that the knife was suitable for combat or was likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. You can also use the due diligence defence.

### **Offensive Weapons Act 2019**

If you are charged with an offence of selling a corrosive product to a person under the age of 18, you can use the due diligence defence.

Where a sale is a remote sale, the due diligence defence can only be proved if you meet the following conditions:

- you operated a system for checking that the buyer was not under the age of 18 and that the system was likely to prevent such a sale
- when the product was dispatched, it was clearly marked to show that it contained a corrosive product and that it should only be delivered into the hands of a person aged 18 or over
- you took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of a person aged 18 or over
- you did not deliver, or arrange to deliver, the package to a locker

If you, as seller, are charged with an offence of delivering, or arranging to deliver, a bladed product to a

residential address or a locker, you can use the due diligence defence to ensure the product would be delivered into the hands of a person aged 18 or over, for example:

- you operate an effective age verification system
- clearly label the packaging
- check that the delivery address is a business address
- if you use a delivery company, you ensure they have effective age verification procedures in place

It is also a defence if you can prove that:

- the bladed product was adapted for the buyer to their own specifications to facilitate its use or for a particular purpose
- you reasonably believed the buyer bought the bladed product for a sporting purpose or for historical re-enactment

A delivery company charged with failing to deliver a corrosive product or a bladed article (which includes bladed products) into the hands of a person aged 18 or over, can use the due diligence defence.

## **Keeping within the law**

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 an underage sale. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

### **Age verification checks**

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council 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 photocard driving licence can also be accepted, but make sure that the card matches the person using it and the date of birth shows they are 18 or over. 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.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

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 that they are at least the minimum legal age - or if you are in any doubt - 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 21 or 25, they will be asked to verify that they are 18 or over 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 the minimum legal age is attempting to buy. It is important that you can prove 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 members 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 should be recorded (date, time, incident, description of potential buyer). 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.

A specimen refusals log is attached.

Some tills have a refusals system built in. 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.

## **Store and product layout**

Identify the age-restricted products in your store and consider moving them nearer to the counter, or even behind it. Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

## **Till prompts**

If you possess an EPoS system, 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.

## **Signage**

Display posters showing age limits and a statement regarding the refusal of such sales. This may 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. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

## **Online sales**

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

## **Other legislation**

Sales to the general public of products that contain high concentrations of certain chemicals are restricted in order to reduce the risk that they can be used in the manufacture of explosives or to cause harm. Members of the public must have a valid explosives precursors and poisons (EPP) licence issued by the Home Office if they want to acquire, possess, use or import these regulated substances.

Under the Poisons Act 1972, a person commits an offence if they supply a regulated substance to a member of the general public without first verifying - by inspecting the licence and the associated form of identification - that they have a valid EPP licence.

Guidance for retailers on licensed transactions of poisons and explosives precursors can be found on the GOV.UK website.

## **Further information**

For a more detailed look at the issues surrounding sales of these products, see 'Knives, bladed items and hazardous materials' in Business Companion's Business in Focus section.

## **Trading standards**

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

## **In this update**

Clarification regarding the delivery of bladed products to residential premises.

Last reviewed / updated: August 2022

## **Key legislation**

Poisons Act 1972

Criminal Justice Act 1988

Knives Act 1997

Offensive Weapons Act 2019

## 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 legislation can be found on each link's 'More Resources' tab.

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