

TOBACCO 18

AGE OF SALE OF TOBACCO **GUIDANCE ON HOW TO COMPLY**

Lambeth
Primary Care Trust



THE LAW FOR SELLING TOBACCO IS CHANGING

From 1 October 2007 the law for selling tobacco will change. It will be illegal for you to sell tobacco products to anyone under the age of 18 (an increase from 16) in England and Wales. It is expected that the change in law will also come into effect in Scotland from the same date.

Products affected will include cigarettes, cigars, loose rolling tobacco and rolling papers. Smoking tobacco is highly addictive and dangerous to health so if you choose to sell tobacco you have to comply with a number of legal duties, one of which is not to sell products to those under the minimum age.

The importance of this is clear when you realise that:

- one in two lifelong smokers will be killed by their addiction
- the younger a smoker starts the more likely they are to be killed by their addiction
- someone who starts smoking at 15 is three times more likely to die from cancer due to smoking than someone who starts smoking in their mid-20s.

Your business will need to take steps to make sure that employees and customers are aware of the new law. Authorised council officers will enforce the law and offer businesses support.

HOW TO COMPLY WITH THE NEW LAW

We understand this change will have an impact on your business and we want to make it as easy as possible for you to comply with the change in the law. There are a number of things you can do to make sure you and your staff are ready when the change comes into force.

- 1** Clearly display the correct signage on your shop counter. This should deter under-aged customers from attempting to buy in the first place and will help in reminding them that you and your staff are simply following the law.
- 2** Tell your staff about the change in the law and train them to always ask for proof of age if they are in any doubt about a customer's age. Make sure your staff understand that they could be personally liable if they sell to people under 18 years old.
- 3** Keep a record of the training and ask the member of staff to sign to say that they have understood it. This should then be kept on file for reference.
- 4** Set up a refusals register to record when you or any member of staff have refused to sell to a young person. This should log the date and time of any incident, the product being purchased, reason for refusal, and a brief description of the customer. This should be available for all staff to refer to.

There may be some 16 and 17 year olds who are unhappy about being refused sale of tobacco products after 1 October. Staff should be made aware that if any serious incident of abuse occurs, it should be reported to the police, as you do currently in any cases where customers become aggressive.

You should also be prepared to support and be sensitive to staff if they do encounter abusive or threatening behaviour.

Consider ways in which you can share intelligence about troublesome individuals with other businesses in the area.

If you employ under-18s in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under-age. However, they are likely to find it difficult to refuse to sell to their own age group. Leaving them unsupervised is therefore seen as poor employment practice and is not recommended.

SIGNAGE

Signage and supporting materials to help you comply with the change in the law can be downloaded from www.tobaccoexchange.co.uk/signage. The penalties for not displaying the correct signage will be the same as they are now.

All premises that sell tobacco must display a sign that:

- says 'It is illegal to sell tobacco products to anyone under the age of 18.' No other form of wording is permitted.
- is at least A3 in size (420 x 297mm), with letters at least 36mm in height.
- is positioned at the point of sale or in a prominent position where it can be seen by those wishing to buy tobacco.

All tobacco vending machines must display a notice that:

- says 'This machine is only for the use of people aged 18 or over.'
- is not less than 60mm x 100mm, with characters no less than 6mm high.
- is clearly visible to anyone using the machine. Your tobacco wholesaler or vending machine provider should be able to provide you with a copy of this notice.



PROOF OF AGE

If you are a retailer selling tobacco you are responsible for making sure your staff comply with the change in the law. It is good practice that you and your staff ask for evidence of the person's age. Appropriate and valid proof of age documents include:

- a passport
- a photo driving licence
- a citizen card
- a Portman 'Prove It' card
- a Validate card.

It is important to make sure that whatever evidence of proof of age is used, that it is genuine and reliable. For example, look for the PASS hologram logo when checking a proof of age card.

The best advice is always to ask for proof of age unless you are convinced the person looks at least 21. People of the correct age will not mind being asked for ID if asked politely.



REFUSING A SALE

If you are in doubt about a customer's age and they do not have proof of age, the sale should not be allowed to take place. Remember, you could be personally liable if you do sell tobacco products to someone under the legal age.

With any sale you refuse because a customer is under-age, or does not have valid proof of age, make sure you log the details on your refusals register.

There are some 16 and 17 year olds who will be unhappy about the change coming in on the 1 October. In order to avoid potential conflict with customers when refusing a sale:

Remain calm and don't be tempted to raise your voice, even if they do. If they get angry stay professional and stand your ground.

In a situation where a customer becomes violent and you are in need of emergency assistance you should call the police.

Report any incident to the police.

Make sure that you have somewhere to escape to in the case of a serious incident.

Always keep the counter between you and the customer.

Be tactful and polite. Refusal can be embarrassing. Apologise and don't antagonise them or get annoyed yourself.

Explain that it is against the law for you to sell tobacco products to them - it's nothing personal.

PENALTIES AND FINES

There are 2 offences that can be committed under this legislation:

- **Selling tobacco products to someone under the legal age**

The penalties will be the same as they are now for selling tobacco products to someone under the legal age (18 years old from 1st October) and can result in a fine of up to £2,500.

Both the sales person and the business owner could be prosecuted for any illegal sales, even if it was believed that the purchase was being made on behalf of an adult or if the person looked like they were over 18.

- **Failing to display the statutory notice**

Failing to display the statutory notice can result in a fine of up to £1,000. This applies both to over the counter and vending machine sales.

Trading Standards Officers will continue to enforce the law relating to the sale of tobacco products to under-age consumers.



FURTHER INFORMATION

Online at:

www.tobaccoagechange.co.uk

www.lambeth.gov.uk/tobacco18

By phone:

Lambeth Council Smokefree Team 020 7926 6109

By email:

Email any queries or requests for information and signs to smokefree@lambeth.gov.uk

Help and advice

If you would like someone to visit your premises and go through the new laws and what you need to do, either email the council's Smokefree team at smokefree@lambeth.gov.uk or call 020 7926 6109.

Lambeth Council places great value on the role the business community plays in the success of the borough. We are committed to developing an enterprising Lambeth and addressing your needs whether you are already set up in business or aspire to be. To receive your free or subsidised support and guidance in setting up or growing your business, or for more information on council services for businesses visit www.lambeth.gov.uk/business or email enterprise@lambeth.gov.uk.

Portuguese

Se desejar esta informação noutro idioma é favor telefonar para 020 7926 6109

Bengali

এই তথ্য অন্য কোনো ভাষায় আপনার প্রয়োজন হলে অনুগ্রহ করে ফোন করুন 020 7926 6109

Twi

Se wope saa nkaeboy yi wo kasa foforo mu a fre 020 7926 6109

Yoruba

Tí ẹ ba ẹ imoràn yìí, ní èdè Òmíràn, ẹjẹ, ẹ kàn wà l'ágogo 020 7926 6109

If you would like this information in large print, Braille, audio tape or another language, please contact us on 020 7926 6109

**Or write to us at
2 Herne Hill Road,
London, SE24 0AU**