

Refusals books briefing note

This briefing note supplements a verbal presentation to the Licensing Sub-Committee of 4th November 2013 on the subject of refusals books.

1.0 Purpose

The note and presentation will seek to explain;

- what refusals books are and how they are used
- what measures are in place to ensure they are not used fraudulently
- what they are intended to demonstrate
- how they fit into best practice regarding the prevention of underage sales

2.0 What are refusals books and how are they used?



	Date (dd/mm/yy)	Time	Type of goods	Description of customer	Staff comments	Staff name
e.g.	5/8/12	7.15pm	Cigarettes and WCD bottle	Female, blonde hair, 5ft 4" - looked 15 years	Nervous and unable to show ID	John Smith
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

2.1 Refusals books, or registers, are a physical record made by retail sales staff. They detail the occasions when they have refused to sell an age restricted product to a customer, either because the sales staff believed the customer was underage, or because the customer was unable to prove they were old enough to buy the product in question.

2.2 There is no legal requirement to use a refusals book and no prescribed format for them. Their use is purely optional for businesses. A typical refusals book will have a space to record the date and time a sale was refused, the type of product involved, a description of the customer, why the sale was

refused and the name or signature of the member of staff who refused the sale. They are intended to be used as soon as possible after a sale has been refused.

2.3 Refusals books are most appropriate for small independent retailers who do not utilise bar code scanning systems. The majority of large stores, and increasing numbers of smaller retailers, now use an EPOS (electronic point of sale) system. These can usually be programmed to prompt sales staff to ask for ID when an age restricted product is scanned and can also be used to record the actions taken by the operator as a result of the prompt.

3.0 What are refusals books intended to demonstrate?

3.1 Refusals books are a means of demonstrating that a business exercises due diligence when selling age restricted products. They also provide a means for management to monitor and compare how different staff conduct themselves when dealing with age restricted products.

3.2 If a business owner, or the actual sales person concerned, is prosecuted as a result of an illegal underage sale then a correctly used refusals book can be used to demonstrate that the incident was isolated, and was not part of a general problem with the operation of the premises. It may therefore help avoid conviction because most of the legislation involved provides for some form of defence that all reasonable precautions were taken to try and avoid committing an offence.

3.3 Refusals books can also be checked by Licensing, Police and Trading Standards officers to check if a business is refusing to sell age restricted products on a routine basis.

4.0 What measures are in place to ensure refusals books are not used fraudulently?

4.1 A well designed refusals book will have pre-printed sequential numbering for each refusal and have provision to identify the dates and times of refusals and which member of staff made the refusal. There should also be provision for Management to record that they have checked the register on a regular basis. The book should also be traceable to the premises to which it relates so that it could not be produced in relation to a premises to which it does not relate.

4.2 Deliberately fraud relating to refusals books may include inserting fake entries to make it look like refusals are being made when they are not. This could be detected by cross referencing with CCTV if available but there will always be the possibility of someone deliberately faking entries. To some extent there must be some reliance on good faith between business and enforcement officers.

4.3 A refusals book is most likely to come under scrutiny following an underage sale test purchase. Officers will usually check it straight after a sale to avoid the possibility of tampering after the event.

5.0 How do refusals books fit into best practice regarding the prevention of underage sales?

5.1 Best practice on the prevention of underage sales now centres on the application of a robust age verification policy by the business. Typically this will be a Challenge 25, or Challenge 21, policy. This means is it the policy of the business to challenge anyone who appear to be below the age of 25 or 21 to prove they are over 18 when buying age restricted products.. Challenge 25 is Southwark's preferred policy and now forms part of new mandatory licence conditions.

5.2 A refusals register fits into this best practice by helping the business prove it carries out its age verification policy effectively.

5.3 In order to promote best practice, and assist smaller businesses, the trading standards team have this month introduced corporate refusals books which will be promoted and issued out over the coming months.