

# The Retail of Alcohol Standards Group

---



Guidance for retailers in England on selling  
alcohol responsibly



**RASG**

Retail of Alcohol  
Standards  
Group

---

2024 Edition

# Contents

	<b>Foreword</b>	<b>3</b>
	<b>About the Retail of Alcohol Standards Group</b>	<b>4</b>
<b>1</b>	<b>Legislation around the sale of alcohol in England</b>	<b>5</b>
	<ul style="list-style-type: none"><li>• The Licensing Act 2003</li><li>• Distance Sales</li><li>• Mandatory conditions</li><li>• Individual licensing conditions</li><li>• The Licensing Objectives</li></ul>	
<b>2</b>	<b>Age restricted sales</b>	<b>7</b>
	<ul style="list-style-type: none"><li>• Legal obligations</li><li>• Penalties</li><li>• Guidance and support for retailers on preventing underage sales</li><li>• Challenge 25</li><li>• ACS Age-related sales guidance</li><li>• ID checklist</li><li>• Home Office guide on fake ID</li><li>• Internal Test Purchasing</li><li>• Trading Standards Primary Authority Advice</li></ul>	
<b>3</b>	<b>Pricing</b>	<b>12</b>
	<ul style="list-style-type: none"><li>• Legal obligations</li><li>• Competition Law</li><li>• Minimum Unit Pricing</li><li>• How does MUP in Scotland affect consumers in England?</li><li>• How does MUP in Wales affect consumers in England?</li><li>• Mandatory licensing conditions</li><li>• Further pricing restrictions</li></ul>	
<b>4</b>	<b>Promotion of alcohol</b>	<b>15</b>
	<ul style="list-style-type: none"><li>• Action retailers should consider to support responsible promotion</li><li>• Voluntary measures on labelling</li><li>• Guidance and support for retailers<ul style="list-style-type: none"><li>• The ASA</li><li>• The Portman Group</li><li>• Drinkaware</li></ul></li></ul>	
<b>5</b>	<b>In-store environment</b>	<b>18</b>
	<ul style="list-style-type: none"><li>• Legal obligations</li><li>• Action to ensure the responsible placement of alcohol</li></ul>	
<b>6</b>	<b>Home delivery</b>	<b>19</b>
	<ul style="list-style-type: none"><li>• Legal obligations</li><li>• Action to ensure the responsible delivery of alcohol</li></ul>	
<b>7</b>	<b>Low and no alcohol</b>	<b>21</b>
	<ul style="list-style-type: none"><li>• Legislative and social responsibility considerations</li><li>• Advice for retailers on how to responsibly sell low and no alcohol beverages</li><li>• Guidance</li></ul>	
<b>8</b>	<b>Tackling the illicit Trade</b>	<b>23</b>
	<ul style="list-style-type: none"><li>• Legal obligations</li><li>• Alcohol Wholesale Registration</li><li>• Action to prevent the illicit sale of alcohol</li><li>• Guidance and support for retailers</li></ul>	
<b>9</b>	<b>Local Engagement</b>	<b>25</b>
	<ul style="list-style-type: none"><li>• Action to promote positive partnerships locally</li><li>• Local Engagement through Community Alcohol Partnerships (CAP)</li><li>• Local Engagement Case Study - Broadstairs and Ramsgate CAP</li><li>• Best practice in tackling proxy purchases</li><li>• A co-ordinated response to anti-social behaviour (ASB)</li><li>• Action to ensure the responsible placement of alcohol</li></ul>	



# Foreword



Retailers in the UK take their legal and social responsibility with regards to the sale of alcohol very seriously, and the members of the Retail of Alcohol Standards Group (RASG) have been at the forefront of efforts to promote the responsible retail of alcohol since the group started in 2005.

RASG created the [Challenge 25](#) ID scheme in 2006 and continues to promote the scheme today, ensuring [posters and other free materials](#) available on our website are not only visually appealing and legally accurate but specific to the different regions of the UK.

This guidance was originally developed in 2014 to help set a standard for the responsible retail of alcohol in off trade retailers, such as shops and supermarkets. The second edition, published in 2017, built on and improved the initial guidance by enhancing the signposting to best practice schemes and guidance and containing more links and contact information to guidance and publications that might support retailers. This newest version builds on both previous versions, updating legislative text and best practice signpost whilst also referencing new legislation and updated links for easy access by all that use it.

It is our hope that this guidance is easy to access for all alcohol retailers and that it continues to be a useful one-stop source of information for those wanting to improve their standards and become increasingly responsible retailers of alcohol.

Yours sincerely,

A stylized, handwritten signature in black ink, consisting of a large, looped 'H' followed by a flourish.

**Hardish Purewal**  
**Chair, Retail of Alcohol Standards Group**

# About RASG

The Retail of Alcohol Standards Group (RASG) is a panel of UK retailers committed to promoting the responsible retail of alcohol both in-store and on-line. We work with and share our expertise with government, local government representatives, industry bodies, trade associations and other interested parties. We keep abreast of legal requirements, trends and changes to offer practical advice and develop guidance and best practice to aid all retailers in operational compliance.

RASG was established in 2005 to tackle underage sales and underage drinking. In 2006 we developed and launched the ID scheme '[Challenge 25](#)'. Challenge 25 introduced a common standard for ID checking. The popularity, growth and ease of the scheme to be applied to any age restricted products meant that it was easy for retailers to adopt and apply to all age restricted goods that they sold. This also provided consistency for consumers, making the production of ID, if you looked under 25, the norm when buying age restricted goods. In Scotland, it is a condition of all premises licences to have an age verification policy such as Challenge 25. Failure to do so is a criminal offence and a breach of the conditions attaching to a premises licence.

Following on from the development of Challenge 25, RASG focussed on underage drinking and proxy purchasing. In 2007 we established the first [Community Alcohol Partnership](#). The benefit of Community Alcohol Partnerships very much being the fact that these are localised schemes which aim to reduce alcohol harm among young people by tackling both the supply and demand side of alcohol in communities.

The membership and remit of RASG continues to grow. In 2019 membership was extended to include the Wine and Spirit Trade Association's online specialist alcohol retailers. 2022 saw the first membership of a fast delivery app business. The decision to extend membership was a much needed, crucial move to ensure that RASG remains up to date and vigilant in identifying issues that affect all retailers in today's market, whether operating off or on-line.

This guidance is simply one way that RASG continues to work on ways to prevent underage sales and underage drinking, whilst also promoting high standards among alcohol retailers.

If any readers have further questions about our work, please feel free to contact us via [info@rasg.org.uk](mailto:info@rasg.org.uk)



# Legislation around the sale of alcohol in England

The sale by retail of alcohol is a licensable activity and is regulated by the Licensing Act 2003 (as amended).

## The Licensing Act 2003

The Licensing Act 2003 (the “2003 Act”) established a single integrated scheme for licensed premises that are used for the sale or supply of alcohol. The Act covers the regulation of both the “off trade” i.e. shops and supermarkets whether trading from actual premises or online, and the “on trade” i.e. pubs, bars and clubs.

Permission to sell or supply alcohol is contained in a licence, the premises licence. A premises licence authorises the use of a premises for the sale of alcohol. Responsibility for issuing licences rests with local authorities.

Both the premises licence holder and the designated premises supervisor are responsible for the premises at all times, including compliance with the terms of the 2003 Act and the terms of the licence. They must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol and must ensure that staff are made aware of the existence and content of the policy,

## Distance Sales

The sale of alcohol online, by telephone and mail order or through alcohol delivery services are licensable and must also comply with the requirements of the 2003 Act. The premise that requires a premises licence, depends on where the alcohol is stored, selected and despatched to the purchaser from.

The 2003 Act has some specific rules for distance sales because of the definition of “Location of Sales”. It is the location of sale that determines what premise needs to be licensed. The wording in the 2003 Act is: “the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract”.

This means that if consumers purchase alcohol via a website or telephone order, but the alcohol is stored, selected and despatched to the purchaser from a warehouse, it is the warehouse, and not the location of the office or call-centre, that needs to have a premises licence.

## Mandatory conditions

As well as the requirements under the 2003 Act, the mandatory code places conditions relating to the sale and supply of alcohol on every premises licence. The mandatory conditions that are applicable to the off trade are:

MANDATORY CONDITIONS	On or Off-trade
The premises licence holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must, as a minimum, require individuals who appear to be under the age of 18 years of age to produce on request, before being served alcohol, a proof of age document bearing their photograph, date of birth, and a holographic mark or an ultra violet feature.	On and Off-trade
A prohibition to sell alcohol below cost i.e. below the level of excise duty plus VAT for any alcoholic product:	On and Off-trade
<ul style="list-style-type: none"> <li>A 750ml bottle of wine cannot be sold for less than £2.68 i.e. £2.23 duty and £0.45 VAT*.</li> <li>A 70cl bottle of rum at 40% vol. cannot be sold for less than £9.66, i.e. £8.05 duty and £1.61 VAT*.</li> </ul>	

\*Figure correct at time of guide production, [November 2022]

# Legislation around the sale of alcohol in England

## Individual licensing conditions

In addition to the mandatory conditions, licensing authorities may place further individual conditions on an alcohol licence, either during the application process or by review. These must be proportionate and relevant and may impose stricter requirements that are appropriate for the protection of the licensing objectives. These conditions will be set out either in the premises licence itself or in Annex 2 of the licence. It is vital that retailers check all sections of the licence and Annexes to ensure that these conditions are adhered to at all times.

## The Licensing Objectives

In addition to the strict regulatory environment that regulates the sale of alcohol, when applying for a licence you must have regard for the Licensing Objectives. Applications must be able to satisfy the responsible authorities<sup>1</sup> that these objectives are being met before an application will be approved. There are 4 licensing objectives:

### 1.THE PREVENTION OF CRIME AND DISORDER

The police will principally consider whether a licence application might undermine the crime prevention objective. Issues such as the type of premises, disorder in the local area, violence prevention, and CCTV are some of the issues that may be considered to ensure this objective is met.

### 2. PUBLIC SAFETY

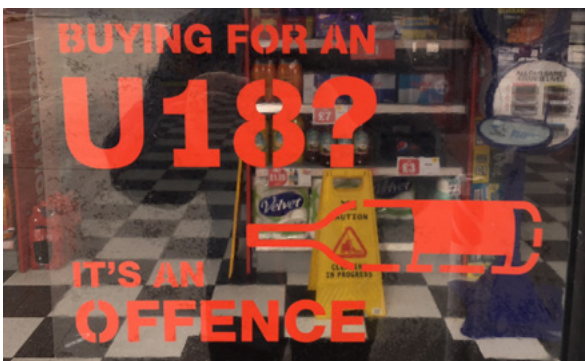
The police, and other consultees including, but not limited to, the fire service, trading standards and environmental health will consider applications to ensure that they meet this objective. Public safety must be paramount at all times and so operating schedules will be reviewed. Issues such as fire-fighting equipment, smoke alarms, inadequate lighting and signage are some of the issues that will be considered to ensure this objective is met.

### 3. THE PREVENTION OF PUBLIC NUISANCE

Building Control and/or Planning and Environmental Health are the main responsible authorities concerned with this objective. Nuisance issues such as noise, smells and light pollution will be considered to ensure this objective is met.

### 4.THE PROTECTION OF CHILDREN FROM HARM

This objective is mainly concerned with the prevention of under-age sales of alcohol and the effects of excessive alcohol drinking on the young. A robust age verification policy, amongst other preventative measures is a must when trying to satisfy this objective.



<sup>1</sup> Responsible authorities consist of the police, local fire and rescue, the relevant licensing authority, local enforcement agency for the Health and Safety at Work etc Act 1974, environmental health authority, planning authority, body responsible for the protection of children from harm, local trading standards, any other licensing authority in whose area part of the premises is situated, Home Office Immigration Enforcement (on behalf of the Secretary of State)

In this section we are concentrating on the satisfying the licensing objective 'protecting Children from harm'. To comply with this objective, responsible retailers must not only adhere to the law regarding alcohol sales to under 18s but must also undertake further measures to prevent underage sales, proxy sales and general harm to children when selling alcohol.

## Legal obligations

Sections 145 to 154 of the 2003 Act set out the key legal provisions relating to children and the sale of alcohol in England and Wales.

There are a number of offences under the 2003 Act:

- It is a criminal offence for any person to sell alcohol to a person under the age of 18.
- It is a criminal offence for a person under the age of 18 to attempt to buy alcohol.
- It is a criminal offence for any person to attempt to buy alcohol on behalf of a person under the age of 18. This is known 'proxy purchasing'.

In relation to distance sales, the Act does not create an offence of delivering alcohol to a person who is under 18 years of age, provided that:

- the sale itself was made to a person aged 18 or over, and
- the delivery is to a place where the purchaser lives or works.

As well as the requirements under the 2003 Act, the mandatory code<sup>1</sup> places a condition on every licence to ensure that they have an age verification policy in relation to their premise. As a minimum, this policy must require individuals who appear to be under the age of 18 years of age to produce on request, before being served alcohol, a proof of age document that bears their photograph and date of birth along with either a holographic mark or an ultraviolet feature.

The mandatory condition requires that age verification takes place before a person is served alcohol. Guidance issued by the Home Office under s.182 of the 2003 Act attempts to clarify the position on age verification checks for distance sales and is discussed in more detail in section 6.

## Penalties

There are significant penalties for selling alcohol to a person under the age of 18 for both staff and retailers.

These include:

- A potentially unlimited fine if an underage sale is made, unless the staff member that made the sale can show that they took all reasonable precautions and exercised due diligence, which includes asking for identification, that would convince a reasonable person that the purchaser was over 18.
- An on the spot fine of up to £90 for any shop worker selling to a person underage.
- A potentially unlimited fine for a premise that persistently<sup>1</sup> sells to people underage.
- Closure orders for a maximum of 14 days following persistent underage sales, under section 169A of the Police and Social Reform Responsibility Act 2011.
- A potentially unlimited fine for a person who purchases alcohol on behalf of a minor.
- Review of your alcohol licence with the potential to lose it and have to cease trading.
- Removal of a Designated Premises Supervisor.

<sup>1</sup> defined as happening on 2 or more occasions in a 3-month period. S. 147a of the Police and Social Reform Responsibility Act 2011

# Age restricted sales

---

## Guidance and support for retailers on preventing underage sales

Under the 2003 Act, it is an offence to sell alcohol to any person under 18 years. However, it is a defence if the person charged believed that the purchaser was 18 or over and they had taken all reasonable steps to verify their age. The Act goes on to say that a person is deemed to have taken reasonable steps to determine a person's age if they asked for evidence of the buyer's age and this evidence would have convinced a reasonable person that the purchaser was over 18. It is also a defence for a person to show that they exercised all due diligence to avoid committing an offence.

Reasonable steps differ from business to business. What is reasonable varies depending on the size of a business, the business model, the goods being sold, and the risks associated with those goods. This will mean taking positive action to make sure that you have procedures in place to ensure that sales to children or young persons do not happen. This involves assessing the way that your business operates and putting in place a series of checks to prevent underage sales being made. Reasonable steps will involve having an appropriate age verification policy in place, i.e. Challenge 25, but details of when verification checks are required will depend on how a business operates.

To demonstrate that a business exercised due diligence to prevent making underage sales, you might consider the following steps:

- Provide every member of staff that sells alcohol age restricted sales training, including references to the application of the Challenge 25 scheme and proxy purchasing where appropriate, and provide refresher training on at least a yearly basis.
- Ensure that the age verification policy has a clear policy on which proof of age documents are acceptable in store and provide training to staff to support this.
- If in doubt, contact your local authority or Primary Authority (see below for further information) who will be able to assist in the development of a robust ID policy.
- Have an underage sales escalation process that can be followed in the event of a failed test purchase for alcohol and consider internal test purchasing to test the robustness of the ID policy and training.
- Have an in-built prompt on computerised systems for purchases that contain alcohol, which alerts staff and requires active assent to the sale and ensure that no alcohol sales through self-service tills can be made without authorisation from staff in store.
- Where operationally possible, have the Designated Premises Supervisors (DPS) for any store be based in that premises.

## Challenge 25

Created by RASG, Challenge 25 is a retailing strategy that encourages anyone who is over 18, but looks under 25, to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Such an age verification policy is a mandatory requirement for all licence holders.

RASG maintains a suite of official posters, shelf sliders and badges designed with the Challenge 25 branding for use in any store in the UK. These are available to [download for free from the RASG website](#) and includes versions for use in Wales and Scotland also.

It is important to note that the scheme isn't just about posters, it's about providing staff with detailed training on the scheme and supporting them with additional training, such as conflict resolution. To ensure that staff feel supported and more confident in their decisions to request age verification, managers should also be trained not to overrule staff once a challenge has been made.



# Age restricted sales

The adoption of Challenge 25, and the training that goes with it, helps to give confidence to staff to make challenges, shows the public that the scheme is in operation and helps to deter those that may attempt underage sales.

The operation of Challenge 25 is determined by each individual retailer. However, the WSTA has developed [a short guide about how you can implement the scheme](#).

## ACS Age-related sales guidance

All major retailers provide their staff with age related sales training on a regular basis, however in order to support convenience and independent retailers the Association of Convenience stores have produced a guide to age related sales. This guide includes information on:

1. Approaches to Preventing Sales
2. Proof of Age
3. Online Sales
4. Record Keeping
5. Staff training

This guide is [available here](#).

## ID Checklist

The ACS guide also includes information on the different kinds of fake ID that might be presented, by minors, when attempting to buy alcohol. These include:

- A genuine ID that has been tampered with.
- A genuine ID that is not actually theirs.
- A fake ID that is an imitation of a genuine ID card type.
- A fake ID that is made for the purpose of looking genuine but is not a real scheme.

The guide details a 5-step process that retail staff can follow to minimise the risk of accepting fake ID:

STEP 1: CHECK THE PHOTOGRAPH	Ensure that the photograph is of the person presenting the card. The photograph must be printed directly onto the plastic of the card – NOT stuck on top of the plastic
STEP 2: CHECK THE DATE OF BIRTH	Calculate the age of the person from the date of birth. (It may be useful to have a note on the birth year for a 16 and 18-year-old on the till point.) The date of birth must be printed onto the plastic – NOT handwritten or stuck on top of the plastic.
STEP 3: CHECK THE DOCUMENT	Ensure the card has not been tampered with or altered (for example the printed dates have been altered using a pen or marker). Feel the card to identify whether anything has been stuck to the card. Check for security features on a driving licence, such as raised text and an image that changes when the card is tilted to ensure it is genuine. Only accept cards that have the expected security features.

# Age restricted sales

STEP 4: CHECK THE PASS HOLOGRAM (IF NOT A PASSPORT OR DRIVING LICENCE)	Look for the 3D effect in the background of the hologram. Make sure it has the characteristic tick on the 'A' in the PASS lettering. The hologram must be flush with the plastic of the card – NOT stuck on top of the plastic
STEP 5: CHECK THE PERSON	If you are still unsure about a person's age, your legal responsibility is to refuse to sell.

## Home Office guide on fake ID

The only ID that is acceptable for the purchase of alcohol is one that contains a photograph, date of birth and a hologram or ultra-violet logo. However, while retailers are required by law to have an age verification policy in relation to alcohol sales, the ID that retailers accept can vary.

The Home Office has developed guidance for retailers which sets out what ID is allowed for alcohol sales and provides guidance on how to detect fake ID. This information can be used as part of training to support staff in identifying and dealing with fake ID. [The guide is available here.](#)

## Trading Standards Primary Authority Advice

Primary Authority offers businesses the opportunity to form a legally recognised partnership with a local authority of their choice (known as the Primary Authority). Your Primary Authority can provide you with assured, consistent regulatory advice that makes it simpler and easier to comply with environmental health, trading standards and fire safety legislation. Enforcing authorities should respect this advice when regulating your business.

Participating in Primary Authority can give your business greater confidence in your regulated activities and reduce your risk of contravening legislation. Provided that you follow the advice you are given, you can be confident that you are complying with the law.

There are two ways for your business to participate in Primary Authority:

- Your business can form its own partnership with a local authority – this is called a direct partnership.
- Your business can be a member of a trade association or other group with a primary authority – this is called a co-ordinated partnership.

Any business can participate in Primary Authority, whether it is an established business or just starting out. A business can choose what type of primary authority best meets its needs.

Further details can be found [here](#).

Both the WSTA and The Association of Convenience Stores operate Primary Authority partnerships. More details can be found via their websites: [WSTA](#) and [ACS](#).

# Age restricted sales

## Internal test purchasing

Internal test purchasing provides one way to test the robustness of your age restricted sales policy. There are a range of third parties that can be hired to conduct internal non-punitive test purchasing. There are many advantages to using an external, independent company to carry out internal test purchasing:

- it demonstrates to local authorities that you take the issue of underage sales seriously.
- Including these checks will add to your due diligence defence if a sale to a minor is mistakenly made.
- Most companies provide evidence and feedback of visits which can help ensure that compliance is increasing and if not, this puts you in an informed position to act quickly and provide additional staff training when needed.

To find a company that suits your needs, you can visit the [Age Verification Providers Association](#), a not-for-profit trade body representing organisations who provide age verification services.



Pricing of products, including alcohol, is strictly regulated. Primarily, this is to ensure that companies do not engage in anti-competitive or cartel style practices. However, there are also consumer protection restrictions around the promotion of products and the minimum price at which products can be sold.

### Legal obligations

#### Competition Law

Retailers must be aware of their obligations under the Competition Act 1998 (the “Act”), and related EU competition law, particularly the provision set out in Section 2(1) of the Act. This section states that any agreements, decisions or practices which directly or indirectly fix purchase or selling prices or any other trading conditions are unlawful.

In practice this means any agreement which encourages or brokers an agreement between businesses to raise/fix prices or to set minimum prices will almost certainly infringe the Act. In addition to this, any measure which acts as a mechanism to co-ordinate the commercial decision-making of independent businesses through non-mandatory means such that those businesses take a decision collectively, or in agreement with each other, rather than individually/unilaterally or encourages or facilitates the sharing (directly or indirectly) of commercial information from one business to another, including information on the future commercial activity, are highly likely to breach the Act.

All retailers and trade associations are entities for the purposes of the Act and are therefore within the scope of the Act.

Any breaches of this Act are investigated by the Competition and Markets Authority, who have produced the following guidance for retailers. This is available on the GOV.UK website and includes:

- [How to comply with competition law](#)
- [Competing fairly in business: short guide](#)
- [Limiting risk in relation to competitors' information](#)
- [Agreements and concerted practices – understanding competition law \(OFT401\)](#)
- [Government in markets \(OFT1113\)](#)

Further guidance from the Office of Fair Trading can be seen in its [submission to the Health Committee Inquiry into the Government's Alcohol Strategy](#) (May 2012)

Guidance from the Competition and Markets Authority can be [found here](#).

Penalties for breaching competition law can be quite severe. This could lead to:

- Fines of up to 10% of group global turnover.
- Having provisions in agreements being declared void and unenforceable.
- Actions for damages from customers and competitors who can show they have been harmed by the anti-competitive behaviour; and
- Individuals being disqualified from being a company director and lead to criminal sanctions.



## Minimum Unit Pricing

Minimum Unit Pricing (MUP) for alcoholic beverages has been introduced in Scotland and Wales. Minimum pricing means that both the Scottish and Welsh Governments have set a price below which alcohol cannot be sold. The UK Government has not implemented an MUP for alcohol in England, however it does continue to keep this policy under review.

More detailed information on MUP in Scotland and Wales are provided within the RASG Guidance for Scottish retailers and the RASG guidance for Welsh retailers. The ACS have also produced guidance on MUP in [Scotland](#) and [Wales](#).

## How does MUP in Scotland effect consumers in England?

Minimum pricing applies to sales of alcohol that take place within Scotland i.e. where the alcohol is despatched from within Scotland.

- If alcohol is purchased online or by telephone or post in Scotland and despatched from Scotland – MUP will apply.
- If alcohol is purchased online or by telephone or post in Scotland and despatched from outside Scotland – MUP will not apply.
- If alcohol is purchased online or by telephone or post outside Scotland and despatched from Scotland - MUP will apply.

In relation to 'click and collect' facilities, these facilities are acting as a post box or collection point rather than a despatch point. The point of despatch would be where the goods have been despatched from to the 'click and collect' facilities.

## How does MUP in Wales affect consumers in England?

MUP in Wales applies to supplies of alcohol that take place from qualifying premises in Wales to any person in Wales. Purchases made in person, at a qualifying means that alcohol cannot be sold at a price below the applicable minimum price for the alcohol. MUP applies to online and telephone sales of alcoholic products that are despatched in Wales to a person in Wales.

With regards distance sales:

- If alcohol is purchased online, by telephone or post in Wales and despatched or collected in Wales – MUP will apply.
- If alcohol is purchased online, by telephone or post outside of Wales and despatched or collected in Wales – MUP will not apply.
- If alcohol is purchased online, by telephone or post in Wales and despatched or collected outside of Wales – MUP will not apply.

MUP will not affect distance sales made from Wales to people in England and/or Scotland.

In relation to 'click and collect' facilities, these facilities are acting as a post box or a collection point rather than a despatch point. The point of despatch would be where the goods have been despatched from to the 'click and collect' facilities.

# Pricing

## Mandatory Licensing Conditions

Following the implementation of the Licensing Act 2003 (Mandatory Conditions) Order 2014 it is unlawful in England and Wales to sell alcohol below the level of the combined cost of the duty rate of that product plus the VAT applicable on that duty. All retailers should ensure that they do not price products below this level. Guidance on the application of this restriction can be found here:

[Home Office](#)

[ACS, WSTA and LGA Guidance](#)

## Further pricing restrictions

Further restrictions which apply to all products, including alcohol, should also be considered such as:

- Unfair Terms in Consumer Contracts Regulations 1999
- Price Marking Order 2004
- Consumer Protection from Unfair Trading Regulations 2008

Given the strict rules around competition and pricing, there is no scope for retailers to discuss pricing collectively on either a self-regulatory or voluntary basis.

There is an obligation for retailers to set their pricing of alcohol individually. They should always ensure that any pricing practice meets the minimum requirements of the Mandatory Condition on the sale of below the levels of duty plus VAT. Additionally they must ensure that there is, as with every aspect of alcohol sales, due regard given for how the pricing or promotion of products may impact on the application of the licensing objectives.



The promotion of alcohol, as with any product, is a legitimate means for retailers to create competitive advantage and market differentiation. However, retailers must always ensure that they are following their legal obligations as well as adhering to the self-regulatory framework around the promotion of alcohol.

## Action retailers should consider to support responsible promotion

To ensure that alcohol is promoted responsibly retailers can consider the following points:

- Not cross-market or cross-promote alcohol with products that are designed to primarily appeal to children or products that are used as hangover remedies.
- Ensure tasting and sampling in store is done responsibly by only allowing small measures of alcohol samples and operate the Challenge 25 policy. Where contractors are used, retailers could provide guidance for contractors to inform them of these obligations.
- Provide non-alcohol alternatives as part of 'meal deal' offers that include alcohol.
- Include clear unit content, NHS guidelines and a warning about drinking when pregnant on all own brand labels for alcohol products.
- Adhere to the Drinkaware brand guidelines to enable clear and consistent usage, including using the Drinkaware logo on alcohol marketing where practicable. Please note that a fee is payable when referring to the Drinkaware logo and/or website on your products.
- Avoid putting alcohol adverts on standalone outdoor billboard sites within 100m of schools.

## Voluntary measures on labelling

It is not compulsory to include alcohol and health related information on alcohol labels. However, guidance produced by the Portman Group (in consultation with the British Beer and Pub Association, the National Association of Cider Makers, the Scotch Whisky Association, the Society of Independent Brewers and the Wine and Spirit Trade Association) provides best practice for drinks producers on communicating alcohol and health-related information to consumers.

The guidance provides icons and best practice options for on pack labelling including four minimum elements:

- Unit alcohol content per container (and optional per typical serve)
- Pregnancy logo or message
- Active signposting to BeDrinkaware.co.uk
- Chief Medical Officers' Low Risk drinking guidelines 2016.



# Promotion of alcohol

---

Full guidance on voluntary health labelling is available here:

» [Marketing Toolkit \(portmangroup.org.uk\)](https://portmangroup.org.uk)

## Guidance and support for retailers

### The ASA

The Advertising Standards Authority (ASA) [marketing rules](#) in this section apply to marketing communications for alcoholic drinks and marketing communications that feature or refer to alcoholic drinks. Alcoholic drinks are defined as drinks containing at least 0.5% alcohol.

Alcohol retailers should follow the ASA rules on marketing alcohol fully, including both the Broadcast and Non- Broadcast codes.

The ASA has also developed a training module to support retailers and producers understand the code of practice around alcohol marketing. [Online training](#) is available from the Committees of Advertising Practice (CAP) and the ASA.

### The Portman Group

The Portman Group operates two important codes of practice:

1. [The Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#)
2. [The Code of Practice on Alcohol Sponsorship](#) to ensure that alcohol is marketed in a socially responsible way, only to those aged 18 and over, and in a way that does not appeal particularly to those who are vulnerable.

The Codes apply to all alcohol marketing (including naming, packaging, sponsorship, point-of-sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the ASA or Ofcom.

Both Codes are regularly reviewed and publicly consulted upon.

If a product breaches The Portman Group codes, they issue a [Retailer Alert Bulletin \(RAB\)](#) to alert retailers of this breach. Supportive retailers agree to remove products that are subject to the bulletin and agree not to re-stock it until it has been amended to meet the code's standards.

The Portman Group also operates an [independent advice line](#) to support retailers and producers in applying the Portman Group code to the products that they produce or sell. This advice is free, confidential and designed to support the industry in applying the code to their own practices.

To ensure retailers are promoting and packaging products appropriately RASG retailers should:

- Ensure that own label products comply with the Portman Group Codes.
- Support the principles of the Portman Group code by not restocking any products which fall foul of the code and are the subject of a Retailer Alert Bulletin.



# Promotion of alcohol

---

## Drinkaware

Drinkaware is an independent UK-wide charity with the objective of reducing harm from alcohol by helping people make better choices about their drinking. They do this by providing impartial, evidence-based information and advice and practical resources; raising awareness of alcohol harms; and working with partners to help people to change their behaviours through the use of their tools and interventions.

Visit [drinkaware.co.uk](https://drinkaware.co.uk) for more information.

Inclusion of the Drinkaware logo on products and advertising is a widely recognised way of demonstrating an organisations commitment to the responsible sale and consumption of alcohol.

The Drinkaware logo is protected by a registered trademark and there is a charge for entering into a licence agreement. Without the relevant agreement, organisations cannot use the Drinkaware logo.

The cost of using the Drinkaware logo varies depending on the size and type of the organisation, and whether turnover from alcohol sales in the UK is above or below £2.5m per year (after duty, before VAT). For more information, please visit [Drinkaware Logo Licence | Drinkaware Shop](#)



The in-store environment is unique to each retailer and varies greatly depending on the size, layout and type of store. Distinction in this chapter is drawn between large stores and convenience retailers because of the differing challenges facing each store in terms of their in-store environment.

Convenience stores are defined as being 280sqm (3,014sqft) and under as in the Sunday Trading Act 1994.

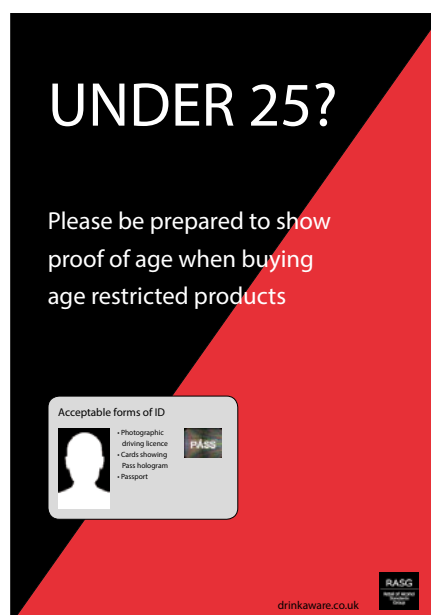
## Legal obligations

There are few legal restrictions on the placement of alcohol in-store in England and Wales. This is limited to the application of the Licensing Act 2003, and any specific conditions licensing authorities place on an individual store. Additionally, store designs and layouts are an important point of competitive differentiation between retailers.

## Action to ensure the responsible placement of alcohol

While all retailers take an individual approach to how they organise their store layouts depending on the store format, retailers may like to consider the following to help promote the responsible retailing:

- Provide simple and consistent information in store as well as via other marketing channels (e.g. online, in-store magazines), to raise awareness of units, NHS lower-risk drinking guidelines, and the health harms associated with exceeding the guidelines.
- Display Challenge 25 signage in stores and consider displaying further age restricted sales warnings e.g. Drinkaware signage or unit awareness information.
- Place alcohol products responsibly and have due regard for its location and proximity to other products.
- Operate Challenge 25.
- Ensure that low-alcohol and non-alcohol alternatives are available.



Online sales and home delivery are extremely common today, offering consumers convenience and choice about when and where they receive their goods.

There are various business models that offer the delivery of alcohol to consumers. Whether alcohol is delivered by a supermarket's own delivery service, an online specialist company or a third-party delivery service the same challenges, in relation to underage sales, apply to all.

## **Legal obligations**

This section is applicable to any home delivery that includes alcohol.

The Licensing Act 2003 (The 2003 Act) established a system of licensing for the sale and supply of alcohol in England and Wales. This guidance relates to the 2003 Act and is limited to the requirements for retailers in England and Wales. Scotland and Northern Ireland have their own Acts of Parliament that regulate the sale and delivery of alcohol there.

Sections 145 to 154 of the 2003 Act set out the key legal provisions relating to children and the sale of alcohol in England and Wales.

The legal requirements for remote sales of alcohol, including home delivery, are set out in Section 151 of the 2003 Act. While subsection 6 of this section outlines that alcohol can be delivered to a person under the age of 18, as long as the order is placed by an adult and the delivery is made to that adult's home or office address, point 10.52 of the Section 182 Guidance on the Licensing Act 2003, attempts to clarify a retailer's obligations in these circumstances by stating:

"Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act.

The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point, but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age."

# Home Delivery

---

## Action to ensure the responsible delivery of alcohol

While the legal application of the law does not require ID checks to be made on delivery, the tone of guidance suggests that it may be best practice to ensure that age verification (AV) checks are carried out on those who appear to be under the legal age, whenever possible, when alcohol is delivered to consumers.

The Retail of Alcohol Standards Group have produced guidance that specifically relates to online sales of alcohol, which can be accessed via our website [www.rasg.org.uk/online-sales-guidance/](http://www.rasg.org.uk/online-sales-guidance/). One of the key purposes of this guidance is to demonstrate to retailers that there is no right or wrong time to conduct an age verification check, the important thing is that an age check must be done. There is no specific time stipulated within the legislation and so this guidance helps retailers to identify when checks can be done and how, depending on their own unique business model. You will see that RASG members employ various checks, done at different times throughout the sales journey, to minimise the risk of alcohol being supplied to minors. These checks will vary from business to business and will depend on the model of the business concerned. This guidance identifies several different business models that offer to sell and/or deliver alcohol to consumers, and whilst RASG members do not fall into each of the categories identified, suggestions of good practice have been included for each.





This section of the guidance applies to low and no alcohol beverages.

'Low alcohol' beverages are those that contain a maximum of 1.2% alcohol by volume (abv).

'No alcohol' beverages are those that contain a maximum of 0.5% abv.

No alcohol beverages are commonly referred to as 'Alcohol Alternatives'. They are not legally defined as an alcoholic beverage and retailers do not need a premises licence to sell them.

Quite often, alcohol alternatives (maximum 0.5% abv) will not contain any alcohol and those that do, may have no more than a standard soft drink or other everyday groceries such as fruit juice. Despite this, the important distinction between alcohol alternatives and other soft drinks is that alcohol alternatives are intended to act as a replacement for alcoholic drinks, for adults, in contexts where alcoholic drinks would normally be consumed or provide an option in contexts where alcohol would not normally be suitable.

## Legislative and social responsibility considerations

### The definition of 'alcohol':

Legislation applicable to England and Wales defines 'alcohol' as 'spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any state), but does not include alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply'.

Scottish legislation refers to 'spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include alcohol which is of a strength of 0.5% or less at the time of its sale'.

Although the legislation has slightly different wording, they cover the same products and restrictions on abv.

### Licenses

Alcoholic beverages (above 0.5% abv) are licensable i.e. you must have a premises licence to sell them, and the sale must be made by or authorised by a person that holds a personal licence.

Alcohol alternatives (maximum 0.5% abv) are not licensable.

### Sales to people under 18 years of age

Alcoholic beverages (above 0.5% abv) cannot legally be sold to people under 18 years of age. If a sale was made, this would be an offence under the Licensing Act.

Alcohol alternatives (maximum 0.5% abv) can legally be sold to people under 18. If a sale was made, no offences would be committed under the relevant Licensing Act.

However, although offences would not be committed if an alcohol alternative was sold to a person under 18, businesses must consider the potential damage to their reputation and brand if they were to do so. This practice is likely to be viewed as irresponsible and would not be viewed positively within local communities or with government.

# Low and no alcohol

## Advice for retailers on how to responsibly sell low and no alcohol beverages

- **Extend your age verification policy to low and no alcohol beverages:**
  - Apply your existing age verification policy, for example Challenge 25 to all beverages marketed as low and no-alcohol beverages.
  - Make sure that staff are trained on your age verification policy and understand the difference between soft drinks and alcohol alternatives. Clear guidance on this topic would be helpful to staff members.
  - Ensure that your checkout systems identify low and no alcohol beverages in the same way they do alcoholic beverages by prompting staff to ask for proof of age.
- **Display low and no products in the beers, wines and spirits aisle:**
  - Retailers should not encourage people under 18 years of age to purchase low and no alcohol beverages. Perhaps the biggest deterrent to this is to display these products in the beers, wines and spirits aisle of your premises. This way, the products are not being targeted at, promoted to or acting as a temptation to people under 18.
  - Whilst it might be legal for people under 18 years of age to buy products below 0.5% abv, this behaviour should not be encouraged, both from a reputational point of view and from a social responsibility one. If a no alcohol beverage was sold to a minor, it is unlikely to be clear to other customers that the product is not an alcoholic one, as the packaging of these is very similar to their alcohol equivalents.

## Guidance

Many businesses are unsure how to position and market low and no products in a compliant and socially responsible manner:

- The Wine and Spirit Trade Association published the first UK Marketing Guidance for Alcohol Alternatives which can be accessed [here](#).
- The ASA also has guidance on rules for advertisers of alcohol alternative products which can be found [here](#).
- The Wine and Spirit Trade Association also have guidance on labelling of low and no 'spirit' alternatives, which can be found [here](#).



The Government estimates that there is around £800m of alcohol fraud in the UK and therefore tackling the illicit alcohol trade is beneficial for retailers, producers, consumers and the Government. There are several ways in which fraud occurs. This can be through non-payment of duty, theft or counterfeit alcohol.

## Legal obligations

Non-duty paid alcohol is covered by Section 144 of the 2003 Act. This makes it an offence if a person knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. Further legal aspects of the payment of duty fall under the following:

- The Excise Goods (Holding, Movement and Duty Point) Regulations 2010
- The Customs and Excise Management Act 1979
- HMRC due diligence requirements

## Alcohol Wholesale Registration

If, as part of your business you sell alcohol to another business you will need to apply to register for the Alcohol Wholesaler Registration Scheme (AWRS). This scheme was introduced by HM Revenue and Customs (HMRC) to tackle alcohol fraud. If you only sell alcohol to the general public and not to other businesses, you won't need to apply. "Incidental sales" are not in scope of the scheme – this includes sales made through your tills, where you have no reason to know the purchaser is buying for a business purpose. For more information on the scheme you can visit: <http://bit.ly/GovAWRSLink> or see the ACS Guide here: [AWRS | ACS | The Association of Convenience Stores](#)

## Action to prevent the illicit sale of alcohol

There are several actions that retailers can take to help avoid the sale of illicit alcohol, including:

- Undertaking due diligence on all alcohol suppliers to ensure that they are not providing illicit, stolen or non-duty paid alcohol.
- Ensuring that they have developed a company policy in relation to fraud which is relevant to alcohol products. This may include keeping documents relating to supplies to aid traceability if any issues are identified.
- Ensuring that they have developed a company policy in relation to store thefts, which includes alcohol related theft, and that have a protocol for members of staff to report incidents.
- Have a process for product recall or withdrawal that is applicable to alcohol in the event of fake, counterfeit or non-duty paid products entering the supply chain.
- If you believe that another retailer is selling alcohol that is non-duty paid, this can be reported to your local licensing authority who have powers to investigate this.

## Guidance and support for retailers

A joint taskforce was launched by the Government in January 2013 in a bid to tackle alcohol duty fraud. The Joint Alcohol Anti-Fraud Taskforce (JAAT) aimed to bring together law enforcers, trade bodies and key alcohol industry figures in order to tackle duty fraud.

This has now been subsumed by the Joint Alcohol and Tobacco Consultation Group (JATCG). For more details contact David Richardson on [David@wsta.co.uk](mailto:David@wsta.co.uk).

# Tackling the illicit trade

---

Should a retailer identify alcohol related fraud there are several ways in which this can be reported or dealt with. This includes:

- The National Food Crime Unit of the Food Standards Agency [National Food Crime Unit | Food Standards Agency](#)
- The Crime Stoppers Hotline on 0800 234 6388 or <http://bit.ly/CrimeSInfo>
- The HMRC fraud reporting hotline at 0800 595 000 or <http://bit.ly/HMRCFraud>
- Association of Convenience Stores Guide to Duty Fraud: <http://bit.ly/ACSFraud1>
- If you discover that an alcohol product you have been selling is illegal, dangerous or unsafe it may need to be subject of a product recall. Businesses must notify the Food Standards Agency of any recalls and should follow their recall process: <https://www.food.gov.uk/business-guidance/food-incidents-product-withdrawals-and-recalls>.

The WSTA also has a protocol for reacting to contamination incidents.



Constructive relationships and partnership work between retailers and licensing authorities can be incredibly useful to tackle all types of alcohol related harm and crime. Retailers are often approached by licensing authorities to take part in a wide range of local schemes, including through Community Alcohol Partnerships (see below for further information).

## Action to promote positive partnerships locally

In addition to their licensing obligations, retailers should consider the following:

- Have regard to all reasonable requests for licensing conditions as part of a licence application or review.
- On a case-by-case basis, give due regard to local schemes by enforcement agencies that are operated in the local community that seek to deal with alcohol related crime, anti-social behaviour and harm.
- Provide guidance to store managers about their ability to sign up to and support local schemes designed to tackle alcohol related crime, anti-social behaviour and harm.
- Encourage good working relationships between stores and local enforcement agencies.
- Work with RASG to support Community Alcohol Partnerships being introduced into communities where the problem of underage sales and drinking is identified.

## Ensure engagement is legal

While retailers are encouraged to work in partnership with local authorities to tackle alcohol related harm and crime, it is important that retailers understand the potential legal issues associated with this. The following guidance has been produced for retailers to ensure that they are aware of their legal obligations when dealing with local authorities or other retailers.

ACS and WSTA: <https://www.acs.org.uk/advice/reducing-strength>

Competition Commission Guidance: <https://www.gov.uk/government/collections/competing-fairly-in-business-advice-for-small-businesses>

## Local Engagement through Community Alcohol Partnerships (CAP)

Community Alcohol Partnerships (CAP) is a Community Interest Company which brings together and supports local partnerships of councils, police, retailers, schools, health providers and community groups across the UK to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities.

## Local Engagement Case Study: Broadstairs and Ramsgate CAP Evaluation

CAP is a central part of the 2017-22 Kent Drug and Alcohol Strategy which pledges to “co-ordinate enforcement and responsibility via support for Community Alcohol Partnerships (CAPs).” To fulfil this pledge all agencies in Kent fund a dedicated CAP co-ordinator, Neil Butcher, based in Trading Standards whose role is to support all CAPs across Kent.

A recent evaluation of the Broadstairs and Ramsgate CAP is testament to the success of that approach. In just two years both towns have seen huge improvements in compliancy with Challenge 25 (up to 87%), significant reductions in proxy purchase, reductions in youth anti-social behaviour and hotspots for underage drinking and a marked fall in alcohol-specific hospital admissions.

The CAP will now move to CAP+ (sustainment) with a focus on education for young people and parents and maintaining high standards in retail compliance with Challenge 25 and good relationships/ shared intelligence between retailers and the enforcement community (police and training standards).

*87% increase in compliancy with Challenge 25*

# Local Engagement

---

CAP provides a layered approach whereby retailers are visited and given advice and offered free training to build the foundation for best practice. Frequent Challenge 25 compliancy tests are carried out to check due diligence and ensure continued compliance. Intelligence is shared between partners to ensure that enforcement is targeted where necessary.

CAP builds and maintains positive relationships with retailers within a CAP. The co-ordinator for Kent has done a great job of encouraging all services to work together to build trust. Enforcement, of course, may be necessary but only where businesses continually sell to underage people and don't take the responsible steps to build the best due diligence systems that they can.

Neil Butcher has worked tirelessly to support smaller retailers and has been supported in this task by Waitrose and Sainsbury's in particular who have provided free training on Challenge 25. One of the greatest impacts of both the Broadstairs and Ramsgate CAPs was the adoption of the Challenge 25 policy and the increase in refusals on the Challenge 25 compliancy visits, in the case of Broadstairs an 87% increase in compliancy with Challenge 25.

When Trading Standards first visited the off licences, a number did not have a formal Challenge 25 policy. Two years on, all retail premises have a refusal log and staff training policy which are checked by Trading Standards.

## **Best practice in tackling proxy purchase**

The introduction of the CAP proxy purchase pavement stencil has had a marked impact on the number of young people hanging around shops asking adults to buy on their behalf.

Proxy purchase window stickers are a fairly new initiative that are now seen around both towns – the retailers were so pleased with them that they asked the Coordinator for more. Thanet Community Safety Unit funded the production of enough stickers to go in every shop window around both CAP areas and now wider afield in Thanet.

The Operations Manager Graham Smith from Sainsbury's Broadstairs said:

*"I think we are nailing it, but a lot of kids hang around here, so we have to keep the message refreshed. Signs make it more visible; people know that we are serious, and we are making positive trends in refusals."*

Early on in the CAP, co-ordinator Neil Butcher approached a local magazine called 'Educational Life' which writes positive news stories about young people in the area. The Chief Executive became a key partner in the CAP and promoted the initiative in their magazines a number of times. This included information for parents about proxy purchasing and CAP activities.

Nadarajah Naguleswaran of 'Best One' Convenience Store said:

*"I don't want any headaches and it has been very helpful. A couple of years ago people were running away with drink and it [CAP] has been a great deterrent."*

Chris Beckett, owner of the Bottle Neck in Broadstairs said:

*"We are no longer a target, we have very few problems here now and the CAP has helped with that."*

## Local Engagement

## A co-ordinated response to anti-social behaviour (ASB)

It was clear that although there were a lot of services working with young people across the towns and a lot of free diversionary activities taking place, there was not a great deal of engagement between the services and young people were not aware of the wide range of activities available to them.

The CAP co-ordinator effectively brought all the partners together so that they could see where their work interacted and overlapped and how they could best promote their services.

Key dates for ASB in the year had been highlighted from the outset – Folk Week in Broadstairs and Christmas in Ramsgate Town Centre. The CAP acted as a conduit for partners to come together and build the appropriate response to reduce underage drinking and associated ASB.

The number of ASB hotspots in Ramsgate reduced from 14 in 2016 to 4 in 2019 which is a 71% reduction in hotspots. In Broadstairs the reduction was from 9 hotspots to 4 - a reduction of 56%. ([www.police.uk/kent/289](http://www.police.uk/kent/289)).

Police data also highlighted marked decreases in alcohol related offences involving under 18s across both towns from May 2017 - May 2019.

For more information about community alcohol Partnerships please visit their [website](#) or email Kate ([kate@communityalcoholpartnerships.co.uk](mailto:kate@communityalcoholpartnerships.co.uk))













This guidance has been produced by the Wine and Spirit Trade Association (WSTA) in collaboration with our Primary Authority Trading Standards Partners at Salford City Council, on behalf of the Greater Manchester Regulatory Centre of Excellence, and the Shared Regulatory Services of Bridgend, Cardiff and the Vale of Glamorgan.

Registered Number: 410660 England

Correspondence address: Unit 9, Baden Place, Crosby Row, London, SE1 1YW  
Registered office: Lynton House, 7-12 Tavistock Square, London WC1H 9LT

Limited by Guarantee

VAT Number: GB 243 8280 60

