



NFYFC Drugs and Alcohol Policy with Guidance for County Federations DRAFT

Adopted July 2011 – Ref: P&G 020

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DRUG & ALCOHOL USE

To enable the adoption of this policy staff, management committees and all those in a position of responsibility should be aware and receive training on drug and alcohol issues. YFC members must also be aware of the policy and receive drug and alcohol information/support, if needed. Local young people's drug and alcohol services should be advertised to them.

The following guidelines should be adhered to:

- Explaining to and educating staff and service users about the drug and alcohol policy.
- The display of notices clarifying the organisational drug and alcohol policy.
- Offering support and information about drug and alcohol effects, and local service provision.
- Offer assistance in referring to drug and alcohol treatment services.
- Supervision of communal areas of the premises as far as it is reasonably possible.
- Arranging the lay-out of the building to ensure that the entrance is always observable and that the accommodation being used is fit for purpose in providing a safe environment for all YFC personnel.



It is essential to adopt a drug and alcohol policy that is consistent with other youth organisations within the County and agencies aiming to reduce substance misuse. Developing partnerships can benefit in terms of helping to develop the drug and alcohol policy, involvement in local strategies, joint work/training and local agreements.

NFYFC POLICY STATEMENT ON DRUG USE

1. NFYFC POLICY ON STANDARDS OF PERSONAL BEHAVIOUR IN YFC (Paper no. P&G 024)

This recommends banning of members in circumstances where they are proven to be abusing other members, members of the public, or property. In circumstances where YFC members are proven to be taking/abusing drugs, we need to be very careful with our actions being aware that, in many cases, the individual is abusing themselves and requires YFC's support rather than ostracising.

2. THE MISUSE OF DRUGS

The misuse of drugs by young people is to be discouraged. However, it is a fact of life in our present day society and NFYFC needs to recognise:-

- That illegal use of drugs includes supply and consumption of legal drugs, such as alcohol and tobacco to under 18's, as well as cannabis and ecstasy. (Please refer to the Licensing Act 2003, Licensing (Young Persons) Act 2000 and the Children and Young Person Act (Sale of Tobacco) Order 2007)
- Issues concerning drug use, misuse and their social context must be included in YFC programmes.
- Drug misuse should be addressed wherever possible through reducing the risk to the individuals, not purely through knee-jerk reactions to an illegal activity.

3. LEGAL AND PROFESSIONAL OBLIGATIONS

- a) Immediate action should be taken to stop the following activities at an YFC event:-
- i. Smoking Cannabis.
 - ii. Illegal supply or consumption of drugs, including alcohol to under 18's.
 - iii. Sale of tobacco to under 18 year olds. The Children and Young People (Sale of Tobacco) Order 2007 substitutes the age of 18 for the age of 16 which relate to the prohibition on the sale of tobacco products and cigarette papers to young persons in England and Wales.

- b) These activities, if allowed to take place, put the leader/worker in charge at risk of prosecution under the "Misuse of Drugs Act" or the licensing laws, only if he/she "knowingly permits" it to occur and takes no action to stop it.

The Misuse of Drugs Act states that it is an offence to:

- possess a controlled substance unlawfully
- possess a controlled substance with intent to supply it
- supply or offer to supply a controlled drug (even if it is given away for free)
- allow a house, flat or office to be used by people taking drugs

- c) Simply knowing about a young person's use or possession of drugs may not, in itself, render a leader/worker liable to prosecution. Under the "Police and Criminal Evidence Act" there is no obligation to pass on information about drug possession or misuse to the police as long as the leader/worker does not actively aid and abet or obstruct the police by hiding drugs.
- d) A refusal to answer police questions may amount to an obstruction of the police in the course of their duty, which is a criminal offence.
- e) Any illegal drugs found should be destroyed or given to the police without delay.

4. WHAT TO DO

- a) Where a young person is found to be using or in possession of drugs at a YFC event they should be asked to stop and the drugs destroyed.
- b) If this continues they should be asked to leave.

It is necessary to differentiate between persistent breach of policy and first time policy breaches.

The following measures could form the next set of actions if you have not succeeded in preventing prohibited drug activity:

- *Recording warnings, sanctions and directions to stop supply or use on premises in an incident book, and ensuring that these measures are enforced. (refer to appendix 2 and 3)*
- *The temporary banning of people repeatedly breaching the drug policy.*
- *Reviewing the use of premises for YFC events*

The following actions should only need to be taken in extreme cases if all else has failed:

- *Calling the police to remove banned people from premises.*
 - *If anyone is found to be dealing/supplying drugs on the premises under YFC supervision, the police should be informed straight away.*
 - *Temporary closure of the project.*
 - *Considering alterations to the building.*
- c) Where a young person is proven to be dealing drugs at a YFC event, there should be a recommended life ban from YFC membership.
 - d) Young people should be made aware that where drugs are supplied at a YFC event, the police will be involved. This decision will be taken by the leader/worker in charge and the County staff member/Management Committee.
 - e) Where a young person is proven to be persistently using or in possession of drugs at YFC events, there should be a recommended one-year ban.

As a follow-up course of action you could:

- Point out that it should not occur at YFC events and why

- Provide information about the effects of drugs
- Help them access support services
- Encourage them to discuss their problems with their parents or care workers

An incident report and recording and reporting form can be found in appendix 2 and 3

5. SEARCHING YOUNG PEOPLE: CONFISCATING DRUGS

- Leaders/workers do not have the legal power of a search. They can, however, ask a person to turn out their pockets whilst in the presence of a second leader/worker.
- It is quite acceptable to make a consenting search a condition of entry to all or carry out random searches. It should be made clear that it is not discriminatory. This could be done by security queue walkers to save time at the point of entry. The SIA guidance recommends that 'customers should be warned that pre-entry searches could happen. They should also be warned before they are searched. It is good practice to display a notice showing the search policy at the entrance or just inside the entrance to the venue.'
- It is also acceptable to use an amnesty box for people to put items into before entering an event. This needs to be arranged with the local police. You will need to brief the security that searches should still be made as to detect items not put in the amnesty box.
- In the case of a young person who is in possession of small amounts of drugs for his or her own use, the leader/worker may receive the illegal drug from the person with the intention of giving to the police or destroying.
- In taking temporary possession and disposing of suspected illegal drugs leaders/workers will:
 - Ensure that a second adult witness is present throughout;
 - Seal the sample in a plastic bag and include details of the date and time of seizure/find and witness present;
 - Store it in a safe and secure location with access limited to two senior members of staff;
 - Without delay, notify the police, who will collect it, and then store or dispose of it in line with locally agreed protocols. The law does not require the organisation to divulge to the police the name of the person from whom the drugs were taken. Where a person is identified, the police will be required to follow internal procedures;
 - Under no circumstances should it be kept on the person or the leader/worker, or removed from the premises unless to take to the police station.
 - Record the full details of the incident in the record book/sheet, including the police incident reference number;
 - Inform parents/carers unless this would jeopardise the safety of the member.

Penalties for possession and dealing

		Possession:	Dealing:
Class A	Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection).	Up to seven years in prison or an unlimited fine or both.	Up to life in prison or an unlimited fine or both.
Class B	Amphetamines, Cannabis, Methylphenidate (Ritalin), Pholcodine, Naphyrone (NRG1)	Up to five years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.

Class C	Tranquilisers, some painkillers, Gamma hydroxybutyrate (GHB), Ketamine.	Up to two years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.
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<http://www.homeoffice.gov.uk/drugs/drug-law/>

6. CONFIDENTIALITY AND SUPPORT

- a) Leaders/workers should never agree absolute confidentiality. In line with safeguarding guidance, it should be made clear that conversations will be kept confidential unless the leader/worker believes there is significant risk to the health or safety of the young person.

When working with under 18's and there is an indication of serious risk to health through repeated use of alcohol, solvents or an illegal drug, parents should be contacted. However, in cases where it is judged that family relationships may be an important contributory factor to drug abuse, or where it is suspected that contact with the family may not be beneficial to the welfare of the young person concerned, the situation should be discussed with a professional worker eg your Local Safeguarding Children Board any decision to contact parents is taken.

IN ALL CASES, the leader/worker should first negotiate any such contact with the young person concerned, with a view that it may be done on his or her terms. If a leader/worker considers that there is a "significant risk of harm," information can be disclosed without consent to the social services, police, NSPCC or parents in order to protect the child. But working with the young person to make this disclosure is advised, where possible.

- b) In the case of a known drug/alcohol user, ongoing support should be offered to the young person concerned and referral to another agency should be negotiated. Leaders/workers should be trained in giving brief advice on how to reduce the harm of drug use. Where drug use is problematic, local Young Persons Substance Misuse Service should be contacted for advice and possible referral.
- c) For guidance, support, and links to appropriate agencies, it is strongly recommended that YFC County Federations develop a partnership with their County Youth Service and Local Safeguarding Children Board.

7. COMPLAINTS

A young person should be able to complain against a decision where they do not feel it is justified through the complaints procedure and made aware of this.

YFC POLICY STATEMENT ON ALCOHOL USE

YFC, by the nature of working with young people, operates in an environment in which those young people will want to experiment with alcohol. We recognise that, as an organisation with a mixed age group (10 to 26) there is a responsibility placed upon older members and YFC helpers / supporters to ensure that, as responsible individuals and as an organisation, we operate within the law in regard to the sale and consumption of alcohol.

8. CHILDREN AND ALCOHOL CONSUMPTION: LICENSING LAW 2003

The 'protection of children from harm' is one of the four licensing objectives of the Licensing Act 2003 ("the Act"). Under the Licensing Act 2003, it is illegal for children under 18 years old to:

- Be sold alcohol anywhere
- Be given alcohol
- Drink alcohol in a licensed premises, unless they are 16 or 17 year olds having a meal with an adult in which case they can drink beer wine or cider
- Try to buy alcohol unless the child has been asked to test-purchase alcohol from a relevant premises by a police officer or a trading standards officer

Overview of offences under the Act relating to children

- It is an offence for certain persons to allow children under 16 on relevant premises that are used exclusively or primarily for the supply of alcohol, or premises open for such supply, if they are not accompanied by an adult and those premises are open for the supply of alcohol for consumption there
- It is an offence for any person to allow an unaccompanied child under 16 to be on relevant premises between the hours of midnight and 5am when the premises are open for the supply of alcohol for consumption there
- It is an offence for any person to supply alcohol to children anywhere, not just on licensed premises
- It is an offence for a child to buy or attempt to buy alcohol
- It is an offence for a child knowingly to consume alcohol on relevant premises

Children under 16

It is illegal for unaccompanied children under 16 to be allowed on premises licensed for use exclusively or primarily for the supply of alcohol. This applies to premises with a premises licence, a club premises certificate or a permitted temporary event notice. This includes most pubs and bars where restaurant and food facilities are not provided as a permanent feature or attraction.

Between midnight and 5am it is also illegal for unaccompanied children under 16 to be allowed into any premises supplying alcohol for consumption there, whether or not it is the exclusive or primary use of the establishment. For example, nightclubs.

No offence will be committed if the unaccompanied child is on premises solely for the purpose of passing to or from some other place where there is no other convenient means of access.

The maximum fine for selling or supplying alcohol to children is £5,000. Personal licences can be suspended or forfeited at first offence.

Selling alcohol to children

An offence of 'persistently selling alcohol to children' can be committed if, on two or more different occasions within three months, alcohol is sold on the same premises to a person aged under 18. The penalty for this offence on summary conviction will be a fine of up to £10,000 and, where the offender is a premises licence holder, the premises licence to sell alcohol could be suspended for up to three months.

The police and trading standards have the option of giving a 'closure notice' for this offence, prohibiting the sale of alcohol for up to 48 hours. If the notice is accepted by the premises licence holder, criminal liability for the alleged offence will be discharged.

Licence conditions

Licensing authorities can attach conditions relating to children's access, to reflect the individual nature of an establishment, if relevant representations (objections from local residents, local councillors, the police, social services, other authorities and interested parties) are made and it is necessary to protect children from harm. For the purposes of the Act, 'harm' refers to physical, psychological and moral harm, including dangers like:

- Underage drinking
- Drug dealing
- Entertainment of an adult nature
-

An extract from the Licensing Act 2003 relating to children can be found in Appendix 5 and for more details about conditions and restrictions, read the Licensing guidance issued under Section 182 of the Licensing Act.

Revised section 182 of the Licensing Act 2003

New licensing mandatory conditions came into effect from the 6th April 2010. These included that:

- a) Staff will not be allowed to arrange or participate in any irresponsible promotions in relation to the premises.
- b) an 'irresponsible promotion' is an activity which encourages the sale and consumption of alcohol in a manner which carries a 'significant risk of contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children' (the licensing objectives)

The following activities are set out under the 2003 Act and cover the specific activities described below or those that are substantially similar. Please refer to guidance issued by the Home Office for fuller understanding of irresponsible promotions. The activities include:-

- Games or other activities which encourage individuals to drink alcohol within a time limit or drink as much as possible.
- The provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted fee (other than any promotion in relation to alcohol consumption at a table meal)

- The provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
- The provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event where that provision is dependent on the outcome of an event or the likelihood of anything occurring or not occurring. It also applies to events which are unpredictable, such as offering free double shots for every foul committed in a football match, or heavily reduced drinks for five minutes after a try is scored in a rugby match.
- Selling alcohol in association with promotional posters or flyers which could reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to drunkenness in any favourable manner.
- Dispensing alcohol directly into the mouth. The responsible person must ensure that no alcohol is dispensed directly by one person into the mouth of another person. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free tap water should be available to customers on request and the licensee and staff should ensure that no alcohol is dispensed directly by one person into the mouth of another i.e the dentist chair.

From the 1st October the two additional conditions have come into force:

- The condition requiring premises to implement an age verification policy; and
- The condition relating to alcohol measurements whereby licence holders will need to ensure that alcoholic drinks are made available to customers in the following measures: Beer or cider ½ pint; gin, rum, vodka or whisky: 25ml or 35ml; and still wine in a glass 125ml.
- For further guidance contact your local licensing authority.

9. BEHAVIOUR AT YFC EVENTS WITH REGARD TO ALCOHOL CONSUMPTION

Well-organised events will be enjoyed and remembered by many. Badly organised, they will be remembered by many but for all the wrong reasons.

REMEMBER - when organising an event the old adage holds true: 'if anything can go wrong, it usually will'. However, adequate planning and organisation can go a long way to ensuring the success of your event.

At YFC events where alcohol will be present it is good practice that before entering the event all attendees are given a coloured wristband according to whether they are aged under 18 or 18 and over. Door staff will need to be briefed as will the bar staff to ensure that this is adhered to and understood. This will help bar staff identify who they can and cannot serve. It should be remembered that it is illegal not just to sell alcohol to young people under the age of 18, but also to allow their consumption of alcohol, except in certain circumstances (as detailed above). Where these circumstances DO NOT APPLY at the YFC event, then the following course of action is to be taken:

- a. Consider making the event exclusive to one to which members aged 18 or over only are invited; or
- b. Identify a responsible person from each YFC Club to take responsibility for their Club members under the age of 18 at the event, and in particular to ensure that no alcoholic drinks are consumed. In pursuing this option, it is recommended that the form in Appendix 1 is completed to ensure that, as an organisation, we are doing everything within our powers to ensure the welfare of YFC members and uphold the law in respect of alcohol consumption.

Posters should be put up in the area stating under-age drinking and the use of drugs will not be tolerated. A copy of the policy should be displayed at the entrance to the event.

Encourage members to drink water by providing free tap water or buying bottled water.

Prior to an event it may be possible to have the bar in a separate room or fenced off. In this case members are checked before they enter the area by a member of staff and members may not take alcoholic drinks out of that area. A separate soft drinks area would be set up.

It is possible that, due to the youthfulness of YFC members, some members may be tempted to over indulge on alcohol at a YFC event. Although individuals are responsible for their own actions, YFC cannot abdicate its responsibilities in respect of duty of care to its members in such circumstances. The following actions are therefore strongly recommended at YFC events where alcohol is served:

- c) members who are clearly under the influence of alcohol should not be served further drinks;
- d) a "cooling off" room or area should be provided, where members can sober up, be given water to drink etc;
- e) friends/senior members of his/her YFC Club should assist the Steward on duty in monitoring the person concerned to ensure that they do not cause injury to themselves or to others whilst under the influence of alcohol.
- f) Organisers should actively remove alcoholic drinks from U18 year old members.

10. WHO'S RESPONSIBILITY IS IT?

Workers do have responsibilities for the wellbeing of young people and young people are also responsible for themselves. Below is a guideline to ensure young people's safety.

Consent

Whether it be a club, county, area or national event, each child or young person under the age of 18 must have the written consent of his or her parent or guardian; this gives authority to the person named as responsible for the activity to take the young person away and to act "as a careful parent would". It does not transfer "parental responsibility".

Information and consent must be in writing. There is case law to show that parental consent given on the basis of being given inadequate or inaccurate information may well invalidate any consent which was given by a parent. If a parent was not fully conversant with all activities taking place and they would have objected to one of them you may be held liable for not giving all the details prior to the event. On a positive note, the advantages of involving a parent in all aspects of a trip are many. Not least of all, it ensures that the parent is made aware of potential risks, draws them into sharing in that risk, and removes the opportunity for them to say, "if I had known" etc.

When a parental consent form is completed this means that you, as organiser, must act as a careful parent would.

At Club Level – when a young person (those under the age of 18) attends an activity connected with YFC it is the responsibility of the organisers of the event to ensure that procedures are in place to protect that young person. This can include health and safety risk assessments as well as ensuring that the necessary steps have been carried out to minimise the risk of underage drinking. For example coloured wristbands and signs displayed etc. If the trip is organised by the club chairman or relevant post holder (e.g sport captain) then it is their responsibility to ensure the wellbeing of under 18 year olds until the young person is back in the responsibility of the parent.

At County Level – Again the organisers have the responsibility to ensure that all precautionary measures have been taken and they are responsible for their members.

At a National Level –If the Chairman is not present then a nominated person will resume responsibility. E.g Booking Officer at the annual AGM.

11. EXCESSIVE BEHAVIOUR AT YFC EVENT

It is possible that a participant at a YFC event may be under the influence of drugs and/or alcohol and this may result in disruptive behaviour that could be detrimental to him / herself and possibly other YFC members. In such instances it may be most appropriate to remove the individual from the event itself in the interests of their own and others' safety.

Appropriate action in this instance may be to arrange for the YFC member to be escorted home, or the parents may be called to collect.

12. PAID YFC EMPLOYEES AND DRUGS AND ALCOHOL USE

No paid member of staff should perform their duties at any YFC event under the influence of drugs or alcohol. Evidence of such action occurring should be dealt with under the Disciplinary Procedure, and the action taken by the employer will need to reflect the circumstances of the occurrence, the impact on YFC members and the reputation of the organisation.

Similarly any paid member of staff found to be supplying drugs to YFC members, or allowing the purchase and / or consumption of alcohol by members under the legal age limit for such activity, will be subject to the Disciplinary Procedure.

13. STEWARDS AT YFC EVENTS

The success of YFC is due to many ex-members continuing to support the organisation and members' activities by stewarding at various events. It is important to recognise that stewards acting in this capacity provide a valuable role model for influential young people and as such their behaviour on these occasions will have an impact on the behaviour of younger YFC members.

No steward should be “on duty” under the influence of drugs or alcohol and should not attempt to supply drugs to YFC members, or to encourage members under the age of 18 to purchase or consume alcohol, except where it is legally acceptable to do so. Any Steward found behaving in this way should be removed from duty immediately and their deployment at future events considered, by the appropriate Management Committee, in the light of the reasons for such behaviour occurring. For further guidance, please refer to 108-03-A Guidelines for Chief Stewards.

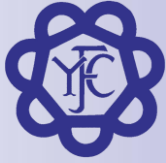
14. FURTHER INFORMATION AND SOURCES OF HELP

Further information can be obtained through the following:

<p>DrugScope Tel: 020 7940 7500 Fax: 020 020 7940 7521 www.drugscope.org.uk</p>	<p>Alcohol Concern Tel: 020 7928 7377 Fax : 020 7928 4644 www.alcoholconcern.org.uk</p>	<p>Talk to Frank Tel: 0800 77 66 00 www.talktofrank.com</p>
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At a local level, your Children’s Trust, young people’s substance misuse service, Council for Voluntary Youth Services, Council for Voluntary Service or Rural Community Council should be able to advise you on local sources of help, advice and training in developing and implementing this policy in your YFC.

This drugs and alcohol policy has been updated with the advice and recommendation from Shropshire County Council and Warwickshire Drugs and Alcohol Team and we thank them for their support.



IMPORTANT

GUIDANCE NOTICE for Members attending NFYFC Events and bringing Members under the age of 18 to such events, e.g Annual Convention, Drama Semi-Finals and Final, Royal show etc.

NFYFC will take responsibility for ensuring the safe running of all its events by working with the venue management and our own team of Stewards.

YFC members under the age of 18 are invited to attend all NFYFC events. Their attendance should be in accordance with the Safeguarding Policy, which has been produced by NFYFC and now adopted by all County Federations.

NFYFC will need to see the Parental Consent Form as a condition of entry into the NFYFC event. As part of this condition, we will also require contact details for the older YFC member who is supervising the younger member(s) at our event.

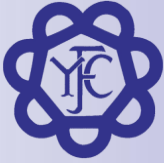
In the event of an accident / injury to a younger member (under the age of 18), NFYFC will liaise with the named individual who is supervising the younger member. This will be particularly pertinent if the accident is serious and we have to undertake an Accident Investigation in conjunction with the relevant authorities eg the Police, Health and Safety Inspectorate etc.

Block capitals please

Name of NFYFC event:			
Date(s):			
Name of YFC member being supervised:			
County Federation:			Membership Number:
CONTACT DETAILS FOR SUPERVISING MEMBER			
Name:			
County Federation:			Membership Number:
Mobile telephone number:			
Other emergency contact details, e.g. hotel, friend			

As the named individual with responsibility for supervising the underage member at an event, I agree to co-operate with NFYFC during any Accident Investigation relating to the individual YFC member I am supervising.

Signature of supervising member:	
Date:	



APPENDIX 2: Incident Report

Date of Incident (day & date): _____ Time of Incident: _____

Event/Location: _____

Wristband Number: _____ Wristband colour: _____

Member's name: _____

County Federation: _____

Club: _____

Details of incident (including events leading to incident/ the incident itself/ the outcome, describe any damage or injuries) _____

Action taken: _____

Any Action to be taken by NFYFC after the Convention: _____

Signature of Steward: _____

SIA Registration Number of Steward: _____

Name of Steward (please print): _____



MODEL RECORDING AND REPORTING FORM – DRUGS RELATED INCIDENT

Record of Drug-related Situation (Tick one or more of these to indicate category)

Emergency/ intoxication	Suspicion OFF Premises	Suspicion ON premises	Discovery OFF premises	Discovery ON premises	Disclosure by young person	Parental use	Parent/carer expressed concern
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name of young person:							
Date of incident:				Time of incident:			
Report Form completed by:							
First Aid Given?	YES <input type="checkbox"/> NO <input type="checkbox"/>						
If yes First Aid given by:							
Ambulance/Doctor called?	YES <input type="checkbox"/> NO <input type="checkbox"/>						
If yes called by:							
At – state time:							
Drug involved (if known)							
Sample found?	YES <input type="checkbox"/> NO <input type="checkbox"/> Where?						
Where retained/or Destroyed at time: Witness name:							
Senior staff involved:							
Parent/carer informed by:							
At – state time:							
Brief description of incident Symptoms / situation:							
Other action taken, e.g. Other agencies involved, pupils / staff informed, sanctions imposed, GP / Police consulted about drug:							

Source: the Right Responses, Managing and Making policy for drug-related incidents in schools.
 SCODA 1999/Dorset Youth Service



NATIONAL FEDERATION OF YOUNG FARMERS' CLUBS

YFC Centre, 10th Street, Stoneleigh Park, Kenilworth, CV82LG
t: 02476 857 200 f: 02476 857 229 e: post@nfyfc.org.uk

APPENDIX4: Refusals Register

Bar staff

Door staff

Event:

Date:

Date	Item refused			Description of person	Reason for refusal	Name of staff member who refused sale	Signature of staff member
	Entry	Alcohol	Sex M F				

At the end of the event give this form to the chief steward

Date

Signature

APPENDIX 5 Licensing Act 2003 – In relation to children and young people

145 Unaccompanied children prohibited from certain premises

(1) A person to whom subsection (3) applies commits an offence if—

- (a) knowing that relevant premises are within subsection (4), he allows an unaccompanied child to be on the premises at a time when they are open for the purposes of being used for the supply of alcohol for consumption there, or
- (b) he allows an unaccompanied child to be on relevant premises at a time between the hours of midnight and 5 a.m. when the premises are open for the purposes of being used for the supply of alcohol for consumption there.

(2) For the purposes of this section—

- (a) “child” means an individual aged under 16,
- (b) a child is unaccompanied if he is not in the company of an individual aged 18 or over.

(3) This subsection applies—

- (a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises him to request the unaccompanied child to leave the premises,
- (b) in the case of licensed premises, to—
 - (i) the holder of a premises licence in respect of the premises, and
 - (ii) the designated premises supervisor (if any) under such a licence,
- (c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises in a capacity which enables him to make such a request, and
- (d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.

(4) Relevant premises are within this subsection if—

- (a) they are exclusively or primarily used for the supply of alcohol for consumption on the premises, or
- (b) they are open for the purposes of being used for the supply of alcohol for consumption on the premises by virtue of Part 5 (permitted temporary activities) and, at the time the temporary event notice in question has effect, they are exclusively or primarily used for such supplies.

(5) No offence is committed under this section if the unaccompanied child is on the premises solely for the purpose of passing to or from some other place to or from which there is no other convenient means of access or egress.

(6) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—

(a) he believed that the unaccompanied child was aged 16 or over or that an individual accompanying him was aged 18 or over, and

(b) either—

(i) he had taken all reasonable steps to establish the individual's age, or

(ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 16 or, as the case may be, under 18.

(7) For the purposes of subsection (6), a person is treated as having taken all reasonable steps to establish an individual's age if—

(a) he asked the individual for evidence of his age, and

(b) the evidence would have convinced a reasonable person.

(8) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this section "supply of alcohol" means—

(a) the sale by retail of alcohol, or

(b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

146 Sale of alcohol to children

(1) A person commits an offence if he sells alcohol to an individual aged under 18.

(2) A club commits an offence if alcohol is supplied by it or on its behalf—

(a) to, or to the order of, a member of the club who is aged under 18, or

(b) to the order of a member of the club, to an individual who is aged under 18.

(3) A person commits an offence if he supplies alcohol on behalf of a club—

(a) to, or to the order of, a member of the club who is aged under 18, or

(b) to the order of a member of the club, to an individual who is aged under 18.

(4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—

(a) he believed that the individual was aged 18 or over, and

(b) either—

(i) he had taken all reasonable steps to establish the individual's age, or

(ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.

(5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—

- (a) he asked the individual for evidence of his age, and
- (b) the evidence would have convinced a reasonable person.

(6) Where a person (“the accused”) is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

147 Allowing the sale of alcohol to children

(1) A person to whom subsection (2) applies commits an offence if he knowingly allows the sale of alcohol on relevant premises to an individual aged under 18.

(2) This subsection applies to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the sale.

(3) A person to whom subsection (4) applies commits an offence if he knowingly allows alcohol to be supplied on relevant premises by or on behalf of a club—

- (a) to or to the order of a member of the club who is aged under 18, or
- (b) to the order of a member of the club, to an individual who is aged under 18.

(4) This subsection applies to—

- (a) a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and
- (b) any member or officer of the club who at the time of the supply is present on the relevant premises in a capacity which enables him to prevent it.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

148 Sale of liqueur confectionery to children under 16 E+W

(1) A person commits an offence if he—

- (a) sells liqueur confectionery to an individual aged under 16, or
- (b) supplies such confectionery, on behalf of a club—
 - (i) to or to the order of a member of the club who is aged under 16, or
 - (ii) to the order of a member of the club, to an individual who is aged under 16.

(2) A club commits an offence if liqueur confectionery is supplied by it or on its behalf—

- (a) to or to the order of a member of the club who is aged under 16, or
- (b) to the order of a member of the club, to an individual who is aged under 16.

(3) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—

- (a) he believed that the individual was aged 16 or over, and
- (b) either—
 - (i) he had taken all reasonable steps to establish the individual's age, or
 - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 16.

(4) For the purposes of subsection (3), a person is treated as having taken all reasonable steps to establish an individual's age if—

- (a) he asked the individual for evidence of his age, and
- (b) the evidence would have convinced a reasonable person.

(5) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) In this section "liqueur confectionery" has the meaning given in section 191(2).

149 Purchase of alcohol by or on behalf of children E+W

(1) An individual aged under 18 commits an offence if—

- (a) he buys or attempts to buy alcohol, or
- (b) where he is a member of a club—
 - (i) alcohol is supplied to him or to his order by or on behalf of the club, as a result of some act or default of his, or
 - (ii) he attempts to have alcohol supplied to him or to his order by or on behalf of the club.

(2) But subsection (1) does not apply where the individual buys or attempts to buy the alcohol at the request of—

- (a) a constable, or
- (b) a weights and measures inspector, who is acting in the course of his duty.

(3) A person commits an offence if—

- (a) he buys or attempts to buy alcohol on behalf of an individual aged under 18, or
- (b) where he is a member of a club, on behalf of an individual aged under 18 he—

- (i) makes arrangements whereby alcohol is supplied to him or to his order by or on behalf of the club, or
- (ii) attempts to make such arrangements.

(4) A person (“the relevant person”) commits an offence if—

- (a) he buys or attempts to buy alcohol for consumption on relevant premises by an individual aged under 18, or
- (b) where he is a member of a club—
 - (i) by some act or default of his, alcohol is supplied to him, or to his order, by or on behalf of the club for consumption on relevant premises by an individual aged under 18, or
 - (ii) he attempts to have alcohol so supplied for such consumption.

(5) But subsection (4) does not apply where—

- (a) the relevant person is aged 18 or over,
- (b) the individual is aged 16 or 17,
- (c) the alcohol is beer, wine or cider,
- (d) its purchase or supply is for consumption at a table meal on relevant premises, and
- (e) the individual is accompanied at the meal by an individual aged 18 or over.

(6) Where a person is charged with an offence under subsection (3) or (4) it is a defence that he had no reason to suspect that the individual was aged under 18.

(7) A person guilty of an offence under this section is liable on summary conviction—

- (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale, and
- (b) in the case of an offence under subsection (3) or (4), to a fine not exceeding level 5 on the standard scale.

150 Consumption of alcohol by children E+W

(1) An individual aged under 18 commits an offence if he knowingly consumes alcohol on relevant premises.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows the consumption of alcohol on relevant premises by an individual aged under 18.

(3) This subsection applies—

- (a) to a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to prevent the consumption, and
- (b) where the alcohol was supplied by a club to or to the order of a member of the club, to any member or officer of the club who is present at the premises at the time of the consumption in a capacity which enables him to prevent it.

(4) Subsections (1) and (2) do not apply where—

- (a) the individual is aged 16 or 17,
- (b) the alcohol is beer, wine or cider,
- (c) its consumption is at a table meal on relevant premises, and
- (d) the individual is accompanied at the meal by an individual aged 18 or over.

(5) A person guilty of an offence under this section is liable on summary conviction—

- (a) in the case of an offence under subsection (1), to a fine not exceeding level 3 on the standard scale, and
- (b) in the case of an offence under subsection (2), to a fine not exceeding level 5 on the standard scale.

151 Delivering alcohol to children

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

- (a) alcohol sold on the premises, or
- (b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

(4) A person to whom subsection (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club.

(5) This subsection applies—

- (a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and
- (b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply.

(6) Subsections (1), (2) and (4) do not apply where—

- (a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or
- (b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or
- (c) the alcohol is sold or supplied for consumption on the relevant premises.

(7)A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

152 Sending a child to obtain alcohol

(1)A person commits an offence if he knowingly sends an individual aged under 18 to obtain—
(a)alcohol sold or to be sold on relevant premises for consumption off the premises,
or
(b)alcohol supplied or to be supplied by or on behalf of a club to or to the order of a member of the club for such consumption.

(2)For the purposes of this section, it is immaterial whether the individual aged under 18 is sent to obtain the alcohol from the relevant premises or from other premises from which it is delivered in pursuance of the sale or supply.

(3)Subsection (1) does not apply where the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol.

(4)Subsection (1) also does not apply where the individual aged under 18 is sent by—
(a)a constable, or
(b)a weights and measures inspector, who is acting in the course of his duty.

(5)A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

153 Prohibition of unsupervised sales by children

(1)A responsible person commits an offence if on any relevant premises he knowingly allows an individual aged under 18 to make on the premises—
(a)any sale of alcohol, or
(b)any supply of alcohol by or on behalf of a club to or to the order of a member of the club, unless the sale or supply has been specifically approved by that or another responsible person.

(2)But subsection (1) does not apply where—
(a)the alcohol is sold or supplied for consumption with a table meal,
(b)it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used), and
(c)the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

(3)A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(4) In this section “responsible person” means—

(a) in relation to licensed premises—

(i) the holder of a premises licence in respect of the premises,

(ii) the designated premises supervisor (if any) under such a licence, or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question, and

(c) in relation to premises which may be used for a permitted temporary activity by virtue of Part 5—

(i) the premises user, or

(ii) any individual aged 18 or over who is authorised for the purposes of this section by the premises user.

154 Enforcement role for weights and measures authorities

(1) It is the duty of every local weights and measures authority in England and Wales to enforce within its area the provisions of sections 146 and 147, so far as they apply to sales of alcohol made on or from premises to which the public have access.

(2) A weights and measures inspector may make, or authorise any person to make on his behalf, such purchases of goods as appear expedient for the purpose of determining whether those provisions are being complied with.

Notes:



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