

Licensing Act 2003

Children and Alcohol - the new rules

Licensing Unit
Environmental Services

The Law is Changing!

This leaflet gives guidance on the requirements under the Licensing Act 2003 relating to children and premises that are allowed to sell alcohol either because of a Premises Licence or a Club Certificate or a Temporary Event Notice.

Where & when are children allowed on licensed premises?

There are two levels of restriction, depending on the use of the premises.

1. For premises which are used exclusively or primarily for the supply of alcohol for consumption on the premises, it is an offence for an under 16 to be on premises when they are open for the sale or supply of alcohol, unless they are accompanied by someone over the age of 18. This includes Clubs.
2. For premises not used exclusively or primarily for the supply of alcohol, where the alcohol is for consumption on the premises.

It is an offence for an under 16 to be on the premises between midnight and 5am, when they are open for the sale or supply of alcohol for consumption there, unless the child is accompanied by someone over the age of 18.

Provided that they are appropriately accompanied then children of any age are now allowed in all parts of the licensed premises at any time. But the proprietor of a licensed premises has the right to exclude any customer in the same way that any shopkeeper can.

There is no restriction on allowing unaccompanied children on premises where there is no consumption on the premises or when the premises are not open for the sale or supply of alcohol.

What are the rules on selling alcohol?

It is an offence for anyone to sell alcohol to someone under the age of 18 anywhere, not just on licensed premises.

It is an offence for a club to supply alcohol on club premises to an under 18.

If the person selling the alcohol is unsure about someone's age then they must genuinely believe that the purchaser is over 18 and have taken reasonable steps to establish the individual's age. "Reasonable steps" means asking for evidence of their age and being satisfied that the evidence would have convinced a reasonable person. The best evidence is a photo driving licence or a passport. Alternatively, there are Pass Accredited proof of age cards such as a Citizen Card, the Portman Card, or the Connexions Card.



This duty is not just on the licence holder. Any person who works (paid or unpaid) at premises in a capacity which would enable them to prevent the sale or supply of alcohol, commits an offence if they stand by and allow that sale or supply to go ahead. This means, for instance, that officers of a club must not stand by and allow the barman to serve alcohol to someone under 18 if they know the person to be under 18. These rules apply to liqueur confectionary except that the minimum age of the person to whom they are sold or supplied is lowered to 16.

Worcestershire County Council Trading Standards Service and West Mercia Police have the responsibility for ensuring that sales of alcohol to under 18's do not take place and they do carry out test purchases using children.

Buying alcohol by or for under 18s

It is an offence:

- for someone under 18 to purchase, or attempt to purchase, alcohol, or to be supplied with alcohol in a club.
- to send anyone under the age of 18 to obtain alcohol
- for anyone to buy, or to attempt to buy, alcohol for an under 18 or
- for an under 18 to consume alcohol on licensed premises. This does not apply if the purchase is for someone aged 16 or 17, and it is either beer, wine or cider, and it is consumed at a table meal on the premises, and they are accompanied by someone aged 18 or over. Table meal does not include bar snacks.

Deliveries of alcohol to children.

Alcohol sold on licensed premises must not be delivered to anyone under the age of 18.

Consumption of alcohol

Under 18s commit an offence if they consume alcohol on licensed premises unless they are aged 16 or 17, and it is either beer, wine or cider, and it is consumed at a table meal on the premises, and they are accompanied by someone aged 18 or over. Table meal does not include bar snacks. Remember that the under 18 may not buy the alcohol themselves.

Sales of alcohol by children

It is an offence to allow an under 18 to sell or supply alcohol unless the sale has been specifically approved by them or another responsible person. This means each and every sale. The person approving the sale must also be satisfied that the purchaser is over 18. "Responsible person" means the premises licence holder, the designated premises supervisor, or someone over 18 authorised by the holder or supervisor to make such approvals. This restriction does not apply where the alcohol is supplied for consumption with a table meal and this enables minors to serve alcohol in restaurants. Remember that there are restrictions on the employment of anybody under the age of 16 under child protection legislation. Generally this prohibits under 16s from working in theatres, night clubs, cinemas etc and from selling or delivering alcohol except in closed containers.

Drunkenness

Whilst the Act does allow people under 18 to consume beer, wine or cider on licensed premises under some circumstance, this is not a right. Proprietors can refuse to serve any customer. Remember that it is an offence to sell, or supply in clubs, alcohol to someone who is drunk or to allow disorderly conduct on licensed premises. Young people may not be experienced drinkers and will need greater care and attention than other customers.

Confiscation of alcohol

Police have the right to confiscate, in certain circumstances, both open and sealed containers of alcohol from under 18s. If the alcohol is not surrendered not only is an offence committed but the under 18 can be arrested.

This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

We would welcome your comments on this or any other of our leaflets, so as to ensure that they meet the needs of the users of our services.

We can make this leaflet available as a large print version or on audio cassette. Please contact us to ask for either of these versions.

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