

# Licensing Act 2003 Children and alcohol

This leaflet gives guidance on the new rules  
with regard to children and alcohol.

Guidance notes 5



## **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.

There is a wide range of premises that are to be licensed under this Act and children may visit many of these, either as part of a family group or on their own.

Where children have access to licensed premises measures to ensure their safety and extra resources need be considered. This may include Criminal Records Bureau Checks for staff, extra staffing, and risk assessment. There should be clear notification of the times and areas to which children may be admitted.

The council will consult with the Area Child Protection Committee where there are concerns raised regarding the access of children to licensed premises.

It is advisable that applicants carry out their own risk assessment with respect to children. This would be best demonstrated in the form of a safeguarding children policy.

The council expects applicants to detail in their operating schedule how they intend to protect children from harm in their premises. If representations are received and there is evidence to show that children are not being protected the council may apply conditions to the licence to safeguard them, examples of these can be found at the end of this leaflet.

## **When are children allowed on licensed premises?**

There are two levels of restriction. One for premises mainly selling alcohol, e.g. pubs and clubs, and another for premises not mainly selling alcohol, such as a hotel lounge with a small bar in the corner.

1. For premises which are used exclusively or primarily for the supply of alcohol for consumption on the premises. It is an offence for a child to be on the premises, when they are open for

the sale or supply of alcohol, unless they are accompanied by someone over the age of 18.

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 a child (aged under 16 years) to be on the premises between midnight and 5.00 am when they are open for the sale or supply of alcohol for consumption there unless they are accompanied by someone over the age of 18.

A proprietor has the right to exclude any customer and there is no restriction on allowing unaccompanied children on premises where there is no consumption of alcohol on the premises or when the premises are not open for the sale or supply of alcohol.

## **Who can be sold alcohol?**

It is an offence for anyone to sell alcohol to someone under the age of 18. If a 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.

Taking "reasonable steps" means asking for evidence of their age and being satisfied that the evidence provided would have convinced any 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 applies not just to the licence holder but any person who works (paid or unpaid), in a capacity which would enable them to prevent the supply of alcohol. It is an offence to stand by and allow the sale or supply to go ahead. This means, for instance, that members 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.

Training should be given to all persons who might be in a position to serve or refuse alcohol. The training must include a basic

understanding of the law, seeking and verifying proof of age and recording refusals.

Our Trading Standards Service carry out test purchases using children and you are liable to prosecution should one of the offences detailed below be committed.

## **Buying of alcohol by or for under 18s**

It is an offence for someone under 18 to purchase, or attempt to purchase, alcohol, or be supplied with alcohol; 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 with a table meal on the premises, and they are accompanied by someone aged 18 or over. A 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.

## **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 a 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 16's 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 circumstances, this is not a right. Proprietors can refuse to serve any customer. Remember that it is an offence to sell or supply 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.

If anyone, for example a trader or a member of the public, becomes aware that alcohol is being supplied to people under 18, please contact Trading Standards or the Police.

Retailers wanting further advice on how to avoid selling alcohol to persons under 18 can also contact Trading Standards Service for free advice.

## **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 it an offence committed but may lead to arrest.

Example of conditions that this council may apply to your licence with regard to the protection of children from harm:

- age restrictions all or part of the time the premises is open, this may include times at which there is adult entertainment, events for young age groups, drink promotion nights such as happy hours etc;
- films to be classified by the British Board of Film Classification;
- notices to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification of a film;

- a minimum number of attendants with seated audiences or door supervisors registered with the SIA (Security Industry Authority.);
- risk assessment of any particular risks to children taking part in performances, particular attention is to be paid to the venue, fire safety, special effects and the general care of the child, etc;
- Compliance with the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks.

## **Cigarettes**

The council will expect licensees of pubs restaurants and clubs to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO).

Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged. A copy of the NACMO code of practice can be obtained from Hammersmith & Fulham Trading Standards Service.

## **Further information**

We realise that this may be a confusing time for existing licensees but we are here to help you through this process. Licensees can contact us at any time for advice, or to request an application pack.

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. Only the courts can interpret legislation with definitive authority.

Applicants are advised to seek their own professional advice where they feel it is necessary.

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.

If you have difficulty understanding this leaflet for any reason please contact us to discuss other formats that we can provide.

## **How to contact us:**

**London Borough of  
Hammersmith & Fulham**  
Licensing Section  
Environmental Protection  
5th Floor, Town Hall Extension  
King Street, Hammersmith,  
London, W6 9JU.  
Phone: 020 8753 1084  
Fax: 020 8753 3922  
Email: [licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk)  
Website: [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

## **Other useful contacts:**

**Trading Standards,  
Environmental Protection**  
5th Floor, Town Hall Extension  
London Borough of  
Hammersmith & Fulham  
King Street, Hammersmith  
London, W6 9JU.  
Phone: 020 8753 1081  
Fax: 020 8753 3922  
Email: [info@lbhf.gov.uk](mailto:info@lbhf.gov.uk)  
Website: [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

**Area Child Protection Committee**  
ACPC Development Worker  
Hammersmith & Fulham  
Children's Services  
1st Floor, Sawley Road  
London, W12 ONZ.  
Phone: 0208 753 5125  
Fax: 08717 502342  
Email: [acpclicensingact@lbhf.gov.uk](mailto:acpclicensingact@lbhf.gov.uk)

**Department for Culture, Media  
and Sport**  
204 Cockspur Street  
London, SW17 5DH.  
Phone: 020 7211 6200.  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

**The Chief of Police  
Metropolitan Police**  
FOA: Ron Brooke  
Fulham Police Station  
Heckfield Place  
London, SW6 5NL.  
Phone: 020 8246 2974  
Fax: 020 8246 2881  
Email: [ron.brooke@met.police.uk](mailto:ron.brooke@met.police.uk)  
Or  
[Hammersmithandfulham@met.  
police.uk](mailto:Hammersmithandfulham@met.police.uk)

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የዚህ ደብዳቤን ግንኙነት  
ክፍል በራሱም ቋንቋ  
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#### Portuguese

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qeyb dukumentigan ka mid  
ah luqaddaada ama  
afkaaga laguugu turjumo,  
fadlan teleefoon u soo dir  
020 8753 4040.

#### Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਕਿਸੇ  
ਵੀ ਹਿੱਸੇ ਦਾ ਕੀਤਾ ਹੋਇਆ ਅਨੁਵਾਦ  
ਤੁਹਾਡੀ ਆਪਣੀ ਭਾਸ਼ਾ 'ਚ ਚਾਹੀਦਾ ਹੈ,  
ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਕਰੋ  
020 8753 4040.

#### Gujarati

જો તમને આ દસ્તાવેજના કોઈપણ  
ભાગનું કંઈક ભાષાંતર તમારી પોતાની  
ભાષામાં જોઈવું છે તો, મહેરબાની  
કરી ટેલિફોન કરો  
020 8753 4040.

#### Hindi

यदि आपको इस दस्तावेज के किसी भी  
हिस्से का किया हुआ अनुवाद अपनी  
भाषा में चाहिए, तो कृपया टैलफोन करें  
020 8753 4040.

#### Urdu

اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ  
آپ کو اپنی زبان میں چاہیے تو براہ مہربانی  
020 8753 4040: ٹیلی فون کریں۔

#### Farsi

اگر شما میخواهید هر بخشی از  
این سند به زبان شما برایتان ترجمه  
شفاهی بشود لطفا با شماره تلفن  
020 8753 4040 تماس بگیرید.

#### Arabic

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ترجمة فورية لأي جزء من هذه  
الوثيقة، فيرجى الاتصال ب:  
020 8753 4040

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[www.lbhf.gov.uk](http://www.lbhf.gov.uk)

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