

Blackpool Council

Offences under the Licensing Act 2003

This leaflet only provides a general explanation of the offences that may be committed under the Licensing Act 2003. For the full list of offences and defences that are available, the Act itself should be referred to.

1. Sale and supply of alcohol to children

- a) It is an offence for a person to sell alcohol to an individual aged under 18. A club or a person may also commit an offence if they:
 - Supply alcohol to, or at the request a member of the club who is under 18, or
 - Supply alcohol at the request of a member of the club, to an individual who is under 18.
- b) It is an offence to knowingly allow the sale of alcohol to an individual aged under 18.
- c) It is an offence to sell liqueur confectionary to a child under 16 years of age.

Note

There is a statutory defence to the offence of selling alcohol to children if the retailer believed that the purchaser was over 18 years of age and had either taken all reasonable steps to determine the purchaser's age or that nobody could reasonably have suspected from the purchaser's appearance that he or she was under 18 years.

Attention is drawn to the Council's Proof of Age card scheme and other proof of age cards made available by national organisations.

- d) It is an offence to allow children unaccompanied by an adult to be present on premises used exclusively or primarily for the sale of alcohol.
- e) It is an offence to allow children unaccompanied by an adult to be present on premises where alcohol is sold between midnight and 5 am.
- f) A person who buys or attempts to buy alcohol for consumption by a child on licensed premises commits an offence and a vendor who could reasonably have identified such a purchase could also be charged under a) above.
- g) A person who acts as an agent for a child in purchasing or attempting to purchase alcohol (for example from an off licence) commits an offence and a vendor who could reasonably have recognised such an arrangement could also be charged with an offence.
- h) It is an offence to knowingly allow the consumption of alcohol by a child on licensed premises. The offence can be committed by any person who works on the premises in a capacity to prevent the consumption. This provision does not apply to 16 or 17 year olds who consume beer, wine or cider with a table meal when accompanied by an adult. Bar snacks do not amount to a table meal.
- i) It is an offence to knowingly deliver alcohol to a child. For example a child cannot collect or receive alcohol ordered by an adult by telephone.
- j) It is also an offence for an adult to send a child to collect alcohol from licensed premises. Persons at a licensed premises who permit such collection could be charged with aiding and abetting the offence.
- k) It is an offence to allow an individual under the age of 18 to sell or supply alcohol unless each such sale or supply has been specifically approved. The offence may be committed by a premise licence holder, designated premises supervisor or someone over 18 years of age authorised by them or in the case of a club, any responsible member or officer.

Definitions:

In the case of d) or e) above, a child means an individual aged under 16. They are unaccompanied if they are not in the company of an individual aged 18 or over.

In every other case listed above, child is a reference to an individual aged under 18.

2. Preventing Crime and Disorder

- a) It is an offence to knowingly allow disorderly conduct on licensed premises. An outbreak of disorder is not an offence but failure to address the problem is an offence. An offence may be committed by any person whose duties include prevention of disorderly conduct.
- b) The sale of alcohol to a person who is drunk or allowing such a sale is an offence. The control of excessive consumption on licensed premises is an essential element in preventing disorder beyond the licensed premises. The offence can be committed by anyone working at premises in a capacity which allows them to sell alcohol.
- c) It is an offence to obtain alcohol for a person who is drunk. Anyone working on licensed premises that knowingly permit such a sale could be charged with aiding and abetting the offence.

3. Other Offences

- a) It is an offence to carry on or attempt to carry on a licensable activity without a licence. This includes failing to comply with the conditions on your licence.
- b) It is an offence to knowingly allow another person to carry on a licensable activity without a licence (this provision could apply to a letting agent or landlord).
- c) It is an offence to expose alcohol for sale by retail in circumstances where a licence would be required or to keep alcohol for sale or supply.
- d) It is an offence to have in your possession or control alcohol which is intended for sale by retail or supply in circumstances where that would be an unauthorised licensable activity.

Note

There is a defence available in relation to the above offences if the accused can show that they had taken all reasonable precautions and exercised all due diligence to avoid committing the offence.

- e) The Act creates an offence of keeping smuggled goods. The offence relates to contraband alcohol and tobacco, counterfeit goods and unlawfully imported goods.
- f) It is an offence to sell by retail alcohol on or from a vehicle at a time when the vehicle is not permanently or temporarily parked.

4. Offences by customers

- a) It is an offence for a person who is drunk or disorderly if they fail to leave premises at the request of the police or persons having responsibility at the premises. If requested a police constable must help licensees and their staff to expel drunk and disorderly persons. Any person who has been expelled from a premise commits an offence if they try to re-enter the premises.

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