

Licensing Act 2003

General Licensing Guidance-Children

Introduction

The Licensing Act 2003 heralded a change in the administration of liquor licensing moving control from the Magistrates' Courts to local authorities. Part of the change involved the amalgamation of the licensing of public entertainment events, theatres, cinemas and late night refreshment houses already carried out by local authorities with the new liquor licensing arrangements.

The new regime came fully into effect in November 2005. The new law provides for premises licences, club premises certificates, temporary events notices and personal licences to be applied for.

The protection of children from harm

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003. Under the Licensing Act 2003 the legal drinking age remains at 18 but the Licensing Act introduces mandatory conditions relating to children in licensed premises.

The new licensing regime aims to close the loopholes and inadequacies of the previous law in relation to children, while allowing under 18's to experience the atmosphere of licensed premises whilst in a family friendly, safe environment. The Act requires that all licensed premises and clubs set out in their operating schedules the steps proposed to be taken to promote the licensing objectives, including the protection of children from harm.

The new regime allows licensing authorities to attach conditions relating to children's access to reflect the individual nature of each establishment where relevant representations are made by a responsible authority or interested party. The contact for the responsible authority with specific interest for children in the Nottinghamshire area is:

Angela Duffus-Palmer, Nottinghamshire County Council, Social Services, c/o County Hall, West Bridgford, Nottingham NG2 7QP telephone 0115 9775684 or email south.tss@nottscc.gov.uk.

Where there is no risk of harm, there will be no conditions applied. Where there is a genuine danger, for example through underage drinking, drug dealing or entertainment of an adult nature the licensing authorities will be able to impose necessary conditions on the licence or certificate to provide the fullest possible safeguards for the protection of children.

Offences under the Licensing Act 2003 relating to children

- To allow an unaccompanied child under 16 on premises holding a premises licence or a club premises certificate or a temporary event notice that are used exclusively or primarily for the supply of alcohol. In effect, this would apply to most pubs and bars where restaurant and food facilities are not provided as a permanent feature or attraction.

- It will be an offence to allow an unaccompanied child under 16 to be on premises holding a premises licence or a club premises certificate or a temporary event notice between the hours of midnight and 5 a.m. when the premises are open for the supply of alcohol.
- It will be an offence for any person to sell alcohol to children anywhere, not just on licensed premises.
- It will be an offence for a child to buy or attempt to buy alcohol.
- It will be an offence for a child knowingly to consume alcohol on premises holding a premises licence or a club premises certificate or a temporary event notice

16 – 17 year olds

The prohibitions on unaccompanied children aged under-16 extend to beer gardens and outside terraces. An exception to drinking alcohol is provided for an accompanied individual aged 16 or 17 where the alcohol is beer, wine or cider to be consumed at a table meal.

Children aged under 16 are now allowed to buy and consume soft drinks in any premises as the purchase and consumption of soft drinks are not licensable activities. However, the offence provisions relating to certain categories of premises may mean that children under 16 unaccompanied by an adult may not have access to those premises even to buy and consume soft drinks.

The Act also states that where a person is charged with the offence of selling, or a club supplying, alcohol to a child under 18, it is a defence that they believed the individual was 18 or over and either he had taken all reasonable steps to establish the individual's age, or that nobody could reasonably have suspected that the individual was aged under 18.

Further help and information

Further licensing information is available on the Council's website at www.gedling.gov.uk and the Department for Culture Media and Sport at www.culture.gov.uk.

You may contact our Licensing Office by telephoning 0115 901 3895, or by email: licensing@gedling.gov.uk

Our postal address is Licensing Office, Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Notts. NG5 6LU.