

LICENSING ACT 2003: ENFORCEMENT APPROACH IN DEALING WITH THE SALE OF ALCOHOL TO CHILDREN

1. Introduction

1.1 Reading Borough Council (RBC) and Thames Valley Police (TVP) have formed the Reading Alcohol Misuse Enforcement Group (RAMEG) to work in partnership to enforce the Licensing Act 2003 in relation to the sale of alcohol to persons under 18 years old. This document outlines the approach the Partnership will take when enforcing the Act.

1.2 Fair and effective enforcement is necessary to ensure that:

- (a) All those who live and work in or visit Reading have a clear understanding of the policy covering the council's enforcement functions;
- (b) Any information given to a business, landlord or individual, whether written or verbal, clearly identifies those requirements which are mandatory and those which are advisory;
- (c) Any enforcement action is proportionate to the breach involved; and
- (d) Officers follow a consistent approach to enforcement by referring to Standard Operational Procedures and other guidance.

2.0 The Licensing Act 2003

2.1 The purpose of the Licensing Act 2003 is to promote the following four fundamental objectives:

- The prevention of crime & disorder
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

2.2 Section 146(1) makes it an offence to sell alcohol to an individual under the age of 18. The person selling the alcohol must take all reasonable steps to establish the individual's age.

2.3 When an application is made for a licence that would include the sale of alcohol, TVP officers and RBC Trading Standards Officers and Targeted Services Officers will make representations to the issuing of the licence unless they are satisfied that adequate steps will be taken by the applicant to prevent the sale of alcohol to any person under 18 years of age.

2.4 Section 149 makes it an offence for a person under the age of 18 to buy or attempt to buy alcohol unless this is at the request of a constable or a weights and measures inspector who is acting in the course of his duty. The Partnership will take effective action to reduce or eliminate this through education and taking the appropriate enforcement action against offenders as outlined in section 4 below.

3. Enforcement Approach

- 3.1 RAMEG will educate retailers and raise awareness of the Act and encourage all retailers of alcohol to insist upon the production of a valid proof of age identity document before selling alcohol to any person who looks 21 years or younger.
- 3.2 The Partnership will carry out intelligence-led test purchases in premises where alcohol is sold to test the robustness of retailers' policies. RBC and TVP work in collaboration and may agree for either party to lead a particular test purchase exercise.

4. Enforcement Options for the sale of alcohol to Under 18s

4.1 Action against the Premises Licence Holder (PLH), Designated Premises Supervisor (DPS) and Seller

4.1.1 If a test purchase results in the sale of alcohol the following options are available. The time difference between offences as well as other options will be considered if appropriate.

(a) First Offence where the Seller is NOT a DPS or PLH

- (i) Issue a Penalty Notice for Disorder (PND) to the Seller
- (ii) Invite a representative of the Premises Licence Holder and DPS to attend a Premises Performance Meeting. Failure to engage will be recorded and may be used in subsequent reviews.
- (iii) Issue a written warning to the Premises Licence Holder requiring them to review their procedures, take effective steps to prevent a recurrence and submit any amendment to their procedures to the Partnership with 28 days of receiving the warning.
- (iv) **Notwithstanding point (iii)**, TVP or RBC Trading Standards or Targeted Services Officers may seek a review of the premises licence irrespective of whether an action plan has been produced.

(b) Second or Subsequent Offence

- (i) Same Seller - interview Seller under caution in accordance with PACE and consider prosecuting.
- (ii) Different Seller at same premise - issue a PND to the Seller.
- (iii) Invite the premises licence holder and DPS to an interview under caution in accordance with PACE.
- (iv) TVP or RBC Trading Standards or Targeted Services Officers may seek a review of the premises licence.
- (v) The Partnership will consider prosecuting the premises licence holder and/or the DPS.

(c) First Offence where the Seller IS a DPS or PLH

- (i) Arrest him/her for relevant offence(s) and fast track through the legal process under Serious and Organised Crime Act 2005.
- (ii) The Partnership may draw to the Court's attention its powers of suspension and forfeiture of a personal licence on conviction of a relevant offence.

- (iii) Invite a representative of the Premises Licence Holder and DPS to attend a Premises Performance Meeting. Failure to engage will be recorded and may be used in subsequent reviews.
 - (iv) Issue written warning to the Premises Licence Holder requiring them to review their procedures, take effective steps to prevent a recurrence and submit any amendment to procedures to the Partnership with 28 days of receiving the warning.
 - (v) TVP or RBC Trading Standards or Targeted Services Officers may seek a review of the premises licence.
- (d) Second or Subsequent Offence**
- (i) Arrest him/her for relevant offence(s) and fast track through the legal process under Serious and Organised Crime Act 2005.
 - (ii) The partnership may request the suspension or forfeiture of Personal Licence on conviction of a relevant offence.
 - (iii) Invite the premises licence holder (if different from the DPS) to an interview under caution in accordance with PACE.
 - (iv) TVP or RBC Trading Standards or Targeted Services Officers may seek a review of the premise licence.
 - (v) Partnership will consider prosecuting the premises licence holder and/or the DPS.

4.2 In seeking a review of the premises licence, the Lead Authority will specify its recommendations which may include one or more of the following:

- (a) Modify, including adding conditions to the licence
- (b) Exclude a licensable activity from the licence
- (c) Remove the DPS
- (d) Suspend the licence for a period not exceeding 3 months
- (e) Revoke the licence

5.0 Enforcement Procedure to be followed for the purchase of alcohol by Under 18s

This area of enforcement is the responsibility of TVP and is currently subject to review.

6.0 Reference Documents

In all cases, TVP will refer their intention to review a premises licence or prosecute to the BCU Operational Panel for Licensing Enforcement; and Trading Standards Officers and Target Services will follow Reading Borough Council's enforcement policy, both of which subscribe to the tenets of the Cabinet Office Enforcement Concordat.