

Police Reform and Social Responsibility Bill - March 2011

Persistently selling alcohol to children

What is our aim?

The Coalition Agreement included two commitments to reduce persistent under-age alcohol sales. These were:

- We will double the maximum fine for under-age alcohol sales to £20,000
- We will allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children

The intention of the following policy proposals is to deliver the above Coalition Commitments and take tough action against those persistently selling alcohol to children.

What classifies as persistently selling alcohol to children?

Persistently selling alcohol to children is defined as when a licence holder is found to be selling alcohol to children two or more times within a three month period.

What are the current penalties for those persistently selling alcohol to children?

Currently there are three routes of action that can be taken against those found to be persistently selling alcohol to children.

1. The licence holder can plead not guilty and go to court where if prosecuted they can be given a fine of up to £10,000 (for the premises licence holder) with up to 3 months suspension of their alcohol licence.
2. As an alternative to prosecution the police or trading standards officers can give the licence holder the option to voluntarily accept a 48 hour closure notice rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the licence. This can also happen in addition to options 1 and 2.

How often are these penalties used?

In 2009/10 two licences were suspended by a court for persistently selling alcohol to children. A 48 hour closure notice for persistently selling alcohol to

children was issued by police or trading standards officers 100 times in 2009/10. It is not clear how many reviews have been conducted following a licence holder being found to have been persistently selling alcohol to children.

To date, the full £10,000 fine has not been issued and licence holders are more likely to accept voluntary closure rather than going to court where if convicted they would face the fine of up to £10,000 and potentially a closure order for up to 3 months.

What are the key changes that will be made through the Bill?

- We will double the maximum fine for persistently selling alcohol to children from £10,000 to £20,000.
- We will extend the period of voluntary closure that can be issued by the police or trading standards officers as an alternative to prosecution to impose a minimum closure period of 48 hours and maximum closure period of two weeks. Police will be able to apply this flexibly to take into account the nature of the premises.

What are the intentions of these policies?

The aim of these policies is to deliver the above Coalition Commitments and take tough action against those persistently selling alcohol to children. Alongside doubling the maximum fine, extending the period of voluntary closure will ensure that this is not seen as a softer option. Amending the Statutory Guidance to state that all licences will be reviewed where the licence holder is found to be persistently selling alcohol to children and making the presumption will be that the licence will be revoked at review will encourage licensing authorities to make greater use of these powers.

Are any other policy changes being made in this area?

- The Statutory Guidance issued under section 182 of the Licensing Act 2003 will be amended to state that the premises licence should be reviewed in all cases where the premises is found to be persistently selling alcohol to children and the presumption at review is that the licence will be revoked.
- Alongside these changes we will work with the Sentencing Council and the Crown Prosecution Service to encourage greater use of powers to prosecute those found guilty of persistent underage selling.