

Licensing and Safety Committee – 25th September 2007

Report of the Director of the Urban Environment

The Enforcement of the Licensing Act 2003: Under age sales of alcohol

Purpose of Report

1. To inform the committee of the enforcement action taken by the Trading Standards Service under the Licensing Act 2003 regarding the sale of alcohol to persons under the age of 18 years.
2. To inform the committee of the results of the 2007 Tackling Underage Sales of Alcohol Campaign carried out by the Trading Standards Service in conjunction with West Midlands Police.

Background

3. The Trading Standards Service has a duty under the Licensing Act 2003 (the Act) to enforce the provisions of the Act so far as they relate to sales of alcohol made on or from premises to which the public have access and also provides Trading Standards with the power to authorise test purchases to this end. The Act also states that a person commits an offence if he sells alcohol to an individual aged under 18 and also states that a person who knowingly allows the sale of alcohol to an individual aged under 18 is committing an offence. This includes persons who work at the premises.
4. In the 12 month period June 2006 to June 2007 a total of 152 visits were made to licensed premises by Trading Standards officers who carried out underage test purchases at each premise resulting in 12 illegal sales of alcohol.
5. In October 2006, the Police Standards Unit co-ordinated an intelligence led Tackling Underage Sales of Alcohol Campaign (TUSAC) in sixteen forces across the country. The aim was to further target the illegal sale of alcohol to young people and to increase the review process to maximise the impact of licensing legislation in controlling the irresponsible retailing of alcohol.
6. Building upon the success of this campaign the Police standards Unit with support from the Association of Chief Police Officers (ACPO) and the Local Authority Co-ordinating Body on Regulatory Services (LACORS) co-ordinated and funded a further campaign which ran between 4th May 2007 and 15th July 2007.
7. In Dudley, as part of this campaign, a total of 95 visits were made to intelligence led target premises. 6 illegal sales were made which resulted in 2 fixed penalty

notices with enforcement action being considered against the remaining four.

8. The sale of alcohol to minors is considered by the Government to be a serious matter. In the cases where repeated illegal underage sales have taken place at a premises and convictions secured against the Premises licence holder as a result of test purchase exercises with the Police, Trading Standards together with the Police, as responsible authorities, will consider seeking a review of the Premise License in order to deter further criminal activity.
9. The licensing authority under its statutory powers may take any of the following steps as a result of reviewing the license:
 - modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
10. The enforcement of legislation related to the sale of age restricted goods by Trading Standards Service contributes in a positive manner to the reduction of crime and fear of crime across the Borough. In particular the Service achieves this by enforcing legislation relating to underage sales, through education and joint enforcement activities with the police and being an active partner in the Safe and Sound Partnership in particular the Crime and Reduction Implementation Group and Joint Activity Group.

In particular this enforcement activity contributes to the local Crime and Disorder Crime Reduction targets in the Local Area Agreement by helping to reduce the effects of crime and anti-social behaviour caused by alcohol

Finance

- 11 Financial implications from enforcing the Licensing Act 2003 regarding the sale of alcohol to persons under the age of 18 years are met from within existing budgets. In addition, the Home Office provide funding for each TUSAC where Local Authorities who participate can claim £25 per test purchase visit to a premise. For this years campaign the Council will be claiming £2,375.

Law

- 12 The Trading Standards Service has a duty under Section 154 Licensing Act 2003 (the Act) to enforce the provisions of the Act so far as they relate to sales of alcohol made on or from premises to which the public have access and also provides Trading Standards with the power to authorise test purchases to this end.
- 13 Section 146 of the Act states that a person commits an offence if he sells alcohol to an individual aged under 18. S.147 of the Act states that a person who

knowingly allows the sale of alcohol to an individual aged under 18 is committing an offence. This includes persons who work at the premises.

- 14 On 6th April 2007 sections 23 and 24 of the Violent Crime Reduction Act 2006 came into force creating a new offence within the Licensing Act 2003 of persistently selling alcohol to children.

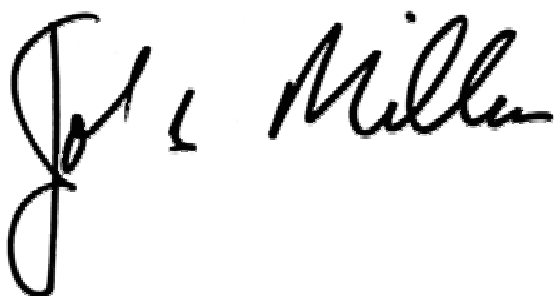
Equality Impact

- 15 The proposals in this report do not impact on relevant groups or conflict with the Council's commitment to equality. The Trading Standards enforcement service is delivered impartially and borough wide to all dutyholders and service users.
- 16 Children and young persons may be particularly vulnerable to persons willing to sell them alcohol and particular emphasis is placed on securing compliance with the Licensing Act 2003 regarding the sale of alcohol to persons under the age of 18 years.

Recommendation

- 17 It is recommended that the Committee:
 - Note the enforcement action taken by the Trading Standards Service under the Licensing Act 2003 regarding the sale of alcohol to persons under the age of 18 years.
 - Note the results of the 2007 Tackling Underage Sales of Alcohol Campaign carried out by the Trading Standards Service in conjunction with West Midlands Police.

Note in the cases where repeated illegal sales have taken place at a premises and convictions secured against the Premises licence holder Trading Standards together with the Police will consider seeking a review of the Premise License in order to deter further criminal activity.



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List of Background Papers

1. Licensing Act 2003