

## Offences etc under Licensing Act 2003

Carrying on or attempting to carry on a licensable activity without the required authorisation (premises licence, club premises licence or temporary event notice) is an offence. Carrying on a licensable activity in breach of a condition in an authorisation is also an offence. Conviction can lead to six months imprisonment and/or a fine of £20,000 (s 136).

Offences include the following:-

- Failing without reasonable excuse to notify the change of name or address of a premises licence holder (s 33)
- Failing to notify a designated premises supervisor of a transfer of a premises licence (s 46)
- Failing to display without reasonable excuse the summary of the premises licence or produce a copy of it to an authorised officer or constable (s 37)
- Intentionally obstruct an authorised officer inspecting premises in relation to a grant, variation, review of a licence or a provisional statement (s 59)
- Failing to notify a change in the name or alteration of the rules of a club (s 82)
- Failing to notify a change in the relevant registered address of a club (s 83)
- Failing to produce a club premises certificate to be updated (s 93)
- Failing to display without reasonable excuse the summary of the club premises certificate or produce a copy of it to an authorised officer or constable (s 94)
- Intentionally obstructing an authorised officer from inspecting club premises in relation to an application or a grant, variation or review of a club premises certificate (s 96)
- Intentionally obstructing an authorised officer from entering premises where a temporary event notice is in force (s 108)
- Failing to display without reasonable excuse a temporary event notice or produce a copy of it to an authorised officer or constable (s 37)
- Failing to notify a change of name or address in relation to a personal licence (s 127)
- Failure to notify a court when charged with a relevant offence that the defendant is a personal licence holder, or to produce the licence to the court (s 128)
- Failure of personal licence holder to notify licensing authority of conviction for a relevant or foreign offence (s 132)
- Failure to produce a personal licence for inspection by an authorised officer or constable on licenced premises (s 135)
- Conducting licensable activities without authorisation or in breach of an authorisation (s 136)
- Putting alcohol on display for sale without a licence (s137)
- Keeping alcohol on a premises for unauthorised sale (s138)
- Allowing disorderly conduct on a licenced premises (s140)
- Selling alcohol to someone who is drunk (s141) or obtaining alcohol for someone who is drunk (s142)
- Failing to leave licenced premises without reasonable excuse when drunk and disorderly and when requested to do so by a constable, a licence holder or their authorised agents (s 143)
- Entering or attempting to enter licenced premises without reasonable excuse if drunk and disorderly after a constable, a licence holder or authorised agent has requested him not to enter (s 143)
- Keeping smuggled goods (s 144)
- Allowing children under 16 years of age on the premises when alcohol is being sold, without being accompanied by a person of over 18 years old (s 145)
- Allowing the sale of alcohol to children under the age of 18 (s 146)
- Selling liqueur confectionary to children under 16 (s 147)
- Buying or attempting to buy alcohol whilst under the age of 18 but note the exemption for trading standards officers and police officers to conduct test purchases (s 149)
- Buying or attempting to buy alcohol for children under 18 unless the child is over 16, accompanied by a person over 18, and beer, wine or cider has been purchased with a table meal (s 149)
- Consuming alcohol by children under 18 on licenced premises unless the same exceptions as above apply (s 150)

- Knowingly deliver alcohol to children under 18 (s 151)
- Sending a child under 18 to obtain alcohol from off-licences but note the exception for police and trading standards officers to conduct test purchasing (s 152)
- Knowingly allow a person under the age of 18 to sell alcohol unless the sale has been specifically approved by the licence holder or another responsible person (s 153)

Most offences are punishable by a fine of up to level 1 or level 2 on the standard scale (£200 and £500) respectively, although offences relating to disorder on licenced premises or children can attract maximum penalties of up to level 5 (£5000).

Both the police and licensing authorities have the authority to bring prosecutions under the Act (s 186). Trading standards authorities have authority to bring prosecutions in relation to test purchasing under sections 146 and 147, which they have a legal duty to enforce.

Constables and authorised officers have the right to enter licenced premises to ensure that activities are being conducted in accordance with an authorisation, and may use reasonable force to gain entrance if need be (s 179). It is an offence to intentionally obstruct an authorised officer exercising this power. Constables may also enter and search (with reasonable force if necessary) any premises in which they believe that an offence under the Act has been, is being or is about to be committed (s 180).

Because club premises are deemed to be private property, specific power is given to police officers to enter club premises in relation to the supply of controlled drugs under the Misuse of Drugs Act 1971, or if there is likely to be a breach of the peace on the premises. Reasonable force may be used if necessary (s 97).