

**AGENDA MANAGEMENT SHEET**

**Name of Committee**

**Cabinet**

**Date of Committee**

**23 February 2006**

**Report Title**

**Licensing Act 2003**

**Summary**

The duty to enforce the provisions of the Licensing Act 1964 was previously delegated to the Trading Standards Service. As this legislation has now been revoked, to discharge the Council's duty efficiently, the responsibility for the enforcement of sections 146 and 147 of the Licensing Act 2003 should be delegated to an appropriate Head of Service/Chief Officer and the Council's constitution amended accordingly.

**For further information please contact:**

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**Would the recommended decision be contrary to the Budget and Policy Framework?**

No.

**Background papers**

None

**CONSULTATION ALREADY UNDERTAKEN:-**

Details to be specified

Other Committees

.....

Local Member(s)

Not applicable

Other Elected Members

Councillor J Haynes – ‘Noted’.  
Councillor D Shilton, Councillor M Doody

Cabinet Member

Cllr R Hobbs – “Report noted.”

Chief Executive

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Legal

Ian Marriott - agreed

Finance

Paul Walsh, Financial Services Manager - agreed

Other Chief Officers

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- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Agenda No

### Cabinet - 23 February 2006

#### Licensing Act 2003

#### Report of the Director, Libraries, Heritage & Trading Standards

##### **Recommendation**

That the Director of Libraries, Heritage and Trading Standards or his/her nominee be authorised to exercise the functions of the County Council in relation to offences concerning the sale of alcohol to children under the Licensing Act 2003 and that the Director of Performance and Development be requested accordingly to amend Paragraph 13 of Part 6, Section, Part 2 of the Constitution by replacing references to provisions of the Licensing Act 1964 with references to sections 146 and 147 of the 2003 Act.

##### **1 Introduction**

The Trading Standards Service had the delegated authority to enforce the provisions of the Licensing Act 1964 (as amended) in relation to the sale of alcohol to young people under the age of 18.

The anti-social implications of underage drinking are well reported, and the legislation existed to protect both the young people and the neighbourhoods in which they live.

The Licensing Act 1964 (as amended) covered a number of issues in relation to the sale of alcohol, including the sale of alcohol to persons under the age of 18.

The Licensing Act 2003 was introduced in 2003 and addresses a number of issues relating to licensable activities and the way in which licenses are issued. As well as amending the licensing system the new Act also addresses certain anti-social behaviour issues including the underage sale of alcohol.

Different sections of the Act came into force at various times throughout 2003, 2004 and 2005. On 24 November 2005 the final sections of the Act came into force, including sections 146 and 147 and the Licensing Act 1964 was repealed.

## **2 Key Provisions of the Act Relevant to the Council's Duty**

- 2.1 Section 154 of the Licensing Act 2003 places a duty on the weights and measures authority to enforce the provisions of sections 146 and 147 of the Act, so far as they relate to sales of alcohol made on or from premises to which the public have access.

### **Section 146 Sale of Alcohol to Children**

This section makes it an offence for a person or a club to sell alcohol to an individual aged under 18

### **Section 147 Allowing the sale of alcohol to children**

This section makes it an offence for any person knowingly to allow the sale of alcohol at a licensed premises to an individual under the age of 18.

Section 154 of the Act states that a weights and measures inspector may also authorise any person to make test purchases of alcohol.

- 2.2 Contravention of both sections 146 and 147 is an offence which carries the penalty of a fine not exceeding level 5 (£5000) on the standard scale. Breaches of section 146 may, as an alternative, receive an £80 fixed penalty notice by virtue of the Criminal Justice and Police Act 2001.

## **3 Action required by Cabinet**

The duty to enforce the provisions of the Licensing Act 1964 was previously delegated to the Trading Standards Service. As this legislation has now been revoked, to discharge the Council's duty efficiently, the responsibility for the enforcement of sections 146 and 147 of the Licensing Act 2003 should be delegated to an appropriate Head of Service/Chief Officer and the Council's constitution amended accordingly.

NOEL HUNTER  
Director, Libraries, Heritage & Trading Standards

Shire Hall  
Warwick

26 January 2006