

# ALLERDALE BOROUGH COUNCIL



## GUIDANCE SHEET

### LIST OF OFFENCES UNDER LICENSING ACT 2003

This is a list of offences that can be committed under the Licensing Act 2003. Council or Police officers can prosecute persons for any of these offences. Cases can be dealt with by way of a formal caution or in the Magistrates Court. The Court may also order the forfeiture of a Personal Licence, or suspend it for up to six months. If you are convicted of an offence, the Police may also raise objections to you holding a Personal Licence, and the Council can hold a hearing to consider whether your Personal Licence should be revoked.

OFFENCE	PERSON WHO COMMITS THE OFFENCE	DEFENCE TO THE CHARGE	MAX PENALTY
<b>PREMISES LICENCE</b>			
Failing to notify the Council that you have changed your address	Premises Licence Holder	Reasonable excuse	£500
Failing to notify the Council that the Designated Premises Supervisor (DPS) has changed address (unless they have already notified us themselves)	Premises Licence Holder	Reasonable excuse	£500
Failing to give notice to a person who has or has not been replaced as a Designated Premises Supervisor	Premises Licence Holder	Reasonable excuse	£1000
Where the DPS has said he wishes to be removed from the licence (and is also the holder of the Premises Licence), failing to give his Licence to the Council or explain why he cannot do so	Premises Licence Holder/DPS	Reasonable excuse	£1000
Failing to tell the DPS that a licence or interim authority has been granted	Premises Licence Holder/applicant	Reasonable excuse	£1000
Failing to tell the DPS that an application has been made to transfer the Premises Licence	Premises Licence Holder	Reasonable excuse	£1000
Failure to produce the Licence at the Council's request within 14 days in the event of a determination notice, lapse etc.	Premises Licence Holder	Reasonable excuse	£500

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Failing to keep and display a copy of the Premises Licence, or a summary or it	Premises Licence Holder	Reasonable excuse	£500
<b>QUALIFYING CLUBS</b>			
Failing to notify the Council of any alterations to the name, or the rules, of the Club	Secretary of the Club	No defence available	£500
Failing to notify the Council of cessation of authority to use the relevant registered address	Secretary of the Club	Reasonable excuse	£500
Failing to give the Council the Club Premises Certificate when requiring to do so for updating etc	Secretary of the Club	Reasonable excuse	£500
Failing to keep the Certificate (or certified copy) on the premises in the custody of the "nominated person"	Secretary of the Club	Reasonable excuse	£500
Failing to ensure a summary of the Certificate (or a certified copy) AND a notice of the nominated person's position is prominently displayed	The nominated person	Reasonable excuse	£500
Failing to produce the Certificate or certified copy when asked to do so by a constable or authorised person	Any person	Reasonable excuse	£500
Obstructing an authorised person or constable wishing to enter and inspect on application for grant, variation or review	Any person	No defence available	£500
<b>TEMPORARY ACTIVITIES AND EVENTS</b>			
Obstructing an authorised officer from entering the premises to assess the impact on the crime prevention objective	Any person	Have to prove intention to commit offence	
Failing to display the Temporary Event Notice, or keep it at the premises in the custody of the Premises User, or of his nominee (either of whom must be present) – the notice of nomination must be displayed	Premises user	Reasonable excuse	£500
Failing to produce the Temporary Event Notice to a constable or authorised officer	Premises user or the nominee	Reasonable excuse	£500
<b>PERSONAL LICENCES</b>			
Failing to notify the Council upon application for a grant or renewal of a relevant offence or foreign offence	Applicant	"as soon as is reasonably practicable", reasonable excuse	£2,500

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Failing to notify the Council of any change in name and address	Personal Licence Holder	“as soon as is reasonably practicable”, reasonable excuse	£500
Failing to produce or notify the Court of the Personal Licence when being dealt with for a relevant offence	Personal Licence Holder	“no later than his first appearance”; reasonable excuse	£500
Failing to notify the Council that you have been convicted of a relevant offence/foreign offence where the Court has not already done so	Personal Licence Holder	“as soon as reasonably practicable after the conviction”; reasonable excuse	£500
Failing to produce licence for updated to Council within 14 days of notice	Personal Licence Holder	Reasonable excuse	£500
Failing to produce Personal Licence for inspection by a constable or authorised officer	Personal Licence Holder	Reasonable excuse	£500
<b>GENERAL OFFENCES</b>			
Carrying on, knowingly allowing the carrying on, of any licensable activities without a licence or Temporary Event Notice	Any person	Due diligence	Six months in prison and/or £20,000
Unauthorised exposure of alcohol for sale by retail	Any person	Due diligence	Six months in prison and/or £20,000/forfeiture
Possession of alcohol with intent to sell by retail or supply (in a qualifying club) where that would be unauthorised	Any person	Due diligence	£500/forfeiture
Knowingly allowing disorderly conduct on relevant premises	Any person working paid or unpaid who is authorised to prevent it; Premises Licence Holder; DPS; any member or officer of a club who is on the premises at the time in a capacity that enables him to prevent it; the Premises User for a Temporary Event Notice	No defence available	£1000
Knowingly selling or attempting to sell or supply alcohol to, or allowing alcohol to be sold to, someone who is drunk	As for disorderly conduct above	No defence available	£1000
On relevant premises, knowingly obtain alcohol for consumption on those premises for a person who is drunk	Any person	No defence available	£1000

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When drunk or disorderly, failing to leave relevant premises when asked by a constable or other relevant person, or attempting to enter or re-enter having been asked not to	Person who is "drunk or disorderly"	Reasonable excuse	£200
Knowingly keeping or allowing to be kept, any goods on which duty has not been paid, or any other illegally imported goods, on relevant premises	As for disorderly conduct above	No defence available	£1000 plus forfeiture etc.
Sale of alcohol by retail on or from a vehicle that is not permanently or temporarily parked	Any person	Mistake, reliance on information given to him, act or omission of another, other cause beyond his control; took all reasonable precautions and exercised all due diligence	3 months in prison and/or £20,000
Knowingly selling or attempting to sell alcohol in contravention of a Magistrates Court order prohibiting the sale of alcohol on trains (this order can only be made on the application of a senior Police officer, and only if necessary to prevent disorder)	Any person	No defence available	3 months in prison and/or £20,000
Knowingly or recklessly making a false statement in, or in connection with, a licensing application	Any person		£5000
Allowing premises to be open where a review has been made and the licence has been revoked; until the time limit for appeal, or the appeal has been dealt with	Any person	Reasonable excuse	3 months in prison and/or £20,000
Intentionally obstructing an authorised person wishing to enter the premises to see if a licensable activity is being carried on	Any person		£1000
Knowingly keeping, or allowing to be kept open, premises subject to an "identified area" closure order. A constable may use "such force as may be necessary for the purpose of closing the premises..."	Any manager, Premises Licence Holder, Designated Premises Supervisor or Premises User under a Temporary Event Notice	No defence available	£1000
Permitting relevant premises to be open in contravention of a closure order on identified premises	Any person	Reasonable excuse	3 months in prison and/or £20,000
Permitting relevant premises to be open in contravention of a Magistrates Court closure order	Any person	Reasonable excuse	3 months in prison and/or £20,000

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*Note: A constable may use such force as may be necessary to close premises so they comply with a Closure Order, but they will not be liable for damages for act or omission, unless you can prove bad faith or a breach of section 6 (1) of the Human Rights Act*

### UNDERAGE OFFENCES

Knowingly allowing an unaccompanied child on premises exclusively or primarily being used for the supply of alcohol for consumption on the premises	As for disorderly conduct	Child was passing to/from another place where there is no other means of access or egress; due diligence if due to the act or default of another	£1000
Allowing an unaccompanied child to be on relevant premises between midnight and 5.00am when the premises are being used for the purpose of supplying alcohol for consumption there	As for disorderly conduct	Child was passing to/from another place where there is no other means of access or egress; due diligence if due to the act or default of another	£1000
Selling alcohol to a person aged under 18	Any person, a Club, or a person on behalf of a club	(i) belief that person was over 18 AND either (a) had taken all steps to establish the age, i.e. was provided with evidence that would convince any reasonable person or (b) no reasonable person would have suspected person was under 18; (ii) due diligence where act or default or another	£5000
Knowingly allowing the sale or supply of alcohol on relevant premises to a person aged under 18	Any person who works at the Premises in any capacity, whether paid or unpaid, which authorises him to prevent the supply; any member or officer of a Club who at the time was present in a capacity which enabled him to prevent it	No defence available	£5000

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Knowingly allowing alcohol to be supplied to, or to the order of, a Club Member who is under 18, or to the order of a Member, to someone under 18	Any person who works at the premises in any capacity, whether paid or unpaid, which authorises him to prevent the supply; any member or officer of a Club who at the time was present in a capacity which enabled him to prevent it	No defence available	£5000
Sale or supply of liqueur confectionery to a child under 16	Any person, any person on behalf of a Club, a Club	As for selling alcohol to a person under 18 (but substitute 16 for 18)	£500
Attempting to buy alcohol when aged under 18 (unless sent by a constable or Trading Standards Officer)	Any person aged under 18	No defence available	£1000
Being supplied with alcohol by a Club you are a member of, by or on behalf of the Club, because of some act or default of yours, or attempting to have alcohol supplied to you or to your order by or on behalf of, the Club	Any person aged under 18	No defence available	£1000
Buying, or attempting to buy, alcohol on behalf of a person aged under 18	Any person	No reason to suspect person was under 18	£5000
Being a Club Member and making an arrangement for alcohol to be supplied to a person under 18, or attempting to make such arrangements	Any Club member	No reason to suspect person was under 18	£5000
Buying, or attempting to buy, alcohol for consumption on relevant premises by a person aged under 18; or having (by act or default) alcohol supplied to him or to his order, for consumption on the premises by a person aged under 18	Any person or Club member – but does not apply to a 16/17 year old drinking beer, wine or cider for consumption with a table meal on relevant premises when accompanied by a person aged over 18	No reason to suspect person was under 18	£5000
Knowingly consuming alcohol on relevant premises	Any person aged under 18 except exemption for 16/17 year olds as above	No defence available	£1000
Knowingly allowing consumption of alcohol on the premises by a person aged under 18	Any person who works at the premises in any capacity, whether paid or unpaid, which authorises him to prevent the supply; any member or officer of a Club who at the time was present in a capacity which enabled him to prevent it	No defence available	£5000

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Knowingly delivering alcohol sold or supplied on the premises to a person aged under 18 (also applies to Clubs)	Any person who works at the premises in any capacity, whether paid or unpaid	Delivering to the buyer's home or work; where the underage person works at the premises in a capacity that involves alcohol delivery; or where the alcohol is sold for consumption on the premises	£5000
Knowingly allowing someone else to deliver alcohol sold on relevant premises to a person aged under 18	Any person who works at the premises, whether paid or unpaid, in a capacity that authorises him to prevent the delivery	As above	£5000
Knowingly allowing someone else to deliver alcohol sold on the premises to a person aged under 18 by or on behalf of a Club, or to the order of a Member	Any person who works at the premise in a capacity, paid or unpaid, which authorises him to prevent the supply, and any member or officer of the Club present at the time in a capacity that enables him to prevent it	As above	£5000
Knowingly sending a child to buy alcohol to be consumed off the relevant premises; supplying alcohol by or on behalf of a Club for the same reason (except where instructed by a constable or a Trading Standards Officer)	Any person	No defence available	£5000
Knowingly allowing a person aged under 18 to sell alcohol or supply alcohol on behalf of a Club, unless the sale or supply has been specifically approved by that person – does not apply where the alcohol is sold for consumption with a table meal in premises used for the service of table meals (or a part of the premises used for this), and where the premises are not used for the sale and supply of alcohol except to persons having table meals as an ancillary to eating	Premises Licence Holder; Designated Premises Supervisor; person aged over 18 authorised by a Premises Licence Holder or DPS; any member or officer of a Club where present in a capacity which authorises him to prevent the supply; a Premises User under a Temporary Event Notice or person aged over 18 authorise for this purpose by the Premises User	No defence available	£200