

Research Briefing

28 February 2024

By John Woodhouse

Children in pubs



Summary

- 1 Admitting and serving children
- 2 Persistently selling alcohol to children
- 3 Age verification
- 4 Test purchasing
- 5 Employing children

Image Credits

Bar-counter-beer-taps by Zarya Maxim. Licensed by Adobe Stock id #216611140 – no copyright required.

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclibraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

Contents

Summary	4
1 Admitting and serving children	5
1.1 Offences under the 2003 Act	5
1.2 Licence conditions	6
1.3 Other restrictions on admitting children	7
2 Persistently selling alcohol to children	8
3 Age verification	9
3.1 Age verification consultation (January to March 2024)	9
4 Test purchasing	11
5 Employing children	12

Summary

The [Licensing Act 2003](#) regulates the sale and supply of alcohol in England and Wales. The Act is underpinned by [four licensing objectives](#). One of these is the “protection of children from harm”.

Most activity around licensing and protecting children relates to:

- regulating the access to licensed premises by children.
- preventing the consumption of alcohol by children on licensed premises.
- preventing the illegal sale of alcohol to under-18s.

This Briefing gives an overview of the Act’s specific offences relating to children and the conditions that licensing authorities can impose on individual premises. It also contains information on age verification, test purchasing, and employing children in pubs.

Further detail is available in Home Office, [Revised Guidance issued under section 182 of the Licensing Act 2003](#) (PDF) (December 2023).

A summary of the [licensing framework in England and Wales is available from GOV.UK](#).

1 Admitting and serving children

The 2003 Act contains specific offences relating to admitting and serving children. In addition, licensing authorities can impose restrictions on the presence of children in particular premises. Pub and restaurant chains can also operate their own policies relating to children.

1.1 Offences under the 2003 Act

Specific offences relating to children under the 2003 Act include:

- certain persons¹ allowing children under 16 on “relevant premises”² that are used exclusively or primarily for the supply of alcohol, if they are not accompanied by an adult, and those premises are open for the supply of alcohol for consumption.³
- allowing an unaccompanied child under 16 to be on relevant premises between the hours of midnight and 5am when the premises are open for the supply of alcohol for consumption.⁴
- supplying alcohol to an individual aged under 18 anywhere, not just on licensed premises.⁵
- an individual under 18 buying, or attempting to buy, alcohol.⁶
- an individual under 18 knowingly consuming alcohol on relevant premises.⁷

It is a defence for someone charged with selling alcohol to a person aged under 18 that they believed the person was aged 18 or over and either they had taken all reasonable steps to establish the individual's age or nobody

¹ The categories of people who can commit the offence are listed in [section 145\(3\) of the 2003 Act](#) and include the holder of the [premises licence](#) and the [designated premises supervisor](#) (if any) under such the licence.

² ie premises to which a [premises licence](#) or a [club premises certificate](#) has been granted, or a [temporary event notice](#) has been given.

³ [Section 145\(1\)\(a\) of the 2003 Act](#)

⁴ [Section 145\(1\)\(b\) of the 2003 Act](#)

⁵ [Section 146 of the 2003 Act](#)

⁶ [Section 149 of the 2003 Act](#)

⁷ [Section 150 of the 2003 Act](#)

could reasonably have suspected from the person's appearance that they were aged under 18.⁸

1.2 Licence conditions

Licensing authorities can impose restrictions on the presence of children in particular premises. They are entitled to do so, since they must have regard to the licensing objective of protecting children from harm. According to Home Office guidance, conditions restricting the access of children to premises should be “strongly considered” in circumstances where:

- adult entertainment is provided.
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal).
- it is known that unaccompanied children have been allowed access.
- there is a known association with drug taking or dealing.
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.⁹

The guidance also states that conditions relating to the protection of children from harm should reflect the licensable activities taking place on a premises and can include:

- restrictions on the hours when children may be present.
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place.
- restrictions on the parts of the premises to which children may have access.
- age restrictions (below 18).
- restrictions or exclusions when certain activities are taking place.
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).

⁸ [Section 146\(4\) of the 2003 Act](#)

⁹ Home Office, [Revised Guidance issued under section 182 of the Licensing Act 2003](#) (PDF) (December 2023), para 2.28 (accessed 28 February 2024)

- full exclusion of people under 18 from the premises when any licensable activities are taking place.¹⁰

1.3

Other restrictions on admitting children

Some pub and restaurant chains operate their own policies relating to children. For example, where a pub is open all day, it may require accompanied children to leave by 6pm. A commercial service provider like a restaurateur or pub landlord is entitled to refuse to serve someone. In exercising that right, the service provider must consider the obligations placed on them by legislation outlawing discrimination on grounds of disability or race. However, there is no law that would cover alleged “discrimination” against children.

¹⁰ As above, para 2.32

2 Persistently selling alcohol to children

[Section 23 of the Violent Crime Reduction Act 2006](#) amended the 2003 Act and created an offence of “persistently selling alcohol to children”, to apply where “on 3 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same premises to an individual aged under 18”.¹¹ This has since been changed to 2 or more occasions within 3 months.¹² The maximum fine for the offence is £20,000.¹³

The Home Office has published [guidance on the offence for police and trading standards officers](#) (PDF)(2012).¹⁴

¹¹ [Section 147A of the 2003 Act](#)

¹² [Section 147A\(1\)\(a\) of the 2003 Act](#), as amended by [section 28 of the Policing and Crime Act 2009](#)

¹³ [Section 147A\(8\) of the 2003 Act](#); Home Office, [Persistently selling alcohol to children: revised guidance following amendments introduced through the Police Reform and Social Responsibility Act 2011](#) (PDF), p2 (accessed 28 February 2024)

¹⁴ Home Office, [Persistently selling alcohol to children: revised guidance following amendments introduced through the Police Reform and Social Responsibility Act 2011](#) (PDF), 2012 (accessed 28 February 2024)

3 Age verification

One of the 2003 Act's [mandatory licensing conditions](#) requires those selling or supplying alcohol to have an age verification policy in place. This must:

...require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.¹⁵

The [designated premises supervisor](#) (the person with day-to-day responsibility for the running of the business) has legal responsibility for ensuring that the sale of alcohol is in accordance with the age verification policy.

Acceptable forms of identification include photo card driving licences; passports; military identification; and proof of age cards bearing the [PASS hologram](#). Other forms of identification that include the required features are acceptable.¹⁶ An example of an age verification policy is given in the Home Office's guidance on the mandatory conditions.¹⁷

3.1 Age verification consultation (January to March 2024)

On 25 January 2024, [the Government launched a consultation on the use of digital identities and technology to help establish if someone is old enough to buy alcohol](#). The consultation, which closes on 30 March 2024, [is seeking views on three options](#):

¹⁵ [Para 3 of the Schedule to The Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014](#) (PDF). For policy background to the Order, see the [Explanatory Memorandum to the Licensing Act 2003 \(Mandatory Licensing Conditions\) \(Amendment\) Order 2014](#) (PDF) (accessed 28 February 2024)

¹⁶ Home Office, [Guidance on mandatory licensing conditions: for suppliers of alcohol and enforcement authorities in England and Wales](#) (PDF), September 2014, p8 (accessed 28 February 2024)

¹⁷ As above, Annex A

1. Do nothing: only traditional identity documents which contain a holographic image or ultraviolet feature are acceptable for age verification for alcohol sales.
2. Alongside traditional identity documents, also allow digital identities to be used for age verification for alcohol sales. And / or
3. Alongside traditional identity documents, also allow age estimation and other technology to be used for age verification for alcohol sales.

4 Test purchasing

For the purposes of enforcing the law against underage sales, weights and measures inspectors have test purchasing powers.¹⁸ Either by themselves, or by authorising others, they can make purchases to test whether the provisions of [section 146](#) and [section 147](#) of the 2003 Act are being complied with.

¹⁸ [Section 154 of the 2003 Act](#)

5

Employing children

There is no prohibition on children working behind the bar under the age of 18. The prohibitions that were contained in earlier legislation were repealed by the 2003 Act, although the law covering the employment of children still applies. The only restriction that is now placed on anyone working in the bar under the age of 18 is that they cannot sell alcohol unless every sale is specifically approved by an adult.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)