

## LICENSING ACT 2003

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### EXPLANATORY NOTES

#### COMMENTARY ON SECTIONS

#### PART 7: Offences

#### *Section 145 – Unaccompanied children prohibited from certain premises.*

230. By virtue of this section it is an offence to admit children under 16 to certain categories of relevant premises (see section 159) if they are not accompanied by an adult and those premises are open for the supply of alcohol for consumption there. Those premises are
- a) those exclusively or primarily used for the supply of alcohol for consumption on the premises, or
  - b) those open for the purposes of being used for the supply of alcohol for consumption on the premises by virtue of Part 5 (permitted temporary activities) and, at the time the temporary event notice in question has effect, they are exclusively or primarily used for such supplies.

It will also be an offence to allow an unaccompanied child under 16 to be on relevant premises at a time between the hours of midnight and 5 a.m when the premises are open for the supply for alcohol for consumption there.

231. Subsection (3) sets out the categories of persons who may commit the offence. These are:
- any person who works at the premises in a capacity that gives him the authority to request the child to leave,
  - a premises licence holder or designated premises supervisor,
  - an officer or member of a club who is present in a capacity which enables him to request the child to leave, and
  - a premises user (see the definition in section 100(2)) who has given a temporary event notice in respect of those premises.
232. Subsection (6) provides for a defence where a person charged with an offence under this section believed the child was aged 16 or over, or the adult accompanying them was aged 18 or over, and either took all reasonable steps to establish the individual's age or nobody could reasonably have suspect from the individual's appearance that they were aged under 16 or 18. There is a further defence where someone is charged with an offence under this section because of the act or default of another person, and the person charged exercised all due diligence to avoid committing the offence. No offence is committed if the unaccompanied child is merely passing through the premises, where this is the only convenient route.