

# **VIOLENT CRIME REDUCTION ACT 2006**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### **Part 1: Alcohol-related violence and disorder**

##### **Persistent selling of alcohol to children**

47. The requirement to have reached 18 in order to make alcohol purchases has been the law in England and Wales since the coming into force of the Intoxicating Liquor (Sale to Persons under Eighteen) Act 1923. Despite measures over subsequent years aimed at reducing the underage purchase and consumption of alcohol, it remains the case that many children are able to obtain alcohol from some licensed sources now with ease. Since 1988, several attempts have been made to strengthen the offences and to make prosecution and conviction of offenders easier. These efforts have included:
- replacing the “knowingly” aspect of the offence provisions with a restricted due diligence defence (Licensing Act 1988);
  - expanding those who are liable to prosecution for the offences (Licensing (Young Persons) Act 2000);
  - further restricting the defence of due diligence (Criminal Justice and Police Act 2001);
  - placing “test purchasing” of alcohol on a statutory footing (Criminal Justice and Police Act 2001); and
  - making the offence of selling alcohol to children subject to fixed penalty notice procedures (November 2004).
48. An Alcohol Misuse Enforcement Campaign in the summer of 2004 found that in premises targeted by test purchasing operations almost 50 per cent were committing offences of selling alcohol to children. A similar campaign during the Christmas/New Year period of 2004/2005 found that out of 989 test purchasing operations on targeted establishments, 32 per cent of on licence and off licence premises were found to be selling to under-18s.
49. Although the Licensing Act 2003 increased the maximum fines for offences related to sales of alcohol to children from £1,000 to £5,000, the impact of convictions for such offences falls on the individual offender and therefore not necessarily on the business carrying on the licensable activity at the premises. Similarly, conviction may lead to the suspension of a personal licence if one is held by the offender, but not the premises licence which authorises sales of alcohol at the premises concerned. Whether any action is taken in respect of the premises licence depends on the police or trading standards officers applying to the licensing authority for a review of the premises licence. Whether any action is taken to suspend or revoke the premises licence would then depend on the view taken by the licensing authority following a hearing.

*These notes refer to the Violent Crime Reduction Act 2006  
(c.38) which received Royal Assent on 8 November 2006*

50. In the “Drinking Responsibly” consultation paper, the Government argued that the existing and future offence provisions and the increased penalties associated with the implementation of the Licensing Act 2003 may be insufficient in themselves to curb the current level of unlawful sales. A key proposal was to legislate to create a power for the police and trading standards officers (inspectors of weights and measures) to close premises for a period of up to 48 hours where there was evidence of persistent unlawful selling to children. The provisions in sections 23 and 24 of the Act give effect to these proposals.
51. [Part 3](#) introduces a new power for a police constable to issue an individual with a direction to leave a public place where it is necessary to prevent alcohol-related crime or disorder. The direction can prohibit the person’s return to the area for up to 48 hours. This provision will be particularly useful to the police as an early intervention tool as a direction could be given to a person who it is considered is likely to be involved in alcohol-related crime or disorder. It will therefore help the police to reduce the potential risk of alcohol-related crime or disorder taking place.