

## Police Reform and Social Responsibility Act 2011

### A summary of amendments to the sanctions for the offence of persistently selling alcohol to children

#### Summary guidance - May 2012

This summary should be read in conjunction with the full guidance document: *Revised guidance following amendments introduced through the Police Reform and Social Responsibility Act 2011*. As with the content of that document, this summary guidance is not binding on police or trading standards officers.

This summary highlights the main changes made to the Licensing Act 2003 by the 2011 Act in respect of the offence of persistently selling alcohol to children.

#### What are the main changes to the sanctions for the offence?

On 25 April 2012:

- the maximum fine for the offence of persistently selling alcohol to children was increased from £10,000 to **£20,000**; and
- the period during which the sale of alcohol may be prohibited by a closure notice was extended to range from a minimum of **48 hours to a maximum of 336 hours (14 days)** and must relate to a single period over consecutive days.

A closure notice offers the opportunity to discharge all criminal liability for the offence when it is accepted.

#### How should the police and trading standards decide the length of the closure notice?

The amendments to the period in relation to which a closure notice applies provide the police and trading standards officers with much greater flexibility when considering the duration of the notice. The guidance document contains a list of **aggravating and mitigating** factors which police and trading standards officers should consider when determining the period for which the notice should apply. (See paragraph 37 of the guidance document).

When the police or trading standards officers decide on an appropriate period, they should give the notice without negotiation.

#### What form should the closure notice take?

This must be in the form prescribed by the Licensing Act 2003 (Persistent Selling of Alcohol to Children) (Prescribed Form of Closure Notice) Regulations 2012. A form is attached at the end of the full guidance document.

#### What should happen once a premises has accepted a closure notice or been prosecuted for the offence?

Police and trading standards officers should notify the licensing authority so that they can review the premises licence. (See paragraph 68 of the guidance document).