

Children in pubs

Guidelines for publicans



Children in Pubs

The vast majority of pubs are family-friendly places offering a warm welcome to parents and children. There are many myths surrounding children's access to pubs and what they can and can't do when on the premises. The following clarification is intended to help parents and operators of licensed premises understand the law in the following areas. This is the BBPA understanding of the Licensing Act 2003 and is not a legal statement.

General Access

The licensee has overall discretion over who he or she allows into the pub.

The Licensing Act 2003 swept away the vast majority of restrictions on allowing children in pubs. Each pub now has a unique set of conditions on the licence which sets out how the pub operates. Generally speaking, children are allowed to enter a pub unless it has a particular licence condition which says children are not to be permitted.

The exception to this is if the pub is used 'primarily or exclusively' for the supply and consumption of alcohol on the premises. In this case a child under the age of 16 is not permitted on the premises when the pub is open for business unless they are accompanied by someone 18 or over.

A further restriction is that no unaccompanied child under the age of 16 is allowed on any premises licensed for the sale and consumption of alcohol on the premises between the hours of midnight and 5am if it is open for business.

Alcohol

1) Sale

It is illegal to sell alcohol to someone under 18, or to knowingly sell alcohol to someone who is 18 or over but who then gives the alcohol to someone under 18.

2) Purchase

Equally, you are breaking the law if you are under 18 and you buy or attempt to buy alcohol or if you are 18 or over and you buy alcohol for someone who is under 18.

3) Consumption

It is illegal for someone under 18 to consume alcohol on a licensed premises or for anyone working there to allow that to happen.

Unless the person is 16 or 17 years old and they are drinking beer, wine or cider with a sit-down meal and they are accompanied by someone 18 or over. This is perfectly legal. Someone 18 or over still must purchase the alcohol in question.

4) Proof of age

Pubs are responsible for ensuring that they operate within the law and customers may well be asked to prove that they are 18 or older. Customers should not be offended when this happens. Pubs will accept the following forms of proof of age:

- Photocard driving licence
- Passport
- Proof of age card bearing the PASS hologram
- HM Forces identity card

5) Young people working in pubs

Under the Licensing Act 2003 a person under 18 is allowed to sell or supply alcohol which is being served with a sit-down meal in a premises which is only used for the service of sit-down meals.

For sales across a bar, however, every sale or supply of alcohol by someone under 18 must be specifically approved by the designated premises supervisor (DPS), the premises licence holder or someone over 18 who has been authorised by either the DPS or the premises licence holder. If the sale or supply has not been specifically approved then it is the person who knowingly allows the sale or supply to take place who is guilty of an offence.

In practice this means that someone under 18 may work in a pub, but someone responsible in that pub must specifically approve every sale or supply of alcohol that they make. Think of the example of a supermarket where under 18's work on the checkouts, but must have a supervisor come to their till and specifically approve each sale of alcohol.

If challenged, it is therefore not sufficient to state that the person under 18 had been given the standard authorisation to serve alcohol that all members of bar staff are given.

PLEASE NOTE

Some local authority byelaws do not allow children of compulsory school age, and some of these may be 16 years of age, to work in premises 'where alcohol is served in unsealed containers'

As these byelaws supercede licensing law, employers are advised to contact their local authority to clarify before employing anyone of 16 years or younger in any capacity within a pub.



**British Beer &
Pub Association**
Brewers' Hall
Aldemanbury Square
London EC2 V 7HR

T: 020 7627 9191

F: 020 7627 9123

E: contact@beerandpub.com

www.beerandpub.com

Registered in London

Company number: 1182734