

# **Pearson BTEC Level 2 Award for Personal Licence Holders**

## **Specification**

BTEC Specialist qualification

First teaching December 2017

## **Edexcel, BTEC and LCCI qualifications**

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# 1 Introducing BTEC Specialist qualifications

## **What are BTEC Specialist qualifications?**

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BTEC Specialist qualifications are work-related qualifications available from Entry to Level 3 in a range of sectors. They give learners the knowledge, understanding and skills they need to prepare for employment in a specific occupational area. The qualifications also provide career development opportunities for those already in work.

BTEC Specialist qualifications put learning into the context of the world of work, giving students the opportunity to apply their research, skills and knowledge in relevant and realistic work contexts. This applied, practical approach means learners build the knowledge, understanding and skills they need for career progression or further study.

The qualifications may be offered as full-time or part-time courses in schools, colleges, training centres and through employers.

## **Sizes of BTEC Specialist qualifications**

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For all regulated qualifications, we specify a total number of hours that learners are expected to undertake in order to complete and show achievement for the qualification – this is the Total Qualification Time (TQT). The TQT value indicates the size of a qualification.

Within the TQT, we identify the number of Guided Learning Hours (GLH) that a centre delivering the qualification needs to provide. Guided learning means activities that directly or immediately involve tutors and assessors in teaching, supervising, and invigilating learners, for example lectures, tutorials, online instruction and supervised study.

As well as guided learning, there may be other required learning that is directed by tutors or assessors. This includes, for example, private study, preparation for assessment and undertaking assessment when not under supervision, such as preparatory reading, revision and independent research.

As well as TQT and GLH, qualifications can also have a credit value – equal to one tenth of TQT, rounded to the nearest whole number.

TQT and credit values are assigned after consultation with employers and training providers delivering the qualifications.

BTEC Specialist qualifications are generally available in the following sizes:

- Award – a qualification with a TQT value of 120 or less (equivalent to a range of 1–12 credits)
- Certificate – a qualification with a TQT value in the range of 121–369 (equivalent to a range of 13–36 credits)
- Diploma – a qualification with a TQT value of 370 or more (equivalent to 37 credits and above).

## 2 Qualification summary and key information

Qualification title	Pearson BTEC Level 2 Award for Personal Licence Holders
Qualification Number (QN)	603/2538/0
Regulation start date	25/10/2017
Operational start date	01/12/2017
Approved age ranges	18+  Please note that sector-specific requirements or regulations may prevent learners of a particular age from embarking on this qualification. Please see <i>Section 6 Access and recruitment</i> .
Total qualification time (TQT)	8 hours
Guided learning hours (GLH)	8
Credit value	1
Assessment	External assessment (onscreen/paper-based test).
Grading information	The qualification and unit are at a Pass grade.
Entry requirements	No prior knowledge, understanding, skills or qualifications are required before learners register for this qualification. However, centres must follow our access and recruitment policy (see <i>Section 6 Access and recruitment</i> ).
Funding	Qualifications eligible and funded for post-16-year-olds can be found on the funding hub. The Skills Funding Agency also publishes a funding catalogue that lists the qualifications available for 19+ funding.

Centres will need to use the Qualification Number (QN) when they seek public funding for their learners. The qualification title, unit title and QN will appear on each learner's final certificate. Centres should tell learners this when recruiting them and registering them with Pearson. There is more information about certification in our *UK Information Manual*, available on our website, [qualifications.pearson.com](http://qualifications.pearson.com)

## 3 Qualification purpose

### Qualification objectives

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The Pearson BTEC Level 2 Award for Personal Licence Holders is for learners who work in, or who want to work in, the licensed retail sector.

The qualification gives learners the opportunity to:

- develop knowledge of the minimum legislation requirements and basic operating procedures in licensed premises
- gain an understanding of the system of licensing and control in relation to licensed premises and licensable activities
- learn about the legal and social roles and responsibilities of Personal Licence Holders
- gain an understanding of the licensing objectives and of the Personal Licence Holders legal and social responsibilities for the responsible use of alcohol, reducing crime and disorder, preventing drug use and drug dealing and the protection of children
- achieve a nationally recognised Level 2 qualification
- achieve a licence to practise
- develop their own personal growth and engagement in learning.

### Relationship with previous qualifications

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This qualification is a direct replacement for the Pearson BTEC Level 2 Award for Personal Licence Holders (QCF) 601/3483/5, which has expired. Information about how the new and old units relate to each other is given in *Annexe A*.

### Progression opportunities

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Learners who achieve the Pearson BTEC Level 2 Award for Personal Licence Holders can progress to:

- the Pearson BTEC Level 3 Award in Hospitality Supervision and Leadership Principles
- the Pearson Edexcel Level 3 NVQ Diploma in Hospitality, Supervision and Leadership.

### Industry support and recognition

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This qualification is supported by People 1st, the Sector Skills Council for hospitality, passenger transport, travel and tourism.

## 4 Qualification structure

### **Pearson BTEC Level 2 Award for Personal Licence Holders**

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Learners will need to meet the requirements outlined in the table below before Pearson can award the qualification.

Minimum number of units that must be achieved	1
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Unit number	Mandatory unit	Level	Credit	Guided learning hours
1	Legal and Social Responsibilities of a Personal Licence Holder	2	1	8

## 5 Centre resource requirements

As part of the approval process, centres must make sure that the resource requirements below are in place before offering the qualification.

- Centres must have appropriate physical resources (for example IT, learning materials, teaching rooms) to support delivery and assessment.
- Staff involved in the assessment process must have relevant expertise and occupational experience.
- There must be systems in place that ensure continuing professional development (CPD) for staff delivering the qualification.
- Centres must have appropriate health and safety policies in place that relate to the use of equipment by learners.
- Centres must have in place robust internal verification systems and procedures to ensure the quality and authenticity of learners' work as well as the accuracy and consistency of assessment decisions between assessors operating at the centre. For information on the requirements for implementing assessment processes in centres, please refer to the BTEC UK Quality Assurance Centre Handbook available on our website.
- Centres must deliver the qualifications in accordance with current equality legislation. For further details on Pearson's commitment to the Equality Act 2010, please see *Section 6 Access and recruitment*. For full details of the Equality Act 2010, visit [www.legislation.gov.uk](http://www.legislation.gov.uk)

## 6 Access and recruitment

Our policy on access to our qualifications is that:

- they should be available to everyone who is capable of reaching the required standards
- they should be free from barriers that restrict access and progression
- there should be equal opportunities for all wishing to access the qualifications.

Centres must ensure that their learner recruitment process is conducted with integrity. This includes ensuring that applicants have appropriate information and advice about the qualification to ensure that it will meet their needs.

Centres should review applicants' prior qualifications and/or experience, considering whether this profile shows that they have the potential to achieve the qualification.

### **Prior knowledge, skills and understanding**

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No prior knowledge, understanding, skills or qualifications are required for learners to register for this qualification.

### **Access to qualifications for learners with disabilities or specific needs**

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Equality and fairness are central to our work. Pearson's Equality Policy requires all learners to have equal opportunity to access our qualifications and assessments and that our qualifications are awarded in a way that is fair to every learner.

We are committed to making sure that:

- learners with a protected characteristic (as defined by the Equality Act 2010) are not, when they are undertaking one of our qualifications, disadvantaged in comparison to learners who do not share that characteristic
- all learners achieve the recognition they deserve from undertaking a qualification and that this achievement can be compared fairly to the achievement of their peers.

For learners with disabilities and specific needs, the assessment of their potential to achieve the qualification must identify, where appropriate, the support that will be made available to them during delivery and assessment of the qualification. Please see *Section 8 Assessment* for information on reasonable adjustments and special consideration.

## 7 Programme delivery

Centres are free to offer this qualification using any mode of delivery (for example full-time, part-time, evening only, distance learning) that meets their learners' needs. Whichever mode of delivery is used, centres must make sure that learners have access to the resources identified in the specification and to the subject specialists delivering the units.

Those planning the programme should aim to enhance the vocational nature of the qualification by:

- liaising with employers to make sure that a course is relevant to learners' specific needs
- accessing and using non-confidential data and documents from learners' workplaces
- developing up-to-date and relevant teaching materials that make use of scenarios that are relevant to the sector
- giving learners the opportunity to apply their learning in practical activities
- including sponsoring employers in the delivery of the programme and, where appropriate, in assessment, for example developing assessments with input from employers
- using 'expert witness' reports from employers to support assessment
- making full use of the variety of experience of work and life that learners bring to the programme.

Where legislation is taught, centres must ensure that it is current and up to date.

Where a unit is externally assessed, it is essential that learners have covered all of the unit content before they are tested.

## 8 Assessment

The table below gives a summary of the assessment methods used in the qualification.

Unit	Assessment method
Unit 1	External assessment (available as an onscreen and paper-based test).

In administering external assessment, centres need to be aware of the specific procedures and policies that apply to, for example registration, entries and results. More information can be found in our *UK Information Manual*, available on our website.

### Language of assessment

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External assessment for the unit in this qualification will be available in English only.

A learner taking the qualification may be assessed in British or Irish Sign Language where it is permitted for the purpose of reasonable adjustment.

For further information on access arrangements, please refer to *Reasonable adjustments* later in this section.

### External assessment

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The table below gives information about the type and availability of external assessment that is available for this qualification. Centres should check this information carefully together with the unit specification and the sample assessment materials so that they can timetable learning and assessment periods appropriately.

Unit 1: Legal and Social Responsibilities of a Personal Licence Holder	
Type of assessment	Onscreen test or paper-based using multiple-choice questions.
Length of assessment	1 hour (external assessment).
Number of questions	40
Assessment availability	On demand.
First assessment availability	July 2017

Pearson sets and marks the external assessment.

The external assessment assesses all the learning outcomes in the units to meet the standard specified by the related assessment criteria. All the content in the unit is mandatory for the assessment and will be sampled across different versions of the assessment over time. Therefore, it is essential that learners have full knowledge of the unit content before being entered for the test.

Centres need to make sure that learners are:

- fully prepared to sit the external assessment
- entered for the test at appropriate times, with due regard for resit opportunities as necessary.

Information about the structure and format of the assessment is available in the relevant units in *Section 12 Units*.

Information about registering learners for the test and the systems requirements for delivering the onscreen tests is available on our website.

## **Sample assessment materials**

The externally-assessed unit has a set of sample assessment materials (SAMs). The SAMs are there to provide an example of what the external assessment will look like in terms of the feel and level of demand of the assessment.

SAMs show the range of possible question types that may appear in the actual assessments and give a good indication of how the assessment will be structured.

While SAMs can be used for practice with learners, as with any assessment the content covered and specific details of the questions asked will change in each assessment. A copy of the assessment can be downloaded from the qualification page on our website.

## **Administrative arrangements for external assessment**

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### **Access arrangements requests**

Access arrangements are agreed with Pearson before an assessment. They allow learners with special educational needs, disabilities or temporary injuries to:

- access the assessment
- show what they know and can do without changing the demands of the assessment.

Access arrangements should always be processed at the time of registration.

Learners will then know what type of arrangements are available in place for them.

### **Granting reasonable adjustments**

For external assessment, a reasonable adjustment is one that Pearson agrees to make for an individual learner. A reasonable adjustment is defined for the individual learner and informed by the list of available access arrangements.

Whether an adjustment will be considered reasonable will depend on a number of factors, including:

- the needs of the learner with the disability
- the effectiveness of the adjustment
- the cost of the adjustment; and
- the likely impact of the adjustment on the learner with the disability and other learners.

Adjustment may be judged unreasonable and not approved if it involves unreasonable costs, timeframes or affects the integrity of the assessment.

## Special consideration requests

Special consideration is an adjustment made to a learner's mark or grade after an external assessment to reflect temporary injury, illness or other indisposition at the time of the assessment. An adjustment is made only if the impact on the learner is such that it is reasonably likely to have had a material effect on that learner being able to demonstrate attainment in the assessment.

Centres are required to notify us promptly of any learners who they believe have been adversely affected and request that we give special consideration. Further information can be found in the special requirements section on our website.

## Conducting external assessments

Centres must make arrangement for the secure delivery of external assessments. All centres offering external assessments must comply with the Joint Council for Qualifications (JCQ) document *Instructions for the Conduct of Examinations (ICE)*. The current version of this document is available on our website.

## Dealing with malpractice in assessment

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Malpractice means acts that undermine the integrity and validity of assessment, the certification of qualifications and/or may damage the authority of those responsible for delivering the assessment and certification.

Pearson does not tolerate actions (or attempted actions) of malpractice by learners, centre staff or centres in connection with Pearson qualifications. Pearson may impose penalties and/or sanctions on learners, centre staff or centres where incidents (or attempted incidents) of malpractice have been proven.

Malpractice may arise or be suspected in relation to any unit or type of assessment within the qualification. For further details on malpractice and advice on preventing malpractice by learners, please see Pearson's *Centre Guidance: Dealing with Malpractice*, available on our website.

The procedures we ask you to adopt vary between units that are internally assessed and those that are externally assessed.

## External assessment

External assessment means all aspects of units that are designated as external in this specification. For these assessments, centres must follow the JCQ procedures set out in the latest version of the document *JCQ Suspected Malpractice in Examinations and Assessments Policies and Procedures* (available on the JCQ website, [www.jcq.org.uk](http://www.jcq.org.uk)).

In the interests of learners and centre staff, centres need to respond effectively and openly to all requests relating to an investigation into an incident of suspected malpractice.

## **Learner malpractice**

The head of centre is required to report incidents of suspected learner malpractice that occur during Pearson examinations. We ask centres to complete JCQ Form M1 ([www.jcq.org.uk/malpractice](http://www.jcq.org.uk/malpractice)) and email it with any accompanying documents (signed statements from the learner, invigilator, copies of evidence, etc.) to the Investigations Team at [pqsmalpractice@pearson.com](mailto:pqsmalpractice@pearson.com). The responsibility for determining appropriate sanctions or penalties to be imposed on learners lies with Pearson.

Learners must be informed at the earliest opportunity of the specific allegation and the centre's malpractice policy, including the right of appeal. Learners found guilty of malpractice may be disqualified from the qualification for which they have been entered with Pearson.

## **Teacher/centre malpractice**

The head of centre is required to inform Pearson's Investigations Team of any incident of suspected malpractice by centre staff, before any investigation is undertaken. The head of centre is requested to inform the Investigations Team by submitting a JCQ M2 (a) form (downloadable from [www.jcq.org.uk/malpractice](http://www.jcq.org.uk/malpractice)) with supporting documentation to [pqsmalpractice@pearson.com](mailto:pqsmalpractice@pearson.com). Where Pearson receives allegations of malpractice from other sources (for example Pearson staff, anonymous informants), the Investigations Team will conduct the investigation directly or may ask the head of centre to assist.

Incidents of maladministration (accidental errors in the delivery of Pearson qualifications that may affect the assessment of learners) should also be reported to the Investigations Team using the same method.

Heads of centres/principals/chief executive officers or their nominees are required to inform learners and centre staff suspected of malpractice of their responsibilities and rights, please see 6.15 of *JCQ Suspected Malpractice in Examinations and Assessments Policies and Procedures*.

Pearson reserves the right in cases of suspected malpractice to withhold the issuing of results/certificates while an investigation is in progress. Depending on the outcome of the investigation, results and/or certificates may not be released or they may be withheld.

We reserve the right to withhold certification when undertaking investigations, audits and quality assurances processes. You will be notified within a reasonable period of time if this occurs.

## **Sanctions and appeals**

Where malpractice is proven, we may impose sanctions or penalties.

Where learner malpractice is evidenced, penalties may be imposed such as:

- mark reduction for affected external assessments
- disqualification from the qualification
- debarment from registration for Pearson qualifications for a period of time.

If we are concerned about your centre's quality procedures we may impose sanctions such as:

- working with centres to create an improvement action plan
- requiring staff members to receive further training
- placing temporary blocks on the centre's certificates
- placing temporary blocks on registration of learners
- debarring staff members or the centre from delivering Pearson qualifications
- suspending or withdrawing centre approval status.
- The centre will be notified if any of these apply.

Pearson has established procedures for centres that are considering appeals against penalties and sanctions arising from malpractice. Appeals against a decision made by Pearson will normally be accepted only from the head of centre (on behalf of learners and/or members or staff) and from individual members (in respect of a decision taken against them personally). Further information on appeals can be found in our *Enquiries and appeals about Pearson vocational qualification policy* on our website. In the initial stage of any aspect of malpractice, please notify the Investigations Team (via [pqsmalpractice@pearson.com](mailto:pqsmalpractice@pearson.com)) who will inform you of the next steps.

## 9 Recognising prior learning and achievement

### **Recognition of Prior Learning**

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Recognition of Prior Learning (RPL) is a method of assessment that considers whether a learner can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and so do not need to develop through a course of learning.

Pearson encourages centres to recognise learners' previous achievements and experiences in and outside the workplace, as well as in the classroom. RPL provides a route for the recognition of the achievements resulting from continuous learning.

RPL enables recognition of achievement from a range of activities using any valid assessment methodology. If the assessment requirements of a given unit or qualification have been met, the use of RPL is acceptable for accrediting a unit, units or a whole qualification. Evidence of learning must be sufficient, reliable and valid.

Further guidance is available in our policy document *Recognition of Prior Learning Policy and Process*, available on our website.

## 10 Centre recognition and approval

Centres that have not previously offered BTEC Specialist qualifications need to apply for, and be granted, centre recognition as part of the process for approval to offer individual qualifications.

Existing centres will be given 'automatic approval' for a new qualification if they are already approved for a qualification that is being replaced by a new qualification and the conditions for automatic approval are met.

Guidance on seeking approval to deliver BTEC qualifications is given on our website.

### **Approvals agreement**

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All centres are required to enter into an approval agreement with Pearson, in which the head of centre or principal agrees to meet all the requirements of the qualification specification and to comply with the policies, procedures, codes of practice and regulations of Pearson and relevant regulatory bodies. If centres do not comply with the agreement, this could result in the suspension of certification or withdrawal of centre or qualification approval.

# 11 Quality assurance of centres

Quality assurance is at the heart of vocational qualifications. The centre assesses BTEC qualifications. The centre will use quality assurance to make sure that their managers, internal verifiers and assessors are standardised and supported. Pearson uses quality assurance to check that all centres are working to national standards. It gives us the opportunity to identify and provide support, if needed, to safeguard certification. It also allows us to recognise and support good practice.

For the qualification in this specification, the Pearson quality assurance model will follow the process below:

- an annual visit to the centre by a Centre Quality Reviewer to review centre-wide quality assurance systems.

For further details, please see the *UK Vocational Quality Assurance Handbook* on our website.

# 12 Units

Each unit in the specification is set out a similar way. This section explains how the units are structured. It is important that all tutors, assessors, internal verifiers and other staff responsible for the programme review this section.

Units have the following sections.

## **Unit number**

The number is in a sequence in the specification. Where a specification has more than one qualification, numbers may not be sequential for an individual qualification.

## **Unit title**

This is the formal title of the unit that will appear on the learner's certificate.

## **Level**

All units and qualifications have a level assigned to them. The level assigned is informed by the level descriptors defined by Ofqual, the qualifications regulator.

## **Credit value**

The unit in this qualification has a credit value. The minimum credit value is 1 and credits can be awarded in whole numbers only.

## **Guided Learning Hours (GLH)**

Guided Learning Hours (GLH) is the number of hours that a centre delivering the qualification needs to provide. Guided learning means activities that directly or immediately involve tutors and assessors in teaching, supervising, and invigilating learners, for example lectures, tutorials, online instruction and supervised study.

Pearson has consulted with users of the qualification and has assigned a number of hours to this activity for the unit.

## **Unit introduction**

This is designed with learners in mind. It indicates why the unit is important, what will be learned and how the learning might be applied in the workplace.

## **Learning outcomes**

The learning outcomes of a unit set out what a learner knows, understands or is able to do as the result of a process of learning.

## **Assessment criteria**

The assessment criteria specify the standard the learner is required to meet to achieve a learning outcome.

## **Unit content**

This section sets out the required teaching content of the unit and specifies the knowledge and understanding required for achievement of the unit. It enables centres to design and deliver a programme of learning that will enable learners to achieve each learning outcome and to meet the standard determined by the assessment criteria.

Where relevant and/or appropriate, unit content is informed by the underpinning knowledge and understanding requirements of related National Occupational Standards (NOS).

## **Relationship between unit content and assessment criteria**

All the content in each unit is mandatory for the assessments and will be sampled across different versions of the assessment over time. Learners can be tested on any aspect of the content.

Learners should be asked to complete summative assessment only after the teaching content for the unit or learning outcomes has been covered.

## **Legislation**

Legislation cited in the units is current at time of publication. The most recent legislation should be taught and assessed internally. External assessments will use the most recent legislation.

## **Further information for teachers and assessors**

This section gives information to support delivery and the implementation of assessment. It contains the following subsections.

- *Essential resources* – lists any specialist resources needed to deliver the unit. The centre will be asked to make sure that these resources are in place when it seeks approval from Pearson to offer the qualification.
- *Suggested reading/resources* – lists resource materials that can be used to support the teaching of the unit, for example books, journals, websites.
- *Essential information for assessment* – for internally-assessed units, it provides recommended assignments and suitable sources of evidence for each learning outcomes. It also gives information about the standard and quality of evidence expected for learners to achieve the learning outcome and pass each assignment. It is important that the information is used carefully, alongside the assessment criteria. For externally-assessed units, this section gives details of the format, structure and any specific conditions of the external assessment(s).

# Unit 1: Legal and Social Responsibilities of a Personal Licence Holder

**Level:** 2

**Credit value:** 1

**Guided learning hours:** 8

## Unit introduction

This unit has been specifically designed to enable learners to understand the statutory requirements of the Licensing Act 2003, which states that anyone authorising the retail sale of alcohol has to hold a personal licence. One of the requirements of qualifying to apply for a personal licence is that the applicant must hold a relevant accredited qualification.

## Learning outcomes and assessment criteria

To pass this unit, the learner needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria determine the standard required to achieve the unit.

Learning outcomes		Assessment criteria	
1	Know the nature, purpose and period of validity of a personal licence	1.1	State what a personal licence is
		1.2	State the period of validity of a personal licence
2	Understand the application process and legal duties when applying for a personal licence	2.1	State how a personal licence application is made, including eligibility criteria
		2.2	Outline the licensing authorities' process for the grant or rejection of new personal licences and renewals
		2.3	Identify who may object to the grant or renewal of a personal licence
		2.4	Define the terms 'relevant offences' and 'foreign offences'
		2.5	State the duty of an applicant to declare if they are convicted of any relevant or foreign criminal offences during the application process
		2.6	State the penalty for failing to declare conviction of relevant or foreign offences during the application process

Learning outcomes		Assessment criteria	
3	Understand the legal duties of a Personal Licence Holder	3.1	State the legal duties of a Personal Licence Holder if charged with a relevant or foreign offence
		3.2	State the legal duties of a Personal Licence Holder if convicted with a relevant or foreign offence after the licence is granted
		3.3	State the legal duties of a Personal Licence Holder if a personal licence is renewed, surrendered or revoked
		3.4	State the legal duties of a Personal Licence Holder if a change of name and/or address occurs
		3.5	State the legal duties of a Personal Licence Holder to produce their licence, when requested, including who may legally request this
		3.6	State the consequences for breaching any legal duties of a personal licence
		3.7	State the consequences for a Personal Licence Holder if convicted of a drink-driving offence
4	Understand the roles, responsibilities and functions of licensing authorities	4.1	State what licensing authorities are
		4.2	Outline the roles and responsibilities of licensing authorities
		4.3	Outline what a licensing policy is
		4.4	Outline the purpose of a licensing hearing, including appeals
5	Understand the licensing objectives and the importance of partnerships in promoting these objectives	5.1	Identify the licensing objectives and their importance to the licensing system
		5.2	State the importance of the licensing objectives
		5.3	State what an operating schedule is
		5.4	State what an operating schedule should include in order to promote the licensing objectives
		5.5	Identify the importance of partnerships in supporting the licensing objectives
		5.6	Identify the role of Community Safety Partnerships (CPS)
6	Understand the nature and strength of alcohol and the effect on the body	6.1	State the legal definition of alcohol in the Licensing Act 2003 under licensing law
		6.2	State how the strength of an alcoholic drink is measured
		6.3	Define the terms 'alcohol-free' and 'low alcohol'
		6.4	State the UK Government's sensible drinking advice
		6.5	State the behavioural and psychological effect of alcohol consumption
		6.6	Identify the effects of alcohol on the body

Learning outcomes		Assessment criteria	
7	Understand the law in relation to premises licences	7.1	Explain what a premises licence is
		7.2	State the procedures for a premises licence application
		7.3	State the grounds for a hearing and an appeal in respect of a premises licence application
		7.4	Explain the purposes of a premises licence review
		7.5	State the mandatory conditions attached to premises licensed to sell alcohol for consumption on and/or off the premises
		7.6	Identify the 4 licensable activities defined by the Licensing Act 2003
		7.7	State the law in relation to variations to premises licences
		7.8	State the law in relation to what constitutes unauthorised licensable activities
		7.9	Identify what a due diligence defence is and when it may be used
		7.10	State penalties for breaching licensing conditions
8	Know the role and responsibilities of the Designated Premises Supervisor (DPS)	8.1	Outline the job role of the DPS
		8.2	State the legal responsibility of the DPS
9	Understand the law in relation to Temporary Event Notices (TEN)	9.1	State what is meant by the term 'permitted temporary activities'
		9.2	State what a Temporary Event Notice (TEN) is
		9.3	State the law in relation to the frequency of permitted temporary activities
		9.4	State the circumstances under which the police and environmental health officers can object to a TEN
10	Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises	10.1	State the duty to refuse the sale of alcohol to a drunken person
		10.2	Identify examples of irresponsible drinks promotions
		10.3	Identify strategies licensed premises may adopt to prevent violence and reduce conflict
		10.4	Identify the consequences of allowing illegal drug use and dealing on licensed premises
		10.5	Identify who is legally responsible for preventing disorderly conduct on licensed premises
		10.6	State the consequences for allowing drunk and disorderly conduct on licensed premises

Learning outcomes		Assessment criteria	
11	Know the law in relation to the protection of children on licensed premises	11.1	State the law in relation to the sale of alcohol to children
		11.2	State the law in relation to the purchase or attempted purchase of alcohol by or for children
		11.3	State the law in relation to the unsupervised sale of alcohol by a child
		11.4	Identify the types and features of acceptable proof of age documents
		11.5	Outline the importance of other legislation related to the protection of children
		11.6	State the law in relation to the presence of children in licensed premises
		11.7	State the law in relation to the consumption of alcohol by under-18s
		11.8	State penalties for breaching the law in relation to the protection of under-18s on licensed premises
12	Understand the powers of the police and other authorities in relation to licensed premises	12.1	State the law in relation to the closure of identified licensed premises
		12.2	State the law in relation to the closure of licensed premises covering a particular geographical area
		12.3	Identify which authorities have a right of entry to licensed premises and when they can exercise these rights
13	Understand prohibitions and exemptions in relation to licensable activities	13.1	Identify the circumstances under which sales of alcohol are not considered to be a retail sale under licensing law
		13.2	Identify which forms of entertainment are regulated and which are exempt
		13.3	Identify which types of premises are prohibited from selling alcohol
		13.4	State the law in relation to the sale of alcohol on moving vehicles

## Unit content

### What needs to be learned

#### **Learning outcome 1: Know the nature, purpose and period of validity of a personal licence**

##### *1.1 Features of a personal licence:*

- granted to an individual by the relevant licensing authority
- is not tied to a particular licensed premises
- can be obtained even if a person is not currently working in licensed premises
- gives permission to make or authorise sales of alcohol in accordance with the terms of a premises licence.

##### *1.2 Validity of a personal licence:*

- valid indefinitely (from 1st April 2015)
- unless surrendered by the holder, revoked by the licensing authority or declared forfeit by the courts.

#### **Learning outcome 2: Understand the application process and legal duties when applying for a personal licence**

##### *2.1 Application procedures:*

- application by an individual on the approved form
- normally made to the licensing authority where the applicant lives
- renewal application must be made to the licensing authority that originally granted the licence.

##### *Key documentation:*

- application and declaration form
- two passport-size colour photographs of the applicant, one signed
- certificate of accredited qualification (original)
- recent basic disclosure
- Disclosure and Barring Service (DBS) certificate
- appropriate application fee.

##### *Eligibility criteria:*

- must be at least 18 years old
- must hold an accredited qualification
- must not have had a personal licence forfeited in the last five years
- must have no unspent relevant or foreign offence convictions
- must have a Disclosure and Barring Service (DBS) check, conviction certificate, or Police National Computer (PNC) check.

## What needs to be learned

### *2.2 Process for granting or rejecting a new licence:*

- licensing authority to check that eligibility criteria are met
- licensing authority to consult the Chief Officer of Police if unspent relevant or foreign convictions are identified
- personal licence will be granted by an officer of the licensing authority if no objection to the application is received
- licensing authority to hold hearings following objections
- right of appeal to magistrates within 21 days of rejection of application.

### *Process for the renewal of a personal licence:*

- application to the licensing authority which originally granted the licence
- renewal application can be made within three months, but no later than one month, of expiry
- original licence to be included or statement given with reason as to why applicant is failing to provide the original licence
- police objection if relevant offences identified
- failure to renew in time results in a new application.

### *2.3 Objections to the granting of a personal licence:*

- only the police can object if there is an unspent relevant or foreign offence
- objection based on crime and disorder objective.

### *2.4 Definition of the terms 'relevant offences' and 'foreign offences':*

- unspent convictions for criminal offences defined in detail in Schedule 4 of the Licensing Act 2003. (any licensing offence since 1964)
- drink-driving, driving while under the influence of alcohol
- certain food safety and Trading Standards offences
- food hygiene
- possession of a controlled drug with the intention to supply
- dealing in smuggled drugs
- theft
- robbery
- deception
- forgery offences
- firearms offences
- sex offences
- certain offences of violence and assault
- foreign offences:
  - o similar to a relevant offence but committed outside England and Wales.

## What needs to be learned

### *2.5 Duty to declare:*

- relevant or foreign convictions during the application process
- immediately to the licensing committee.

### *2.6 Penalties for failing to declare convictions:*

- a fine not exceeding Level 4 on the standard scale
- if not declared, the licensing authority may revoke the licence.

## **Learning outcome 3: Understand the legal duties of a Personal Licence Holder.**

### *3.1 Legal duties of a Personal Licence Holder if charged with a relevant or foreign offence:*

- inform the court no later than the first hearing that they hold a personal licence
- produce licence to the court.

### *3.2 Legal duties of a Personal Licence Holder if convicted with a relevant or foreign offence after the licence is granted:*

- notify the court dealing with the offence that they are a personal licence holder
- do this before the date of their first court appearance
- the sentencing court has a duty to inform the licensing authority of the conviction and sentence imposed
- if a Personal Licence Holder fails to notify the court that they hold a personal licence, they must inform the licensing authority of the conviction as soon as is reasonably practicable
- inform the licensing authority of the conviction for a relevant or foreign offence
- surrender their licence to the authority so that details of the conviction can be recorded on the licence.

### *3.3 Legal duties of a Personal Licence Holder if a personal licence is renewed, surrendered or revoked:*

- must notify the licensing authority if they wish to surrender their licence and must enclose their personal licence with the notice
- can no longer sell or authorise the sale of alcohol if personal licence is revoked.

### *3.4 Legal duties of a Personal Licence Holder if a change of name and/or address occurs:*

- must notify the licensing authority of change(s) within a timeframe that is reasonably practicable
- personal licence must accompany the notification
- failure to do so can result in a maximum Level 2 fine.

## What needs to be learned

*3.5 Legal duties of a Personal Licence Holder to produce their licence when requested, including who may legally request this:*

- they must produce licence on demand from authorised person
- authorised persons (who must produce identification) are:
  - o police constable
  - o officer of the licensing authority
- failure to do so can result in a maximum level 2 fine.

*3.6 Consequences of breaching any legal duties of a personal licence:*

- failing to inform of changes and produce when requested results in a fine not exceeding the maximum level 2 on the standard scale
- failing to declare convictions during the application stage results in a penalty fine not exceeding the maximum level 4 on the standard scale.

*3.7 Consequences for Personal Licence Holder if convicted of a drink-driving offence:*

- suspension of personal licence up to six months
- forfeit of personal licence.

## **Learning outcome 4: Understand the roles, responsibilities and functions of licensing authorities**

*4.1 Licensing authorities:*

- are based on local authority council areas
- are responsible for the operation and administration of licensing in a particular area
- deal with all matters related to the Licensing Act 2003.

*4.2 Licensing authorities must:*

- publish a licensing policy
- issue personal, premises, club premises certificates and temporary events notices (TEN)
- establish a licensing committee of at least 10, but no more than 15, members of the authority.

*The licensing committee may:*

- form one or more subcommittees consisting of three members of the committee, to hear applications for personal and premises licences
- keep a register of every premises licence, club premises certificate and personal licence issued by the authority and a record of all notices and applications.

*4.3 A licensing policy:*

- is a statement which shows how the licensing authority will promote the licensing objectives
- is published at least every 3-5 years
- takes consideration of any guidance issued
- must not undermine the rights of individuals to apply for the grant or variation of any licence allowed under the Licensing Act 2003.

## What needs to be learned

### 4.4 Purpose of a licensing hearing, including appeals, is to:

- make decisions following relevant representations for new premises, club premises certificates and variation applications
- hear objection notices to temporary event notices
- hear objections to granting or renewal of a personal licence
- review a premises licence
- issue a closure order.

Appeals for licensing hearing decisions must be made to a magistrates' court within 21 days of the original decision(s) being made.

## Learning outcome 5: Understand the licensing objectives and the importance of partnerships in promoting these objectives

### 5.1 Licensing objectives:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm.

### 5.2 Importance of the licensing objectives:

- they form the basis for all licensing decisions
- they must be promoted by everybody involved in the licensing process, that is:
  - o licensing authorities
  - o licence holders
  - o staff selling alcohol
- they reduce risks associated with licensed premises.

### 5.3 Operating schedule definition:

- a written description of how a licensed premises will operate and how it will promote the licensing objectives
- it is based on a risk assessment of how licensable activities can be conducted to promote the licensing objectives.

### 5.4 Operating schedule should include:

- hours during which licensable activities will be conducted and the overall opening hours
- description of the premises
- types of licensable activities to be conducted on the premises
- information about the facilities provided for customers.

### Steps or measures that will be implemented in order to promote the licensing objectives such as policies on:

- whether or not children will be admitted and when
- age verification
- use of CCTV
- dispersal.

## What needs to be learned

### *5.5 Partnerships which support the licensing objectives:*

- police
- local businesses
- local residents
- local authorities
- organisations such as PubWatch and Retail Watch.

### *Importance of partnerships:*

- to reduce crime and disorder
- to promote licensing objectives
- sharing of information and intelligence.

## **Learning outcome 6: Understand the nature and strength of alcohol and the effect on the body**

### *6.1 Definition of alcohol under licensing law:*

- where the alcohol by volume (abv) is above 0.5% of the total volume the drink is classed as alcoholic for the purpose of licensing law
- typical examples include:
  - o spirits
  - o wine
  - o beer
  - o cider
  - o any other fermented, distilled or spirituous liquor with alcohol content above 0.5% alcohol by volume at the time of its sale or supply
- it does not include:
  - o perfume
  - o flavouring essence
  - o alcohol contained in medicines
  - o methylated spirits
  - o alcohol contained in liqueur confectionery.

### *6.2 Strength of an alcoholic drink is measured as:*

- a percentage (%) of alcohol by volume (abv)
- the greater the amount of alcohol as a percentage of the total volume of a drink, the stronger the drink.

### *6.3 Definitions of the terms 'alcohol-free' and 'low alcohol':*

- alcohol-free: must contain no more than 0.05% alcohol by volume (abv)
- low alcohol: must contain no more than 1.2% alcohol by volume (abv).

## What needs to be learned

### *6.4 UK Chief Medical Officer's sensible drinking advice:*

- men and women are advised that it is safest not to drink more than 14 units of alcohol per week
- pregnant women are advised not to drink alcohol at all
- if a person is drinking on a single occasion, it is advised to limit the total amount of alcohol that is drunk. Drinking more slowly, drinking with food and alternating with water are also recommended
- if as many as 14 units are drunk per week, it is best to spread this evenly over three days or more and not "save up" the 14 units.

### *6.5 Behavioural and psychological effect of alcohol consumption:*

- intoxicating nature of alcohol results in:
  - o loss of concentration and self-control
  - o addiction (classed as a drug)
  - o changes in emotional, physical and mental state
- intoxication is progressive – the more a person drinks, the more intoxicated or 'drunk' the person becomes.

### *6.6 Effects of alcohol on the body:*

- liver damage
- heart disease
- alcohol poisoning
- high blood pressure
- slurred speech
- loss of balance
- uncoordinated movements
- possible medical complications such as cancer.

### *Effects dependent on:*

- quantity consumed
- size and gender
- food eaten
- rate of consumption.

## What needs to be learned

### Learning outcome 7: Understand the law in relation to premises licences

#### 7.1 Features of a premises licence:

- a licence granted in respect of any building or a defined open space, including moveable structures such as a beer tent, a parked vehicle, or vessels such as river boats
- it enables one or more licensable activities to be conducted on the premises
- it must be followed at all times
- it lasts until:
  - o it is surrendered or revoked (unless the applicant applied for the premises licence to last for a defined period of time in the first place)
  - o the holder dies
  - o the holder becomes mentally ill.

#### 7.2 Procedures for a premises licence application:

- submission of a completed application by an individual over 18 or a company to the licensing authority where the premises is situated
- application must include:
  - o the fee
  - o the operating schedule
  - o a plan of the premises
  - o the Designated Premises Supervisor's details
- advertise the application – publish and display:
  - o a notice in the local newspaper
  - o a statutory notice of the application on the site of the premises
  - o copies of the application sent to responsible authorities.

#### 7.3 Grounds for hearing and appeal:

- representations received by responsible authorities
- representations received by interested parties
- appeal against licensing authority's decision to local magistrates within 21 days of the decision
- representation is not irrelevant, frivolous or vexatious.

#### 7.4 Purposes of a premises licence review:

- can be requested by a responsible authority or interested party.

#### Grounds for the review related to the licensing objectives:

- to follow up after problems or incidents
- after a closure order
- to check if any premises licence conditions need amending/altering.

## What needs to be learned

### *Result of review:*

- premises licence suspended for three months
- change or addition of conditions on the premises licence
- removal of certain licensable activities
- revoking of premises licence
- removal of the Designated Premises Supervisor.

### *7.5 Mandatory conditions of licence to sell alcohol for consumption on and/or off the premises:*

- there must be a Designated Premises Supervisor appointed who holds a personal licence
- each and every sale must be authorised
- a mandatory age verification policy must be in place
- there must be no irresponsible promotions:
  - o drinking games
  - o unlimited alcoholic drinks offers
  - o alcohol for fixed or discounted fee ('all you can drink' offers)
  - o offers for group discounts (students and sporting events discounts)
- free tap water must be available
- small measures
- no dispensing alcohol into the mouth
- no alcohol can be sold or supplied for consumption for a price that is less than the permitted price.

### *7.6 Licensable activities:*

- sale of alcohol by retail
- supply of alcohol in a club premises
- provision of regulated entertainment – most forms of entertainment provided for the public:
  - o music and dancing
  - o plays and the showing of films
  - o indoor sporting events and outdoor boxing or wrestling matches
- provision of late night refreshment.

## What needs to be learned

### *7.7 Types of variations to premises licences:*

- minor variations do not impact on the licensing objectives such as:
  - o minor changes to the structure or layout of the premises
  - o small adjustments to licensing hours
  - o removal of out-of-date or unenforceable conditions
  - o addition of certain licensable activities
- full variations can have an adverse effect on the licensing objectives such as:
  - o extending the period of the licence
  - o transfer of the licence from one holder to another
  - o transfer of the license from one premises to another
  - o adding the sale by retail or supply of alcohol as an activity on the premises licence
  - o extending sale or supply of alcohol between 1 pm and 7 am.

### *7.8 Unauthorised licensable activities:*

- operating outside the terms and conditions of a premises licence
- carrying out licensable activities without the appropriate licence
- selling alcohol outside the permitted hours
- using unlicensed door supervisors
- carry an unlimited fine and/or six months in prison.

### *7.9 Due diligence defence definition:*

- where all reasonable precautions have been taken to avoid the offence.

### *May be used if the offence was:*

- due to a mistake
- due to relying on someone else
- due to an event beyond their control.

### *7.10 Penalties for breaching conditions on a premises licence:*

- an unlimited fine and/or six months imprisonment.

## What needs to be learned

### **Learning outcome 8: Know the role and responsibilities of the Designated Premises Supervisor (DPS)**

#### *8.1 The Designated Premises Supervisor (DPS):*

- is the main point of contact and accountability
- is a *Personal Licence Holder* who is named on the premises licence
- has day-to-day control of the licensed premises
- must ensure the lawful conduct of the premises
- authorises the sale or supply of alcohol on the licensed premises
- must co-operate with the authorities in promoting the licensing objectives.

#### *8.2 Legal responsibility of the Designated Premises Supervisor (DPS):*

- to carry out a risk assessment in respect of all licensable activities with the aim of:
  - o assisting in reducing crime and disorder in and around the premises
  - o ensuring public safety
  - o reducing nuisance
  - o protecting and improving public health
  - o protecting children from harm.

### **Learning outcome 9: Understand the law in relation to Temporary Event Notices (TEN)**

#### *9.1 Definition of 'permitted temporary activities':*

- a one-off event involving one or more licensable activities operated within limitations such as:
  - o the maximum numbers attending
  - o number of events at each premises in a year
  - o duration of the event
  - o an activity not covered by a premises licence taking place on any unlicensed or licensed premises
- activities must not exceed 168 hours.

#### *9.2 Features of a Temporary Event Notice (TEN):*

- a notice submitted by an individual over 18 known as the premises user to the licensing authority for a temporary period of no more than 168 hours. The individual must send:
  - o two copies of the notice to the licensing authority
  - o one copy to the police
  - o one to environmental health
- the notice must be displayed for the duration of the event (level 2 fine for failing to display or produce to police when asked)
- two types of TENs:
  - o standard – within 10 working days' notice
  - o late – within nine working days and no later than five working days.

## What needs to be learned

*9.3 Frequency of permitted temporary activities (if there are less than 50 attending at any one time, including staff):*

- a Personal Licence Holder can apply for up to 50 Temporary Event Notices (TENs) per a year and 10 late TENs
- a non-personal licence holder aged 18 and over can apply for up to five per calendar year and two late TENs
- maximum number of TENs per premises is 15 per year
- total number of days per calendar year in which a TEN may apply per premises is 21
- minimum period of notice given by the premises user between each event is 24 hours.

*9.4 Circumstances under which the police and environmental health officers can object to a TEN:*

- at least 48 hours after the TEN was applied for
- if they consider that any of the licensing objectives would be undermined if the event proceeded:
  - o hearing to be held if objections raised
  - o counter-notice must be issued to the premises user at least 24 hours before the specified event.

## **Learning outcome 10: Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises**

*10.1 Duty to refuse sale of alcohol:*

- it is an offence to sell alcohol to a drunken person
- it is an offence to allow another person to make a sale of alcohol to a person who is drunk.

*10.2 Examples of irresponsible drinks promotions:*

- drinking games
- unlimited alcoholic drinks offers
- alcohol for fixed or discounted fee such as 'all you can drink' offers
- offers for group discounts such as students and sporting events discounts.

*Licensing Act 2003 – irresponsible promotions would undermine the licensing objectives:*

- industry guidelines state irresponsible drinks promotions:
  - o encourage young persons to consume alcohol
  - o encourage excessive drinking and drunkenness
  - o must be avoided as part of national mandatory conditions on licensed premises.

## What needs to be learned

### *10.3 Strategies licensed to prevent violence and reduce conflict:*

- anti-violence strategies:
  - o vigilance and monitoring
  - o early intervention in customer disputes
  - o good customer relationships
  - o depersonalising refusals
  - o staff training
  - o provision of efficient service
  - o encouraging responsible drinking and discouraging irresponsible drinking.
- Conflict reduction strategies:
  - o positive communications – politeness, fairness, consistency, awareness of religious and cultural needs, building rapport, empathy
  - o managing customer expectations – clear rules, providing information, procedures for resolution
  - o risk assessment – assess threat, evaluate options, respond appropriately, monitor, recognise early warning signs of aggression
  - o conflict management training - training updates, proactive service delivery, access controls, personal protective equipment, supervision, monitoring, CCTV, alarms.

### *10.4 Consequences of allowing illegal drug use and dealing:*

- criminal offence to allow drug activity on a licensed premises
- increase in drug activity and loss of customers
- increase in crime and violence.

All staff on licensed premises must take an active role in a zero-tolerance approach to illegal drugs.

### *10.5 Legal responsibility for preventing disorderly conduct on licensed premises:*

- it is an offence for 'authorised persons' knowingly to allow disorderly conduct on licensed premises
- 'authorised persons' - any person who works at the premises in a capacity that gives them authority to sell alcohol:
  - o premises licence holder
  - o Designated Premises Supervisor
  - o personal licence holders
  - o premises users – where permitted temporary activity is taking place.

### *10.6 Consequences of allowing drunk and disorderly conduct on licensed premises:*

- a fixed penalty notice by a police officer to the member of staff for selling alcohol to a drunken person
- a maximum penalty fine not exceeding Level 3 on the standard scale if convicted.

## What needs to be learned

### Learning outcome 11: Know the law in relation to the protection of children on licensed premises

#### 11.1 Sale of alcohol to children:

- it is an offence to sell or allow the sale of alcohol to anyone under 18
- it is an offence to allow the consumption of alcohol on licensed premises by an under-18
- it is also an offence to deliver alcohol to children or to send a child to obtain alcohol that is sold or supplied for consumption off the premises.

Exception to the above:

- a 16- or 17-year-old can drink beer, wine or cider consumed with a table meal when the alcohol is purchased by the adult over 18.

#### 11.2 Purchase of alcohol by or for children:

- it is an offence for anyone under 18 to purchase or attempt to purchase alcohol
- it is an offence for a person to attempt to purchase alcohol for anyone under 18 (proxy purchase).

#### 11.3 Unsupervised sale of alcohol by a child:

- it is an offence for a 'responsible person' to allow an unsupervised person of less than 18 years old to sell or supply alcohol
- for any such sale to be lawful, each and every sale must be supervised and approved by a 'responsible person'
- the exception to the above is that a person of 16 years of age or above can deliver alcohol to diners in a restaurant or dedicated dining area.

#### 11.4 Types and features of acceptable proof of age documents:

- types:
  - o passport
  - o photo driving licence
  - o proof of Age Standards Scheme (PASS) card with hologram
- features:
  - o must bear a colour photograph of the holder which is of a true likeness and include the holder's date of birth.

#### 11.5 Importance of other legislation related to the protection of children:

- it protects children from injury and illness
- it limits access to harmful and dangerous products
- it reduces vulnerability to:
  - o assault
  - o abuse
  - o sexual offences
  - o accidents.

## What needs to be learned

### *Awareness of age-restricted products:*

- under 18 years:
  - o alcohol
  - o tobacco products
  - o crossbows
  - o airguns and pellets
  - o offensive weapons/knives
  - o lighter refills
  - o volatile substances/solvents
  - o adult fireworks
- under 16 years:
  - o liqueur confectionery
  - o petrol
  - o lottery and instant win tickets
  - o caps and cracker snaps
  - o aerosol paint
- the three age-restricted categories that relate to videos and DVDs and computer/console games are 12, 15 and 18 years.

### *11.6 The law in relation to the presence of children in licensed premises:*

- no unaccompanied child under 16 is allowed on any premises used mostly or solely for the sale of alcohol
- no unaccompanied child under 16 is allowed on any licensed premises between midnight and 5 am.

### *11.7 The law in relation to the consumption of alcohol by under 18s:*

- it is unlawful for a child knowingly to consume alcohol in licensed premises
- it is unlawful for a responsible person knowingly to allow the consumption of alcohol by children on licensed premises:
  - o the exception is consumption of beer, cider or wine by children of 16 or 17 years with a table meal, provided an adult has purchased this for them and an adult accompanies them at the meal
  - o a purchase or attempted purchase of alcohol by someone less than 18 will not be an offence if they were performing a test purchase operation.

## What needs to be learned

### *11.8 Penalties for breaching the law in relation to the protection of under-18s on licensed premises:*

- the purchase or attempted purchase of alcohol by a person less than 18 results in a fine not exceeding Level 3 on the standard scale
- knowingly allowing consumption of alcohol by a person less than 18 results in an unlimited fine
- a person who sells alcohol to a child could, as an alternative, be offered a fixed penalty fine of £90
- a child purchasing alcohol could receive a fixed penalty fine of £50
- offence of 'persistently selling to children' is committed if a premises sells alcohol to a child two or more times in three months results in an unlimited fine and/or a three-month premises licence suspension
- as an alternative to a fine, the premises licence holder may agree to a voluntary period of closure for up to 14 days.

All of the above have 'due diligence' legal defence except where the premises licence holder chooses the alternative of voluntary closure.

## **Learning outcome 12: Understand the powers of the police and other authorities in relation to licensed premises**

### *12.1 The law in relation to the closure of identified licensed premises:*

- a police inspector, or above has the power to close specific licensed premises for up to 24 hours due to disorder or nuisance
- a closure order may be made:
  - o in the interests of public safety where there is actual or likely disorder
  - o where there is public nuisance as a result of noise emanating from the premises.

### *12.2 The law in relation to the close of licensed premises covering a particular geographical area:*

- a police superintendent, or above may apply to the magistrates' court for an order to close all licensed premises in a particular geographical area for up to 24 hours
- a police constable can issue a 24-hour closure order for premises where there is a risk to public safety.

### *12.3 Authorities with the right of entry to licensed premises:*

- police
- authorised officer of local authority
- fire safety inspector
- environmental health practitioner
- health and safety inspector
- HMRC officers – enter, search and seize items where duty has not been paid, entry at night with a police officer.

## What needs to be learned

Authorities may exercise their duty at any time to:

- investigate licensing objectives and relevant offences
- investigate compliance with licence conditions.

### **Learning outcome 13: Understand prohibitions and exemptions in relation to licensable activities**

*13.1 Circumstances under which sales of alcohol are not considered to be a retail sale under licensing law:*

- a wholesale sale of alcohol where a sale is made to a trader who will sell it on:
  - o from business to business
  - o to cash and carry establishments
  - o to premises users.

*13.2 Regulated entertainment and exemptions:*

- regulated entertainment means most forms of entertainment provided for the public:
  - o music and dancing
  - o plays and the showing of films
  - o indoor sporting events and outdoor boxing or wrestling matches
- unamplified live music to audiences of any size between 08:00 and 23:00 is not a licensable activity and, therefore, is not regulated
- amplified music to audiences of no more than 200 between 08:00 and 23:00 is not a licensable activity and, therefore, is not regulated
- exemptions are:
  - o video advertising
  - o educational films
  - o pub games
  - o religious services
  - o private parties
  - o morris dancing
  - o weddings.

*13.3 Premises prohibited from selling alcohol:*

- motorway service stations owned by the Highways Agency
- premises primarily used as garages from which petrol and diesel are sold or on which car repairs are carried out.

*13.4 Law in relation to the sale of alcohol on moving vehicles:*

- vehicle must be parked and not moving
- a penalty of £20,000 and/or three months in prison for violation

The following are exempt from the Licensing Act 2003 and can sell alcohol without the need to be licensed:

- railway trains
- vessels engaged in an international journey
- aircraft
- hovercrafts.

## Further information for tutors and assessors

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### Essential resources

There are no special resources needed for this unit.

### Suggested reading/resources

#### Textbooks

Gouriet G, Mehigan S, Phillips J, Saunders J and Wilson D – *Paterson's Licensing Acts 2017* (LNUK, 2016) ISBN 9781405799744

#### Journal

*The Morning Advertiser* – published by William Reed Business Media Ltd

#### Website

[www.morningadvertiser.co.uk](http://www.morningadvertiser.co.uk)                      Digital edition of publicans' magazine.

### Essential information for assessment

This unit is externally assessed through an onscreen test. Pearson will set and mark this test. The test lasts for one hour and is worth 40 marks. The assessment is available on demand.

The test assesses all of the learning outcomes. The questions in the test are based on the assessment criterion and its associated unit content.

The test consists of multiple-choice items. Items in the test will not necessarily be sequenced in the order of the criteria in the unit. Test items will not rely on or directly follow on from another test item. Test items may use colour images/diagrams/graphs for the context of the question or for the answer options.

A Pass grade is determined by learners achieving a defined cut score for the test.

## 13 Further information and useful publications

To get in touch with us visit our 'Contact us' pages:

- Edexcel, BTEC and Pearson Work Based Learning contact details: [qualifications.pearson.com/en/support/contact-us.html](http://qualifications.pearson.com/en/support/contact-us.html)
- books, software and online resources for UK schools and colleges: [www.pearsonschoolsandcolleges.co.uk](http://www.pearsonschoolsandcolleges.co.uk)

Key publications:

- Adjustments for candidates with disabilities and learning difficulties, Access and Arrangements and Reasonable Adjustments, General and Vocational qualifications (Joint Council for Qualifications (JCQ))
- Supplementary guidance for reasonable adjustments and special consideration in vocational internally assessed units (Pearson)
- General and Vocational qualifications, Suspected Malpractice in Examination and Assessments: Policies and Procedures (JCQ)
- Equality Policy (Pearson)
- Recognition of Prior Learning Policy and Process (Pearson)
- UK Information Manual (Pearson)
- BTEC UK Quality Assurance Centre Handbook.

All of these publications are available on our website.

Publications on the quality assurance of BTEC qualifications are also available on our website.

Our publications catalogue lists all the material available to support our qualifications. To access the catalogue and order publications, please visit our website.

### **Additional resources**

If you need further learning and teaching materials to support planning and delivery for your learners, there is a wide range of BTEC resources available.

Any publisher can seek endorsement for their resources and, if they are successful, we will list their BTEC resources on our website.

## 14 Professional development and training

Pearson supports UK and international customers with training related to BTEC qualifications. This support is available through a choice of training options offered on our website.

The support we offer focuses on a range of issues, such as:

- planning for the delivery of a new programme
- planning for assessment and grading
- developing effective assignments
- building your team and teamwork skills
- developing learner-centred learning and teaching approaches
- building in effective and efficient quality assurance systems.

The national programme of training we offer is on our website. You can request centre-based training through the website or you can contact one of our advisers in the Training from Pearson UK team via Customer Services to discuss your training needs.

### **BTEC training and support for the lifetime of the qualifications**

**Training and networks:** our training programme ranges from free introductory events through sector-specific opportunities to detailed training on all aspects of delivery, assignments and assessment. We also host some regional network events to allow you to share your experiences, ideas and best practice with other BTEC colleagues in your region.

**Regional support:** our team of Curriculum Development Managers and Curriculum Support Consultants, based around the country, are responsible for providing advice and support in centres. They can help you with planning and curriculum developments.

To get in touch with our dedicated support teams please visit our website.

### **Your Pearson support team**

Whether you want to talk to a sector specialist, browse online or submit your query for an individual response, there's someone in our Pearson support team to help you whenever – and however – you need:

- **Subject Advisors:** find out more about our subject advisor team – immediate, reliable support from a fellow subject expert
- **Ask the Expert:** submit your question online to our Ask the Expert online service and we will make sure your query is handled by a subject specialist.
- Please visit our website at [qualifications.pearson.com/en/support/contact-us.html](http://qualifications.pearson.com/en/support/contact-us.html)



# Annexe A

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## Unit mapping overview

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The table below shows the relationship between the new qualification in this specification and the predecessor qualifications: Pearson BTEC Level 2 Award for Personal Licence Holders (QCF) (last registration 30/06/2017).

	<b>Old unit</b>	<b>Unit 1</b>
<b>New unit</b>		
<b>Unit 1</b>		F

### KEY

- P – Partial mapping (some topics from the old unit appear in the new unit)
- F – Full mapping (topics in old unit match new unit exactly or almost exactly)
- X – Full mapping + new (all the topics from the old unit appear in the new unit but new unit also contains new topic(s))

**January 2018**

**For information about Edexcel, BTEC or LCCI qualifications visit [qualifications.pearson.com](http://qualifications.pearson.com)**

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