

# **Scottish Certificate for Personal Licence Holders SCQF Level 6**

# **Scottish Certificate for Personal Licence Holders (Refresher) SCQF Level 6**

## **Learner Handbook**

Issue 2

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## **Issue 2 Amendment**

Section 8.9 on page 58 has been amended to reflect a change in the Scottish law regarding drink-driving limits in 2014.

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ISBN 978 1 446 92689 5

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# Introduction

## **(This section is not tested in SCPLH or SCPLHR qualifications)**

If you authorise the sale or service of alcohol, or manage or supervise a premises where alcohol is sold, then you are required to undertake training and gain an appropriate Scottish licensing qualification.

This handbook has been designed as a comprehensive learning guide to accompany the following two Scottish licensing qualifications:

- Scottish Certificate for Personal Licence Holders Level 6 (SCPLH)
- Scottish Certificate for Personal Licence Holders (Refresher) Level 6 (SCPLHR).

The handbook covers the required content, for both on-licence and off-licence premises, for the SCPLH and SCPLHR qualifications.

You are expected to read the handbook before attending a training course.

Reading this document is an essential part of the pre-course work, which is designed to ensure that you have a good knowledge of the areas within the legislation.

The refresher course will **not** cover all the topics you may be tested on.

It is advised that you take this handbook to your training course as it will act as your long-term reference guide.

At the end of each course, you must pass a multiple-choice examination.

If you do not pass then you will be unable to apply for a personal licence or advise the Licensing Board that you have met your five year refresher training obligation.

Both courses are designed to be informative and interactive and there will be many opportunities throughout the training to ask questions. It is recommended that as you read the handbook in advance of the course you make notes so that on the day any questions can be answered.

The training content for both the Scottish Certificate for Personal Licence Holders Level 6 and the Scottish Certificate for Personal Licence Holders Refresher Level 6 is based on Scottish National Standards. These can be found at [www.scplh.info](http://www.scplh.info)

This handbook contains all the information you need to pass your examination.

It is divided into the following sections, which reflect the sections of the Scottish National Standards:

1. Overview of the licensing function
2. People in licensing–key roles
3. Licensing and operating conditions
4. Licensing law: protecting children from harm
5. Control of order
6. Training
7. Associated law and miscellaneous
8. Effect of irresponsible operation on society and health
9. Illegal drugs
10. Social responsibility
11. Community links.

### **Distribution of questions in multiple-choice tests**

The table below shows the distribution of questions for the SCPLH and SCPLHR multiple-choice tests.

<b>Topic</b>	<b>No. of questions in SCPLH exam</b>	<b>No. of questions in SCPLHR exam</b>
Introduction	0	0
Overview of the licensing function	1	1
Key roles	2	1
Licensing and operating conditions	14	17
Protecting children from harm	6	6
Control of order	4	4
Training	1	1
Miscellaneous and associated law	1	0
Effect of irresponsible operation on society and health	6	6
Illegal drugs	1	0
Social responsibility	4	4
Community links	0	0
<b>Total</b>	<b>40</b>	<b>40</b>

# Contents

Page no

## Introduction

### Distribution of questions in multiple-choice tests

<b>Chapter 1 — Alcohol Licensing</b>	<b>9</b>
1.1 Licensing (Scotland) Act 2005 – Overview of Alcohol Licensing in Scotland	9
1.2 Changing Scotland’s Relationship with Alcohol: A Framework for Action	9
1.3 Licensing (Scotland) Act 2005	10
1.4 Additional legislation and regulations	10
1.5 Licensing objectives	10
1.6 Definition of alcohol	11
1.7 Alcohol etc. (Scotland) Act 2010	11
1.8 The concept of a ‘sale’	12
<b>Chapter 2 — People in Licensing — Key Roles</b>	<b>13</b>
2.1 Licensing Boards	13
2.2 General functions of Licensing Boards	14
2.3 Statement of licensing policy	14
2.4 Local Licensing Forums	14
2.5 Licensing Standards Officers (LSO)	15
<b>Chapter 3 — Licensing and Operating Conditions</b>	<b>17</b>
3.1 Premises licence	17
3.2 Applying for a premises licence	17
3.3 Premises licence application process	17
3.4 Duration of a premises licence	17
3.5 Operating plans	17
3.6 Risk assessments	18
3.7 Notification of premises licence application	19
3.8 Objections to a premises licence application	19
3.9 Police objections	20
3.10 Representations to a premises licence application	20
3.11 Police representations	20

3.12 Determining the application	20
3.13 Informing the Licensing Board of convictions	21
3.14 Further application after refusal	21
3.15 Duty of a premises licence holder to notify a court that they hold a premises licence	21
3.16 Keeping, displaying and producing the premises licence	22
3.17 Notifying the Licensing Board if a premises manager vacates their position	22
3.18 Informing the Licensing Board of convictions	22
3.19 Issue of licence and summary	22
3.20 Definition of 'licensed hours'	23
3.21 Hours permitted for off-sales premises	24
3.22 Effect of start and end of British Summer Time	24
3.23 Power of Licensing Boards to grant general extensions of licensing hours	24
3.24 Notice of extended hours applications	25
3.25 Occasional licence	26
3.26 Occasional licence application form	26
3.27 Conditions	27
3.28 Mandatory conditions for all premises	27
3.29 Mandatory conditions – The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007	28
3.30 Premises licences – variation of conditions	29
3.31 Review of a premises licence	29
3.32 Review of premises licence on the Licensing Board's initiative	30
3.33 Revoking a variation or premises licence suspension	30
3.34 Dealing with relevant or foreign offences	30
3.35 Conduct inconsistent with the licensing objectives	31
3.36 National mandatory licence conditions for occasional licences	31
3.37 Exemption of 'certain clubs'	31
3.38 Variation of a premises licence	32
3.39 Determination of application for variation	32
3.40 Variation to substitute a new premises manager	32
3.41 Further application after a refusal of an application for variation	33

3.42 Transfer of premises licence	33
3.43 Premises licence review	33
3.44 Premises licence holder	34
3.45 Premises manager	34
3.46 Personal licence	34

## **Chapter 4 — Licensing Law: Protecting Children from Harm** **37**

4.1 Selling alcohol to children and young people	37
4.2 Proof of age	37
4.3 'Challenge 25'	38
4.4 Liqueur chocolate	38
4.5 Purchase of alcohol by or for a child or young person	38
4.6 Test purchasing	38
4.7 Underage purchasers/drinkers	39
4.8 Agent sales	39
4.9 Give-away signs	39
4.10 High-risk products	39
4.11 Appropriate service policies	39
4.12 Deterrence measures	40
4.13 Recording service and/or entry refusals	40
4.14 Consumption of alcohol by a child or young person	40
4.15 Unsupervised sale of alcohol by a child or young person	40
4.16 Delivery of alcohol by or to a child or young person	40
4.17 Sending a child or young person to obtain alcohol	40
4.18 Allowing the sale of alcohol to a child or young person	41
4.19 Underage notice – failure to display statutory notice	41
4.20 Responsible person	41
4.21 Due diligence	42
4.22 Vicarious liability	42

## **Chapter 5 — Control of Order** **43**

5.1 Offences relating to drunkenness contained in the Licensing (Scotland) Act 2005	43
5.2 Defences	43

5.3 Offences relating to disorderly conduct	43
5.4 Conduct inconsistent with the licensing objectives	44
5.5 Endorsements on a personal licence	44
5.6 Exclusion orders	45
5.7 Breach of an exclusion order	45
5.8 Exclusion orders issued without criminal conviction	45
5.9 Closure orders	45
5.10 Emergency closure orders	45
5.11 Penalties	46
5.12 Termination of closure orders	46
5.13 Extension of an emergency closure order	46
5.14 Securing the licensing objectives	46
5.15 Irresponsible drinks promotions	46
5.16 Minimum price of packages containing more than one alcoholic product	47
5.17 Off-sales – variation of prices	47
5.18 Restriction on supply of alcoholic drinks free of charge or at reduced prices	47
5.19 Off-sales – location of drinks promotions	47
<b>Chapter 6 – Training</b>	<b>48</b>
6.1 Personal licence holders and training	48
6.2 Training of staff serving or selling alcohol	48
<b>Chapter 7 – Miscellaneous and Associated Law (Not tested in SCPLHR qualification)</b>	<b>49</b>
7.1 Trade sales	49
7.2 Sale of alcohol from a moving vehicle	49
7.3 Delivery of alcohol from vehicles	49
7.4 Prohibition of late-night deliveries of alcohol	49
7.5 Keeping of smuggled goods	49
7.6 Weights and Measures Act 1985	50
7.7 Trade Descriptions Act 1968	50
7.8 Private Security Industry Act 2001 Requirements	51
7.9 Smoking, Health and Social Care (Scotland) Act 2005	51
7.10 Gambling Act 2005	51



7.11 Equality Act 2010	52
7.12 Consumer Protection from Unfair Trading Regulations 2008	52
7.13 Phonographic Performance Limited (PPL) and Performing Rights Society (PRS)	52
7.14 Misuse of Drugs Act 1971	52
7.15 Other legislation	53
7.15.1 Food hygiene	53
7.15.2 Hygienic drinks service	53
7.15.3 Health and Safety at Work Act 1974	54
7.15.4 Management of Health and Safety at Work Regulations 1999	54
7.15.5 Noise at Work Regulations 1989	54
7.16 Advertising	55
7.17 Risk assessment	55

## **Chapter 8 — Effect of Irresponsible Operation on Society and Health** **56**

8.1 Units of alcohol and strengths of alcoholic drinks	56
8.2 Alcohol by Volume (ABV) examples	56
8.3 Physical and psychological effects of alcohol	56
8.3.1 Alcohol and the brain	56
8.3.2 Alcohol and behaviour	57
8.4 Moderate drinking	57
8.5 Myths about alcohol – key facts	57
8.6 Common myths about alcohol	58
8.7 Blood alcohol level and drunkenness	58
8.8 Drunkenness	58
8.9 Drink driving (updated May 2015)	58
8.10 Consequences to society of excessive drinking	59
8.10.1 Short-term dangers	59
8.10.2 Health and social problems	59
8.10.3 Consequences for licensed retail businesses	59
8.10.4 Consequences for society	60
8.11 Common patterns of alcohol consumption in Scotland	60
8.11.1 Problem drinking	60
8.11.2 Binge drinking	60

8.11.3 Underage drinking and drunkenness	60
8.11.4 Alcohol-related illnesses	60
<b>Chapter 9 — Illegal Drugs (Not tested in SCPLHR qualification)</b>	<b>62</b>
9.1 Common patterns of drug consumption in licensed premises	62
9.1.1 Spotting drug dealing and drug use	62
9.1.2 Drugs paraphernalia	62
9.2 Zero-tolerance drugs policy	63
9.3 Seeking police advice about drug dealing	64
<b>Chapter 10 — Social Responsibility</b>	<b>65</b>
10.1 Best practice in setting and maintaining good standards of service and environment	65
10.2 Environment and behaviour	65
10.3 Good service practice	65
10.4 Common causes of conflict; preventing and managing conflict	65
10.5 Identifying signs of conflict	66
10.6 Security procedures in relation to crime and counter-terrorism	66
10.6.1 Dealing with a major crime or bomb threat	66
10.6.2 Counter-terrorism	66
10.7 Promoting sensible drinking	67
10.8 Social responsibility levy (Not tested in SCPLH or SCPLHR qualifications)	67
<b>Chapter 11 — Community Links (Not tested in SCPLH or SCPLH Refresher qualifications)</b>	<b>68</b>
11.1 Initiatives and partnerships	68

## Chapter 1 — Alcohol Licensing

### 1.1 Licensing (Scotland) Act 2005 – Overview of Alcohol Licensing in Scotland

The purpose of alcohol licensing in Scotland is to regulate its sale in order to minimise harm.

The legislation that covers this is the Licensing (Scotland) Act 2005. The Bill for this Act of the Scottish Parliament was passed on 16th November 2005 and received Royal Assent on 21st December 2005.

The Licensing (Scotland) Act 2005 came into effect on 1st September 2009.

Up until then, Scotland's licensing laws had not been reviewed for a number of years.

Prior to the Act being introduced, Scotland had experienced a change in the availability and consumption of alcohol. An increase in the availability of alcohol led to growing concerns about the impact on public health of the over-consumption of alcohol, in particular the increase in underage drinking and the emergence of 'binge drinking', which was mainly seen with younger people.

The Nicholson Committee was set up to review the old licensing law and was given the following terms of reference:

- to review all aspects of liquor licensing law and practice in Scotland, with particular reference to the implications for health and public order
- to recommend changes in the public interest and to report accordingly.

The Nicholson Committee's recommendations led to the Licensing (Scotland) Act 2005 which sets out how alcohol is sold and consumed in Scotland.

### 1.2 Changing Scotland's Relationship with Alcohol: A Framework for Action

This framework sets out the Scottish Government's strategic approach to tackling alcohol misuse in Scotland.

Based on knowledge and understanding of alcohol misuse, its drivers, and evidence-based interventions, it identified the need for sustained action in four areas:

- reduced alcohol consumption
- supporting families and communities
- positive public attitudes, positive choices
- improved treatment and support.

### 1.3 Licensing (Scotland) Act 2005

The Licensing (Scotland) Act 2005 covers nine areas:

- 1 Core provisions
- 2 Licensing bodies and officers
- 3 Premises licences
- 4 Occasional licenses
- 5 Licensed hours
- 6 Personal licences
- 7 Control of order
- 8 Offences
- 9 Miscellaneous and general.

It also deals with the role and functions of Local Licensing Forums and with mandatory licensing conditions for premises licences and occasional licences.

### 1.4 Additional legislation and regulations

In addition to the nine areas listed above relating to the The Licensing (Scotland) Act 2005, there are further regulations and legislation that have been introduced to support the Act:

- **The Sale of Alcohol to Children and Young Persons (Scotland) Regulation 2007** regulates proof of age identification.
- **The Licensing (Training of Staff) (Scotland) Regulations 2007** covers the content of training that must be delivered to staff selling or serving alcohol who are not themselves personal licence holders.
- **The Alcohol etc. (Scotland) Act 2010** covers:
  - minimum price of packages containing more than one alcoholic product
  - off-sales: variation of pricing alcoholic drinks; restriction on supply of alcoholic drinks free of charge or at a reduced price; location of drinks' promotions
  - requirement for an age-verification policy for premises selling alcohol
  - presumption **against** the prohibition on off-sales to persons less than 21 years old
  - premises licences: variation of conditions.
- **The Criminal Justice and Licensing (Scotland) Act 2010, Section 195** deals with vicarious liability of premises licence holders and interested parties. This means being held liable for offences committed by others.

### 1.5 Licensing objectives

One of the overarching principles of the Licensing (Scotland) Act 2005 was the introduction of the five licensing objectives.

These all have equal weighting and decisions about licensing must be made with reference to all these five objectives:

- 1. Preventing crime and disorder**
- 2. Securing public safety**
- 3. Preventing public nuisance**
- 4. Protecting and improving public health**
- 5. Protecting children from harm.**

The licensed trade in Scotland supports these objectives. As a personal licence holder, you have a duty to uphold these objectives each and every time alcohol is sold, served or consumed on the premises where you work.

The five licensing objectives appear throughout the Act.

## **1.6 Definition of alcohol**

The meaning of 'alcohol' within the Licensing (Scotland) Act 2005 means spirits, wine, beer, cider, or any other fermented, distilled or spirituous liquor which is of strength **above 0.5%** alcohol by volume (ABV) at the time of its sale.

The following are considered to be alcohol but are not covered by the Act:

- alcohol that is of a strength of 0.5% or less at the time of its sale
- perfume
- any flavourable essence not eligible for alcohol duty
- aromatic flavouring essence known as angostura bitters
- alcohol that is, or is included in, a medicinal product
- denatured alcohol
- methyl alcohol
- naphtha
- alcohol contained in liqueur confectionery.

## **1.7 Alcohol etc. (Scotland) Act 2010**

The above Act contains a number of important provisions with regard to the powers of Licensing Boards.

- **General presumption against the prohibition of off-sales to under 21s:** Under the Alcohol etc.(Scotland) Act 2010, a Licensing Board cannot introduce a general policy that restricts the sale of alcohol to people over 18 but under 21. They can though impose specific licence conditions restricting off-sales of alcohol to people under 21 in licensed premises if they believe there is an issue affecting one of the 5 licensing objectives.
- **Premises licences: variation of conditions:** Licensing Boards may consider making a variation to the conditions of a premises licence if they feel it is appropriate to do so. However, the Scottish Government cannot introduce any variations of the conditions on a premises licence which restricts any person over 18 years of age purchasing alcohol.

- **Consultation of Health Boards:** a Licensing Board must consult with the relevant Health Board when formulating its licensing policy. This means the Health Board within the Licensing Board's area, or if its area forms part of the area of more than one Health Board, each Health Board must be consulted.
- **Nomination of Health Board members:** in respect of Local Licensing Forums, at least one member of the relevant Health Board must be nominated as a member of the Local Licensing Forum. If the Local Licensing Forum's area forms part of the area of more than one Health Board, then this is taken to be the Health Board whose area is larger or is the largest part of the Forum's area.

### 1.8 The concept of a 'sale'

The Act regulates the way in which alcohol is sold in Scotland. There are a number of ways in which a sale or service can take place.

This is usually when alcohol is exchanged for money, but can include barter and when alcohol is advertised or offered for sale.

The Act states that there are two additional elements to the concept of a sale.

Firstly, 'the supply, by or on behalf of, a club, to or to the order of, a member of a club'. This means that private members clubs are fully incorporated within the licensing law in Scotland.

Secondly, 'where the supply is made to, or to the order of, a person pursuant to a right acquired by the person under contract.'

This means that where any alcohol is included in a set price for other goods or services then, according to the Act, it would be regarded as a sale.

## Chapter 2 — People in Licensing — Key Roles

### 2.1 Licensing Boards

Licensing Boards have been a part of licensing legislation since the Licensing (Scotland) Act 1976. Each Licensing Authority has at least one Licensing Board.

Some authorities may decide to expand this due to geographical location.

Licensing Boards consist of a minimum of five and a maximum of ten elected local councillors.

The minimum number of members that must be present at a Licensing Board meeting in order to constitute a quorum is three.

One of the appointed members will act as the Convenor whose role is to chair the meetings.

Each Licensing Board will also appoint a Licensing Clerk who is the legal person whose role is to advise the board on all relevant matters.

Each member has been trained and is qualified for their role on the Licensing Board. They must undertake training within three months of being appointed a councillor.

Licensing Boards sit on a regular basis and the dates of meetings are published on each Licensing Board's section of a local authority website.

A Licensing Board may establish committees to exercise its various functions.

A Licensing Board may delegate its functions to:

- any member of the Board
- any committee established by the Board
- the Clerk to the Board
- certain staff members.

The following functions are exceptions to the above, which must be determined by the Board itself:

- determining the Board's licensing policy statement or supplementary policy statement
- determining whether there is overprovision of licensed premises in a particular locality
- determining a premises licence application
- determining an application to vary a premises licence
- determining whether a premises licence can be transferred into the name of a person who has been convicted of a relevant or foreign offence
- determining -
  - a personal licence application, or
  - a personal licence renewal application where the applicant has been convicted of a relevant or foreign offence
- conducting a hearing under the Licensing (Scotland) Act 2005
- making a closure order
- refusing an application for confirmation of a provisional premises licence.

It is an offence for a person making an application, under the Licensing (Scotland) Act 2005, to a Licensing Board to attempt to influence a member of the Board to support their application.

## **2.2 General functions of Licensing Boards**

The general functions of Licensing Boards are to:

- grant applications for authorisations
- conduct hearings in respect of contested applications and appeals
- regulate standards in licensed premises
- set out a licensing policy in a licensing policy statement and to fulfil the duties set out in that statement.

## **2.3 Statement of licensing policy**

Every Licensing Board must publish a statement of its licensing policy with regard to the exercise of its functions at the beginning of each three-year period. This statement is known as the licensing policy statement and it should offer guidance and clarity on the policy on which the Licensing Board will base its decisions in respect of all matters it considers.

The policy statement also sets out how the Licensing Board intends to promote the five licensing objectives. This is particularly important for a licensing system that is intended to have a high degree of local flexibility in terms of the discretion given to Licensing Boards.

Licensing Boards have the power to issue a supplementary statement within that three-year period.

Each Licensing Board has a duty to keep a register of all premises, personal and occasional licences it issues. This register is available for public inspection.

In preparing a licensing policy statement, or a supplementary policy statement, a Licensing Board must:

- ensure that the policy promotes the five licensing objectives
- consult the Local Licensing Forum for its area, or other persons representative of stakeholders in the licensing process who are not represented on the Local Licensing Forum, Health Boards or any other person or persons as the Board thinks appropriate
- include a statement as to whether there is overprovision of licensed premises, or a particular type of licensed premises, in any locality.

## **2.4 Local Licensing Forums**

Each local authority must establish a Local Licensing Forum for its area. Where a local authority has split its area into separate licensing divisions it may establish a Local Licensing Forum for each division to advise it on licensing issues locally.

The local authority must appoint between five and twenty-one members to a Local Licensing Forum.

At least one Licensing Standards Officer (LSO) from the local authority and one person from the relevant Health Board must be a member of the Forum. The inclusion of an LSO provides an important link to the operation of the licensing system.



The other members should include people who represent the interests of:

- holders of premises and personal licences
- the chief constable for the police area in which the Forum's is situated
- persons having functions relating to health, education or social work
- young people
- persons resident within the Forum's area.

The Local Licensing Forum must elect a Convener annually.

It must hold a minimum of four meetings per year. There must be a formal annual meeting between each Local Licensing Forum and the local Licensing Board.

Local Alcohol Action Teams are responsible for developing local alcohol action plans. It is important that links are established between these teams and Local Licensing Forums so that an integrated approach can be taken to tackling alcohol-related problems at a local level. One way in which this link might be established would be to invite a member of the local team to sit on the Local Licensing Forum.

The role of a Local Licensing Forum is to '**keep under review the operation of the licensing system in its area and to give advice and recommendations**' to the Licensing Board. This does not include advising or making recommendations in relation to any particular case before the Board.

In order to fulfil its remit a Local Licensing Forum must be given all relevant statistics they may have requested and which are in the possession of the Board.

Licensing Boards have a statutory duty to 'have regard' to the Local Licensing Forum's view and must give reasons where it decides against the advice of the Forum.

## 2.5 Licensing Standards Officers (LSO)

Each local authority must appoint, for its area, one or more officers to be known as Licensing Standards Officers (LSOs).

A person can be a Licensing Standards Officer for more than one local authority area. The LSO must undertake a prescribed training qualification (around four days' training plus an examination).

A Licensing Standards Officer has the following general functions.

**Guidance** – providing information and guidance concerning the operation of the Licensing (Scotland) Act 2005 in the area.

**Compliance** – supervising the compliance of holders of premises licences and occasional licences with the law.

**Mediation** – providing mediation services for the purpose of avoiding or resolving disputes or disagreements between licence holders and any other persons concerning legal compliance.

Where a Licensing Standards Officer believes that any condition to which a premises licence or occasional licence is subject has been, or is being breached, then they can issue a notice to the holder of the licence, specifying actions to be taken in order to remedy the breach.

If, in the case of a premises licence, such a notice is not complied with to the satisfaction of the Licensing Standards Officer they can make an application for a premises licence review in respect of that licence, or make an application to review the premises licence on any other competent basis.

A Licensing Standards Officer for a local authority area may enter licensed premises to carry out an inspection. The purpose of such an inspection is to determine that activities on the premises are being carried out in compliance with the terms of the premises licence (or occasional licence) that has been granted in respect of those premises, or to ensure compliance with any other requirements of the Licensing (Scotland) Act 2005.

A Licensing Standards Officer has the power to:

- enter the premises at any time for the purpose of ensuring that the requirements of the Licensing (Scotland) Act 2005 are being met
- carry out such inspections of the premises and of any substances, articles or documents found there as they think necessary
- take copies of any document found on the premises
- remove any substances, articles or documents found on the premises.

Where a Licensing Standards Officer exercises their powers to enter or inspect licensed premises, or to seize documents, articles or substances, then the premises licence holder, premises manager and anyone working in the premises must:

- give the LSO such assistance
- provide the LSO with such information
- produce for the LSO such documents, including those held electronically, as they may reasonably require.

Where a Licensing Standards Officer seizes any article, document or substance then they must leave a notice on the premises:

- stating what was seized
- explaining why it was seized.

An offence is committed by any person who intentionally obstructs a Licensing Standards Officer in carrying out their duties or who fails to provide them with information or documents, as required, without reasonable excuse.

A police officer may at any time enter and inspect licensed premises. A person who intentionally obstructs a police officer exercising their powers of inspection commits an offence.

## Chapter 3 — Licensing and Operating Conditions

### 3.1 Premises licence

A premises licence is issued by the local Licensing Board in whose area the premises are situated, and authorises the sale of alcohol on the premises.

A premises licence governs what activities are allowed and what hours the premises can be open for business.

A premises could be a shop, restaurant, hotel, pub or private members club.

### 3.2 Applying for a premises licence

Any person over 18, limited company, business partnership or club may apply for a premises licence.

You apply to the Licensing Board that covers the area where the proposed premises is located.

### 3.3 Premises licence application process

The application must include a description of the premises, and be accompanied by:

- an operating plan
- a layout plan
- a planning certificate
- a building standards certificate, and
- a food hygiene certificate (if appropriate)
- a disabled access and facilities statement containing information about:
  - provision made for access to the premises by people with disabilities
  - facilities provided on the premises for use by people with disabilities
  - any other provision made on or in connection with the premises for people with disabilities.

Where the application is for a provisional premises licence it must be accompanied by a provisional planning certificate.

### 3.4 Duration of a premises licence

A premises licence runs from the time it is issued for an indefinite period, unless:

- it is revoked
- the individual premises licence holder dies, or becomes incapacitated, becomes insolvent, or ceases to trade
- the licence holder surrenders it.

### 3.5 Operating plans

An operating plan that accompanies a premises licence application must contain the following information:

- a description of the activities to be carried out on the premises, for example food, accommodation, events, retail

- a statement of the times during which it is proposed that alcohol is sold on the premises or off the premises, or both
- a statement of the times at which any other activities in addition to the sale of alcohol are to be carried out on the premises
- where alcohol is to be sold for consumption on the premises
- a statement about whether children or young persons are to be allowed entry including, in particular their ages, times of entry and parts of the premises they will be allowed to enter
- information as to the proposed capacity of the premises
- prescribed information about the individual who is to be the premises manager
- such other information about the premises as may be prescribed.

Where alcohol is to be sold both for consumption on and off the premises the operating plan may state different times for 'on' and 'off' sales.

### 3.6 Risk assessments

A risk assessment is an evaluation of hazards and risks in relation to the operation of something. Every premises licence must have an operating plan that addresses how the five licensing objectives will be promoted. Carrying out a risk assessment involves the following five steps:

1. Look for the hazards
2. Decide who may be affected and how
3. Evaluate the risks and decide whether more needs to be done
4. Record your findings
5. Review and revise your assessment as necessary.

The premises licence holder and/or the premises manager need to carry out an assessment of how the premises will operate in relation to all five of the licensing objectives in order to promote them.

In the current regulatory environment controlling licensed premises is all about managing risk. The premises manager must understand what each of the five licensing objectives includes and carry out a thorough risk assessment in relation to the sale of alcohol, and then develop and promote policies and measures designed to promote the five licensing objectives and 'best practice'.

In this way, the operating plan can demonstrate that risks have been assessed, and policies developed that promote the licensing objectives and avoid undermining them.

The 12 main areas of best practice policy are in relation to:

- 1 House rules
- 2 Closing time procedure
- 3 Dispersal policy
- 4 Age-related sales
- 5 Promotions
- 6 Refusals of service

- 7 Record keeping in relation to 6
- 8 Communication within the premises
- 9 Plan for managing conflict
- 10 Disorder or drunkenness
- 11 Noise control
- 12 Management of smokers.

It is important that all staff working within licensed premises understand any policies and are confident about how to implement them.

### **3.7 Notification of premises licence application**

Where a Licensing Board receives a premises licence application, it must give notice of the application to:

- each person with a notifiable interest in neighbouring land
- any community council within whose area the premises are situated
- the council within whose area the premises are situated (except where the council is the applicant)
- the appropriate chief constable
- the relevant fire enforcing authority.

On giving notice of a premises licence application the Licensing Board must provide the appropriate chief constable with a copy of the application.

The appropriate chief constable must, within 21 days of the date of receipt of a notice of a premises licence application, respond to the notice given by the Licensing Board by providing the following information:

- whether the applicant, or any connected person, has been convicted of any relevant or foreign offence
- a notice specifying any convictions for relevant or foreign offences committed by the applicant or a connected person
- where the chief constable considers that, having regard to any such convictions, it is necessary for the purposes of the crime and disorder prevention objective that the application be refused (the chief constable may include in the notice a recommendation to that effect).

### **3.8 Objections to a premises licence application**

Any person may object to an application for a premises licence. The objector must give a notice to that effect to the appropriate Licensing Board. The objection must be based on one of the grounds on which a Licensing Board can refuse the grant of a premises licence.

The grounds for refusal are:

- that the premises are 'excluded premises'
- the application is made within 12 months from the refusal of the same or similar application for a licence for the premises
- the application is for a 24-hour licence and the Board is not satisfied that there are exceptional circumstances that justify this

- granting the licence would be inconsistent with any of the licensing objectives
- where the hours proposed for off-sales from the premises are before 10.00 am, after 10.00 pm, or both
- the premises are unsuitable for use for the sale of alcohol due to the nature of the activities proposed, the location and character of the premises or persons likely to frequent them
- on grounds of overprovision.

### **3.9 Police objections**

The appropriate chief constable may object to a premises licence application only on the basis that they have reason to believe that the application may not meet any of the five licensing objectives:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

or, if the applicant is involved in serious crime, and, as a result, the chief constable believes the application should be refused for the purposes of the crime and disorder prevention objective.

### **3.10 Representations to a premises licence application**

Any person may make representations to the Licensing Board concerning an application as follows:

- in support of the application
- as to modifications which the person considers should be made to the operating plan accompanying the application
- as to conditions which the person considers should be imposed.

### **3.11 Police representations**

The appropriate chief constable may make representations in respect of a premises licence application by giving the Licensing Board a report detailing:

- incidents of antisocial behaviour that have been identified by the police as having taken place on or in the vicinity of the premises in the previous 12 months
- any complaints made by other people to the police concerning antisocial behaviour on or in the vicinity of the premises in the previous 12 months.

### **3.12 Determining the application**

The Licensing Board must hold a hearing to consider and determine an application for a premises licence and must take into account all the documents accompanying the application.

The Board must consider whether any of the grounds for refusal apply and if they do not, grant the application. If grounds for refusal apply, the Board must refuse the application.

The grounds for refusal are:

- that the subject premises are 'excluded premises'
- that the application is for a 24-hour licence (which can only be granted in exceptional circumstances), or for off-sales hours before 10.00 am or after 10.00 pm
- that the Licensing Board considers that granting the licence would be inconsistent with any of the licensing objectives
- that the Licensing Board considers the premises are unsuitable for use for the sale of alcohol (on grounds of nature of activities, type of premises, persons likely to frequent)
- overprovision of premises in the locality.

Where the Board refuses the application it must specify the grounds for refusal.

Where the Board considers that the application could be granted if the operating plan or layout plan (or both) was modified on the basis suggested by the Board, it must grant the modified application provided the applicant agrees to the proposed modifications.

### **3.13 Informing the Licensing Board of convictions**

A premises licence holder has a duty to inform the Licensing Board of any relevant or foreign offences of which they have been convicted within one month of their conviction. The notice of conviction must specify the nature of the offence and date of conviction and must be accompanied by the premises licence, or if that is not practicable, the reasons why not.

### **3.14 Further application after refusal**

Where a Licensing Board has refused an application for a premises licence it must refuse any subsequent premises licence application in respect of the same premises received within one year of the earlier refusal, except where:

- at the time of the earlier refusal the Board directed that a subsequent application could be considered
- the Board is satisfied that there has been a material change since the earlier refusal.

### **3.15 Duty of a premises licence holder to notify a court that they hold a premises licence**

A premises licence holder is under a duty to notify a court that they hold a premises licence before conviction, or to do so if a premises licence is granted to them during the conduct of a case against them but before conviction.

### 3.16 Keeping, displaying and producing the premises licence

A premises licence holder has a duty to ensure that:

- the premises licence, or a certified copy of it, is kept at the premises under the control of the licence holder or the premises manager
- the summary of the premises licence, or a certified copy of it, is prominently displayed on the premises, A4 size, in a position where it can be read by anyone frequenting the premises
- they produce the premises licence, or a certified copy of it, on demand to a police officer or a Licensing Standards Officer for the local authority area where the premises are situated.

Failure to comply with the above is an offence.

### 3.17 Notifying the Licensing Board if a premises manager vacates their position

The premises licence holder must give notice to the relevant Licensing Board, not later than **seven days** after the event, in any of the four following circumstances:

- the premises manager ceases to work at the premises,
- the premises manager becomes incapable of acting as premises manager (for any reason)
- the premises manager dies
- the personal licence held by the premises manager is revoked or suspended.

They must also make an application within six weeks to vary the licence to substitute a new manager.

### 3.18 Informing the Licensing Board of convictions

If a Licensing Board is notified by an applicant for a premises licence that they have a conviction for a relevant or foreign offence the Board must notify the appropriate chief constable. The chief constable must, within 21 days of receiving the notification, respond to the Board by giving it one or other of the following:

- a notice confirming that they are unable to confirm the existence of the conviction or that the conviction is not a relevant or foreign offence
- a notice confirming the existence of the conviction and that it is a relevant or foreign offence.

If the chief constable confirms the existence of a relevant or foreign offence, and where they consider that granting a licence to a person convicted of such an offence would undermine the preventing of crime and disorder objective of the Licensing (Scotland) Act 2005, they may recommend to the Licensing Board that the application is refused.

### 3.19 Issue of licence and summary

Where a Licensing Board grants a premises licence application, it must issue the applicant with a:

- a premises licence
- a summary of the licence.



Where a Licensing Board grants a premises licence, or a temporary premises licence, or issues a new summary in respect of either, then a copy of the relevant licence or summary must be sent to the appropriate chief constable.

The premises licence must contain the following information and documents:

- the name and address of the holder of the licence
- the name and address of the premises manager
- a description of the premises
- the date on which the licence takes effect
- the conditions to which the licence is subject
- the operating plan and layout plan
- such other information as may be prescribed.

### **3.20 Definition of 'licensed hours'**

'Licensed hours' in relation to licensed premises means:

- the hours stated in the operating plan of a premises licence during which alcohol can be sold on, or taken from the premises
- in the case of licensed premises in respect of which an occasional licence has been granted, the hours specified in the occasional licence during which alcohol can be sold on, or taken from the premises.

In relation to any premises: 'on-sales hours' and 'off-sales hours' mean the hours during which alcohol can be sold for consumption 'on' or 'off' the premises respectively.

A person commits an offence if, outside of licensed hours, they:

- sell alcohol, or allow alcohol to be sold, on licensed premises
- allow alcohol to be consumed on licensed premises
- allow alcohol to be taken from licensed premises.

The exceptions are where:

- alcohol is consumed during a drinking-up period of **15 minutes** at the end of a licensed period, or during **30-minute drinking-up** time if the alcohol is being consumed with a meal
- alcohol was taken from the premises during the 15-minute drinking-up period, provided it is not taken in an open container
- alcohol is sold to, or consumed by, a resident on the premises
- alcohol is sold to a person who is a trader, for trade purposes, from premises which are used exclusively for the purpose of selling alcohol (or alcohol and other products) to the trade
- alcohol is sold to or on premises occupied by the armed forces of the Crown.

Where an application is made to a Licensing Board for alcohol to be sold for a continuous period of 24 hours or more in respect of a premises licence, or a variation of one, or for an occasional licence or extended hours application, the Licensing Board must refuse the application unless it is satisfied that there are exceptional circumstances that justify allowing the sale of alcohol during such a period.

### **3.21 Hours permitted for off-sales premises**

The hours that are permitted for premises licensed for the sale of alcohol for consumption off the premises are 10.00 am to 10.00 pm on any day.

If an application is made for a premises licence, a variation to one, or for an occasional licence or extended hours permission authorising the sale of alcohol for consumption off the premises outside of the hours specified above, then the Licensing Board must refuse the application.

When considering an application for a premises licence granting permission for off-sales, the Licensing Board must consider the licensing objectives, and in particular consider the effect that the off-sales hours proposed in the application would have on the occurrence of antisocial behaviour.

### **3.22 Effect of start and end of British Summer Time**

Where British Summer Time starts or ends during a licensing period, or at the end of a licensing period, it is to be disregarded for the purpose of determining the time at which a licensing period ends, for example normal closing times prevail.

### **3.23 Power of Licensing Boards to grant general extensions of licensing hours**

A Licensing Board has the discretion to extend licensing hours in connection with a special event of local or national significance. The length of any extension is a matter for the Board.

A Licensing Board may make such an extension in relation to:

- the whole of the Licensing Board's area or only to specified parts of the area
- licensed hours generally or only to specified descriptions of licensing hours
- all licensed premises in the Board's area or only to specified descriptions or categories of licensed premises.

Where a Licensing Board decides to grant extensions of licensing hours in relation to an event of local or national significance it must:

- give notice of the extensions granted to the appropriate chief constable and to the holders of premises licences and occasional licences to which the extensions apply
- publicise the extension in such a manner as the Board sees fit.

The fact that an extension of hours has been granted by a Board does not oblige all premises to be open for sale during the extended hours period, it merely means that they may do so if they wish to.

If the holder of a premises licence applies to the Licensing Board for an extension of hours in respect of:

- a special event or occasion to be catered for on the premises, or
- a special event of local or national significance

and the Board considers it appropriate to do so, it may extend the licensed hours in respect of the premises by such a period as is applied for or for such other period as it may consider appropriate.

### 3.24 Notice of extended hours applications

Where a Licensing Board receives an application for extended hours it must give notice of it, together with a copy of the application, to the chief constable for the area and to the local Licensing Standards Officer in whose area the premises are situated.

The chief constable or any Licensing Standards Officer for the area can object to such an application on the grounds that it undermines the prevention of crime and disorder licensing objective. Either has 10 days in which to lodge an objection.

The Licensing Standards Officer must, within 10 days of receiving notice of the application, prepare a report for the Licensing Board setting out their comments on the application.

If the relevant Licensing Board is satisfied that the application requires it to be dealt with quickly then the right of the chief constable or the Licensing Standards Officer to object to the application must be exercised in such a shorter period as the Board may determine, provided that shorter period is not less than 24 hours.

In these circumstances the Licensing Standards Officer may prepare a report for the Licensing Board setting out their comments on the application, but is not required to do so. In other words, the Licensing Standards Officer `may', as opposed to `must', prepare a report in the circumstances of an application that is dealt with at short notice.

In determining an extended hours application the Licensing Board must take into account any notice of objection from the chief constable and the Licensing Standards Officer's report.

The Licensing Board may hold a hearing to determine the application, or, where a hearing is not held, ensure the applicant has an opportunity to comment on any objection or report the Board has received.

Where a Licensing Board grants or refuses an application it must notify the applicant, the chief constable and the Licensing Standards Officer. Any of these can require the Board to give reasons for a grant or refusal and the reasons must be circulated to all of these parties.

On granting an application for extended hours the Licensing Board may make such variation to the conditions to which the licence is subject as it thinks necessary or expedient for the purposes of any of the licensing objectives.

If such a variation is made it:

- only has effect in relation to the period of licensed hours that is being extended
- ceases to have effect at the end of the extended licensed hours period.

### 3.25 Occasional licence

An occasional licence is a licence issued by a Licensing Board to any premises (other than licensed premises) within the Board's area authorising the sale of alcohol from those premises. This allows alcohol to be sold on an unlicensed premise for particular occasions or events.

The persons who may apply for an occasional licence are:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation.

A Licensing Board may issue in respect of any one voluntary organisation in any period of 12 months:

- not more than four occasional licences each having effect for a period of four days or more, and
- not more than 12 occasional licences each having effect for a period of less than four days,

provided that, in any period of 12 months, the total number of days on which occasional licences were issued in respect of the organisation does not exceed 56. An occasional licence has effect for a period of time not exceeding 14 days as the Board may determine.

The Alcohol etc. (Scotland) Act 2010 makes it clear that 'If the granting of an occasional licence would result in the occasional licence limit being exceeded, the Board must refuse the application.'

The above Act's regulations may also place limits on the number of occasional licences granted, and/or the number of days on which occasional licences may have effect in respect of:

- the same applicant, or
- the same premises in any period of 12 months, and
- limiting the number of continuous days on which occasional licences may have effect in respect of the same premises.

These amendments are clearly aimed at ensuring that the system for granting occasional licences is not abused.

### 3.26 Occasional licence application form

An application for an occasional licence must be in the prescribed form and must contain the following information:

- the name and address of the holder of the licence
- a description of the premises in respect of which it is issued
- a description of the activities to be carried out on the premises
- a statement of the period during which the licence has effect
- a statement of the times alcohol may be sold on the premises
- a statement as to whether alcohol may be sold for consumption on the premises, off the premises or both

- a statement of the times any other activities in addition to the sale of alcohol are to be carried out on the premises,
- where alcohol is to be sold for consumption on the premises
- a statement about whether children or young persons are to be allowed entry including, in particular, their ages, times of entry and parts of the premises they will be allowed to enter
- the conditions to which the licence is subject or reference to a document in which the conditions can be found
- such other information as may be prescribed.

Where alcohol is to be sold under an occasional licence both for consumption on and off the premises the occasional licence may state different times for 'on' and 'off' sales.

### **3.27 Conditions**

Every licensed premises and occasional licence has conditions attached to it. There are three 'levels' of conditions:

- national mandatory conditions that apply to all premises
- national discretionary conditions
- local conditions

The Act gives the Scottish Government the power to add to the list of national conditions as they feel necessary. Such changes would normally be covered in the licensed trade press and the Licensing Standards Officer would also provide advice. The national conditions, plus any local or discretionary conditions applied, become part of the premises licence.

Breach of any of the conditions may lead to a review of the licence.

### **3.28 Mandatory conditions for all premises**

National mandatory conditions for both on- and off-licence premises include the following:

#### **Compliance with the operating plan**

- Alcohol is to be sold on premises only in accordance with the operating plan contained in the licence.
- Any other activity carried out on the premises is to be carried out only in accordance with the operating plan.

#### **The premises manager**

- Alcohol is not to be sold on the premises where:
  - there is no premises manager in respect of the premises
  - the premises manager does not hold a personal licence
  - the personal licence held by the premises manager has been suspended
  - the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.

It should be noted that nothing in the mandatory conditions stated above is to be taken as meaning that the premises manager must be present at all times when alcohol is being sold or served.

### **Authorisation of sales of alcohol**

Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:

- the premises manager
- another person who holds a personal licence.

### **Training of staff**

No person, other than a personal licence holder is to work in a capacity that involves them in selling or serving alcohol unless they have undergone prescribed training.

### **Pricing of alcohol**

Where the price of any alcohol sold on the premises is varied:

- the price variation may be brought into effect only at the beginning of a period of licensed hours
- no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

This provision now applies both to on-sale and off-sale premises.

Alcohol can only be sold in accordance with the conditions stipulated in the operating plan:

- any other activities carried out on the premises must be in accordance with the operating plan
- alcohol must not be sold on the premises where:
  - there is no premises manager for the premises
  - the premises manager does not hold a personal licence
  - the personal licence held by the premises manager is suspended or the licensing qualification held is not the appropriate one for the premises
- every sale of alcohol on the premises must be authorised by either a premises manager (who holds the premises licence) or another person who holds a personal licence
- no person, paid or unpaid, other than a personal licence holder who has a current licensing qualification is permitted to make a sale of alcohol without having undergone training.

Licence fees/maintenance fees must be paid as required by regulations.

### **3.29 Mandatory conditions – The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**

Where the operating plan specifies that a premises may on any occasion be open for a continuous period beginning on one day and ending after 1:00 am the following day then the following conditions must be complied with:

- a person trained to the satisfaction of the Licensing Board in the provision of first aid must be on the premises from 1.00 am until the earlier of:
  - the time at which the premises next closes
  - 5.00 am or such other time as the Licensing Board may specify

- a personal licence holder must be designated to be present on the premises from 1.00 am until whichever is the earlier of:
  - the time at which the premises next close
  - 5.00 am or such other time as the Licensing Board may specify
- there must be written policies in place concerning:
  - the evacuation of the premises
  - the prevention of the misuse of drugs on the premises
- a CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order
- there must be persons responsible for checking the safety and wellbeing of persons using any toilet facilities on the premises
- a person who holds a front-line door supervisor's licence issued by the Security Industry Authority must be positioned at every entrance to the premises from 1.00 am until whichever is the earlier of:
  - the time at which the premises next close
  - 5.00 am or such other time as the Licensing Board may specify.

### **3.30 Premises licences – variation of conditions**

A Licensing Board may make a variation of the conditions in respect of licensed premises in its area. Such variations may apply to:

- all licensed premises
- particular licensed premises
- licensed premises within particular parts of its area
- licensed premises of a particular description.

Any such variation has effect for such period as the Board may specify within it. A Board can only make such variations where it is satisfied that the variation is necessary or expedient for the purposes of any of the licensing objectives.

The Board must give notice of any such variations and premises licence holders or personal licence holders affected by any such variation may make representations to the Board. The Board must then hold a hearing to consider any representations made.

### **3.31 Review of a premises licence**

The persons or bodies who may apply for a review of a premises licence are:

- any person
- Licensing Standards Officers
- the relevant Licensing Board.

A premises licence review may be rejected by the Licensing Board if it feels that it is frivolous or vexatious or in the event that the Board finds that no offences have been committed and that there has been no conduct inconsistent with one or more of the five licensing objectives.

If a Licensing Board rejects a premises licence review it must inform the parties to the review and the appropriate chief constable and give a written explanation or the reasons for the rejection.

### **3.32 Review of premises licence on the Licensing Board's initiative**

The grounds on which a Licensing Board may review a premises licence are that a licensing condition has been breached or conduct has been inconsistent with one or more of the five licensing objectives.

#### **Review hearings**

The Board must hold a hearing to consider and determine a licence review. The Board must give the following notices:

- to the applicant
- to the licence holder
- to the relevant Licensing Standards Officer.

The relevant Licensing Standards Officer must give the Board a report on the review proposal or application.

The Licensing Board may:

- obtain further information from persons as it thinks fit and take the information into account
- request the attendance at the review hearing of any person for the purpose of providing information
- request the production of any documents required
- take into account any information relevant to any grounds for review even though it is not relevant to any circumstances alleged in the review proposal or application under consideration.

### **3.33 Revoking a variation or premises licence suspension**

Where a Licensing Board has varied or suspended a premises licence it may revoke its previous decision on application of the licence holder if there has been a change of circumstances that makes the variation or suspension no longer necessary.

### **3.34 Dealing with relevant or foreign offences**

Where a Licensing Board receives notification from a court that a licence holder has a relevant or foreign conviction it must give notice of the conviction to the appropriate chief constable.

The relevant chief constable must, within 21 days:

- confirm the conviction
- state that they are unable to confirm the conviction.

If a conviction is confirmed then the chief constable may recommend that the licence is not issued and the Board will have to hold a hearing to consider and determine whether or not to issue the licence.



### 3.35 Conduct inconsistent with the licensing objectives

If, during the course of a premises licence review, a Licensing Board finds that any personal licence holder working on the premises acted in a manner inconsistent with any one or more of the five licensing objectives then the Board must:

- hold a hearing if that person is working in any licensed premises
- in any other case, give notice to the relevant Licensing Board of their finding together with a recommendation as to whether the personal licence of the individual concerned should be revoked, suspended or endorsed.

In any other circumstances, if a chief constable considers that that any personal licence holder has acted in a manner inconsistent with any of the licensing objectives they may report the matter to the relevant Licensing Board. The Licensing Board is then required to hold a hearing and has the power to revoke, suspend or endorse the personal licence of the individual concerned.

### 3.36 National mandatory licence conditions for occasional licences

The national mandatory conditions that apply to occasional licences mirror those attached to premises licences and fall into the following categories:

- compliance with licence
- authorisation of sales of alcohol
- pricing of alcohol
- irresponsible drinks promotions
- provision of non-alcoholic drinks
- voluntary organisations
- payment of licensing fees.

There is a further mandatory condition for occasional licences where the licence is granted to a voluntary organisation, which is that alcohol may only be sold on the premises in connection with the voluntary organisation's activities.

### 3.37 Exemption of 'certain clubs'

In respect of premises that are used wholly or mainly for the purposes of a members club, the following provisions of the Licensing (Scotland) Act 2000 do **not** apply:

- all those provisions relating to overprovision of premises and assessment for overprovision
- the requirement for there to be a premises manager named in the premises licence
- the requirement for sales of alcohol to be authorised by a personal licence holder.

A members club technically does not sell alcohol; it supplies it to members who already own it, or to the guests of those members. Therefore these provisions relating to the retail sale of alcohol do not apply.

### 3.38 Variation of a premises licence

A premises licence holder may apply to the Licensing Board to vary a premises licence. An application must be accompanied by the premises licence to which the application relates, or a statement why it is not practicable to produce it.

A 'variation' means a change to:

- any of the conditions to which the licence is subject (other than statutory national conditions)
- any of the information contained in the operating plan
- the layout plan
- any information contained or referred to in the licence, including additions and deletions.

A 'minor variation' means a change to:

- the layout plan if that change doesn't render it inconsistent with the operating plan
- a change to any restrictions to the terms on which young people may be allowed entry to the premises
- change to information about the premises manager, or a substitution of premises manager
- any other variation of a minor nature as may be prescribed.

### 3.39 Determination of application for variation

If the variation sought is a minor variation, the Board must grant the application. In any other case, the Licensing Board must hold a hearing for the purpose of considering and determining the application. Where a hearing is held the Board must consider whether any of the grounds for refusal apply and if none of them apply it must grant the application.

The grounds for refusal are the same as the grounds for refusing a premises licence application, namely:

- that the subject premises are 'excluded premises'
- that the application is for a 24-hour licence (which can only be granted in exceptional circumstances), or for off-sales hours before 10.00 am or after 10.00 pm
- that the Licensing Board considers that granting the licence would be inconsistent with any of the licensing objectives
- that the Board considers the premises are unsuitable for use for the sale of alcohol (on grounds of nature of activities, type of premises, persons likely to frequent)
- overprovision of premises in the locality.

### 3.40 Variation to substitute a new premises manager

Where an application is made to substitute a new premises manager and where the applicant requests that the substitution should have immediate effect, it will be deemed to have effect from receipt of the application to its later determination.

### **3.41 Further application after a refusal of an application for variation**

Where a Licensing Board has refused an application for a variation to a premises licence it must refuse any subsequent application in respect of the same variation, in relation to the premises, received within one year of the earlier refusal, except where:

- at the time of the earlier refusal the Board directed that a subsequent application could be considered
- the Board is satisfied that there has been a material change since the earlier refusal.

### **3.42 Transfer of premises licence**

A premises licence holder may apply to the Licensing Board for the transfer of the licence to any person who is aged 18 years or above. The application must be accompanied by the premises licence, or a statement of why it is not practicable to produce it.

The Licensing Board must give notice of the application to the appropriate chief constable. The chief constable has 21 days to respond. If the chief constable responds that the applicant has not been convicted of a relevant or foreign offence then the transfer of the premises licence will be granted.

If the chief constable gives a notice specifying any convictions of the applicant for any such offence, and where they consider that it is therefore necessary for the purposes of the crime and disorder prevention objective that the transfer application should be refused, then they may include a recommendation to that effect.

The Board must then hold a hearing to consider and determine the application and refuse it if they agree with the chief constable's recommendation or grant it if they do not.

Where a premises licence holder:

- dies
- becomes incapable
- becomes insolvent

then a person or body corporate to whom the business has been transferred may apply for the premises licence to be transferred to their name.

A person to whom a premises licence has been transferred may apply, on transfer, to vary the premises licence and the application would be considered and determined in the normal way as described above.

### **3.43 Premises licence review**

Any person may apply to a Licensing Board for the review of a premises licence granted by that Board. The grounds for review are that breaches of the conditions of the licence have taken place or that the premises are being operated in a way that is inconsistent with any of the five licensing objectives.

In addition, a Licensing Standards Officer may apply for a premises licence review if any notice that the Licensing Standards Officer may have issued in relation to a premises licence review has not been complied with.

A Licensing Board may also, on their own initiative, review a premises licence on any of the grounds for review. A Licensing Board can reject an application for review on the grounds that it is frivolous or vexatious.

### **3.44 Premises licence holder**

A premises licence holder is the individual person or corporate body (usually a limited company) that has applied for and been granted a premises licence in order to engage in the sale or service of alcohol from the premises.

### **3.45 Premises manager**

A 'premises manager', in relation to any licensed premises in respect of which a premises licence has effect, means the individual who holds a personal licence and who is named as the premises manager in the premises licence.

An individual may not, at any one time, be the premises manager of more than one licensed premise. If an individual who is the designated premises manager of a premise is later specified in another premises licence as the premises manager, the later specification is of no effect.

### **3.46 Personal licence**

A personal licence means a licence issued by a Licensing Board to an individual authorising the individual to make, or authorise others to make, sales of alcohol from licensed premises in accordance with a premises licence.

Any individual aged 18 or above may apply for a personal licence to:

- the Licensing Board in whose area the applicant ordinarily resides
- in any other case, any Licensing Board.

Where a Licensing Board receives a personal licence application, the Board must send notification to the appropriate chief constable together with a copy of the application.

The chief constable has 21 days to respond. If the chief constable responds that the applicant has not been convicted of a relevant or foreign offence then the licence will be granted.

A personal licence application will be determined by the relevant Licensing Board and granted, provided that:

- the three conditions listed below are all met
- the Board has received from the chief constable a notice to the effect that as far as they are concerned the applicant has no relevant or foreign convictions
- the applicant has signed the application.

The three conditions that must be met are:

- the applicant is aged 18 or over
- the applicant possesses an accredited licensing qualification as specified by the Scottish Qualifications Authority
- no personal licence previously held by the applicant has been revoked within a five-year period ending with the day on which the application was received.

If any of three conditions above are not met the Licensing Board must refuse the application. If the chief constable notifies the Licensing Board that the applicant has a relevant or foreign conviction, then the Board must hold a hearing and decide whether to grant the application or not.

If it is satisfied it is necessary to refuse the application for the purposes of the crime and disorder prevention objective then it must refuse; if it is not so satisfied, it must grant the application.

Where the applicant for a personal licence is convicted of a relevant or foreign offence during the period beginning with the making of a personal licence application and ending with its determination, the applicant must notify the Licensing Board of the conviction no later than one month after the date of the conviction.

The notification must specify:

- the nature of the offence
- the date of the conviction.

The Licensing Board must suspend a personal licence application if an applicant informs the Board of a relevant or foreign conviction during the application process. It must then inform the chief constable of the offence that has come to light.

The chief constable must, within 21 days of receiving notification from a Licensing Board of a personal licence applicant's conviction, respond to the Board by giving it one or other of the following notices:

- a notice confirming that they are unable to confirm the existence of the conviction or that the conviction is not a relevant or foreign offence
- a notice confirming the existence of the conviction and that it is a relevant or foreign offence.

If the chief constable confirms the existence of a relevant or foreign offence, and where they consider that granting a licence to a person convicted of such an offence would undermine the crime and disorder prevention objective of the Licensing (Scotland) Act 2005, they may recommend to the Licensing Board that the application be refused.

The Board must then refuse the application if it accepts the chief constable's recommendation, or grant it if it does not believe that issuing the licence would undermine the crime and disorder prevention objective.

A personal licence holder is under a duty to notify a court that they hold a personal licence before conviction (first or second court appearance), or to do so if a premises licence is granted to them during the conduct of a case against them, but before conviction. They must also identify to the court the Licensing Board that issued their personal licence.

A personal licence holder is under a legal duty to notify the Licensing Board of convictions for relevant or foreign offences committed subsequent to the grant of their personal licence. They must do so within one month of the date of conviction.

The notification must specify:

- the nature of the offence
- the date of the conviction.

The personal licence holder must also submit their personal licence to the Board, or give reasons why it is not practicable to do so.

A personal licence holder must produce their personal licence for a police officer or Licensing Standards Officer.

If the chief constable gives a notice specifying any convictions of the applicant for any such offence, and where the chief constable considers that it is therefore necessary for the purposes of the crime and disorder prevention objective that the personal licence application should be refused, then the chief constable may include a recommendation to that effect.

A personal licence issued by a Licensing Board must specify:

- the name and address of the holder
- the Licensing Board issuing the licence
- the expiry date of the licence
- any relevant or foreign offences of which the applicant has been convicted
- such other matters as may be prescribed.

A personal licence would be void if, at the time it is issued, the individual to whom it is issued already holds a personal licence.

A personal licence has effect for a period of 10 years from the date of issue.

It will cease to have effect during any period of suspension, or if the Board revokes it, or in the event that the holder surrenders the licence.

A personal licence may be renewed not later than three months before the its expiry date. The Licensing Board that issued the licence must give notice to the licence holder that the licence will cease to have effect on the expiry date unless renewed.

A personal licence renewal application must be accompanied by:

- the personal licence to which it related, or
- if that is not practicable, a statement of the reasons for the failure to produce the licence.

Where a Licensing Board grants or refuses a personal licence application the Board must give the applicant and the chief constable notice of the grant or refusal. Either party may require the Board to give a statement of the reasons for the grant or refusal of the application.

## Chapter 4 — Licensing Law: Protecting Children from Harm

### 4.1 Selling alcohol to children and young people

It is an offence for a person to sell alcohol to a child or young person. This offence is committed if alcohol is sold to a person under the age of 18 years.

If charged with selling alcohol to a child or young person, the server must be able to show that they believed the person to be 18 or over and that:

- no reasonable person would suspect from a person's appearance that he or she was under 18
- they asked the person for proof of age (and what they were shown appeared to be an appropriate form of proof of age and one that would have convinced a reasonable person).

### 4.2 Proof of age

'Reasonable steps' include asking for and examining one of the following documents that are acceptable as proof of age:

- a passport
- a European photo card driving licence
- a photographic identity card approved by the Proof of Age Standards Scheme (PASS)
- a British military identity card
- a national identity card issued by a European country (other than the UK, Norway, Iceland, Liechtenstein or Switzerland)
- a biometric immigration document
- any other document that may be prescribed by the Licensing Board.

As with all forms of proof of age the date of birth should be checked. The proof does not have to be accepted and if not sure the sale should be refused.

The Licensing (Scotland) Act 2005 defines a child as being under 16 years of age, a young person as being 16 or 17, and an adult as being 18 or over.

#### **Proof of Age Standards Scheme (PASS)**

The scheme was established in 2002 and is designed to deliver reliability to many of the proof of age cards found across the UK.

As a result, many young people in the UK should be able to prove their age easily and cheaply, and to buy the products they want, while retailers and their staff are protected against accidental failure to observe the law.

The **PASS** hologram means that the issuer of the card has had Trading Standards approval and that the hologram is forge proof so you can rely on its authenticity.

The **PASS** scheme is supported by the:

- Scottish Government
- Trading Standards Institute
- British Retail Consortium
- Association of Chief Police Officers in Scotland

- main trade associations that represent both the off- and on-sales of alcohol.

The **Young Scot Card** is the most common proof of age document used in Scotland.

### 4.3 'Challenge 25'

All licensed premises must operate '**Challenge 25**', which states that if a person looks under the age of 25 they should be asked to prove their age so that the person serving them can be satisfied that they are at least 18, and that the law is not being broken by selling them alcohol.

Taking time to judge someone's age is important. Research shows that if people selling alcohol make early eye contact with a young customer – when they enter the shop or bar, as opposed to when they are at the point of sale – then they are more likely to ask the young person for identification and a proof of age.

Humour can be used to disarm hostility. One way of phrasing the question might be:

'**If you're lucky enough to look under 25 – and you do – then I have to ask for proof that you are at least 18.**' And then explain to the customer what forms of identification are acceptable.

### 4.4 Liqueur chocolate

You do not require a premises licence to sell liqueur chocolate. You need to be 16 years of age and over to purchase it. It is an offence to sell liqueur chocolate to a child. Any confectionery with a strength above 0.5% ABV is classed as alcohol and therefore must not be sold to a child or young person under the age of 18.

### 4.5 Purchase of alcohol by or for a child or young person

It is an offence if a child or young person buys or attempts to buy alcohol (whether for themselves or for another person). It is also an offence for an adult to buy or attempt to buy alcohol for a child or young person to consume on licensed premises, except:

- where a child or young person buys or attempts to buy alcohol whilst carrying out a test purchase authorised by the police
- where an adult buys beer, wine, cider or perry for consumption by a young person aged 16 or 17 for consumption with a meal supplied on the premises.

### 4.6 Test purchasing

Underage drinking has been identified as a major problem. In the past underage drinking laws have not been strictly enforced but there is now a new culture of enforcement and strict compliance with underage drinking laws.

A 'test purchase' involves police officers sending an underage person, under supervision, into licensed premises to attempt to buy alcohol.

The purpose of this is to test the effectiveness of the underage sales prevention policies of the licensed premises concerned and to enforce the law on underage sales.



#### **4.7 Underage purchasers/drinkers**

Premises managers, personal licence holders and anyone directly involved in selling, serving or supplying alcohol have a responsibility to ensure that alcohol is not sold or supplied to underage persons. The definition of an underage person is someone who is under 18 years of age. Identifying underage purchasers/drinkers of alcohol is sometimes very difficult. Personal appearances can be deceptive, but if the appearance of a young person creates a doubt about their age then the sale should be refused unless that young person has an acceptable proof of age.

#### **4.8 Agent sales**

Sometimes an adult will attempt to buy alcohol for an underage person. These are known as 'agent sales'. It is important to be aware of who is in a bar or public house, or who may be just outside an off-sales premises – and thereby be in a position to judge whether the adult customer is attempting to purchase alcohol for underage persons.

#### **4.9 Give-away signs**

- Nervous behaviour by the adult customer – indicating that they may have been intimidated into purchasing alcohol for underage persons.
- Buying inappropriate products or unusually large quantities – an elderly customer purchasing two six-packs of 'alcopops' would 'giveaway' that this might be an agent sale.
- Youths loitering outside premises and approaching adult customers and asking or intimidating them into buying alcohol for them.

#### **4.10 High-risk products**

There are some categories of alcoholic product that are particularly attractive to young drinkers and that underage drinkers may try to buy:

- coolers, for example. bottled products that mix spirits with lemonade
- flavoured alcoholic beverages referred to by the industry as 'FABs' and by the media as 'alcopops'
- any alcohol product that has a high sugar content or that is cheap – some brands of sweet cider fall into this category.

#### **4.11 Appropriate service policies**

Requirement for an age verification policy:

In respect of the sale of alcohol, all premises must have an age verification policy with the age set at a minimum of 25 years. This means that retailers must have a set policy whereby any person seeking to buy alcohol who looks under the age of 25 (or a higher age if felt necessary) must be asked to produce evidence that they are at least 18 years of age:

- no ID-no sale – and a 'proof of age' ID card scheme
- refusal to serve underage persons
- refusal to serve agent purchasers.

#### 4.12 Deterrence measures

Measures that will deter underage purchasers include:

- high-visibility 'Challenge 25' posters and stickers – on display shelves and at tills and checkouts
- security staff asking for ID at entry points
- staff selling alcohol asking for ID at the bar, counter or checkout.

#### 4.13 Recording service and/or entry refusals

Demonstrate due diligence in dealing with underage purchasers by recording service or entry refusals where it is suspected that the purchaser may be an underage person. These refusals may be recorded in a logbook or by using a till refusals button.

#### 4.14 Consumption of alcohol by a child or young person

A child or young person who knowingly consumes alcohol on licensed premises commits an offence, as does any responsible person who allows the child or young person to consume it (a defence of due diligence is available as above).

**Except:** where the alcohol consumed is beer, wine, cider or perry, consumed by a young person of 16 or 17 along with a meal supplied on the premises.

#### 4.15 Unsupervised sale of alcohol by a child or young person

Any responsible person who allows a child or young person to sell, serve or supply alcohol commits an offence (a defence of due diligence is available as above) unless:

- in an off-licence premises, the sale is specifically approved by a person 18 or over
- in an on-licence premises, the alcohol is for consumption with a meal and the supply or service is specifically approved by a person 18 or over.

#### 4.16 Delivery of alcohol by or to a child or young person

In respect of sales from off-sales premises it is an offence for a responsible person to allow alcohol to be delivered by or to a child or young person.

**Except:** where the child delivering or receiving the alcohol does so as part of their work at the premises from which the alcohol is sold or received (whether paid or unpaid).

The same defences apply in respect of 'reasonable steps' and ID documents.

#### 4.17 Sending a child or young person to obtain alcohol

It is an offence for any person to knowingly send a child or young person to obtain alcohol sold or to be sold from licensed premises – regardless of whether the child or young person is sent to obtain the alcohol from the premises where it is sold or from premises to which it has been delivered.

**Except:** where the child works on the premises in a capacity (whether paid or unpaid) that involves the delivery of alcohol.

#### **4.18 Allowing the sale of alcohol to a child or young person**

It is an offence for a person to sell alcohol to a child or young person on licensed premises. A 'due diligence' defence to this charge is available whereby the person making the sale did not know that the offence was being committed or had exercised all due diligence to prevent the offence being committed.

It is also an offence to sell liqueur confectionery to a child less than 16 years old. The defences available to a person accused of this offence are that they believed the person to be 16 or over and had taken reasonable steps to establish their age or no reasonable person would have suspected from the child's appearance that they were younger than 16.

#### **4.19 Underage notice – failure to display statutory notice**

It is an offence not to display the statutory notice (section 110) in respect of underage sales of alcohol on licensed premises. The following notice must be displayed, in a prescribed size and form (A4), at all times, in all places where alcohol is sold and in a prominent place where it can be read by customers:

**It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.**

**It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under the age of 18.**

**Where there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.**

The persons who may be charged with the offence of failing to display this notice are:

- the premises licence holder
- the premises manager
- in the case of an occasional licence, the holder of the licence
- in the case of other relevant premises, the person having the management and control of the premises.

#### **4.20 Responsible person**

A 'responsible person' means:

- a premises licence or occasional licence holder
- the premises manager
- in respect of an occasional licence, the person who holds the occasional licence
- any person over 18 years of age working at the premises who authorises the sale or service of alcohol.

## 4.21 Due diligence

Where offences under the Licensing (Scotland) Act 2005 are committed by a corporate body, a Scottish partnership or some other unincorporated association, there is a defence of 'due diligence' available to persons acting for such bodies in relation to:

- allowing the unlicensed sale of alcohol
- allowing the sale of alcohol to a child or young person
- allowing a child or young person to consume alcohol on licensed premises
- allowing the sale, supply or service of alcohol by a child or young person
- allowing the unauthorised sale of alcohol from a moving vehicle
- delivery of alcohol by a 'responsible person' to premises (other than licensed premises) between the hours of midnight and 6.00 am, or a responsible person allowing alcohol to be so delivered
- keeping or allowing to be kept on licensed premises goods without duty owed on them having been paid
- selling, attempting to sell or allowing the sale of alcohol from a train, railway station or ferry where there is a sheriff's order in place prohibiting such sales.

The 'due diligence' defence available for a person working for or on behalf of a corporate body, Scottish partnership or other unincorporated association who is charged with any of the above offences is that the person:

- did not know that the offence was being committed
- exercised all due diligence to prevent the offence being committed.

## 4.22 Vicarious liability

The term 'vicarious liability' means being held liable for offences committed by others. In relation to the Licensing (Scotland) Act 2005 and the Alcohol etc. (Scotland) Act 2010, the holder of a premises licence, or an interested party, has vicarious liability for any offences committed by their employee or agent. They also have the same due diligence defence described above.

## Chapter 5 — Control of Order

### 5.1 Offences relating to drunkenness contained in the Licensing (Scotland) Act 2005

- It is an offence for a drunk person to:
  - enter licensed premises
  - be on licensed premises
  - be incapable of taking care of themselves.
- It is an offence:
  - to obtain or help to obtain alcohol for consumption on the premises for someone who is drunk
  - to help a drunk person to obtain or consume alcohol on the premises.
- It is an offence for:
  - a responsible person to sell alcohol to a drunk person on licensed premises.
- It is an offence for a premises manager or other responsible person:
  - to be drunk whilst on licensed premises.
- A person on licensed premises commits an offence who, while drunk:
  - behaves in a disorderly manner
  - uses obscene or indecent language to the annoyance of any person.
- Any responsible person on licensed premises who allows the following to take place commits an offence:
  - a breach of the peace
  - drunkenness
  - other disorderly conduct.

### 5.2 Defences

It is a defence to the last offence above if it can be proved that the responsible person charged with the offence:

- took all reasonable precautions and exercised due diligence not to commit the offence, and that
- there was no lawful or reasonably practicable means by which the accused could prevent the conduct giving rise to the offence.

### 5.3 Offences relating to disorderly conduct

A person on licensed premises commits an offence when they:

- behave in a disorderly manner
- refuse or fail to leave premises on being asked to do so by a responsible person or a police officer.

Likewise, an offence is committed if a person refuses or fails to leave licensed premises after the end of any period of licensing hours when asked to do so by a responsible person or by a police officer.

In respect of any offence of refusing or failing to leave licensed premises an authorised person may remove the person from the premises, using reasonable force if necessary.

A police officer must provide assistance in removing such a person if asked to do so by an authorised person, provided the police officer reasonably suspects that the offence of refusing or failing to leave has been committed.

#### **5.4 Conduct inconsistent with the licensing objectives**

If, during the course of a premises licence review, a Licensing Board finds that any personal licence holder working on the premises acted in a manner inconsistent with any one or more of the five licensing objectives then the Board must:

- hold a hearing if that person is working in any licensed premises
- in any other case, give notice to the relevant Licensing Board of its finding together with a recommendation as to whether the personal licence of the individual concerned should be revoked, suspended or endorsed.

In any other circumstances, if a chief constable considers that any personal licence holder has acted in a manner inconsistent with any of the licensing objectives, the chief constable may report the matter to the relevant Licensing Board. The Licensing Board is then required to hold a hearing and the Board then has the power to revoke, suspend or endorse the personal licence of the individual concerned.

#### **5.5 Endorsements on a personal licence**

A personal licence may be endorsed by a Licensing Board for conduct inconsistent with the licensing objectives. An endorsement is 'spent' after five years and the holder of a licence with a spent endorsement may apply to the Board for the endorsement to be removed.

The Board may then make an order:

- suspending the licence
- to revoke the licence.

In any event, an expired endorsement must be disregarded whether or not it has been removed from the holder's personal licence.

Where three endorsements have been made in any personal licence, the Licensing Board that issued the licence must hold a hearing. The personal licence holder concerned, and such other persons as the Board may consider appropriate, must be given an opportunity to be heard.

After the hearing the Licensing Board, if it considers it necessary for the promotion of any of the licensing objectives should make an order:

- suspending the licence
- revoking the licence.

## 5.6 Exclusion orders

An 'exclusion order' is an order of the court that a person should be excluded from a licensed premises, or a number of premises, because he or she has committed a violent offence in, or in the vicinity of, a licensed premises.

A licence holder may apply to the sheriff for an order prohibiting the person convicted of a violent offence from entering the licensed premises without consent. The application must be made within six weeks of the date of conviction for the offence.

An exclusion order has effect for a period of not less than three months and not more than two years after the making of the order.

## 5.7 Breach of an exclusion order

It is an offence for a person subject to an exclusion order to enter licensed premises in breach of the order. The penalties for breach are:

- a fine
- imprisonment
- or both.

Where an authorised person suspects a person of entering the premises in breach of an order, the authorised person may:

- remove the person from the premises using reasonable force, if necessary
- require a police officer to assist.

## 5.8 Exclusion orders issued without criminal conviction

Where a person is charged with an offence of violence before a court of summary jurisdiction and the court, without proceeding to conviction, discharges the person absolutely for procedural reasons, and where the court is nevertheless satisfied that the person charged committed the offence, the court or a sheriff may issue an exclusion order, or may issue a variation or termination of an exclusion order.

The clerk to the court must then notify the premises licence holder in respect of the premises concerned.

## 5.9 Closure orders

A closure order is an order requiring a licensed premise, to which it relates, to be closed for such period as the order may specify. It is granted on application by a senior police officer to a Licensing Board in relation to the threat of disorder on, or in the vicinity of a licensed premise, where the Board deems it necessary in the interests of public safety.

## 5.10 Emergency closure orders

An emergency closure order may be issued by a police officer above the rank of inspector without application to the Licensing Board if they reasonably believe that there is disorder, or that there is an imminent threat of disorder, that requires the immediate closure of the premises on public safety grounds. An emergency closure order must not exceed 24 hours.

## 5.11 Penalties

Any responsible person who allows any licensed premises to be open in breach of a closure order commits an offence and is liable on summary conviction to:

- a fine
- imprisonment
- or both.

## 5.12 Termination of closure orders

A police officer above the rank of inspector must terminate a closure order or an emergency closure order if they are satisfied that it is no longer necessary in the interests of public safety for the premises to be closed.

A premises or occasional licence holder may apply to the Board for the termination of a closure order and the Board may terminate the order if it is satisfied that it is no longer necessary in the interests of public safety for the premises to be closed.

## 5.13 Extension of an emergency closure order

A police officer above the rank of inspector may extend an emergency closure order for a further period of 24 hours if they reasonably believe that the threat to public safety continues and that the threat is such that it is necessary to extend the closure order immediately without an application to the Board.

## 5.14 Securing the licensing objectives

In relation to a premises licence review a Licensing Board may take any of the following four steps in order to secure the licensing objectives:

1. Issue a written warning to the licence holder
2. Make a variation to the licence
3. Suspend the licence for such time as the Board may think fit
4. Revoke the licence.

## 5.15 Irresponsible drinks promotions

This list, which also applies to occasional licences, may be added to over time by the Scottish Government:

- any promotion likely to appeal to a person under 18
- anything that involves a free or reduced price alcoholic drink with the purchase of one (or more) drinks, which don't have to be alcoholic
- anything that involves a free or reduced price measure of an alcoholic drink with the purchase of one (or more) measures of the drink (on-licence only)
- providing unlimited amounts of alcohol for a set price, including the entrance fee (on-licence only)
- anything that encourages a person to buy or consume larger measures than they had intended
- anything based on the strength of alcohol



- anything that rewards or encourages people to drink alcohol quickly
- anything that offers alcohol as a prize/reward (unless that alcohol is in a sealed container and then consumed off the premises).

Where a premises licence authorises the sale of alcohol for consumption on the premises then the following must be provided:

- tap water fit for drinking, free of charge on request
- other non-alcoholic drinks for purchase at a reasonable price.

### **5.16 Minimum price of packages containing more than one alcoholic product**

A package containing more than one alcoholic product (whether of the same or different kinds) can only be sold on the premises at a price equal to or greater than the sum of the prices at which each individual product is sold on the premises.

This applies:

- only where each of the alcoholic products is for sale on the premises separately
- regardless of whether or not the package contains any item that is not an alcoholic product.

*Example:* A six-pack of 300ml beers could not be sold for less than six times the advertised price for an individual 300ml bottle of beer. In other words, this provision prevents price discounting for volume.

### **5.17 Off-sales – variation of prices**

The requirement that price variations must start at the beginning of a licensed period and not change for a further 72 hours applies to both on-sales and off-sales premises. Changes enacted by the Alcohol etc. (Scotland) Act 2010 mean that in respect of off-sales premises this restriction applies only to individual products. So, retailers may vary the price of different products at any time, so long as each individual product maintains the same price for 72 hours.

### **5.18 Restriction on supply of alcoholic drinks free of charge or at reduced prices**

Drinks promotions that involve the supply of alcohol free of charge or at a reduced price on the purchase of one or more drinks, i.e., 'buy one, get one free' promotions, are now prohibited in off-sales premises as well as on-sales premises.

### **5.19 Off-sales – location of drinks promotions**

Drinks promotions in connection with the premises will now only be able to take place in the alcohol display areas defined in the premises licence, or in a separate tasting room. Further, branded non-alcoholic products, such as tea towels, may only be displayed in these areas. As an example a supermarket will be unable to advertise a drinks promotion outside of its designated alcohol display area or tasting room.

## Chapter 6 — Training

### 6.1 Personal licence holders and training

A personal licence holder must undergo accredited training before applying for a personal licence and must retrain every five years.

'Accredited training' means sitting the Scottish Certificate for Personal Licence Holders (SCPLH) one-day course, and passing the multiple-choice examination at the end of the course in order to be awarded the SCPLH qualification. The production of a valid SCPLH certificate is a requirement for all personal licence applicants.

Five years after the grant of a personal licence the holder must undergo the SCPLH refresher course and qualification. This is a half-day course that is also assessed by a multiple-choice examination. If a personal licence was granted before the 1st September 2009 (which was the date the Licensing (Scotland) Act 2005 came into effect), then the 'five-year clock' starts ticking on the 1st September 2009. In other words, the holder of any personal licence granted before the 1st September 2009 will be required to produce proof of having undergone the SCPLH refresher course before the 31st August 2014.

A personal licence must be renewed 10 years after the date of its grant. Before renewal the applicant must sit the full SCPLH course again.

Further information about the training and refresher training required under the Licensing (Scotland) Act 2005 can be found on [www.scplh.info](http://www.scplh.info)

### 6.2 Training of staff serving or selling alcohol

It is a mandatory condition on all premises licences that staff selling or serving alcohol must have undergone accredited training. This training must follow a 16-point syllabus laid down by the Scottish Government and the training must be delivered by a qualified trainer or a personal licence holder. The training cannot be delivered in less than two hours.

Documented training records should be kept. It is a statutory requirement that staff, other than personal licence holders, must have undergone training and that a record of that training, in a statutory form, must be retained on the premises for inspection by the police or a Licensing Standards Officer. Records of underage sales or entry refusals may also be retained – although this is a matter of policy to be decided by each premises licence holder.

## **Chapter 7 — Miscellaneous and Associated Law (Not tested in SCPLHR qualification)**

### **7.1 Trade sales**

It is an offence to sell alcohol (or other products) to traders except from licensed premises or premises that are used exclusively for that purpose.

### **7.2 Sale of alcohol from a moving vehicle**

It is an offence to sell, or to allow the sale of alcohol, from a moving vehicle unless such sales are expressly authorised by a premises licence or an occasional licence in respect of the vehicle.

### **7.3 Delivery of alcohol from vehicles**

If alcohol is delivered from a vehicle or receptacle as a result of the retail sale of that alcohol, then an offence is committed unless certain information is recorded in a delivery book or invoice book carried by the person delivering the alcohol, before the alcohol is despatched.

The information that must be recorded is:

- the quantity, description and price of the alcohol
- the name and address of the person to whom it is to be delivered.

The above does not include alcohol being delivered to a trader for trade purposes.

It is also an offence to refuse to allow a police officer or Licensing Standards Officer to examine the vehicle used for delivery and/or the day book or delivery/invoice book.

### **7.4 Prohibition of late-night deliveries of alcohol**

Where an off-sale of alcohol is made, a responsible person commits an offence if they deliver or allow the delivery of alcohol to premises, other than licensed premises, between the hours of midnight and 6.00 am.

### **7.5 Keeping of smuggled goods**

Any responsible person commits an offence if they keep or allow to be kept on licensed premises any goods which:

- have been imported without the duty payable on them having been paid, or
- have otherwise been illegally imported.

Illegally imported goods may be destroyed or otherwise dealt with in such manner as the court may order.

## 7.6 Weights and Measures Act 1985

Optics and beer measuring devices must comply with specific regulations and be made in compliance with a current certificate of pattern approval. Check with the local Trading Standards department if in doubt.

Draught beer and cider must be sold in quantities of  $\frac{1}{8}$  pint,  $\frac{1}{2}$  pint or multiples of  $\frac{1}{2}$  pint. Following the Metrication Amendment Act 1994, only draught beer and cider can be sold in half pints or pints. For shandies or non-alcoholic drinks in similar quantities the approximate metric equivalents must be used, i.e., 568 ml (1 pint) or 284 ml ( $\frac{1}{2}$  pint), provided that the customer is informed and if the drink is advertised on a price list, that the metric measure is stated.

Spirits i.e. whisky, gin, rum or vodka, may be sold in metric measures of 25 ml and 35 ml or multiples of these amounts. It is not legal to use both these measures on the same premises.

A notice displaying spirit measures must be prominently displayed.

Wines may be sold by the bottle, glass or carafe. Wines may be sold by the carafe in the following quantities 250 ml, 500 ml, 750 ml and 1 litre.

Wines sold by the glass may be sold in measures of 125 ml, 175 ml or multiples of these quantities.

Information regarding the quantities in which wine is sold must be included on wine lists, menus and price lists.

### Exemptions –

Brandy, liqueurs and fortified wines such as vermouth and port and sherry can be sold in any quantity but if a measure is used it must be a government stamped metric measure. This is normally 50ml.

Cocktails containing any of the four 'core spirits' are exempt if they form part of a drink containing three or more liquids.

Registered clubs are exempt from the requirements of the Weights and Measures Act 1985 although most clubs in Scotland adhere to these regulations because that is the public expectation and it makes stock control more effective.

## 7.7 Trade Descriptions Act 1968

This requires that descriptions of food and drink supplied are accurate and not misleading; that the product supplied is as advertised.

'Substitution' and 'passing-off' are illegal, for example putting a cheaper gin into an expensive gin bottle or selling a different brand of whisky from the one requested without getting the customer's agreement.

### Protected terms

'Champagne' is a term used for white sparkling wine made according to a particular method in the Champagne region of France. It is illegal to call any other sparkling white wine Champagne or to sell a Champagne cocktail unless it is made with real Champagne.

Likewise, sherry and Scotch whisky are terms protected by law and sherry made outside of Jerez in Spain must be called 'fortified wine' and whisky not made in Scotland may not be called Scotch whisky and will probably be spelt 'whiskey'.

## **7.8 Private Security Industry Act 2001 Requirements**

Licensed premises using door supervisors – whether directly employed or supplied by an agency or door security company – may only use door supervisors licensed by the Security Industry Authority.

## **7.9 Smoking, Health and Social Care (Scotland) Act 2005**

Smoking tobacco in enclosed public places and in all places of work became illegal on 6th March 2006. Therefore, in any licensed premises the premises manager must not permit smoking by customers or staff and must have the smoking ban signage in place.

Many licensed premises have created smoking shelters in beer gardens and car parks that are partially enclosed (at least 50% unenclosed, not including windows and doors) in order to cater for patrons who smoke. Licensees are advised to seek advice from the local council about smoking shelter issues.

## **7.10 Gambling Act 2005**

### **Betting**

It is an offence to allow betting or the passing of betting slips on licensed premises.

### **Gaming machines**

A permit must be obtained from the Licensing Board and a Customs and Excise licence obtained. Suppliers of gaming machines must be registered with the Gaming Board for Great Britain. The number of machines is normally limited and some machines can only be played by persons at least 18 years old.

### **Gaming**

Games of chance for winnings in money or money's worth are not permitted in licensed premises. Games involving a mixture of chance and skill, such as sport and dominoes or cribbage, are permitted.

### **Bingo**

Only allowed on premises licensed by the Gaming Board for Great Britain – with the exception of registered clubs where the charge for playing and prizes are strictly controlled.

### **Lotteries**

Certain lotteries, draws and sweepstakes are permitted but not for private gain, and conditions are attached to prizes. A 'race night' counts as a lottery. Advice should be sought from the local council with regard to lotteries because the legal implications are complex.

## 7.11 Equality Act 2010

The Equality Act 2010 sets out the personal characteristics that are protected by law and the behaviour that is unlawful. People are not allowed to discriminate, harass or victimise another person because they have any of the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

Premises are required to make reasonable adjustments to accommodate people with disabilities, and employers are responsible for the actions of their staff.

## 7.12 Consumer Protection from Unfair Trading Regulations 2008

The Price Marking (Food and Drink Services) Order 2003 applies to all licensed premises except registered clubs.

A price list of all available drinks must be displayed at the entrance and at the bar or counter. This must contain a minimum of 30 representative drinks (or all drinks if less than 30 are available) and their VAT inclusive prices. The list must be easily read by customers.

## 7.13 Phonographic Performance Limited (PPL) and Performing Rights Society (PRS)

### Copyright permissions

Providing live or recorded music requires the permission of the authors, publishers and performers of the music concerned. In practice that permission is gained by way of the grant of certain licences:

- a Phonographic Performance Limited (PPL) licence is required for the live performance or playing of copyright music, by any means
- a Performing Rights Society (PRS) licence is required for the public playing of copyright music by any means.

## 7.14 Misuse of Drugs Act 1971

Under the Misuse of Drugs Act illegal drugs are divided into three categories, reflecting the seriousness of the effects of these drugs.

**Class A drugs** – so-called 'hard drugs'. The Class A drugs most likely to be encountered on licensed premises are cocaine, crack cocaine, methadone, heroin, LSD, MDA and MDMA (ecstasy).

**Class B drugs** – these drugs fall into the middle range of seriousness. The Class B drugs most likely to be encountered on licensed premises include cannabis resin and herbal cannabis, amphetamine (speed) and barbiturates.

**Class C drugs** – around 40 drugs are listed in this category, 35 of which are tranquillisers. The Class C drugs most likely to be encountered on licensed premises are steroids and benzodiazepines such as mogadon, librium, diazepam and tamgesic.

It is an offence for licence holders to knowingly permit the production, use or sale of illegal drugs on their premises.

## **7.15 Other legislation**

### **7.15.1 Food hygiene**

The 10 'golden rules' for ensuring food hygiene

- 1 Always wash your hands thoroughly before handling food or after going to the toilet.
- 2 Tell your supervisor at once of any skin, nose, throat or bowel trouble.
- 3 Ensure cuts and sores are covered with bright, waterproof dressings.
- 4 Keep yourself clean and wear clean clothing.
- 5 Don't smoke where food is kept or stored and don't cough or sneeze over food.
- 6 Clean as you go. Keep all equipment and surfaces clean.
- 7 Prepare raw and cooked food separately ensuring food is covered and stored at appropriate temperatures.
- 8 Keep your hands off food as much as possible.
- 9 Ensure the hygienic disposal of food waste.
- 10 Tell your supervisor if you cannot follow the rules.

### **7.15.2 Hygienic drinks service**

Best practice would include the following:

- regular hand washing
- don't touch the tops of glasses or bottles
- serve drinks in a clean glass
- don't serve a drink from an optic into a used glass
- keep the ice bucket behind the bar – not in contact with customers
- keep the ice tongs separate from the ice bucket/ice machine to avoid cross-contamination
- provide individual bowls of snacks and nibbles – not communal ones to avoid cross-contamination.

### **7.15.3 Health and Safety at Work Act 1974**

The Health and Safety at Work Act 1974 applies to all employees and to anyone who might reasonably be affected by the operation of the business at a premises.

The main areas of application are:

- smoking (now illegal in enclosed work spaces)
- mechanical safety and machines
- manual handling
- electrical safety
- chemical safety
- pressure systems
- control of noise (see below).

### **7.15.4 Management of Health and Safety at Work Regulations 1999**

The Management of Health and Safety at Work Regulations 1999 explain, in detail, what employers are required to do in order to manage health and safety under the Health and Safety at Work Act 1974.

Like the Act, these regulations apply to every work activity.

The duties of the employer are qualified in the regulations by the principle of 'so far as is reasonably practicable'.

In other words, the degree of risk in a particular job or workplace needs to be balanced against the time, trouble, cost and physical difficulty of taking measures to avoid or reduce the risk.

An employer's main requirement is to carry out a risk assessment, which should be straightforward in licensed premises. A risk assessment identifies potential risks or hazards and how to reduce them.

Employers with five or more employees need to record the significant findings of the assessment. (Employers with five or more employees must also have a written health and safety policy.)

### **7.15.5 Noise at Work Regulations 1989**

The Noise at Work Regulations 1989 govern maximum noise levels (measured in decibel units known as dB (A)) that employees can be exposed to.

*At 85dB (A)* – where employees have daily exposure to this noise level they must be informed about the risk to their hearing and the precautions that can be taken.

*At 95dB(A)* – ear protection zones must be identified where the wearing of ear protectors should be enforced.

Many pub premises have noise levels above 85dB(A) and it is more practical to reduce this level than to make all staff wear ear protectors.



## **7.16 Advertising**

There are specific rules and guidelines for the advertising and promoting of alcohol. These rules apply to anyone working in or connected with a licensed premise.

Adverts and promotions of alcohol must not:

- cause serious or widespread offence
- encourage excessive drinking
- target under-18s
- encourage daring or aggressive behaviour
- suggest that alcohol can enhance sexual success.

## **7.17 Risk assessment**

A premises licence holder should carry out a risk assessment in relation to the following:

- health and safety at work
- fire safety – a legal requirement under the Fire (Scotland) Act 2005
- the operation of the premises in relation to the five licensing objectives.

A number of Licensing Boards request a licensing risk assessment to be presented along with a new premises licence application.

## Chapter 8 — Effect of Irresponsible Operation on Society and Health

### 8.1 Units of alcohol and strengths of alcoholic drinks

The greater the amount of alcohol, as a percentage of the total volume of a drink, the stronger, or more intoxicating the drink will be. This measurement of alcoholic strength is called 'alcohol by volume', or 'ABV'.

### 8.2 Alcohol by Volume (ABV) examples

Vodka – if labelled as 40% ABV, this means that 40% of any given quantity of vodka is pure alcohol.

Beer – if labelled as 4% ABV, this means that 4% of any given quantity of beer is pure alcohol.

However, ABV does not provide an easy-to-understand way of calculating the amount of alcohol contained in different drinks; counting the number of 'units' of alcohol in a drink is the best way to do this.

A unit of alcohol is 8 grams or 10 ml of pure alcohol.

To calculate the number of units of alcohol in a given quantity of any drink, apply the following formula:

quantity of liquid in ml x %ABV divided by 1000 = units of alcohol contained

#### Examples

One pint of beer (568 ml) @ 4% ABV = 2.27 units (568 x 4 divided by 1000 = 2.27)

25 ml of vodka @ 40% = 1 unit (25 x 40 divided by 1000 = 1)

125 ml of wine @ 12% ABV = 1.5 units (125 x 12 divided by 1000 = 1.5)

### 8.3 Physical and psychological effects of alcohol

#### 8.3.1 Alcohol and the brain

The active ingredient of alcohol – the intoxicating ingredient – is ethyl alcohol. This is a chemical that affects the way the brain and the body work. Alcohol is a central nervous system depressant. It sometimes appears to act as a stimulant because of the specific way alcohol works on the brain.

In the early stages of intoxication, when a group of people have had one or two drinks, they will feel more relaxed and talkative, more sociable; this is often referred to as 'getting merry'. This is what gives rise to the perception that alcohol is a stimulant. Alcohol affects that part of the brain that controls inhibitions first, and the effect it has is to suppress inhibitions so that the person's behaviour becomes 'disinhibited'.

More areas of brain activity are depressed as alcohol intake rises and the signs of drunkenness that this gives rise to can then be seen as various parts of the brain are affected:

- the emotion axis – leads to disinhibited behaviour
- the speech axis – slurring of speech
- the movement axis – unsteady movement, staggering about
- the vision axis – narrowing of the angle of vision or 'double vision'.

The autonomous brain is the part of the brain that keeps the heart and lungs functioning. 'Alcohol poisoning' is the term used to describe what happens when the autonomous brain is affected by excessive alcohol intake. This can result in unconsciousness or even death.

### 8.3.2 Alcohol and behaviour

The disinhibiting effect of alcohol is why people think it's a stimulant. It's also what can make alcohol dangerous: it can make people act with bravado, for example climbing walls, driving cars recklessly or at high speed. In fact, alcohol reduces physical coordination, impairs motor functioning and mental functioning, particularly 'executive functions' such as critical reasoning. This means that a person's ability to assess and judge risk is reduced.

## 8.4 Moderate drinking

Moderate drinking in an appropriate environment causes little or no harm to the drinker and may even provide health benefits.

The following advice is based on The Royal College of Physicians' guidelines for units per week:

	<b>Women</b>	<b>Men</b>
Low risk	up to 14	up to 21
Hazardous	14–35	21–49
Harmful	over 35	over 49

- Men – units per day 3-4
- Women – units per day 2-3

There should also be at least two alcohol-free days each week. These guidelines are not designed for people to save up their daily units and consume these in a shorter period of time, for example over a weekend.

## 8.5 Myths about alcohol – key facts

The effects of alcohol differ according to:

- *Gender* – pure alcohol, when swallowed, is evenly distributed over the fluid in the body. A woman has less fluid than a man and women's bodies contain more fat than men's. Also, they are generally smaller than men, leaving less area for alcohol to dissolve in.
- *Tolerance* – experienced, regular drinkers develop a tolerance for alcohol. That is, they learn to handle the effects of it better and this may disguise the visible effects of intoxication. It doesn't follow from this that an experienced drinker can drink more than an inexperienced one and safely drive a car or operate machinery.

- *Food* – eating before or whilst drinking may delay the absorption of alcohol into the bloodstream, and therefore the onset of intoxication, but it will not reduce the blood alcohol content once the alcohol is absorbed – and this is what is measured by a police officer if a person is tested for drink driving.
- *Age* – the health risks of excessive drinking increase with age because the effect that alcohol has on the brain and on the liver is cumulative – it gets worse over time.
- *General size* – a larger person has a larger area and more fluid in which to dilute the alcohol.
- *Time* – spreading alcohol consumption over a longer period of time reduces the likelihood of drunkenness. This is because the liver can only eliminate one unit of alcohol per hour. People get drunk when their consumption of alcohol exceeds the capacity of the liver to eliminate it from the bloodstream .

## 8.6 Common myths about alcohol

‘Coffee sobers me up’ – no it doesn’t! Coffee contains caffeine, which is a central nervous system stimulant, so it may counteract the drowsiness associated with drinking alcohol but it doesn’t speed up the elimination of alcohol from the body and neither does any other stimulant drug such as amphetamine or cocaine.

‘Nothing like a good brandy to warm you up on a chilly day’ – a steady blood pressure is needed for a normal body temperature to be maintained and alcohol is associated with fluctuating blood pressure.

‘Fortified wines are full of health-giving herbs!’ – the herbs added to fortified wines affect aroma, and the spices add flavour – there are no known health benefits.

## 8.7 Blood alcohol level and drunkenness

Blood alcohol content (BAC) – alcohol is absorbed into the bloodstream and therefore reaches all parts of the body. The effect that alcohol has on an individual depends directly on how much alcohol is in the bloodstream at any one time, in other words the ‘blood alcohol content’ or BAC.

BAC is measured in terms of milligrams (mg) of alcohol in millilitres (ml) of blood.

## 8.8 Drunkenness

Drunkenness – occurs when a person’s intake of alcohol exceeds their liver’s ability to remove it from the bloodstream. If a person drinks more than one unit of alcohol per hour the intoxicating effects of alcohol will become increasingly apparent.

## 8.9 Drink driving

In December 2014, the Scottish Government introduced a new drink – driving limit which is lower than that which currently exists in England and Wales. The limit in Scotland is now 50 milligrams of alcohol per 100 millilitres of blood.

## **8.10 Consequences to society of excessive drinking**

### **8.10.1 Short-term dangers**

The short-term dangers of excessive drinking to the individual include:

- hangover
- increased risk of accidents
- becoming a victim of crime, for example assault
- being involved in crime, for example committing an assault
- catching a sexually transmitted disease – as a consequence of not wearing a condom
- unplanned pregnancy.

### **8.10.2 Health and social problems**

Long-term problems associated with excessive drinking include:

- increased blood pressure
- birth defects
- heart disease
- alcoholic liver disease
- numerous cancers
- problems at work
- problems with relationships
- money problems.

### **8.10.3 Consequences for licensed retail businesses**

The consequences for a licensed retail business of allowing excessive drinking on the premises include:

- difficulty of dealing with drunken customers
- assaults on staff
- effect on reputation and business viability
- cost of increased level of vandalism
- increased staff turnover
- claims for vicarious liability
- loss of licence.

#### **8.10.4 Consequences for society**

The main consequences for society of excessive drinking include:

- high levels of alcohol-related crime and disorder
- increasing levels of underage drinking
- drunkenness
- increasing levels of alcohol-related disease, particularly liver disease
- associated costs to society in terms of absenteeism from work, policing and costs to the NHS.

### **8.11 Common patterns of alcohol consumption in Scotland**

#### **8.11.1 Problem drinking**

A 'problem drinker' is a person who drinks heavily on a daily basis and who is dependent on alcohol. This has previously been referred to as 'alcoholism' or 'chronic drinking'.

#### **8.11.2 Binge drinking**

'Binge drinking' is a pattern of drinking that is mostly, though not exclusively, associated with young drinkers and the town or city-centre night-time economy. It is characterised by drinking-to-get-drunk, by speed drinking large quantities of alcohol in a single session.

#### **8.11.3 Underage drinking and drunkenness**

The 2010 Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) estimates that 44% of 13 year olds and 77% of 15 year olds had consumed an alcoholic drink at least once. This was defined as a 'proper drink, not just a sip'. This represents a fall in numbers from 2008 when 52% of 13 year olds and 82% of 15 year olds had tried alcohol.

In terms of 13- and 15-year old respondents to the 2010 survey who had a drink in the week prior to the survey question being asked: 14% of 13 year olds and 34% of 15 year olds had done so, which was an increase on the 2008 figures of 11% and 31% respectively.

In terms of the overall trend of 13 and 15 year olds who had consumed a drink in the last week there has been an overall trend downwards from 2002 to 2008, with the figures falling almost to 1990 levels. However, this downward trend has now stopped and 2010 levels have increased slightly.

The 2010 SALSUS survey also reported that 54% of 13 year olds and 76% of 15 year olds reported being drunk at least once.

#### **8.11.4 Alcohol-related illnesses**

Alcohol-related illnesses are increasing in Scotland. The main alcohol-related illnesses are:

- alcohol-related brain damage leading to intellectual impairment, sometimes referred to as 'Korsakov's Syndrome'
- liver damage
- pancreatitis, sometimes leading to diabetes

- cancers: in particular heavy drinkers are more susceptible to gullet, liver, and head and neck cancers
- cardiac problems: heavy drinking can lead to enlargement of the heart muscle and this can lead to cardiomyopathy and congestive heart failure
- fluctuations in blood pressure: heavy drinking is associated with raised blood pressure and increased risk of stroke
- gastritis arising out of irritation of the stomach lining due to heavy drinking
- fertility: excessive drinking in men can lead to a reduced sperm count and testicular shrinkage, and in women to shrunken ovaries and reduced levels of oestrogen
- skin damage: alcohol dehydrates as it takes water away from the body.

## **Chapter 9 — Illegal Drugs (Not tested in SCPLHR qualification)**

### **9.1 Common patterns of drug consumption in licensed premises**

#### **9.1.1 Spotting drug dealing and drug use**

Indications of drug dealing on licensed premises include:

- frequent trips to the car park
- frequent trips to the toilets
- money or packages changing hands
- someone who receives lots of furtive visits from others
- any secretive or conspiratorial conduct
- overheard conversational references to drugs
- known 'faces' – dealers or users frequenting the premises
- constant or frequent use of mobile phones or payphone
- information and intelligence from customers or staff.

Indications of drug use on licensed premises include:

- drugs litter
- secretive behaviour
- excessively talkative or animated individuals or groups
- dripping or reddened noses
- rolled up banknotes
- traces of powder around the nostrils
- over-frequent visits to the toilet – particularly two people together
- excessive sneezing
- dilated pupils
- paranoid behaviour
- smell of cannabis.

#### **9.1.2 Drugs paraphernalia**

Drugs paraphernalia includes the following: syringes and needles, burnt tinfoil, razor blades, burnt spoons, straws or rolled up banknotes, discarded wraps and other drugs packaging, discarded 'roaches', torn cardboard or cigarette paper packets.



## 9.2 Zero-tolerance drugs policy

A 'zero-tolerance' drugs policy on licensed premises means developing an integrated strategy designed to minimise drug activity. This policy will have the following elements:

- premises features
- staff observation and education
- search policies
- excluding drug users from premises.

Premises features – external environment:

- well-lit outside areas
- good levels of supervision
- outside areas close to the building
- no hidden areas
- car park and perimeter patrols
- external CCTV.

Entrances and fire exits:

- single entrance premises offer maximum control
- alarm or station security personnel at fire exits
- supervise queues.

Internal environment:

- separation between bar and service and seating and standing areas
- varied elevation levels within premises
- no obstructions to visibility
- no hidden areas
- good lighting
- mirrors.

Passages, internal fire exits and toilet facilities:

- bright lighting
- CCTV
- regular staff checks
- boxed-in toilet cisterns to eliminate hiding places for drugs
- ensure suspended ceilings are not accessible from the floor (drug stashes).

Staff observation and education:

- train staff in drugs recognition
- encourage staff to be observant and to report suspicious activity.

Search policies:

- decide on a search policy (based on type of premises)
- train door supervisors in search policy requirements
- remember to get agreement from customers for a search (cannot insist, but can exclude).

Excluding drug users from premises:

- exclude known drug users from the premises
- share intelligence with other premises and with the police.

### **9.3 Seeking police advice about drug dealing**

Premises managers should form a relationship with their local police drug liaison officer and should agree anti-drugs policies with the police on the basis of advice received from them.

## Chapter 10 – Social Responsibility

The operation of licensed premises and the relationship between alcohol misuse and crime and disorder are very much in the public spotlight. Drinks producers are now running social responsibility adverts and government is focused on reducing alcohol-related harm.

The industry has set up the Drinkaware Trust to promote social responsibility in the sale and use of alcohol: [www.drinkaware.org.uk](http://www.drinkaware.org.uk)

### 10.1 Best practice in setting and maintaining good standards of service and environment

#### Housekeeping

Premises managers should expect high standards of conduct from customers. Maintaining high standards within premises sets the tone. In particular attention should be given to high standards of:

- cleanliness
- tidiness
- a good state of building repair.

### 10.2 Environment and behaviour

The environment of a premises impacts on the behaviour of customers in a number of ways, as well as on the kind of customers who will be attracted to a premises. Consider the impact of:

- music volume (the louder it is, the younger the clientele)
- standing/seating ratios – maintaining a good balance
- décor and quality of fixtures and fittings.

### 10.3 Good service practice

This reduces the likelihood of conflict. In particular:

- politeness to customers
- good product knowledge
- customer awareness and managing busy situations.

#### Duty of care

Remember, as a licence holder you have a general common law duty of care to all your customers and staff in terms of promoting a healthy and safe environment.

### 10.4 Common causes of conflict; preventing and managing conflict

Typical conflict scenarios – conflict can arise on licensed premises for a number of reasons:

- refusals to serve
- attempts to eject
- intervention in fights
- attempts to prevent fights

- revenge attacks
- pool table arguments
- personal conflicts between partners acted out in public
- between rival groups
- drunkenness
- drug use.

Good management practice involves developing policies based on risk assessments in relation to all of the above.

### **10.5 Identifying signs of conflict**

Most violent situations do not just happen without a reason. There is a sequence of events – a ladder of escalation – that culminates in an outbreak of violence. A premises manager must monitor customer behaviour, meeting and greeting, noticing what is going on and with whom.

The keys to reducing conflict are:

- early recognition
- early intervention.

### **10.6 Security procedures in relation to crime and counter-terrorism**

#### **10.6.1 Dealing with a major crime or bomb threat**

Armed robberies and murders are not everyday occurrences but premises managers should be aware of the physical and psychological damage that can be caused to employees and customers by such events. The following are some of the basic principles for dealing with such situations:

- protect and make safe – no heroics
- in the event of an armed robbery cooperate, do not offer resistance
- don't speak unless spoken to
- stay alert and remain vigilant – watch and listen
- protect the integrity of the crime scene – when the incident is over don't touch anything and request people to remain until the police arrive
- prevention and deterrence – keep cash held on premises to a minimum and vary banking procedures
- security products – appropriate to the premises, such as CCTV, time delay or time lock deposits, window and door shutters, mobile personal alarms, plastic till guards.

#### **10.6.2 Counter-terrorism**

Specific advice on counter-terrorism can be obtained from the local police Counter Terrorism Security Advisor (CTSA).

Where a threat is made by telephone the police should always be called using the 999 system. Listen carefully to what's said – noting accents, code words and any information given by the person making the threat.

A clear evacuation procedure must be in place, similar to that which exists in relation to a fire evacuation. Police may advise not to evacuate premises, particularly if the bomb is located outside the premises.

Terrorist threats are unlikely events but should form part of the premises licence holder's risk assessment.

The following provision will help reduce the risks associated with terrorist threat:

- risk assessment
- provision of CCTV
- search procedures
- staff awareness and training
- awareness of suspicious behaviour
- identifying suspicious objects.

### **10.7 Promoting sensible drinking**

Sensible drinking can be promoted by:

- providing activities that slow down drinking, such as games, activities or entertainment
- provision of food
- maintaining a balanced social mix in terms of male/female ratios and attracting families
- maintaining a balance between standing and seating areas.

### **10.8 Social responsibility levy (Not tested in SCPLH or SCPLHR qualifications)**

Under the Alcohol etc. (Scotland) Act 2010 a local authority can impose a 'social responsibility levy' on the holders of premises licences or occasional licences. This is a charge that can be made to further the licensing objectives in order to mitigate any adverse impact attributable to the operation of the licence holders' businesses in the local authority's area.

This piece of legislation has been deferred until a later date by the Scottish Government.

## **Chapter 11 — Community Links (Not tested in SCPLH or SCPLH Refresher qualifications)**

### **11.1 Initiatives and partnerships**

Purpose and benefits of community initiatives and partnerships:

- alcohol and drug action teams – designed to minimise harm from alcohol and drug abuse
- community safety partnerships – designed to promote public safety and reduce the risks to it, including misuse of alcohol
- Pub Watch, Retail Watch and City Centre Safe – are all partnerships whereby people managing on-sales and off-sales licensed premises, and other retailers, can come together with the police and other regulatory bodies to discuss matters of mutual concern in order to enhance public safety and the safety of premises for customers and staff.

June 2015

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