

Scottish Certificate for Personal Licence Holders at SCQF Level 6

(7094-11)

and

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

(7094-21)

Version 1 (December 2020)

Qualification Handbook

Qualification at a glance

| | |
|---------------------------------------|---|
| Subject area | Hospitality |
| City & Guilds number | 7094 |
| Entry requirements | None |
| Assessment types | By e-assessment or on demand externally set and written examinations |
| Approvals | Automatic Approval available |
| Support materials | Centre handbook Personal Licence Holder's Guide: Scotland Workbook for Staff of Licensed Premises SmartScreen Assessment pack |
| Registration and certification | Consult the Walled Garden/Online Catalogue for last dates |

| Title and level | City & Guilds qualification number | SQA accreditation number |
|---|---|---------------------------------|
| Scottish Certificate for Personal Licence Holders at SCQF Level 6 | 7094-11 | R652 04 |
| Scottish Certificate for Personal Licence Holders (Refresher) at SCQF Level 6 | 7094-21 | R653 04 |

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1 Introduction

This document tells you what you need to do to deliver the qualification:

| Area | Description |
|---|--|
| Who is the qualification for? | It is for candidates who work or want to work as a Licensee in the Scottish licensed trade. Section 87 of the Licensing (Scotland) Act 2005 requires that Personal Licence Holders must complete additional (refresher) mandatory training 5 years after their Personal Licence was issued. |
| What does the qualification cover? | It allows candidates to learn, develop and practise the skills required for employment and/or career progression in the Scottish Licensed sector. |
| What opportunities for progression are there? | Candidates can progress onto supervisory or management qualifications and qualifications in Hospitality. |

Structure

To achieve the **Scottish Certificate for Personal Licence Holders** learners must achieve a pass in the mandatory unit.

| City & Guilds unit number | Unit title |
|---------------------------|--|
| Unit 201 or 401 | Licensing for Personal Licence Holders |

To achieve the **Scottish Certificate for Personal Licence Holders (Refresher)** learners must achieve a pass in the mandatory unit.

| City & Guilds unit number | Unit title |
|---------------------------|--|
| Unit 202 or 402 | Licensing for Personal Licence Holders (Refresher) |

Summary of qualification requirements

| Qualification title | Duration of exam | Examination total marks | Pass mark | Minimum course delivery time |
|---|------------------|-------------------------|-----------|------------------------------|
| Scottish Certificate for Personal Licence Holders | 1 hour | 40 | 28 | 6 hours |
| Scottish Certificate for Personal Licence Holders (Refresher) | 1 hour | 40 | 28 | 3 hours |

2 Centre requirements

Approval

Only approved organisations can offer City & Guilds qualifications. Organisations approved by City & Guilds are referred to as **centres**.

Centres must meet a set of quality criteria including

- provision of adequate resources, both physical and human
- clear management information systems
- effective assessment and quality assurance procedures including candidate support and reliable recording systems.

An organisation that has not previously offered City & Guilds qualifications must apply for approval to become a centre. This is known as the **centre approval process (CAP)**. Centres also need approval to offer a specific qualification. This is known as the **qualification approval process (QAP)**, previously known as **scheme approval**. In order to offer this qualification, organisations which are not already City & Guilds centres must apply for centre and qualification approval at the same time. Existing City & Guilds centres will only need to apply for qualification approval for this particular qualification.

Full details of the procedures and forms for applying for centre and qualification approval are given in *Providing City & Guilds qualifications - a guide to centre and qualification (scheme) approval*, and is downloadable from the City & Guilds website.

Regional offices will support new centres and appoint a Quality Systems Consultant to guide the centre through the approval process. They will also provide details of the fees applicable for approvals.

Assessments must not be undertaken until qualification approval has been obtained.

City & Guilds reserves the right to withdraw qualification or centre approval for reasons of debt, malpractice or non-compliance with City & Guilds' policies, regulations, requirements, procedures and guidelines, or for any reason that may be detrimental to the maintenance of authentic, reliable and valid qualifications or that may prejudice the name of City & Guilds. Further details of the reasons for suspension and withdrawal of approval, procedures and timescales are contained in *Providing City & Guilds qualifications*.

Resource requirements

Physical resources and site agreements

Centres must have access to sufficient equipment in the centre or workplace to ensure candidates have the opportunity to cover all of the assessment criteria. It is acceptable for centres to use specially designated areas within a centre for the unit.

Centre profile for the On-Line Assessment system

This qualification can be assessed by **the City & Guilds online assessment (Evolve)**.

In addition to obtaining centre and qualification approval, centres are also required to set up an Evolve profile in order to offer online examinations to candidates. Setting up an Evolve profile is a simple process that need only be completed once by the centre.

Details of how to set up the profile and Evolve technical requirements are available on the City & Guilds website (www.cityandguilds.com/e-volve). The Evolve section of the website also has details of the Evolve helpline for technical queries and downloads for centres and candidates about Evolve examinations.

Centre staffing

Centre staff must satisfy the requirements for occupational expertise for this qualification. These requirements are as follows:

| Tutors and External Quality Assurers must: | Tutors | EQAs |
|--|--------|------|
| Have relevant occupational knowledge or experience which supports the delivery of the qualifications to the licensed trade | ✓ | - |
| Have successfully achieved and been issued with the appropriate certificate for the Scottish Certificate for Personal Licence Holders qualification | ✓ | ✓ |
| Hold a recognised qualification in teaching or training Or have a role within the licensed trade where training is an integral part of the job | ✓ | - |
| Maintain occupational knowledge through planned Continuous Professional Development (CPD) | ✓ | ✓ |
| Adhere to awarding body assessment requirements and practice standardised assessment principles | ✓ | - |
| Adhere to awarding body requirements for external verification | - | ✓ |

Centre staff may undertake more than one role, eg tutor and assessor or internal quality assurer, but cannot internally verify their own assessments.

Continuous Professional Development

To maintain high standards of quality and standardisation in training and assessment, and achieve best practice, all tutors and external quality assurers are required to maintain a record of their continuous professional development. The following advice on CPD is offered.

It is necessary for tutors and external verifiers to maintain a record of evidence of their continuous professional development (CPD). This is necessary to maintain an up to date understanding of the occupational area being assessed, and can be achieved in a variety of ways. It should be a planned process and reviewed on an annual basis.

Tutors and external verifiers should select CPD methods that are appropriate to meeting their development needs. The following provides **examples** of a variety of methods that can be used for CPD purposes.

| | |
|---|--|
| Updating occupational knowledge | <ul style="list-style-type: none"> • Subscribing to and reading: <ul style="list-style-type: none"> - relevant licensing trade print journals and articles - web-based journals and articles • Internal and external work placements • Work experience and shadowing within licensed premises • Completing external visits to other organisations • Attending training sessions to update skills • Attending trade fairs • Trade body membership • Attending local licensing forum meetings |
| Keeping up to date with developments in the licensed trade and new legislation | <ul style="list-style-type: none"> • Relevant sector websites, journals and articles e.g. from SLTN, SGF, AFS • Membership of professional bodies • Papers and documents on legislative change e.g. from the Scottish Government, Licensing Boards • Networking events • Seminars, conferences, workshops • Membership of committees / working parties • SCPLH refresher training • Staff development days |
| Standardisation and best practice in training delivery | <ul style="list-style-type: none"> • Regular standardisation meeting with colleagues • Taking part in CPD forums • Sharing best practice through internal meetings, newsletters, email circulars • Comparison of training and delivery in other sectors • Attending awarding body meetings / seminars / workshops |

Learner entry requirements

City & Guilds does not set entry requirements for these qualifications. However, centres must ensure that candidates have the potential and opportunity to gain the qualifications successfully.

Age restrictions

Candidates must be at least 18 years of age to register for this qualification and to apply for a personal licence.

3 Delivering the qualification

Initial assessment and induction

An initial assessment of each candidate should be made before the start of their programme to identify:

- if the candidate has any specific training needs
- support and guidance they may need when working towards their qualifications
- the appropriate type and level of qualification.

We recommend that centres provide an induction programme so the candidate fully understands the requirements of the qualification(s), their responsibilities as a candidate, and the responsibilities of the centre. This information can be recorded on a learning contract.

Support materials

The following resources are available for these qualifications:

| Description | How to access |
|---|--|
| Personal Licence Holder's Guide: Scotland | Walled Garden |
| Workbook for Staff of Licensed Premises | Walled Garden |
| SmartScreen | www.smartscreen.co.uk |
| Assessment pack | City & Guilds website |

4 Assessment

Summary of assessment methods

Candidates must:

- successfully complete either a multiple choice online test or a multiple choice paper-based test for the mandatory unit

| Qualification title | Assessment method | Where to obtain assessment materials |
|---|--|---|
| Scottish Certificate for Personal Licence Holders | 7104-201 Evolve component | https://evolve.cityandguilds.com/secureassess/ |
| | or 7104-401 Externally-set, internally marked component | www.cityandguilds.com Password is on walled garden |
| Scottish Certificate for Personal Licence Holders (Refresher) | 7104-202 Evolve component | https://evolve.cityandguilds.com/secureassess/ |
| | or 7104-402 Externally-set, internally marked component | www.cityandguilds.com Password is on walled garden |

Time constraints

The following time constraints must be applied to the assessment of this qualification:

The duration of the examination is **60 minutes**.

Grading and marking

Assessments will be pass or fail only.

Assessments will be by means of a synoptic multiple-choice knowledge test covering the underpinning knowledge. The test will be taken on City & Guilds' online assessment system (Evolve) or by an on-demand paper-based format. There will be one test per certificate.

Regulations for the conduct of examinations

Regulations for the conduct of examinations for online and written examinations are given in *Providing City & Guilds qualifications - a guide to centre and qualification (scheme) approval*. The tests should be taken under controlled (supervised) conditions as closed-book tests. This means that all activities will be completed with the assessor, or other designated supervisor, present. Candidates should on no account be allowed to take question papers away with them, and copies of question papers and answer keys should be kept securely by the centre at all times.

Candidate identity

It is the responsibility of the centre to confirm the identity of all candidates sitting the examination.

- The examination invigilator must be satisfied that the same person who is sitting the exam is the same person that was entered for the qualification.

- b) Candidates without an approved form of identification will not be permitted to sit the examination.
- c) Centres must ensure that candidate identity is checked against one of the following forms of photographic identification:
- A photo card driving licence, or
 - A valid passport, or
 - A valid identity card from within the EU, or
 - A military identity card, or
 - A Government identity card, or
 - A Security Industry Authority card, or
 - A Personal Licence, issued by a Scottish Licensing Board, or
 - Other forms of identification (such as PASS card, or Young Scot card) may be considered.
- d) Centres must record that candidate identity has been checked against one of the permitted forms of photographic identification.
- e) Candidates must be informed within their joining instructions that they must bring a permitted form of identification.
- f) In addition, centres must comply with such additional candidate identity requirements specified by City & Guilds.

Assessment strategy

Test Specifications

The way the knowledge is covered by each test is laid out in the table(s) below:

Unit 201/401

| Ref | Topic | Number of questions | % |
|--------------|---|---------------------|-------------|
| 1.1 | Introduction | 0 | 0% |
| 2.1 – 2.4 | Overview of the licensing function | 2 | 5% |
| 2.5 – 2.7 | Key roles | 2 | 5% |
| 2.8 – 2.18 | Licensing and operational responsibilities | 15 | 37.5% |
| 2.19 – 2.22 | Protecting children and young persons from harm | 6 | 15% |
| 2.23 – 2.28 | Control of order | 6 | 15% |
| 2.29 – 2.31 | Training | 1 | 2.5% |
| 2.32 – 2.33 | Associated law | 1 | 2.5% |
| 3.1 – 3.4 | Alcohol intoxication and illegal drugs | 5 | 12.5% |
| 3.5 – 3.7 | Social responsibility | 2 | 5% |
| Total | | 40 | 100% |

Unit 202/402

| Ref | Topic | Number of questions | % |
|--------------|---|---------------------|-------------|
| 1.1 | Introduction | 0 | 0 |
| 2.1 – 2.4 | Overview of the licensing function | 2 | 5% |
| 2.5 – 2.7 | Key roles | 1 | 2.5% |
| 2.8 – 2.18 | Licensing and operational responsibilities | 17 | 42.5% |
| 2.19 – 2.22 | Protecting children and young persons from harm | 6 | 15% |
| 2.23 – 2.28 | Control of order | 6 | 15% |
| 2.29 – 2.31 | Training | 1 | 2.5% |
| 2.32 – 2.33 | Associated law | 0 | 0 |
| 3.1 – 3.4 | Alcohol intoxication and illegal drugs | 5 | 12.5% |
| 3.5 – 3.7 | Social responsibility | 2 | 5% |
| Total | | 40 | 100% |

For more details please see the Units section of this handbook.

Recognition of prior learning (RPL)

Recognition of prior learning means using a person's previous experience, or qualifications which have already been achieved, to contribute to a new qualification.

For this qualification, no RPL is allowed.

5 Units

The units and National Standards for Personal Licence Holders have been developed and written by People 1st, the Sector Skills Council and the Scottish Government.

What are the Alcohol Licensing Qualifications?

These are Scotland's standards, based on the training framework drawn up by the National Licensing Forum and amended in 2019. The qualifications are for those involved in the sale of alcohol in both on-sales and off-sales environment. They have been developed to make sure that to comply with current alcohol legislation in Scotland.

These standards are necessary because of changes in the law which makes them part of the licensed trade's responsibility – i.e. a regulatory requirement – to help keep Scotland safer and healthier.

The key areas are:

1. Introduction to licensing
2. Responsible operation of licensed premises
3. The effect of alcohol consumption on customers and your business

Employers will look for the relevant qualifications when they are appointing new staff for the licensed trade. They also expect their existing staff to have these qualifications.

Understanding and applying skills in these key areas are important because they help you work effectively in your present job and also prepare you for jobs within the sector which you may do in future. Developing your knowledge of the licensing legislation helps you deal with today's rapidly changing world and improve your career prospects. That's also why employers value them.

What is this licensing unit about?

This Unit is about showing you understand how the licensing process works in Scotland, how people employed within the licensed trade can work responsibly and the consequences of this if they don't.

Your tutor will explain anything in this Unit which you do not understand.

What should I know or be able to do before I start?

You should be able to show that you have some knowledge and or experience of the licensed on-sales or off-sales trade in Scotland - for example, by working or through prior study.

What do I need to do?

You will need to show that you understand the law relating to the role of a Personal Licence Holder in Scotland, as specified within the Licensing (Scotland) Act 2005 and the Alcohol etc. (Scotland) Act 2010.

You will need a qualification to support an application for a personal licence.

How do I get this unit?

You will complete a 40 question multiple choice examination. You must get at least 28 questions correct (70%) to achieve this Unit.

What might this involve?

- Pre-course study
- Attendance at a one day (minimum 6 hour) training course or Completion of an online training programme approved by an awarding body

What can I do next?

- You could move on to further study towards Level 3 SVQ/NVQ in Hospitality Supervision, a Higher National Certificate or Diploma or an appropriate degree course.
- Your tutor can advise you about this.

Guidance for tutors

The assessment requirements from the National Standards for Personal Licence Holders are found in the Assessment Criteria section. Topic references relate to those within the National Standard in Assessment Criteria section.

Section 1. Introduction to licensing (not assessed)**Section 2. Responsible operation of licensed premises****Overview of the licensing function**

- Understanding of the 5 licensing objectives (Topic 2.1)
- The meaning of 'alcohol' (Topic 2.2)
- What constitutes the 'sale of alcohol' (Topic 2.3)
- Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder (Topic 2.4)

Key roles

- Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensed premises; duties to set out licensing policy (Topic 2.5)
- Understanding of the function of Licensing Standards Officers; their monitoring and advisory roles; and how this relates to licensing boards and the local authority (Topic 2.6)
- Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships (Topic 2.7)

Licensing and operational responsibilities

- Understanding the premises licence including the operating plan, layout plan and any variations to those documents (Topic 2.8)
- Understanding the relationship of risk assessment and best practice policies to the operating plan (Topic 2.9)
- Understanding the different types of licence: premises, personal and occasional (Topic 2.10)
- Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder (Topic 2.11)
- Understanding licensed hours (Topic 2.12)
- Understanding of national mandatory conditions and local conditions (Topic 2.13)
- Understanding alcohol pricing and promotions (Topic 2.14)
- Understanding of operating conditions of members clubs (Topic 2.15)
- Knowledge of application and renewal for a personal licence, including police powers (Topic 2.16) (not assessed)
- Understanding the duties of a personal licence holder (Topic 2.17)
- Understanding offences related to the premises and personal licence (Topic 2.18)

Protecting children and young persons from harm

- Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.19)
- Understanding of the application of 'proof of age'; how to adhere to business's age verification policy (Topic 2.20)
- Understanding of test purchasing (Topic 2.21)
- Understanding the offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.22)

Control of order

- Understanding the law in relation to drunkenness and disorderly conduct (Topic 2.23)
- Knowledge of interactions and interventions from police (Topic 2.24)
- Understanding of review of premises licence and sanctions available to the Licensing Board (Topic 2.25)
- Understanding of review of personal licences and sanctions available to the Licensing Board (Topic 2.26)
- Understanding of closure orders (Topic 2.27)
- Understanding offences related to closure orders (Topic 2.28)

Training

- Knowledge of the mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications (Topic 2.29)
- Understanding of statutory record keeping procedures relevant to the premises (Topic 2.30)
- Understanding of offences related to training (Topic 2.31)

Associated law

- Knowledge of relevant associated law (Topic 2.32)
- Knowledge of offences related to relevant associated law (Topic 2.33)

Section 3. The effect of alcohol consumption on you and your business

Alcohol intoxication

- Knowledge of units of alcohol and strengths of alcoholic drinks (Topic 3.1)
- Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered (Topic 3.2)
- Understanding of the consequences of alcohol intoxication (Topic 3.3)

Illegal drugs

- Understanding of common patterns of drug consumption in licensed premises (Topic 3.4)

Social responsibility

- Best practice in setting and maintaining good standards of service and environment (Topic 3.5)
- Understanding of common causes of conflict, how to prevent conflict and manage conflict situations (Topic 3.6)
- Understanding of security procedures and policies in relation to crime and terrorism (Topic 3.7)

Assessment Criteria

Assessment Criteria for the award are specified within the National Standard for the Scottish Certificate for Personal Licence Holders (SCPLH) and detailed in this section.

The Training Delivery and Assessment Strategy for Scottish Alcohol Licensing Qualifications outlines the minimum acceptable standards for delivery and assessment of licensing qualifications in Scotland. A copy of this can be found at www.scplh.info

Section 1: Introduction to licensing

Topic knowledge and understanding

1.1 The reason for, and importance of, the Licensing (Scotland) Act 2005

Topic detail

- Maintain a professional personal appearance
- The introduction of the Act to make provision for regulating the sale of alcohol, and for regulating licensed premises and other premises on which alcohol is sold; and for connected purposes
- The relationship between alcohol licensing and health
- The reasons for licensing the sale of alcohol i.e. it is a toxic, carcinogenic and addictive substance which can cause harm to individuals and society
- The context for why the system exists to manage where, how and by whom alcohol is sold
- The benefits of the training to the Personal Licence Holder and the business

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005, and subsequent amending acts and regulations

Key parts of **Scotland's Preventative Framework on Alcohol 2018**

<https://www.gov.scot/publications/alcohol-framework-2018-preventing-harm-next-steps-changing-relationship-alcohol/>

Section 2: Responsible operation of licensed premises – Overview of the licensing function

Topic knowledge and understanding

2.1 Understanding of the 5 Licensing Objectives

Topic detail

- Introduction to and overview of the 5 Licensing Objectives:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children and young persons from harm

- Examples of how licensed premises promote the 5 Licensing Objectives

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.4 The Licensing Objectives, NB: young persons were added via the Air Weapons and Licensing (Scotland) Act 2015 (s41)

Topic knowledge and understanding

2.2 The meaning of 'alcohol'

Topic detail

- The types of products which are included in the meaning of alcohol in accordance with the legislation
- How the alcoholic strength of a drink is measured i.e. the meaning of ABV
- The types of alcoholic products which are not included in the meaning of alcohol in accordance with the legislation.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 Section 2 as amended by s54 of the Air Weapons and Licensing (Scotland) Act 2015 to remove an exemption for angostura bitters

Topic knowledge and understanding

2.3 What constitutes the 'sale of alcohol'

Topic detail

- The definition of the sale of alcohol
- Circumstances under which the supply of alcohol must be treated as a sale e.g. for events, clubs
- Definition and parameters of a contract sale.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.147, also S.3

Alcohol (Minimum Pricing) (Scotland) Act 2012

See also <https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf>

Topic knowledge and understanding

2.4 Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder.

Topic detail

- Introduction to and overview of the broad content of alcohol legislation
 - Overview of how the legislation is relevant and applies to the personal licence holder
 - The importance of the personal licence holder understanding how the legislation applies to them
-

NB: This topic is intended as an introduction to the various aspects of the legislation which will be covered in more detail later in this standard.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Part 1 – Core provisions
Part 2 – Licensing Bodies and Officers
Part 3 – Premises Licences
Part 4 – Occasional Licences
Part 5 – Licensed Hours
Part 6 – Personal Licences
Part 7 – Control of Order
Part 8 – Offences
Part 9 – Miscellaneous and General

Schedules 3 and 4 – Premises licences: mandatory conditions and occasional licences: mandatory conditions

Also key relevant provisions from amending acts

Alcohol etc (Scotland) Act 2010 – Part 1, restrictions on promotions

Criminal Justice and Licensing (Scotland) Act 2010 – Part 9 – disabled access and facilities statement (s179), LSO powers (s197)

Alcohol (Minimum Pricing) (Scotland) Act 2012

Air Weapons and Licensing (Scotland) Act 2015 – fit and proper (s43-48), duration of statement of licensing policy (increased to five years aligned with local elections) (s42) and ability to consider spent offences (*un-commenced at time of writing*) (s52)

Section 2: Responsible operation of licensed premises – Key roles

Topic knowledge and understanding

2.5 Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensing premises; duties to set out licensing policy

Topic detail

- Licensing Board policies, what they are and where they can be found
- The requirement for the Licensing Board to assess overprovision, what this means and where to find this information
- How to contribute to Licensing Board policy
- The requirement to make applications for licences to Licensing Boards
- The importance of not influencing board members

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Paragraphs 38-56 Policy memorandum for the original Bill

Part 2 Licensing Bodies and officers, and Schedule 1 (*NB: this is for trainer background information only and is not intended to be taught as part of the training*)

Alcohol etc. (Scotland) Act 2010

S.9 Presumption against prohibition of off-sales to under 21s

S.11 Consultation etc. of health boards

Topic knowledge and understanding

2.6 Understanding of the function of Licensing Standards Officers; their monitoring and advisory role; and how this relates to licensing boards and the local authority

Topic detail

- General functions of Licensing Standards Officers and their responsibilities for providing guidance and information to interested parties (NB: this is not legal advice); ensuring compliance by licence holders; and providing a mediation service for the purpose of avoiding or resolving disputes
- The importance of developing positive relationships with Licensing Standards Officers
- The duty of the Licensing Standards Officers to provide information to Licensing Boards about any conduct of holders of, or persons applying for, personal and premises licences in the area, which is inconsistent with the licensing objectives
- How the role of the Licensing Standards Officers relates to licensing boards and the local authority
- Licensing Standards Officers powers of entry and inspection; and why you should not obstruct them in the course of their duties

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.13 Licensing Standards Officers

S.14 General Functions of Licensing Standards Officers (as amended by section 57 of the Air Weapons and Licensing (Scotland) Act 2015)

S.15 Powers of Entry and Inspection (and seizure) (as amended by section s197 Criminal Justice and Licensing (Scotland) Act 2010)

S.16 Training of Licensing Standards Officers

Topic knowledge and understanding

2.7 Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships

Topic detail

- Key roles and powers of the following other statutory bodies:
 - Police
 - Trading Standards Officers
 - Environmental Health Officers
 - Fire Service
 - HMRC Enforcement Officer
 - Immigration
 - What each statutory body inspects and why
-

- The importance of, and methods for developing relationships with other statutory bodies
- How to deal with joint visits from statutory bodies and the benefits to the Personal Licence Holder and business in terms of reduced time and number of visits

Further information - Legal and further references (for guidance only)

Police - key references in **Licensing (Scotland) Act 2005**

Part 7 – control of order

Part 8 – offences

Section 138 – police powers of entry

Police Scotland Liquor Licensing Standard Operating procedure section 8 for guidance from Police Scotland

Trading Standards Scotland

Environmental Health Officers – **Food Safety Act 1990 & The Food Hygiene (Scotland) Regulations 2006**

Fire Service – section 21 of the **Licensing (Scotland) Act 2005**

HMRC

Immigration – **Immigration Act 2016**, section 36 provides powers to UK Government to amend the Scottish liquor licensing regime. *Regulation not laid at time of writing (July 2019).*

Section 2: Responsible operation of licensed premises – Licensing and operational responsibilities

Topic knowledge and understanding

2.8 Understand the premises licence including the operating plan, layout plan and any variations to those documents

Topic detail

- The purpose and contents of a premises licence
- The requirements for displaying the 'licence summary' on the premises
- The purpose and contents of the operating plan and layout plan and how they relate to each other
- Types of variations which can be made to a premises licence
- The need to and importance of sharing information contained within the operating plan with staff and management

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Part 3, in particular

S.17 Premises licence

S.19 Premises Manager

S.20 Application for premises licence sub 1) (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)

S.24 Applicant's duty to notify Licensing Board of convictions (amended by Police and Fire Reform (Scotland) Act 2012 Schedule 7(1) para 29(2))

Criminal Justice and Licensing (Scotland) Act 2010 Schedule 6 para 6(2) and 6(3))

S.28 Period of effect of premises licence

S.29 to S.32

S.41 Duty to notify court of premises licence

S.43 Licence holder's duty to notify Licensing Board of convictions

S.48 notification of change of name or address

S.52 Duty to keep, display and produce premises licence

S.54 Dismissal, resignation, death etc. of premises manager

S.72 Application for personal licence

S.74 Determination of a personal licence application

S.80 Duty to notify court of personal licence

S.82 Licence holder's duty to notify Licensing Board of convictions

S.87 Licence holder's duty to undertake training

S.93 Licence holder's duty to produce a licence

Including subsequent amendments

Relevant secondary regulations:

Premises Licence (Scotland) Regulations 2007/452

Premises Licence (Scotland) Amendment Regulations 2018/49

Topic knowledge and understanding

2.9 Understanding the relationship of risk assessment and best practice policies to the operating plan

Topic detail

- The importance of assessing potential risks and developing best practice policies
- Basic procedure of making a risk assessment and best practice policies as relevant for different types of premises e.g.:
 - age-related sales
 - age-verification policies
 - proof of ID policies
 - promotions
 - house rules
 - closing time procedures
 - dispersal policy
 - record keeping
 - internal communication and reporting procedures
 - plan for managing conflict, disorder or drunkenness, noise control
 - management of smokers
 - promotion of low risk guidelines
 - promotion of drink-driving limits

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Topic knowledge and understanding

2.10 Understanding the different types of licence: premises, personal and occasional

Topic detail

- The purpose of the different types of licence: premises, personal and occasional i.e. what they are, what they permit the holder to do
- Who can make applications for the different types of licence
- How to apply for an occasional licence
- The requirements and conditions of the different types of licence

NB: How to apply for a Personal Licence is covered in topic 2.16

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.17 Premises licence

S.56 Occasional licence (including amendments)

S.71 Personal licence

Topic knowledge and understanding

2.11 Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder

Topic detail

- Legal duties and responsibilities of a Premises Licence Holder, a Premises Manager and a Personal Licence Holder
- Explanation of a 'fit and proper person'
- What to do if the Premises Manager leaves, dies, becomes incapable or loses personal licence
- Requirements to keep, display and produce premises licence
- Requirements to produce a personal licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.19 Premises Manager

S.24 Applicant's duty to notify Licensing Board of convictions

S.28 Period of effect of premises licence

S.41 Duty to notify court of premises licence

S.43 Licence holder's duty to notify Licensing Board of convictions

S.52 Duty to keep, display and produce premises licence

S.54 Dismissal, resignation, death etc. of premises manager

S.71 Personal licence

S.72 Application for personal licence

S.74 Determination of a personal licence application

S.80 Duty to notify court of personal licence

S.82 Licence holder's duty to notify Licensing Board of convictions

S.87 Licence holder's duty to undertake training

S.93 Licence holder's duty to produce a licence
Including amendments to legislation

Topic knowledge and understanding

2.12 Understanding licensed hours

Topic detail

- Licensed hours for on sales and off sales
- The importance of restricting the sale of alcohol outside the licensed hours set out in the operating plan
- How extensions to licensed hours can be made and general extensions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.62 Licensed hours

S.63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours

S.64 24 hour licences to be granted only in exceptional circumstances

S.65 Licensed hours: off-sales

S.66 Effect of start and end of British summer time

S.67 Power of Licensing Board to grant general extensions of licensed hours

S.68 Extended hours applications

S.69 Notification of extended hours application

S.70A extended hours applications: variation of conditions

Including amendments in the legislation

See also **Board's Licensing Policy Statement** which may include guidance on hours

Topic knowledge and understanding

2.13 Understanding of national mandatory conditions and local conditions

Topic detail

- The importance of understanding national mandatory and local conditions e.g. may be working within Licensing Law, but breaching local conditions
- Where to find information on local conditions
- How to ensure compliance with local conditions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005: S.27 Conditions of premises licence, as amended by Alcohol etc. (Scotland) Act 2010, s7(2)

Schedule 3 – Premises licences: mandatory conditions (including late night mandatory and discretionary conditions) and subsequent amendments

Schedule 4 – Occasional Licences: mandatory conditions, including amendments

The **Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**

The following have been largely incorporated into the 2005 Act

Alcohol etc (Scotland) Act 2010

S.2 Minimum price of packages containing more than one alcoholic product

S.3 Off-sales: variation of pricing of alcohol drinks

S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price

S.5 Off-sales: location of drinks promotions

S.6 Requirement for age verification policy

Alcohol (Minimum Pricing) (Scotland) Act 2012

Including amendments to legislation

Topic knowledge and understanding

2.14 Understanding alcohol pricing and promotions

Topic detail

- How minimum unit pricing affects the sale of alcohol
- Duties and responsibilities in relation to alcohol pricing and promotions
- Types of legal promotions e.g. dual price lists
- Types of irresponsible promotions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.27 Conditions of premises licence (amended by section 7 of the Alcohol etc. (Scotland) Act 2010)

Schedule 3 – Premises licences mandatory conditions

Schedule 4 – Occasional licences: mandatory conditions

Alcohol Etc (Scotland) Act 2010

S.2 Minimum price of packages containing more than one alcoholic product

S.3 Off-sales: variation of pricing of alcohol drinks

S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price

S.5 Off-sales: location of drinks promotions

Alcohol (Minimum Pricing) (Scotland) Act 2012

Including amendments to legislation

See also <https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf>

Topic knowledge and understanding

2.15 Understanding of operating conditions of members' clubs

Topic detail

- Special provisions for members clubs
- Conditions for operating under occasional licences

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.125 – Special provision for certain clubs

The Licensing (Clubs) (Scotland) Regulations 2007 S.56 – occasional licence

Including amendments to the legislation

Topic knowledge and understanding

2.16 Knowledge of application and renewal for a personal licence including police powers

Topic detail

- How to apply for a personal licence
- Lifespan of personal licence and requirements to refresh training and renew licence

NB: this topic is to prepare the candidate for the application process and is not assessed

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.71 Personal licence

S.72 Application for personal licence

S.73 Notification of application to chief constable

S.74 Determination of personal licence application

S.75 Applicant's duty to notify Licensing Board of convictions

S.76 Issue of licence

S.77 Period of effect of personal licence

S.78 Renewal of personal licence

S.79 Notification of determination

Personal Licence (Scotland) Regulations 2007/77

Personal Licence (Training) (Scotland) Regulations 2013/261

Licensing Qualification (Scotland) Regulations 2007/98

Including amendments to the legislation

<https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence>

Topic knowledge and understanding

2.17 Understanding the duties of a personal licence holder

Topic detail

- The importance of, and circumstances under which court must be notified of personal licence
- The importance of notifying the Licensing Board of convictions
- The legal requirements for training

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.80 Duty to notify court of personal licence

S.82 Licence holder's duty to notify Licensing Board of convictions

S.87 Licence holder's duty to undertake training

Topic knowledge and understanding

2.18 Understanding of offences related to the premises and personal licence

Topic detail

- Types of breaches which can occur and how to prevent them
- Fines and penalties associated with offences related to the premises and personal licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.24 – applicant’s duty to notify Licensing Board of convictions
S.40A – connected persons and interested parties – licence holder’s duty to notify changes
S.41 – duty to notify court of premises licence
S.43 – licence holder’s duty to notify Licensing Board of convictions
S.48 – notification of change of name or address
S.52 – duty to keep, display and produce premises licence
S.75 – applicant’s duty to notify Licensing Board of convictions
S.76 – issue of licence
S.80 – duty to notify court of personal licence
S.82 – licence holder’s duty to notify Licensing Board of convictions
S.88 – notification of change of name or address
S.92 – theft, loss etc. of personal licence
S.93 – licence holder’s duty to produce licence
Including amendments to legislation

Section 2: Responsible operation of licensed premises – Protecting children and young persons from harm

Topic knowledge and understanding

2.19 Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s

Topic detail

- Duties and responsibilities with regard to protecting children and young persons from harm
- How to apply due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.1 Prohibition of unlicensed sale of alcohol
S.102 Sale of alcohol to a child or young person
S.103 Allowing the sale of alcohol to a child or young person
S.104 Sale of liqueur confectionary to a child
S.105 Purchase of alcohol by or for a child or young person
S.106 Consumption of alcohol to a child or young person

- S.107 Unsupervised sale of alcohol to a child or young person
- S.108 Delivery of alcohol to a child or young person
- S.109 Sending a child or young person to obtain alcohol
- S.110 Duty to display notice

Alcohol etc. (Scotland) Act 2010: S.6 Requirement for age verification policy
Including amendments to the legislation

Topic knowledge and understanding

2.20 Understanding of the application of 'proof of age'; how to adhere to business's age verification policy

Topic detail

- Duties and responsibilities with regard to determining someone's age
- The importance of, and how to Challenge 25
- How to determine whether an ID document is genuine
- Examples of good practice of age verification policies
- How to apply due diligence

Further information - Legal and further references (for guidance only)

The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007
Sale of Alcohol to Children and Young Persons (Scotland) Amendment Regulations 2013/199
Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019/6
Alcohol etc. (Scotland) Act 2010: S.6 Requirement for age verification policy
Smoking, Health and Social Care (Scotland) Act 2005

Topic knowledge and understanding

2.21 Understanding of test purchasing

Topic detail

- Definition and purpose of test purchasing
 - How test purchasing is applied and the possible outcomes where any illegal sale is made
-

Topic knowledge and understanding

2.22 Understanding offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s

Topic detail

- Types of offences which can occur and how to prevent them
 - Fines and penalties associated with offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s
-

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

- S.1 Prohibition of unlicensed sale of alcohol
- S.102 Sale of alcohol to a child or young person
- S.103 Allowing the sale of alcohol to a child or young person
- S.104 Sale of liqueur confectionary to a child
- S.105 Purchase of alcohol by or for a child or young person
- S.106 Consumption of alcohol to a child or young person
- S.107 Unsupervised sale of alcohol to a child or young person
- S.108 Delivery of alcohol to a child or young person
- S.109 Sending a child or young person to obtain alcohol
- S.110 Duty to display notice

Including amendments to the legislation

Section 2: Responsible operation of licensed premises – Control of order

Topic knowledge and understanding

2.23 The law in relation to drunkenness and disorderly conduct

Topic detail

- The importance of preventing drunkenness and disorderly conduct in licensed premises
- Duties and responsibilities in relation to drunkenness and disorderly conduct
- How to apply due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

- S.111 Drunk persons entering or in premises on which alcohol is sold
 - S.112 Obtaining of alcohol by or for a drunk person
 - S.113 Sale of alcohol to a drunk person
 - S.114 Premises manager, staff etc. not to be drunk
 - S.115 Disorderly conduct
 - S.116 Refusal to leave premises
- Including amendments to the legislation

Topic knowledge and understanding

2.24 Knowledge of interactions and interventions from police

Topic detail

- Types of support and advice available from police
- The importance of seeking advice from police
- The difference between an interaction and an intervention

- Police interaction and intervention

Further information - Legal and further references (for guidance only)

Section 8 (8.1, 8.5) & Appendix D **Police Scotland Liquor Licensing Standard Operating Procedure** v4.00

<https://www.scotland.police.uk/assets/pdf/151934/184779/liquor-licensing-sop>

Topic knowledge and understanding

2.25 Understanding of review of premises licences and sanctions available to the Licensing Board

Topic detail

- The grounds for the review of a premises licence
- How the review process works (basic knowledge)
- Types of sanctions available to the Licensing Board

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.36-40 – Review of premises licence
S.83 Procedure where Licensing Board receives notification of convictions
S.84 Conduct inconsistent with licensing objectives
S.85 Expiry of endorsements
S.86 Suspension of licence after multiple endorsements
S.94 Exclusion orders
S.95 Breach of exclusion order
S.96 Exclusion orders: supplementary provision
S.97 Closure orders
S.98 Termination of closure orders
S.99 Extension of emergency closure orders
S.100 Regulations as to closure orders
S.101 Interpretation of sections 97-100
Including amendments to legislation

Topic knowledge and understanding

2.26 Understanding of review of personal licences and sanctions available to the Licensing Board

Topic detail

- The grounds for the review of a personal licence
- How the review process works (basic knowledge)
- Types of sanctions available to the Licensing Board

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.83 Procedure where Licensing Board receives notification of convictions
S.84 Conduct inconsistent with licensing objectives

S84A power of chief constable to report conduct inconsistent with the licensing objectives (inserted by Schedule 6 (16) of the Criminal Justice and Licensing (Scotland) Act 2010)

S.85 Expiry of endorsements

Including amendments to the legislation

Topic knowledge and understanding

2.27 Understanding closure orders

Topic detail

- Who can make a closure order (including emergency closure orders), circumstances under which closure orders can be made and the implications for the premises

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.97 Closure orders (amended by section 193 of the Criminal Justice and Licensing (Scotland) Act 2010)

S.98 Termination of closure orders

S.99 Extension of emergency closure orders

S.100 Regulations as to closure orders

S.101 Interpretation of sections 97-100

Licensing (Closure Orders) (Scotland) Regulations 2007

Including amendments to the legislation

Topic knowledge and understanding

2.28 Understanding offences related to closure orders

Topic detail

- Types of breaches and offences which can occur in relation to a closure order
- Fines and penalties associated with offences related to closure orders

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.97 – Closure orders

S.98 – Termination of closure orders

Including amendments to legislation

Section 2: Responsible operation of licensed premises – Training

Topic knowledge and understanding

2.29 The mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications

Topic detail

- The training and qualifications required to be undertaken by the licence holder and staff
- How staff training and development contributes to due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.87 Licence holder's duty to undertake training

Schedule 3, para 6, Premises licence: mandatory conditions – training of staff

The Licensing (Training of Staff) (Scotland) Regulations 2007

See also

S.71 Personal licence

S.72. Application for personal licence

S.73 Notification of application to chief constable

S.74 Determination of personal licence application

S.75 Applicant's duty to notify Licensing Board of convictions

S.76 Issue of licence

S.77 Period of effect of personal licence

S.78 Renewal of personal licence

S.79 Notification of determination

Personal Licence (Scotland) Regulations 2007/77

Personal Licence (Training) (Scotland) Regulations 2013/261

Licensing Qualification (Scotland) Regulations 2007/98

<https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence>

Including amendments to the legislation

Topic knowledge and understanding

2.30 Statutory record keeping procedures relevant to the premises

Topic detail

- The importance of keeping statutory staff training records in relation to mandatory staff training
- The need for, and recording of continuous staff development
- Appropriate staff training record keeping procedures

Further information - Legal and further references (for guidance only)

Schedule 3 - para 6

Form of training record specified in **The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007)**

Topic knowledge and understanding

2.31 Understanding offences related to training

Topic detail

- Types of breaches and offences in relation to training
- Sanctions for breaches in relation to review and loss of licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 Section 1 Prohibition of unlicensed sale of alcohol

Section 2: Responsible operation of licensed premises – Associated law

Topic knowledge and understanding

2.32 Knowledge of relevant associated law

Topic detail

- What is licensable activity and the risks involved in relation to relevant associated law i.e. what could put the licence at risk / under what circumstances could a licence be reviewed
- The roles and responsibilities of the personal licence holder in contributing to complying with relevant associated law
- Relevant associated law relates to:
 - Weights and Measures Act 1985
 - The Consumer Protection from Unfair Trading Regulations 2008
 - Private Security Industry Act 2001
 - Smoking, Health and Social Care (Scotland) Act 2005
 - Gambling Act 2005
 - Equality Act 2010
 - The Music Licence and public music licences for businesses
 - Misuse of Drugs Act 1971

Further information - Legal and further references (for guidance only)

Weights and Measures Act 1985 For example: information on standard measures, free pouring, beer/cider/lager head size, glass lines and pre-packed alcohol service

The Consumer Protection from Unfair Trading Regulations 2008 For example: information on misleading actions, omissions and aggressive practices

Private Security Industry Act 2001 For example: Sections 3 - 6 of that Act

Smoking, Health and Social Care (Scotland) Act 2005 For example: how the business manages its smoking policy (if applicable)

Gambling Act 2005 For example: the 3 Gambling Objectives; automatic entitlement and the need to monitor gaming machines

Equality Act 2010 For example: Protected Characteristics with regard to employment and services

The Music Licence and public music licences for businesses For example: information on live and pre-recorded music and the licenses required

Misuse of Drugs Act 1971 Common patterns of drug consumption in licensed premises and associated offences

Topic knowledge and understanding

2.33 Knowledge of offences related to relevant associated law

Topic detail

- Types of breaches and offences related to relevant associated law listed in topic 2.32
- The implications of breaches of legislation covered in topic 2.32

Further information - Legal and further references (for guidance only)

Weights and Measures Act 1985

The Consumer Protection from Unfair Trading Regulations 2008

Private Security Industry Act 2001

Smoking, Health and Social Care (Scotland) Act 2005

Gambling Act 2005

Equality Act 2010

The Music Licence and public music licences for businesses

Misuse of Drugs Act 1971

Section 3: The effect of alcohol consumption on you and your business – Alcohol intoxication

Topic knowledge and understanding

3.1 Knowledge of units of alcohol and strengths of alcoholic drinks

Topic detail

- British standard units of alcohol, and where to find information on the units per drink for a range of common drinks
- Differences between the ABV of low-alcohol, reduced alcohol and no-alcohol drinks
- The importance of providing accurate information to customers on the strength of alcohol in the product
- Low risk alcohol guidelines and how to promote them

Topic knowledge and understanding

3.2 Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered

Topic detail

- The effects of alcohol on the brain
- The general effects on behaviour
- Factors to be considered when judging drunkenness
- Awareness of changes in drinking habits e.g. 'pre-loading'
- How to determine the extent of your duty of care (not assessed)

- How to gauge whether people are vulnerable and determine what actions to take e.g. vulnerability policy, safe home taxi links, etc.
- How licensed premises contribute to protecting the safety of customers through the provision of soft drinks, small glasses, smaller measures (within legal parameters), mocktails, provision of water, food, snacks etc.

Topic knowledge and understanding

3.3 Understanding of consequences of alcohol intoxication

Topic detail

- The key consequences of excessive drinking for the individual including:
 - short term dangers
 - health and social problems
- The key consequences of excessive drinking for the business
- The key consequences of excessive drinking for society

Section 3: The effect of alcohol consumption on you and your business – Illegal drugs

Topic knowledge and understanding

3.4 Understanding of common patterns of drug consumption in licensed premises

Topic detail

- Responsibilities of the Personal Licence Holder in relation to illegal drug activity
- How to prevent illegal drug use on the premises
- The fines and penalties if breaches occur
- Signs to look for to identify illegal drug dealing
- Key features of illegal drugs prevention policies
- Types of support available from the police, and the importance of seeking advice from them in relation to preventing or dealing with illegal drug dealing on licensed premises

Further information - Legal and further references (for guidance only)

Police Scotland Liquor Licensing Standard Operating Procedure Appendix D

Section 3: The effect of alcohol consumption on you and your business – Social responsibility

Topic knowledge and understanding

3.5 Best practice in setting and maintaining good standards of service and environment

Topic detail

- The importance of high and consistent standards throughout a premises
 - The potential for the environment to affect drinking and behaviour
 - The importance of good service practice
 - Responsibilities to staff and customers
-

Topic knowledge and understanding

3.6 Understanding of common cause of conflict, how to prevent conflict and manage conflict situations

Topic detail

- Typical scenarios leading to conflict and how these might be prevented or managed
- Signs of potential conflict

NB: Training should include signposting to further conflict management training

Topic knowledge and understanding

3.7 Understanding of security procedures and policies in relation to crime and terrorism

Topic detail

- Practical actions the Personal Licence Holder can take in different situations or scenarios including who to contact
- Policies and procedures to prevent shoplifting or theft, including staff training, use of CCTV
- Training of staff to look out for left packages/luggage etc
- Key actions the Personal Licence Holder can take to support the police in the event of a crime on the premises

Further information - Legal and further references (for guidance only)

HELP poster on National Licensed Trade Partnership (NLTP) website <https://sltn.co.uk/wp-content/uploads/2018/11/NLTP-crime-scene-preservation-poster-1.jpg>

NB: If candidates require further information on counter terrorism and crime scene management, signpost to specific training and support e.g. Action Counters Terrorism (ACT) awareness online training <https://www.gov.uk/government/news/act-awareness-elearning>

Guidance for tutors

The assessment requirements from the National Standards for Personal Licence Holders (Refresher) are found in Assessment Criteria section. Topic references relate to those within the National Standard in Assessment Criteria section.

Section 1. Introduction to licensing (not assessed)**Section 2. Responsible operation of licensed premises****Overview of the licensing function**

- Understanding of the 5 licensing objectives (Topic 2.1)
- The meaning of 'alcohol' (Topic 2.2)
- What constitutes the 'sale of alcohol' (Topic 2.3)
- Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder (Topic 2.4)

Key roles

- Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensed premises; duties to set out licensing policy (Topic 2.5)
- Understanding of the function of Licensing Standards Officers; their monitoring and advisory roles; and how this relates to licensing boards and the local authority (Topic 2.6)
- Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships (Topic 2.7)

Licensing and operational responsibilities

- Understanding the premises licence including the operating plan, layout plan and any variations to those documents (Topic 2.8)
- Understanding the relationship of risk assessment and best practice policies to the operating plan (Topic 2.9)
- Understanding the different types of licence: premises, personal and occasional (Topic 2.10)
- Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder (Topic 2.11)
- Understanding licensed hours (Topic 2.12)
- Understanding of national mandatory conditions and local conditions (Topic 2.13)
- Understanding alcohol pricing and promotions (Topic 2.14)
- Understanding of operating conditions of members clubs (Topic 2.15)
- Knowledge of application and renewal for a personal licence, including police powers (Topic 2.16) (not assessed)
- Understanding the duties of a personal licence holder (Topic 2.17)
- Understanding offences related to the premises and personal licence (Topic 2.18)

Protecting children and young persons from harm

- Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.19)
- Understanding of the application of 'proof of age'; how to adhere to business's age verification policy (Topic 2.20)
- Understanding of test purchasing (Topic 2.21)
- Understanding the offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.22)

Control of Order

- Understanding the law in relation to drunkenness and disorderly conduct (Topic 2.23)
- Knowledge of interactions and interventions from police (Topic 2.24)
- Understanding of review of premises licence and sanctions available to the Licensing Board (Topic 2.25)
- Understanding of review of personal licences and sanctions available to the Licensing Board (Topic 2.26)
- Understanding of closure orders (Topic 2.27)
- Understanding offences related to closure orders (Topic 2.28)

Training

- Knowledge of the mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications (Topic 2.29)
- Understanding of statutory record keeping procedures relevant to the premises (Topic 2.30)
- Understanding of offences related to training (Topic 2.31)

Associated law

- Knowledge of relevant associated law (Topic 2.32)
- Knowledge of offences related to relevant associated law (Topic 2.33)

Section 3. The effect of alcohol consumption on you and your business

Alcohol intoxication

- Knowledge of units of alcohol and strengths of alcoholic drinks (Topic 3.1)
- Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered (Topic 3.2)
- Understanding of the consequences of alcohol intoxication (Topic 3.3)

Illegal drugs

- Understanding of common patterns of drug consumption in licensed premises (Topic 3.4)

Social responsibility

- Best practice in setting and maintaining good standards of service and environment (Topic 3.5)
- Understanding of common causes of conflict, how to prevent conflict and manage conflict situations (Topic 3.6)
- Understanding of security procedures and policies in relation to crime and terrorism (Topic 3.7)

Assessment Criteria

Assessment Criteria for the award is specified within the National Standard for Personal Licence Holders (Refresher) (SCPLHR) which can be found in this section.

The Training Delivery and Assessment Strategy for Scottish Alcohol Licensing Qualifications outlines the minimum acceptable standards for delivery and assessment of licensing qualifications in Scotland. A copy of this can be found at **www.scplh.info**.

Important note: Only the topic details indicated with an asterisk (*) are compulsory to be delivered, however all areas are subject to assessment. A maximum of 90% of examination questions will relate solely to the compulsory delivered component, marked with asterisks, with the remaining examination questions assessing the remaining subjects.

Section 1: Introduction to licensing

Topic knowledge and understanding

1.1 The reason for, and importance of, the Licensing (Scotland) Act 2005

Topic detail

- Maintain a professional personal appearance
- The introduction of the Act to make provision for regulating the sale of alcohol, and for regulating licensed premises and other premises on which alcohol is sold; and for connected purposes
- The relationship between alcohol licensing and health
- The reasons for licensing the sale of alcohol i.e. it is a toxic, carcinogenic and addictive substance which can cause harm to individuals and society
- The context for why the system exists to manage where, how and by whom alcohol is sold
- * The benefits of the training to the Personal Licence Holder and the business

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005, and subsequent amending acts and regulations

Key parts of **Scotland's Preventative Framework on Alcohol 2018**

<https://www.gov.scot/publications/alcohol-framework-2018-preventing-harm-next-steps-changing-relationship-alcohol/>

Section 2: Responsible operation of licensed premises – Overview of the licensing function

Topic knowledge and understanding

2.1 Understanding of the 5 Licensing Objectives

Topic detail

- * Introduction to and overview of the 5 Licensing Objectives:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children and young persons from harm
- Examples of how licensed premises promote the 5 Licensing Objectives

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.4 The Licensing Objectives, NB: young persons were added via the Air Weapons and Licensing (Scotland) Act 2015 (s41)

Topic knowledge and understanding

2.2 The meaning of 'alcohol'

Topic detail

- The types of products which are included in the meaning of alcohol in accordance with the legislation
- How the alcoholic strength of a drink is measured i.e. the meaning of ABV
- The types of alcoholic products which are not included in the meaning of alcohol in accordance with the legislation.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 Section 2 as amended by s54 of the Air Weapons and Licensing (Scotland) Act 2015 to remove an exemption for angostura bitters

Topic knowledge and understanding

2.3 * What constitutes the 'sale of alcohol'

Topic detail

- * The definition of the sale of alcohol
- * Circumstances under which the supply of alcohol must be treated as a sale e.g. for events, clubs
- * Definition and parameters of a contract sale.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.147, Also S.3

Alcohol (Minimum Pricing) (Scotland) Act 2012

See also <https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf>

Topic knowledge and understanding

2.4 Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder.

Topic detail

- Introduction to and overview of the broad content of alcohol legislation
- Overview of how the legislation is relevant and applies to the personal licence holder
- The importance of the personal licence holder understanding how the legislation applies to them

NB: This topic is intended as an introduction to the various aspects of the legislation which will be covered in more detail later in this standard.

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Part 1 – Core provisions
Part 2 – Licensing Bodies and Officers
Part 3 – Premises Licences
Part 4 – Occasional Licences
Part 5 – Licensed Hours
Part 6 – Personal Licences
Part 7 – Control of Order
Part 8 – Offences
Part 9 – Miscellaneous and General

Schedules 3 and 4 – Premises licences: mandatory conditions and occasional licences: mandatory conditions

Also key relevant provisions from amending acts

Alcohol etc (Scotland) Act 2010 – Part 1, restrictions on promotions

Criminal Justice and Licensing (Scotland) Act 2010 – Part 9 – disabled access and facilities statement (s179), LSO powers (s197)

Alcohol (Minimum Pricing) (Scotland) Act 2012

Air Weapons and Licensing (Scotland) Act 2015 – fit and proper (s43-48), duration of statement of licensing policy (increased to five years aligned with local elections) (s42) and ability to consider spent offences (*un-commenced at time of writing*) (s52)

Section 2: Responsible operation of licensed premises – Key roles

Topic knowledge and understanding

2.5 Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensing premises; duties to set out licensing policy

Topic detail

- Licensing Board policies, what they are and where they can be found
- The requirement for the Licensing Board to assess overprovision, what this means and where to find this information
- How to contribute to Licensing Board policy
- The requirement to make applications for licences to Licensing Boards
- The importance of not influencing board members

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Paragraphs 38-56 Policy memorandum for the original Bill

Part 2 Licensing Bodies and officers, and Schedule 1 (NB: *this is for trainer background information only and is not intended to be taught as part of the training*)

Alcohol etc. (Scotland) Act 2010

S.9 Presumption against prohibition of off-sales to under 21s

S.11 Consultation etc. of health boards

Topic knowledge and understanding

2.6 Understanding of the function of Licensing Standards Officers; their monitoring and advisory role; and how this relates to licensing boards and the local authority

Topic detail

- * General functions of Licensing Standards Officers and their responsibilities for providing guidance and information to interested parties (NB: this is not legal advice); ensuring compliance by licence holders; and providing a mediation service for the purpose of avoiding or resolving disputes
- * The importance of developing positive relationships with Licensing Standards Officers
- The duty of the Licensing Standards Officers to provide information to Licensing Boards about any conduct of holders of, or persons applying for, personal and premises licences in the area, which is inconsistent with the licensing objectives
- How the role of the Licensing Standards Officers relates to licensing boards and the local authority
- * Licensing Standards Officers powers of entry and inspection; and why you should not obstruct them in the course of their duties

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.13 Licensing Standards Officers

S.14 General Functions of Licensing Standards Officers (as amended by section 57 of the Air Weapons and Licensing (Scotland) Act 2015)

S.15 Powers of Entry and Inspection (and seizure) (as amended by section s197 Criminal Justice and Licensing (Scotland) Act 2010)

S.16 Training of Licensing Standards Officers

Topic knowledge and understanding

2.7 Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships

Topic detail

- Key roles and powers of the following other statutory bodies:
 - Police
-

- Trading Standards Officers
- Environmental Health Officers
- Fire Service
- HMRC Enforcement Officer
- Immigration
- What each statutory body inspects and why
- The importance of, and methods for developing relationships with other statutory bodies
- How to deal with joint visits from statutory bodies and the benefits to the Personal Licence Holder and business in terms of reduced time and number of visits

Further information - Legal and further references (for guidance only)

Police - key references in **Licensing (Scotland) Act 2005**

Part 7 – control of order

Part 8 – offences

Section 138 – police powers of entry

Police Scotland Liquor Licensing Standard Operating procedure section 8 for guidance from Police Scotland

Trading Standards Scotland

Environmental Health Officers – **Food Safety Act 1990 & The Food Hygiene (Scotland) Regulations 2006**

Fire Service – section 21 of the **Licensing (Scotland) Act 2005**

HMRC

Immigration – **Immigration Act 2016**, section 36 provides powers to UK Government to amend the Scottish liquor licensing regime. *Regulation not laid at time of writing (July 2019).*

Section 2: Responsible operation of licensed premises – Licensing and operational responsibilities

Topic knowledge and understanding

2.8 * Understand the premises licence including the operating plan, layout plan and any variations to those documents

Topic detail

- * The purpose and contents of a premises licence
- * The requirements for displaying the 'licence summary' on the premises
- * The purpose and contents of the operating plan and layout plan and how they relate to each other
- * Types of variations which can be made to a premises licence
- * The need to and importance of sharing information contained within the operating plan with staff and management

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Part 3, in particular

S.17 Premises licence
S.19 Premises Manager
S.20 Application for premises licence sub 1) (amended by section 179 of the **Criminal Justice and Licensing (Scotland) Act 2010**)
S.24 Applicant's duty to notify Licensing Board of convictions (amended by **Police and Fire Reform (Scotland) Act 2012** Schedule 7(1) para 29(2)
Criminal Justice and Licensing (Scotland) Act 2010 Schedule 6 para 6(2) and 6(3))
S.28 Period of effect of premises licence
S.29 to S.32
S.41 Duty to notify court of premises licence
S.43 Licence holder's duty to notify Licensing Board of convictions
S.48 notification of change of name or address
S.52 Duty to keep, display and produce premises licence
S.54 Dismissal, resignation, death etc. of premises manager
S.72 Application for personal licence
S.74 Determination of a personal licence application
S.80 Duty to notify court of personal licence
S.82 Licence holder's duty to notify Licensing Board of convictions
S.87 Licence holder's duty to undertake training
S.93 Licence holder's duty to produce a licence

Including subsequent amendments

Relevant secondary regulations:

Premises Licence (Scotland) Regulations 2007/452

Premises Licence (Scotland) Amendment Regulations 2018/49

Topic knowledge and understanding

2.9 * Understanding the relationship of risk assessment and best practice policies to the operating plan

Topic detail

- * The importance of assessing potential risks and developing best practice policies
- * Basic procedure of making a risk assessment and best practice policies as relevant for different types of premises e.g.:
 - age-related sales
 - age-verification policies
 - proof of ID policies
 - promotions
 - house rules
 - closing time procedures
 - dispersal policy
 - record keeping
 - internal communication and reporting procedures
 - plan for managing conflict, disorder or drunkenness, noise control
 - management of smokers
 - promotion of low risk guidelines

- promotion of drink-driving limits

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

Topic knowledge and understanding

2.10 Understanding the different types of licence: premises, personal and occasional

Topic detail

- The purpose of the different types of licence: premises, personal and occasional i.e. what they are, what they permit the holder to do
- Who can make applications for the different types of licence
- How to apply for an occasional licence
- The requirements and conditions of the different types of licence

NB: How to apply for a Personal Licence is covered in topic 2.16

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.17 Premises licence

S.56 Occasional licence (including amendments)

S.71 Personal licence

Topic knowledge and understanding

2.11 * Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder

Topic detail

- * Legal duties and responsibilities of a Premises Licence Holder, a Premises Manager and a Personal Licence Holder
- * Explanation of a 'fit and proper person'
- * What to do if the Premises Manager leaves, dies, becomes incapable or loses personal licence
- * Requirements to keep, display and produce premises licence
- * Requirements to produce a personal licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.19 Premises Manager

S.24 Applicant's duty to notify Licensing Board of convictions

S.28 Period of effect of premises licence

S.41 Duty to notify court of premises licence

S.43 Licence holder's duty to notify Licensing Board of convictions

S.52 Duty to keep, display and produce premises licence

S.54 Dismissal, resignation, death etc. of premises manager

S.71 Personal licence
S.72 Application for personal licence
S.74 Determination of a personal licence application
S.80 Duty to notify court of personal licence
S.82 Licence holder's duty to notify Licensing Board of convictions
S.87 Licence holder's duty to undertake training
S.93 Licence holder's duty to produce a licence
Including amendments to legislation

Topic knowledge and understanding

2.12 * Understanding licensed hours

Topic detail

- * Licensed hours for on sales and off sales
- * The importance of restricting the sale of alcohol outside the licensed hours set out in the operating plan
- * How extensions to licensed hours can be made and general extensions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.62 Licensed hours
S.63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours
S.64 24 hour licences to be granted only in exceptional circumstances
S.65 Licensed hours: off-sales
S.66 Effect of start and end of British summer time
S.67 Power of Licensing Board to grant general extensions of licensed hours
S.68 Extended hours applications
S.69 Notification of extended hours application
S.70A extended hours applications: variation of conditions
Including amendments in the legislation

See also **Board's Licensing Policy Statement** which may include guidance on hours

Topic knowledge and understanding

2.13 * Understanding of national mandatory conditions and local conditions

Topic detail

- * The importance of understanding national mandatory and local conditions e.g. may be working within Licensing Law, but breaching local conditions
- * Where to find information on local conditions
- * How to ensure compliance with local conditions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005: S.27 Conditions of premises licence

As amended by **Alcohol etc. (Scotland) Act 2010**, s7(2)

Schedule 3 – Premises licences: mandatory conditions (including late night mandatory and discretionary conditions) and subsequent amendments

Schedule 4 – Occasional Licences: mandatory conditions, including amendments

The **Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**

The following have been largely incorporated into the 2005 Act

Alcohol etc (Scotland) Act 2010

S.2 Minimum price of packages containing more than one alcoholic product

S.3 Off-sales: variation of pricing of alcohol drinks

S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price

S.5 Off-sales: location of drinks promotions

S.6 Requirement for age verification policy

Alcohol (Minimum Pricing) (Scotland) Act 2012

Including amendments to legislation

Topic knowledge and understanding

2.14 * Understanding alcohol pricing and promotions

Topic detail

- * How minimum unit pricing affects the sale of alcohol
- * Duties and responsibilities in relation to alcohol pricing and promotions
- * Types of legal promotions e.g. dual price lists
- * Types of irresponsible promotions

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.27 Conditions of premises licence (amended by section 7 of the Alcohol etc. (Scotland) Act 2010)

Schedule 3 – Premises licences mandatory conditions

Schedule 4 – Occasional licences: mandatory conditions

Alcohol Etc (Scotland) Act 2010

S.2 Minimum price of packages containing more than one alcoholic product

S.3 Off-sales: variation of pricing of alcohol drinks

S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price

S.5 Off-sales: location of drinks promotions

Alcohol (Minimum Pricing) (Scotland) Act 2012

Including amendments to legislation

See also <https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf>

Topic knowledge and understanding

2.15 Understanding of operating conditions of members' clubs

Topic detail

- Special provisions for members clubs
- Conditions for operating under occasional licences

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 S.125 – Special provision for certain clubs

The Licensing (Clubs) (Scotland) Regulations 2007 S.56 – occasional licence

Including amendments to the legislation

Topic knowledge and understanding

2.16 Knowledge of application and renewal for a personal licence including police powers

Topic detail

- How to apply for a personal licence
- * Lifespan of personal licence and requirements to refresh training and renew licence

NB: this topic is to prepare the candidate for the application process and is not assessed

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.71 Personal licence

S.72 Application for personal licence

S.73 Notification of application to chief constable

S.74 Determination of personal licence application

S.75 Applicant's duty to notify Licensing Board of convictions

S.76 Issue of licence

S.77 Period of effect of personal licence

S.78 Renewal of personal licence

S.79 Notification of determination

Personal Licence (Scotland) Regulations 2007/77

Personal Licence (Training) (Scotland) Regulations 2013/261

Licensing Qualification (Scotland) Regulations 2007/98

Including amendments to the legislation

<https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence>

Topic knowledge and understanding

2.17 * Understanding the duties of a personal licence holder

Topic detail

- * The importance of, and circumstances under which court must be notified of personal licence
 - * The importance of notifying the Licensing Board of convictions
-

- * The legal requirements for training

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.80 Duty to notify court of personal licence

S.82 Licence holder's duty to notify Licensing Board of convictions

S.87 Licence holder's duty to undertake training

Topic knowledge and understanding

2.18 Understanding of offences related to the premises and personal licence

Topic detail

- * Types of breaches which can occur and how to prevent them
- Fines and penalties associated with offences related to the premises and personal licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.24 – applicant's duty to notify Licensing Board of convictions

S.40A – connected persons and interested parties – licence holder's duty to notify changes

S.41 – duty to notify court of premises licence

S.43 – licence holder's duty to notify Licensing Board of convictions

S.48 – notification of change of name or address

S.52 – duty to keep, display and produce premises licence

S.75 – applicant's duty to notify Licensing Board of convictions

S.76 – issue of licence

S.80 – duty to notify court of personal licence

S.82 – licence holder's duty to notify Licensing Board of convictions

S.88 – notification of change of name or address

S.92 – theft, loss etc. of personal licence

S.93 – licence holder's duty to produce licence

Including amendments to legislation

Section 2: Responsible operation of licensed premises – Protecting children and young persons from harm

Topic knowledge and understanding

2.19 * Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s

Topic detail

- * Duties and responsibilities with regard to protecting children and young persons from harm
- * How to apply due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

- S.1 Prohibition of unlicensed sale of alcohol
- S.102 Sale of alcohol to a child or young person
- S.103 Allowing the sale of alcohol to a child or young person
- S.104 Sale of liqueur confectionary to a child
- S.105 Purchase of alcohol by or for a child or young person
- S.106 Consumption of alcohol to a child or young person
- S.107 Unsupervised sale of alcohol to a child or young person
- S.108 Delivery of alcohol to a child or young person
- S.109 Sending a child or young person to obtain alcohol
- S.110 Duty to display notice

Alcohol etc. (Scotland) Act 2010: S.6 Requirement for age verification policy
Including amendments to the legislation

Topic knowledge and understanding

2.20 * Understanding of the application of 'proof of age'; how to adhere to business's age verification policy

Topic detail

- * Duties and responsibilities with regard to determining someone's age
- * The importance of, and how to Challenge 25
- * How to determine whether an ID document is genuine
- * Examples of good practice of age verification policies
- * How to apply due diligence

Further information - Legal and further references (for guidance only)

The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007

Sale of Alcohol to Children and Young Persons (Scotland) Amendment Regulations 2013/199

Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019/6

Alcohol etc. (Scotland) Act 2010: S.6 Requirement for age verification policy

Smoking, Health and Social Care (Scotland) Act 2005

Topic knowledge and understanding

2.21 * Understanding of test purchasing

Topic detail

- * Definition and purpose of test purchasing
- * How test purchasing is applied and the possible outcomes where any illegal sale is made

Topic knowledge and understanding

2.22 Understanding offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s

Topic detail

- * Types of offences which can occur and how to prevent them
- Fines and penalties associated with offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.1 Prohibition of unlicensed sale of alcohol
S.102 Sale of alcohol to a child or young person
S.103 Allowing the sale of alcohol to a child or young person
S.104 Sale of liqueur confectionary to a child
S.105 Purchase of alcohol by or for a child or young person
S.106 Consumption of alcohol to a child or young person
S.107 Unsupervised sale of alcohol to a child or young person
S.108 Delivery of alcohol to a child or young person
S.109 Sending a child or young person to obtain alcohol
S.110 Duty to display notice
Including amendments to the legislation

Section 2: Responsible operation of licensed premises – Control of order

Topic knowledge and understanding

2.23 * The law in relation to drunkenness and disorderly conduct

Topic detail

- * The importance of preventing drunkenness and disorderly conduct in licensed premises
- * Duties and responsibilities in relation to drunkenness and disorderly conduct
- * How to apply due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.111 Drunk persons entering or in premises on which alcohol is sold
S.112 Obtaining of alcohol by or for a drunk person
S.113 Sale of alcohol to a drunk person
S.114 Premises manager, staff etc. not to be drunk
S.115 Disorderly conduct
S.116 Refusal to leave premises
Including amendments to the legislation

Topic knowledge and understanding

2.24 * Knowledge of interactions and interventions from police

Topic detail

- * Types of support and advice available from police
- * The importance of seeking advice from police
- * The difference between an interaction and an intervention
- * Police interaction and intervention

Further information - Legal and further references (for guidance only)

Section 8 (8.1, 8.5) & Appendix D **Police Scotland Liquor Licensing Standard Operating Procedure v4.00**

<https://www.scotland.police.uk/assets/pdf/151934/184779/liquor-licensing-sop>

Topic knowledge and understanding

2.25 * Understanding of review of premises licences and sanctions available to the Licensing Board

Topic detail

- * The grounds for the review of a premises licence
- * How the review process works (basic knowledge)
- * Types of sanctions available to the Licensing Board

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.36-40 – Review of premises licence
S.83 Procedure where Licensing Board receives notification of convictions
S.84 Conduct inconsistent with licensing objectives
S.85 Expiry of endorsements
S.86 Suspension of licence after multiple endorsements
S.94 Exclusion orders
S.95 Breach of exclusion order
S.96 Exclusion orders: supplementary provision
S.97 Closure orders
S.98 Termination of closure orders
S.99 Extension of emergency closure orders
S.100 Regulations as to closure orders
S.101 Interpretation of sections 97-100
Including amendments to legislation

Topic knowledge and understanding

2.26 * Understanding of review of personal licences and sanctions available to the Licensing Board

Topic detail

- * The grounds for the review of a personal licence
- * How the review process works (basic knowledge)
- * Types of sanctions available to the Licensing Board

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.83 Procedure where Licensing Board receives notification of convictions

S.84 Conduct inconsistent with licensing objectives

S84A power of chief constable to report conduct inconsistent with the licensing objectives (inserted by Schedule 6 (16) of the Criminal Justice and Licensing (Scotland) Act 2010)

S.85 Expiry of endorsements

Including amendments to the legislation

Topic knowledge and understanding

2.27 * Understanding closure orders

Topic detail

- * Who can make a closure order (including emergency closure orders), circumstances under which closure orders can be made and the implications for the premises

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.97 Closure orders (amended by section 193 of the Criminal Justice and Licensing (Scotland) Act 2010)

S.98 Termination of closure orders

S.99 Extension of emergency closure orders

S.100 Regulations as to closure orders

S.101 Interpretation of sections 97-100

Licensing (Closure Orders) (Scotland) Regulations 2007

Including amendments to the legislation

Topic knowledge and understanding

2.28 Understanding offences related to closure orders

Topic detail

- * Types of breaches and offences which can occur in relation to a closure order
- Fines and penalties associated with offences related to closure orders

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.97 – Closure orders

S.98 – Termination of closure orders

Including amendments to legislation

Section 2: Responsible operation of licensed premises – Training

Topic knowledge and understanding

2.29 * The mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications

Topic detail

- * The training and qualifications required to be undertaken by the licence holder and staff
- * How staff training and development contributes to due diligence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005

S.87 Licence holder's duty to undertake training

Schedule 3, para 6, Premises licence: mandatory conditions – training of staff

The Licensing (Training of Staff) (Scotland) Regulations 2007

See also

S.71 Personal licence

S.72. Application for personal licence

S.73 Notification of application to chief constable

S.74 Determination of personal licence application

S.75 Applicant's duty to notify Licensing Board of convictions

S.76 Issue of licence

S.77 Period of effect of personal licence

S.78 Renewal of personal licence

S.79 Notification of determination

Personal Licence (Scotland) Regulations 2007/77

Personal Licence (Training) (Scotland) Regulations 2013/261

Licensing Qualification (Scotland) Regulations 2007/98

<https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence>

Including amendments to the legislation

Topic knowledge and understanding

2.30 * Statutory record keeping procedures relevant to the premises

Topic detail

- * The importance of keeping statutory staff training records in relation to mandatory staff training
- * The need for, and recording of continuous staff development
- * Appropriate staff training record keeping procedures

Further information - Legal and further references (for guidance only)

Schedule 3 - para 6

Form of training record specified in **The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007)**

Topic knowledge and understanding

2.31 Understanding offences related to training

Topic detail

- * Types of breaches and offences in relation to training
- Sanctions for breaches in relation to review and loss of licence

Further information - Legal and further references (for guidance only)

Licensing (Scotland) Act 2005 Section 1 Prohibition of unlicensed sale of alcohol

Section 2: Responsible operation of licensed premises – Associated law

Topic knowledge and understanding

2.32 Knowledge of relevant associated law

Topic detail

- What is licensable activity and the risks involved in relation to relevant associated law i.e. what could put the licence at risk / under what circumstances could a licence be reviewed
- The roles and responsibilities of the personal licence holder in contributing to complying with relevant associated law
- Relevant associated law relates to:
 - Weights and Measures Act 1985
 - The Consumer Protection from Unfair Trading Regulations 2008
 - Private Security Industry Act 2001
 - Smoking, Health and Social Care (Scotland) Act 2005
 - Gambling Act 2005
 - Equality Act 2010
 - The Music Licence and public music licences for businesses
 - Misuse of Drugs Act 1971

Further information - Legal and further references (for guidance only)

Weights and Measures Act 1985 For example: information on standard measures, free pouring, beer/cider/lager head size, glass lines and pre-packed alcohol service

The Consumer Protection from Unfair Trading Regulations 2008 For example: information on misleading actions, omissions and aggressive practices

Private Security Industry Act 2001 For example: Sections 3 - 6 of that Act

Smoking, Health and Social Care (Scotland) Act 2005 For example: how the business manages its smoking policy (if applicable)

Gambling Act 2005 For example: the 3 Gambling Objectives; automatic entitlement and the need to monitor gaming machines

Equality Act 2010 For example: Protected Characteristics with regard to employment and services

The Music Licence and public music licences for businesses For example: information on live and pre-recorded music and the licenses required

Misuse of Drugs Act 1971 Common patterns of drug consumption in licensed premises and associated offences

Topic knowledge and understanding

2.33 Knowledge of offences related to relevant associated law

Topic detail

- Types of breaches and offences related to relevant associated law listed in topic 2.32
- The implications of breaches of legislation covered in topic 2.32

Further information - Legal and further references (for guidance only)

Weights and Measures Act 1985

The Consumer Protection from Unfair Trading Regulations 2008

Private Security Industry Act 2001

Smoking, Health and Social Care (Scotland) Act 2005

Gambling Act 2005

Equality Act 2010

The Music Licence and public music licences for businesses

Misuse of Drugs Act 1971

Section 3: The effect of alcohol consumption on you and your business – Alcohol intoxication

Topic knowledge and understanding

3.1 * Knowledge of units of alcohol and strengths of alcoholic drinks

Topic detail

- * British standard units of alcohol, and where to find information on the units per drink for a range of common drinks
- * Differences between the ABV of low-alcohol, reduced alcohol and no-alcohol drinks
- * The importance of providing accurate information to customers on the strength of alcohol in the product
- * Low risk alcohol guidelines and how to promote them

Topic knowledge and understanding

3.2 Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered

Topic detail

- The effects of alcohol on the brain
- The general effects on behaviour
- * Factors to be considered when judging drunkenness
- * Awareness of changes in drinking habits e.g. 'pre-loading'
- * How to determine the extent of your duty of care (not assessed)
- * How to gauge whether people are vulnerable and determine what actions to take e.g. vulnerability policy, safe home taxi links, etc.
- * How licensed premises contribute to protecting the safety of customers through the provision of soft drinks, small glasses, smaller measures (within legal parameters), mocktails, provision of water, food, snacks etc.

Topic knowledge and understanding

3.3 Understanding of consequences of alcohol intoxication

Topic detail

- The key consequences of excessive drinking for the individual including:
 - short term dangers
 - health and social problems
- The key consequences of excessive drinking for the business
- The key consequences of excessive drinking for society

Section 3: The effect of alcohol consumption on you and your business – Illegal drugs

Topic knowledge and understanding

3.4 Understanding of common patterns of drug consumption in licensed premises

Topic detail

- Responsibilities of the Personal Licence Holder in relation to illegal drug activity
- How to prevent illegal drug use on the premises
- The fines and penalties if breaches occur
- Signs to look for to identify illegal drug dealing
- Key features of illegal drugs prevention policies
- Types of support available from the police, and the importance of seeking advice from them in relation to preventing or dealing with illegal drug dealing on licensed premises

Further information - Legal and further references (for guidance only)

Police Scotland Liquor Licensing Standard Operating Procedure Appendix D

Section 3: The effect of alcohol consumption on you and your business – Social responsibility

Topic knowledge and understanding

3.5 * Best practice in setting and maintaining good standards of service and environment

Topic detail

- * The importance of high and consistent standards throughout a premises
 - * The potential for the environment to affect drinking and behaviour
 - * The importance of good service practice
 - * Responsibilities to staff and customers
-

Topic knowledge and understanding

3.6 * Understanding of common cause of conflict, how to prevent conflict and manage conflict situations

Topic detail

- * Typical scenarios leading to conflict and how these might be prevented or managed
- * Signs of potential conflict

NB: Training should include signposting to further conflict management training

Topic knowledge and understanding

3.7 Understanding of security procedures and policies in relation to crime and terrorism

Topic detail

- Practical actions the Personal Licence Holder can take in different situations or scenarios including who to contact
- Policies and procedures to prevent shoplifting or theft, including staff training, use of CCTV
- Training of staff to look out for left packages/luggage etc
- Key actions the Personal Licence Holder can take to support the police in the event of a crime on the premises

Further information - Legal and further references (for guidance only)

HELP poster on National Licensed Trade Partnership (NLTP) website <https://sltn.co.uk/wp-content/uploads/2018/11/NLTP-crime-scene-preservation-poster-1.jpg>

NB: If candidates require further information on counter terrorism and crime scene management, signpost to specific training and support e.g. Action Counters Terrorism (ACT) awareness online training <https://www.gov.uk/government/news/act-awareness-elearning>

Appendix 1 Relationships to other qualifications

Links to other qualifications

City & Guilds has identified the connections to linked NVQs/SVQs and other qualifications. This mapping is provided as guidance and suggests areas of commonality between the qualifications. It does not imply that candidates completing units in one qualification are automatically covering all of the content of the qualifications listed in the mapping.

Centres are responsible for checking the different requirements of all qualifications they are delivering and ensuring that candidates meet requirements of all units/qualifications. For example, a qualification may provide knowledge towards a NVQ/SVQ, but centres are responsible for ensuring that the candidate has met all of the knowledge requirements specified in the N/SVQ standards.

Core skills signposting

The qualification provides opportunities to gather evidence for the accreditation of Core Skills as shown in the table below. However, to gain Core Skills certification the Core Skills would need to be taken as an additional qualification.

| City & Guilds unit number | Problem Solving | Working With Others |
|---------------------------|-----------------|---------------------|
| 201/401/202/402 | T1 | T1, T3 |

| City & Guilds unit number | Communication | Numeracy | Information Technology |
|---------------------------|---------------|------------|------------------------|
| 201/401/202/402 | T1, T2, T3 | T1, T2, T3 | T1, T3 |

Candidates taking this qualification may also have the opportunity to gather evidence towards Citizenship and Personal, Social and Health Education.

Candidates taking this qualification may also have the opportunity to cover the following aspects of the wider curriculum.

Identification of opportunities for evidence generation of moral, ethical, spiritual, European dimension, Environmental education and Health and Safety

| City & Guilds unit number | Spiritual, moral, ethical, social and cultural | European development | Environmental education | Health and safety |
|---------------------------|--|----------------------|-------------------------|-------------------|
| 201/401/202/402 | ✓ | ✓ | ✓ | ✓ |

Funding

City & Guilds does not provide details on funding as this may vary between regions. Centres should contact the appropriate funding body to check eligibility for funding and any regional/national arrangements which may apply to the centre or candidates.

For funding regulatory purposes, candidates should not be entered for a qualification of the same type, level and content as that of a qualification they already hold.

Please see the table below for where to find out more about the funding arrangements for this qualification.

| Nation | Who to contact | For higher level qualifications |
|-----------------|--|--|
| Scotland | Colleges should contact the Scottish Further Education Funding Council, at www.sfc.co.uk . Training providers should contact Scottish Enterprise at www.scottish-enterprise.com or one of the local enterprise companies. | Contact the Scottish Higher Education Funding Council at www.shafc.ac.uk . |

Appendix 2 Sources of general information

The following documents contain essential information for centres delivering City & Guilds qualifications. They should be referred to in conjunction with this handbook. To download the documents and to find other useful documents, go to the Centres and Training Providers homepage on www.cityandguilds.com.

Centre Manual - Supporting Customer Excellence contains detailed information about the processes which must be followed and requirements which must be met for a centre to achieve 'approved centre' status, or to offer a particular qualification, as well as updates and good practice exemplars for City & Guilds assessment and policy issues.

Specifically, the document includes sections on:

- The centre and qualification approval process
- Assessment, internal quality assurance and examination roles at the centre
- Registration and certification of candidates
- Non-compliance
- Complaints and appeals
- Equal opportunities
- Data protection
- Management systems
- Maintaining records
- Assessment
- Internal quality assurance
- External quality assurance.

Our Quality Assurance Requirements encompasses all of the relevant requirements of key regulatory documents and sets out the criteria that centres should adhere to pre and post centre and qualification approval.

Access to Assessment & Qualifications provides full details of the arrangements that may be made to facilitate access to assessments and qualifications for candidates who are eligible for adjustments in assessment.

The **centre homepage** section of the City & Guilds website also contains useful information on such things as:

- **Walled Garden:** how to register and certificate candidates on line
- **Events:** dates and information on the latest Centre events
- **Online assessment:** how to register for e-assessments.

Useful contacts

| | |
|---|--|
| UK learners General qualification information | E: learnersupport@cityandguilds.com |
| International learners General qualification information | E: intcg@cityandguilds.com |
| Centres Exam entries, Certificates, Registrations/enrolment, Invoices, Missing or late exam materials, Nominal roll reports, Results | E: centresupport@cityandguilds.com |
| Single subject qualifications Exam entries, Results, Certification, Missing or late exam materials, Incorrect exam papers, Forms request (BB, results entry), Exam date and time change | E: singlesubjects@cityandguilds.com |
| International awards Results, Entries, Enrolments, Invoices, Missing or late exam materials, Nominal roll reports | E: intops@cityandguilds.com |
| Walled Garden Re-issue of password or username, Technical problems, Entries, Results, e-assessment, Navigation, User/menu option, Problems | E: walledgarden@cityandguilds.com |

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If you have a complaint, or any suggestions for improvement about any of the services that we provide, email: feedbackandcomplaints@cityandguilds.com

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As the UK's leading vocational education organisation, City & Guilds is leading the talent revolution by inspiring people to unlock their potential and develop their skills. We offer over 500 qualifications across 28 industries through 8500 centres worldwide and award around two million certificates every year. City & Guilds is recognised and respected by employers across the world as a sign of quality and exceptional training.

City & Guilds Group

The City & Guilds Group is a leader in global skills development. Our purpose is to help people and organisations to develop their skills for personal and economic growth. Made up of City & Guilds, City & Guilds Kineo, The Oxford Group and ILM, we work with education providers, businesses and governments in over 100 countries.

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City & Guilds

5-6 Giltspur Street

London EC1A 9DE

www.cityandguilds.com
