



THE QUEEN'S AWARDS
FOR ENTERPRISE:
2016



*Award for Personal
Licence Holders (APLH)*

Licensing Course HANDBOOK

(England & Wales)

Nicola Baylis

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Highfield Place, Shaw Wood Business Park,

Shaw Wood Way, Wheatley Hills,

Doncaster, DN2 5TB, UK

Tel: +44 0845 2260350

Tel: +44 01302 363277

Email: info@highfield.co.uk

www.highfield.co.uk

www.highfieldlearning.com

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Introduction

Welcome to the Licensing Course Handbook

You have chosen the most accessible and comprehensive handbook to help you gain your personal licence qualification.

With the inexperienced (and often nervous) student in mind, this book has been written specifically to cover all the essential knowledge you need to give you the best chance of passing the Level 2 Award for Personal Licence Holders (APLH) examination.

The following table outlines what you must know to achieve the APLH qualification and where this information can be found in this course book.

Before attempting the examination you need to understand:

- The roles, responsibilities and functions of licensing authorities;
- The licensing objectives and their importance to the licensing system; and
- Prohibitions and exemptions in relation to licensable activities.

*These topics are covered in **chapter 1**.*

- The nature, purpose and period of validity of a personal licence;
- The application process and legal duties when applying for a personal licence; and
- The legal duties of a personal licence holder.

*These topics are covered in **chapter 2**.*

- The law in relation to premises licences;
 - The role and legal responsibilities of the designated premises supervisor (DPS); and
 - What an operating schedule is and what should be included to promote the licensing objectives.
- These topics are covered in **chapter 3**.*

- The law in relation to the protection of children on licensed premises.
- This topic is covered in **chapter 4**.*

- The powers of police and other authorities in relation to licensed premises.
- This topic is covered in **chapter 5**.*

- The law in relation to temporary event notices (TENs).
- This topic is covered in **chapter 6**.*

- The nature and strength of alcohol and the effect on the body;
 - The rights and legal duties of the responsible persons in relation to the operation of licensed premises; and
 - The importance of partnerships in promoting the licensing objectives.
- These topics are covered in **chapter 7**.*

Important note:

This course book is a learning resource which may also provide useful information for the day-to-day running of licensed premises.

However, it is never intended as a definitive guide to the Licensing Act 2003 or any other legislation or regulation.

Always seek expert advice from your licensing authority or legal adviser before taking any action regarding licensing.

Good learning and good luck!



Nicola Baylis

Icons used in this course book

Make a note...

An opportunity to apply your knowledge by noting those aspects specific to your premises.



Definition

The meaning of words or phrases in the context of licensing. Other definitions are in the glossary at the back of this book.



Legal Point

To draw attention to aspects of the law which may be vital to your role as a personal licence holder.



Web Watch

Use the web addresses provided to find out more information.



Key Task

At the end of each chapter there are revision tasks to check knowledge and understanding. Answers are provided at the back of this book.





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Chapter 1: Licensing law

Historical background

Many attempts have been made to control the consumption of alcohol, although licensing laws in Britain have tended to restrict alcohol sales and consumption rather than prohibit it.

During the 18th century, the Gin Acts placed high duties on gin and introduced a licensing system in an attempt to reduce the crime and disorder believed to be caused by the overconsumption of gin.



In more recent times, the Licensing Act 1964 placed certain restrictions on licensed premises including set opening hours.

For 40 years, alcohol licensing in England and Wales changed very little and reform was seen to be essential for continuing competitiveness.

The Licensing Act 2003

The Licensing Act 2003 (referred to as the 2003 Act), is an act of Parliament that came into force on 24 November 2005.

It controls licensable activities including how alcohol is sold and supplied in England and Wales. It introduced the separate licensing of premises and individuals.

Key aims of the 2003 Act are to:

- Protect the public and local residents from alcohol-related crime, nuisance and antisocial behaviour;
- Provide police and licensing authorities with powers to manage the night-time economy and deal with problem premises;
- Recognise the important role of licensed premises in communities, reduce regulatory burden and support responsible premises;
- Encourage community involvement in licensing decisions; and
- Provide a regulatory framework that empowers local authorities to make and enforce local strategies.

Since its introduction a number of changes have been made to the 2003 Act, many of which affect the role of the personal licence holder. Once you become a personal licence holder it is essential you keep up to date with licensing law.



Licensing updates:

For licensing updates visit:

www.gov.uk/alcohol-licensing

Types of licence/authorisation

Personal Licence

A licence issued to an individual allowing them to sell or authorise the sale of alcohol in accordance with a premises licence or temporary event notice.

Premises Licence

A licence issued for premises to allow one or more of the licensable activities to take place.

Temporary Event Notice (TEN)

A temporary event notice allows licensable activities to take place on a temporary basis within certain limitations.

Club Premises Certificate

A club premises certificate is issued to a qualifying club where qualifying club activities (such as the supply of alcohol and regulated entertainment) take place for members of the club and their guests.

The licensing objectives

The licensing objectives play an important role in the licensing system.

They are the fundamental principles on which the system is based and must be promoted at all times:

- Every licensing authority in England and Wales must promote the licensing objectives when carrying out its functions and making decisions;
- Personal and premises licence holders, club premises certificate holders and premises users under a TEN must implement practices and measures to promote the licensing objectives; and
- Staff selling or serving alcohol must be made aware of their responsibility to prevent drunken and disorderly behaviour and underage sales of alcohol.

LEGAL POINT

The licensing objectives

The 2003 Act focuses on the promotion of 4 licensing objectives that are of paramount importance to the operation of licensed premises, and underpin the licensing system.

BREWED IN PARLIAMENT

The licensing objectives are:

- **Prevention of crime and disorder;**
- **Public safety;**
- **Prevention of public nuisance; and**
- **Protection of children from harm.**

Each one is of equal importance.

Licensable activities

The licensable activities are those activities for which a licence or other authorisation is required.

The licensable activities are:

- Sale of alcohol by retail;
- Supply of alcohol by or on behalf of a club or to the order of, a member of the club;
- Provision of regulated entertainment; and
- Provision of late-night refreshment.

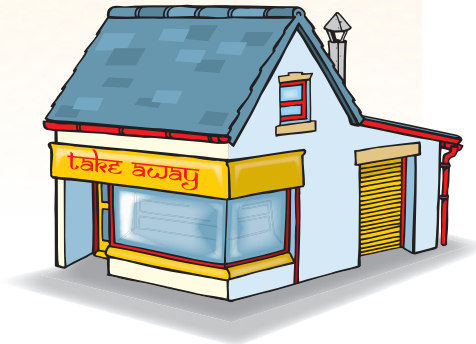


A licensable activity may only take place if authorised by and in accordance with an appropriate premises licence, TEN or club premises certificate.



Businesses or organisations providing one or more of the licensable activities will be affected, including:

- Public houses;
- Nightclubs;
- Members' clubs;
- Off-licences;
- Supermarkets;
- Corner shops;
- Restaurants;
- Hotels;
- Cinemas and theatres;
- Charitable organisations; and
- Late-night takeaways and burger vans.



Sale of alcohol by retail

The sale by retail is any sale made directly to a member of the general public for their own consumption and/or for consumption by family or friends.

DEFINITION

Designated premises supervisor (DPS):

The DPS is the person in day-to-day control of premises licensed for the sale of alcohol by retail whose name is specified on the premises licence.

LEGAL POINT

Premises where the sale of alcohol by retail takes place must have:

- A valid premises licence or other authorisation.
- A named designated premises supervisor (DPS) who must be a personal licence holder. (except some community premises)
- There can only be one DPS appointed per premises at any one time.

BREWED IN PARLIAMENT

Legal Point

No sales of alcohol may be made where there is no DPS appointed or where the DPS does not hold a personal licence or during a period when their personal licence is suspended.

Brewed in Parliament

DEFINITION

Supply of alcohol:

The term 'supply of alcohol' may be used to mean both the sale of alcohol by retail and the supply of alcohol on club premises.

Supply of alcohol by or on behalf of a club or to the order of, a member of the club

The supply of alcohol in qualifying clubs is a separate licensable activity because technically the members already own the alcohol and therefore it is not a sale. A club premises certificate may be granted by the licensing authority to a qualifying club to cover the following qualifying club activities:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The sale of alcohol to a guest of a member of the club; and
- Regulated entertainment on the premises for club members and their guests.

The supply of alcohol under a club premises certificate is managed by an elected committee and does not require a designated premises supervisor or authorisation by a personal licence holder.

Provision of regulated entertainment

Regulated entertainment is entertainment for which a licence or other authorisation is required.

Entertainment may be regulated where it is provided for an audience or spectators who may be the public, a section of the public, club members or guests at a private event where a charge is made with a view to making a profit.

Types of entertainment activities licensable under the 2003 Act are:

- Performance of a play;
- Exhibition of a film;
- Indoor sporting events;
- Boxing or wrestling (indoor or outdoor);
- Performance of live music;
- Playing of recorded music;
- Performance of dance; and
- Anything similar to e), f) or g) above.

DEFINITION

Regulated entertainment:

Regulated entertainment is entertainment which is provided for an audience or spectators and which is licensable.



Entertainment which is exempt

The following types of entertainment are usually exempt and therefore not licensable:

- Video advertising;
- Educational films in schools and museums;
- Music designed to create ambience;
- Pub games such as darts and pool;
- Church or other religious services;
- TV and radio broadcasts;
- Garden fêtes (unless there are other licensable activities such as the sale of alcohol taking place);
- Spontaneous events such as unplanned music, singing or dancing;
- Live or recorded music incidental to certain other activities;
- Morris dancing (or similar);
- Teaching students to perform music or dance;
- The demonstration of a product for example, a guitar in a music shop;
- The rehearsal of a play;
- performance of music for a private audience where no charge is made;
- Stand-up comedy; and
- The provision of entertainment facilities.



Deregulated entertainment

Changes to the 2003 Act mean that some entertainment activities taking place on certain premises and within specific limitations are deregulated and do not require a licence.

DEFINITION

Deregulated entertainment:

Some forms of entertainment taking place on certain premises and within specific limitations which are no longer licensable.

Live music

- Unamplified live music between 8.00 am and 11.00 pm in any place;
- Amplified live music between 8.00 am and 11.00 pm for audiences of up to 500 people:
 - On on-licensed premises (when open supplying alcohol)
 - In workplaces (not licensed to sell alcohol)
 - In a church hall, village hall, community hall, or other similar community premises (not licensed to sell alcohol).

Recorded music

Playing recorded music (including DJs and discos) on on-licensed premises between 8.00 am and 11.00 pm for an audience of up to 500.

Recorded music at community premises not licensed to sell alcohol between 8.00 am and 11.00 pm for audiences of up to 500.

Plays, dance and indoor sports

Where the following takes place between 8.00 am and 11.00 pm:

- Performance of a play with an audience of up to 500 people;
- Indoor sporting event with an audience of up to 1,000 people; and
- Most performances of dance with an audience of up to 500 people.



Films

- The exhibition of films at community premises which is not for profit, between 8.00 am and 11.00 pm for audiences of up to 500; and
- Showing films which are incidental to another activity.

Wrestling

A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 8.00 am and 11.00 pm for an audience up to 1,000.

Beer gardens

Where a beer garden is included in the premises licence, live amplified music may take place between 8.00 am and 11.00 pm for up to 500 people.

Local authority premises, schools and hospitals

Entertainment taking place on the premises of and on behalf of a local authority, school or hospital between 8.00 am and 11.00 pm with no limit on numbers.

Private events

Private events featuring entertainment may not be licensable unless guests are charged to attend and there is an intention to make a profit.

As a general rule, most entertainment activities taking place before 8.00 am or after 11.00 pm are regulated.

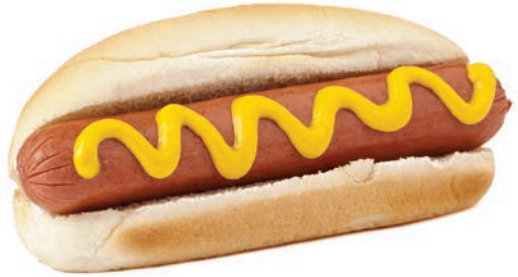
Important note:

This handbook provides an overview of regulated entertainment for training purposes only and there may be other types of both regulated and deregulated entertainment. Due to the complexity of this subject, it is essential that specialist legal advice is sought before entertainment is provided.



Provision of late-night refreshment

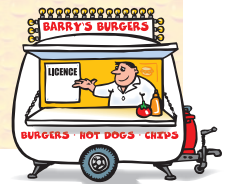
The provision of hot food or hot drink to the public for consumption on or off the premises between 11.00 pm and 5.00 am is a licensable activity.



Providing late-night refreshment may be a secondary activity for some licensed premises such as public houses, cinemas or nightclubs.

A premises licence is required by those premises not otherwise licensed to supply alcohol but providing late-night refreshment such as:

- Takeaway food premises;
- Fish and chip shops;
- Burger vans;
- Service stations; and
- Late-night cafes.



Exemptions

The supply of hot drinks from a vending machine between 11.00 pm and 5.00 am is not licensable.

The supply of hot food to guests staying in a hotel is excluded.

Main roles, responsibilities and functions of licensing authorities

Licensing authorities are the local bodies (part of the district, metropolitan, county or borough councils in England and Wales) responsible for the operation and administration of licensing matters.

Their main roles and responsibilities include:

- Establishing a licensing committee;
- Publishing a statement of licensing policy at least once every 5 years;
- Dealing with the administration of the licensing system;
- Keeping a register of applications, licences and notices served;
- Issuing personal and premises licences, club premises certificates and serving temporary event notices;
- Performing the role of a responsible authority by:
 - Making relevant representations to applications for new premises licences and the variation of an existing premises licence;
 - Making applications for the review of a premises licence; and
- Suspending or revoking a personal licence following the conviction of the holder for a relevant offence.



Make a note...

Write down the name of the licensing authority for the area where you live.

Licensing committee

Each licensing authority must establish a licensing committee comprising between 10 and 15 elected council members.

The licensing committee is responsible for licensing functions but will delegate certain day-to-day functions to appointed officers of the licensing authority.

The licensing committee may establish three-member subcommittees to make decisions on contentious issues arising regarding licence objections or licence review requests.

Licensing officers

The role of an officer of the licensing authority includes:

- Dealing with the administration of licences; and
- Enforcing the 2003 Act along with the police and other authorised persons.



Licensing policy

A licensing policy states how the licensing authority intends to operate. It must show how the authority will promote the licensing objectives in its area.

The licensing policy must have regard to the guidance issued by the secretary of state under section 182 of the Licensing Act 2003.

Statutory guidance

The secretary of state issues and regularly revises guidance on licensing matters to promote best practice and ensure consistency between licensing authorities.

Licensing hearings

A licensing hearing is an opportunity for all involved in an objection, review request or closure order to put forward their case to be considered by the licensing committee.

The purpose is to allow the licensing committee to decide on what, (if any) action to take where there have been:

- Relevant representations to a new premises licence application, club premises certificate application or a variation application;
- Objections raised to a temporary event notice;
- Objections by the chief officer of police (or Home Office Immigration Enforcement) to the granting of a personal licence;
- Calls for the review of a premises licence;
- An application for the summary (fast track) review of a premises licence; or
- Following a closure order.

When hearing a new premises licence application, the licensing committee may take steps which are considered appropriate for the promotion of the licensing objectives.

Appeals

An appeal is a challenge to a decision made by the licensing committee.

Those involved in or affected by the decision may have the right to appeal.

Appeals must be made to a magistrates' court within 21 days of the licensing committee decision.



Prohibitions and exemptions

Prohibited premises

The sale of alcohol is prohibited from taking place on or from certain types of premises. These excluded premises can never be licensed to sell alcohol:

- Most motorway services;
- Garages used primarily for the sale or repair of vehicles; and
- Petrol stations used primarily for the sale of fuel.

Petrol stations (excluding most of those on motorways) with retail shops where customers buy a range of other goods such as newspapers, confectionery or food may apply for a premises licence to sell alcohol.

Sale of alcohol on or from vehicles

Vehicles that are stationary, permanently or temporarily parked, such as a mobile bar at an event, may apply for a licence to sell alcohol at a specific location. No sales of alcohol can take place on or from a moving vehicle.



Exempt premises

Licensable activities taking place at certain locations are not licensable. This means the sale of alcohol can take place at these locations without the need for a premises licence or other authorisation:

- Aboard an aircraft, hovercraft or train while on a journey;
- At an approved wharf at a designated port* or hoverport;
- At a royal palace;
- At premises occupied by the armed forces;
- At premises exempt on the grounds of national security; and
- Aboard a boat, ship or ferry on an international voyage.

*The sale of alcohol at airside bars, restaurants and duty-free at designated airports is not currently a licensable activity. However, the government may remove this exemption to regulate the sale of alcohol in controlled areas of airports.



Sales of alcohol aboard a train

Where there is the risk of disorder, a senior police officer (inspector or above) may apply to a magistrates' court for an order prohibiting the sale of alcohol at specified stations or when travelling between stations.

WHOLESALE

Beers, Wines & Spirits



Wholesale

Sales of alcohol to the general public are retail sales and are therefore licensable. The wholesale or trade sales of alcohol are not licensable. Wholesale is where alcohol sales are made to:

- A trader for the purpose of their trade;
- A club premises for the purpose of the club;
- The holder of a premises or personal licence for making sales under a premises licence; and
- A premises user for sales under a temporary event notice.

The wholesale of alcohol is not a licensable activity so no premises licence is required.

Alcohol Wholesaler Registration Scheme (AWRS)

Alcohol wholesalers must be registered with HMRC.

Alcohol retailers must ensure they only purchase alcohol from registered wholesalers. If alcohol is purchased from a non-registered wholesaler, the retailer may be prosecuted unless it is an incidental purchase.

Any retailer who sells alcohol to other businesses needs to register under the AWRS.

Other retail sales

Remote alcohol sales

When an order and payment for alcohol is taken in a different place from where it is delivered to the customer, such as with internet or mail order sales, it is the premises from where the alcohol is dispatched in England or Wales that will require a premises licence.

Alcohol delivery services

The operation of alcohol delivery services must be notified to the relevant licensing authority, which may impose certain conditions.

Door-to-door sales of alcohol from a vehicle or moveable structure cannot take place.



Alcohol Wholesaler Registration Scheme (AWRS):

Application is free and can be completed online at

<https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>



Chapter 1: KEY TASKS

1a Identify which activities are licensable and which are not licensable (tick):

	Not licensable?	Licensable?
● A wholesaler supplying alcohol to the retailer	<input type="checkbox"/>	<input type="checkbox"/>
● Off-licence sales of alcohol to a consumer	<input type="checkbox"/>	<input type="checkbox"/>
● Morris dancing in the street	<input type="checkbox"/>	<input type="checkbox"/>
● Live amplified music taking place on licensed premises after 11.00 pm	<input type="checkbox"/>	<input type="checkbox"/>
● A van selling burgers after 11.00 pm at night	<input type="checkbox"/>	<input type="checkbox"/>
● The sale of alcohol on board a train	<input type="checkbox"/>	<input type="checkbox"/>

1b Identify the licensing objectives:

	Tick
● The health and hygiene of customers	<input type="checkbox"/>
● The prevention of public nuisance	<input type="checkbox"/>
● Public security	<input type="checkbox"/>
● The protection of vulnerable adults	<input type="checkbox"/>
● The prevention of crime and disorder	<input type="checkbox"/>
● The protection of children from harm	<input type="checkbox"/>

1c Which licensing objective is missing from the above list?

<input type="checkbox"/>	<input type="checkbox"/>	B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fill in the missing letters.

1d Identify which of the following are roles, functions or responsibilities of a licensing authority:

	Yes	No
● Publish a statement of licensing policy every 5 years	<input type="checkbox"/>	<input type="checkbox"/>
● Operate all licensed premises in an area	<input type="checkbox"/>	<input type="checkbox"/>
● Deal with the administration of the licensing system	<input type="checkbox"/>	<input type="checkbox"/>
● Issue premises and personal licences	<input type="checkbox"/>	<input type="checkbox"/>
● Establish a licensing committee	<input type="checkbox"/>	<input type="checkbox"/>
● Issue closure orders for licensed premises	<input type="checkbox"/>	<input type="checkbox"/>
● Make representations on a new premises licence application	<input type="checkbox"/>	<input type="checkbox"/>
● Object to personal licence applications from unsuitable applicants	<input type="checkbox"/>	<input type="checkbox"/>

Find solutions on page 80

Chapter 2: Personal licences

The nature and purpose of a personal licence

A personal licence is a licence granted to an individual by the relevant licensing authority that allows the holder to sell or authorise the sale of alcohol in accordance with a valid premises licence.

A personal licence comprises 2 parts: a plastic card including the name and photograph of the holder, and a paper section.

Licensed premises may have more than 1 personal licence holder.

Role of a personal licence holder



It is good practice for a personal licence holder to provide written evidence that authorisation has been given.

It may not be necessary for a personal licence holder to be on duty at all times when alcohol is being sold, unless this is a condition of the premises licence, it is stated in the operating plan or it is company policy.

While a personal licence holder may not be present to specifically authorise all alcohol sales, they remain responsible for the sales that they have authorised.

Period of validity

A personal licence will last indefinitely starting from the day it was granted, unless surrendered, revoked or forfeited.

There is no requirement to renew a personal licence.

A personal licence stays current even if the holder does not work on licensed premises.

Application for a personal licence

An application must be made to the relevant licensing authority: the one for the council area in which an applicant normally lives.

The licensing authority granting a personal licence remains the relevant licensing authority, even if the licence holder moves to another area.

Eligibility criteria

Applicants must be eligible to work in the UK, pay an application fee and meet all of the following criteria:

- Age:** must be at least 18 years old
- Qualification:** must hold a licensing qualification accredited by the secretary of state
- Previous licence:** no personal licence forfeited within the previous 5 years
- Convictions:** convictions for relevant offences and foreign offences must be declared

Evidence of convictions

All applicants for a personal licence must provide evidence to the licensing authority showing whether or not they have unspent convictions for relevant or foreign offences.

This may be provided by submitting 1 of the following:

- Criminal conviction certificate;
- Criminal record certificate; or
- A search by the Police National Computer.

Only unspent convictions are relevant for a personal licence application.

A basic disclosure of a criminal conviction certificate will identify unspent convictions.

Application documents

-
- Completed and signed personal licence application form;
 - Document showing the applicant has the right to work in the UK and to work in a licensable activity;
 - Completed and signed disclosure of convictions and declaration form;
 - Original certificate of qualification (or an authorised copy);
 - Two passport-style photographs, one of which must be signed as being a true likeness by a solicitor or notary, a person of standing in the community or a person with a professional qualification;
 - Evidence of criminal convictions such as a basic disclosure certificate no more than 1 month old; and
 - Application fee.

Use this checklist to help identify what you will need when applying for a licence.



Personal licence applicants:

To obtain a basic disclosure visit

www.mygov.scot

and search 'apply for basic disclosure'

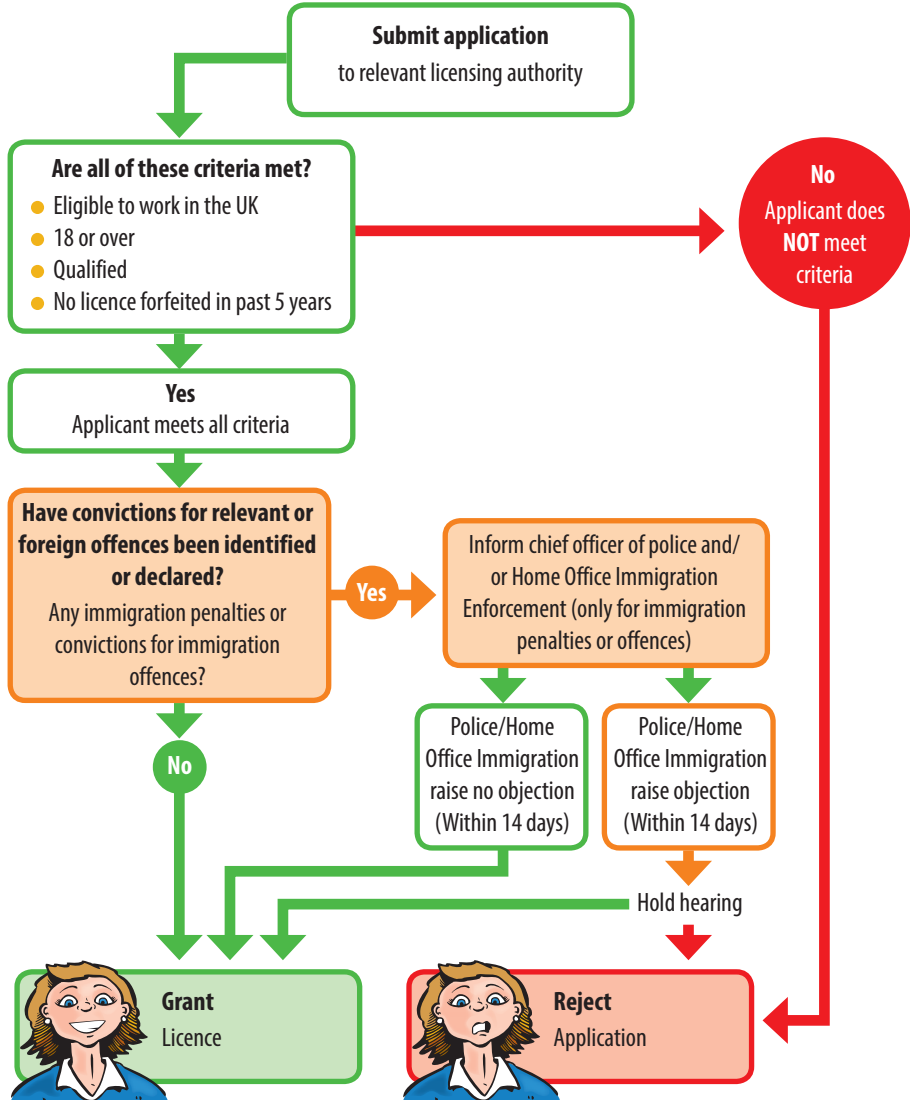


Licensing Act guidance:

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Figure 1: Licensing authority process

The personal licence application process is shown in the flow diagram below. Please note, this is a simplified illustration of the process and is for training purposes only.



Objection to a personal licence application

When police are informed of an applicant's unspent convictions for relevant or foreign offences, they can object to the application on the grounds of the crime and disorder objective.

In the case of an applicant who has been issued with an immigration penalty, or convicted of an immigration offence (including a similar foreign offence), the Home Office may object to the application on the grounds of preventing illegal working on licensed premises.

The police and Home Office have 14 days to raise an objection notice following which a hearing will be held by the licensing authority to consider whether to grant or refuse the application.

Where no objection notice is received, the personal licence must be granted.

Relevant and foreign offences



Relevant offence:

A relevant offence is a criminal offence listed in Schedule 4 of the Licensing Act 2003 and must be declared to the licensing authority.



Foreign offence:

A foreign offence is similar to a relevant offence but committed under the law of any country outside England or Wales.

Relevant offences include the following types of offence:

- Any licensing offence since 1964;
- Serious crimes involving violence, firearms, sexual crimes, fraud and terrorism offences;
- Dishonesty such as theft, robbery, deception, forgery or evasion of duty;
- The production or supply of drugs;
- Immigration offences and most immigration penalties;
- Certain trading standards and food hygiene offences;
- Drink-driving offences or driving while under the influence of drink or drugs;
- Attempting and conspiracy to commit a relevant offence; and
- Failure to cooperate with a preliminary test in relation to alcohol, impairment or drugs.

Spent and unspent convictions

After a certain time has elapsed, some convictions become spent under the Rehabilitation of Offenders Act 1974 and are no longer considered relevant to a personal licence application.

Some more serious relevant offences never become spent.

Unspent convictions are those which still appear on a criminal record.

Personal licence applicant's duty

Should an applicant be convicted of a relevant or foreign offence during the time the application is being processed, the applicant has a legal duty to declare the conviction to the licensing authority dealing with the application as soon as is reasonably practicable.

Failure to do this is an offence subject to a maximum level 4 fine of £2,500 on the standard scale.

Where a personal licence has been granted but the licensing authority finds out about convictions during the application process which were not declared, the personal licence may be revoked.

Issue of a personal licence

The information on a personal licence includes:

- The holder's name and address;
- Details of the relevant licensing authority which granted it;
- Details of convictions for relevant and foreign offences; and
- Any other details as required.

A personal licence holder may only hold one personal licence at any one time.

Duties of a personal licence holder

Personal licence holders have a number of legal duties and responsibilities which are as follows:

Duty if charged with a relevant offence

A personal licence holder charged with a relevant offence must, no later than their first court appearance:

- Produce their personal licence for the court; or
- Inform the court they hold a personal licence and provide details of the relevant licensing authority.

Failing to inform the court or produce the personal licence is an offence.

Duty if convicted with a relevant or foreign offence

Following the conviction of a personal licence holder with a relevant offence by a court in England or Wales, where the court was made aware of the personal licence, the court must notify the relevant licensing authority of:

- The details of the conviction and the sentence imposed; and
- Any order to suspend or forfeit the personal licence.

If the court was not made aware of the personal licence or the conviction was for a foreign offence, the holder must, as soon as is reasonably practicable give the relevant licensing authority details of the conviction and any sentence imposed.

Failing to inform the licensing authority of the conviction is an offence.

Change of name or address

A personal licence holder must notify the licensing authority as soon as reasonably practicable of any of the following changes:

- Change of name; and/or
- Change of address.

A personal licence holder who fails to do this commits an offence.

Producing personal licence

A personal licence holder must produce their personal licence for examination when requested by:

- A police officer; or
- An authorised officer of the licensing authority.

This duty applies when a personal licence holder is selling or authorising the sale of alcohol under a premises licence or TEN.

Failure to produce a personal licence for examination when requested is an offence.

Each of the offences committed by a personal licence holder who fails to carry out their legal duties is subject to a maximum level 2 penalty of £500.



Endorsement, suspension and forfeiture

Endorsement of a personal licence

When the licensing authority receives notification of a relevant conviction by the court, it will request the personal licence holder produces their licence within 14 days. The licensing authority will endorse the licence with details of the conviction or, if it is forfeited, it will be retained.

Failing to produce the licence within 14 days is an offence subject to a maximum level 2 penalty of £500.

Suspension, forfeiture or revocation of a personal licence

A court may order the suspension or forfeiture of a personal licence following the conviction of the licence holder for a relevant offence.

Licensing authorities have the power to suspend or revoke a personal licence following conviction for a relevant offence or foreign offence.

The personal licence holder may make representations to the licensing authority within 28 days, which must be taken into account when deciding whether to suspend or revoke the licence. The licence holder also has the right of appeal.



Renewal of a personal licence

There is no requirement to renew a personal licence.

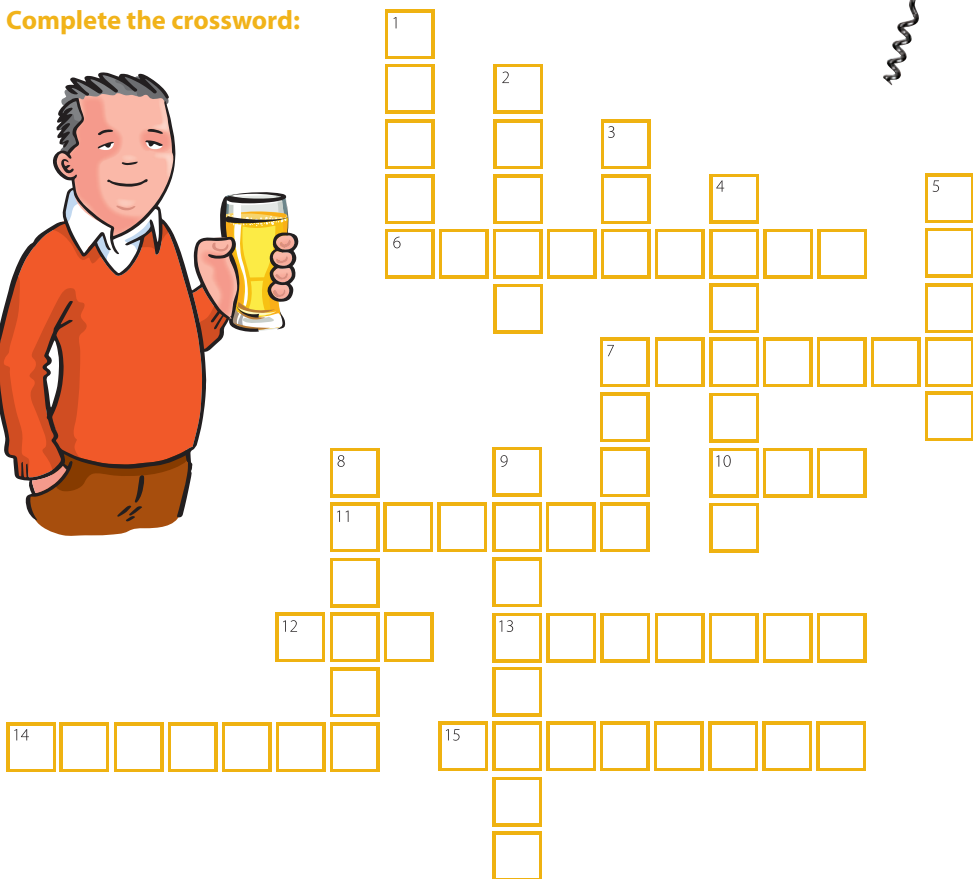
A personal licence will remain valid indefinitely and any expiry date on the licence does not apply.





Chapter 2: KEY TASK

Complete the crossword:



Across

- Following conviction for drink-driving a personal licence may be ...(9)
- These are similar to relevant offences but committed under the law of a country outside England or Wales (7)
- The maximum number of months for which a personal licence may be suspended (3)
- Those able to object to a personal licence application (6)
- This must be included with a personal licence application (3)
- What may be held following police objection to a personal licence application (7)
- What a personal licence holder may authorise the sale of (7)
- Types of offences listed in the Licensing Act 2003 (8)

Down

- A personal licence application must be made to the licensing authority where the applicant normally... (5)
- A personal licence holder charged with a relevant offence must produce their personal licence by this court appearance (5)
- The minimum number of personal licence holders a licensed premises must have (3)
- When this changes, the licensing authority must be informed (7)
- Convictions which are no longer relevant to a personal licence application (5)
- The number of years following forfeiture when a new personal licence application may be made (4)
- What can be made to the magistrates' court within 21 days following the decision of a licensing committee (6)
- The minimum age a person must be to hold a personal licence (8)

Find solutions on page 81

Chapter 3: Premises licences

The purpose of a premises licence

The purpose of a premises licence is to permit the sale of alcohol on and/or from the premises.

It is issued by the licensing authority allowing 1 or more of the licensable activities to take place on the premises.

Each premises licence is unique.

A premises licence may be granted for:

- A permanent building or structure or part of a building;
- An open space such as the area where a market is held;
- A temporary or moveable structure such as a mobile bar, a beer tent or marquee;
- A vehicle such as a burger van, a coach or limousine; and
- A vessel such as a floating restaurant or canal boat.

Timescale

Once granted, the licence will continue until such time as the:

- Licence is revoked;
- Premises are not used for licensable activities;
- Premises licence holder (where this is an individual) dies, becomes incapacitated or bankrupt; or
- Licence is surrendered.

Suspension

A premises licence may be suspended for up to 3 months.

Premises licence application procedure

An application for a new premises licence must be made to the relevant licensing authority, the one where the premises are situated. It may be made either in writing or electronically and must be granted before any licensable activity can take place on the premises.

An application may be made by:

- An individual aged 18 or over;
- A company that operates the business; or
- An organisation such as a charity or educational institution.

Once granted, the individual, company or organisation becomes the premises licence holder with responsibility for the legal operation of the premises.

A premises licence application must include the following:

- Operating schedule;
- Premises plan in a prescribed form;
- DPS details and consent form (for sale of alcohol by retail);
- Document showing the applicant is entitled to work in the UK (individual applications only); and
- Fee.

The written application process is illustrated in **Figure 2 on page 30**.

Where an electronic application is made, the licensing authority will send a copy of the application to each responsible authority.

Advertising applications

An application must be correctly advertised to make others aware of the application. A summary of the application must be:

- Published in a local newspaper; and
- An A4-size notice displayed on or outside the premises.

Responsible authorities

The responsible authorities are public bodies that must be notified of new premises licence applications:

- Chief officer of police;
- Local fire and rescue service;
- Health and safety enforcement;
- Environmental health;
- Local planning authorities;
- Child protection bodies;
- Weights and measures (Trading Standards);
- The local authority's Director of Public Health (DPH) in England or Local Health Boards (in Wales);
- Relevant licensing authority or licensing authority in whose area part of the premises is situated; and
- Home Office Immigration Enforcement (on behalf of the secretary of state).

Other persons

Other persons (individuals, organisations or businesses) may make representations to the licensing authority regardless of whether or not they live or work near the premises.



Relevant representation:

Relevant representations are issues raised regarding a new premises licence application or variation application that must relate to the effect of the application on the licensing objectives.

Irrelevant, vexatious or frivolous representations received from other persons will be rejected.



Vexatious representation:

A representation based on business rivalry.

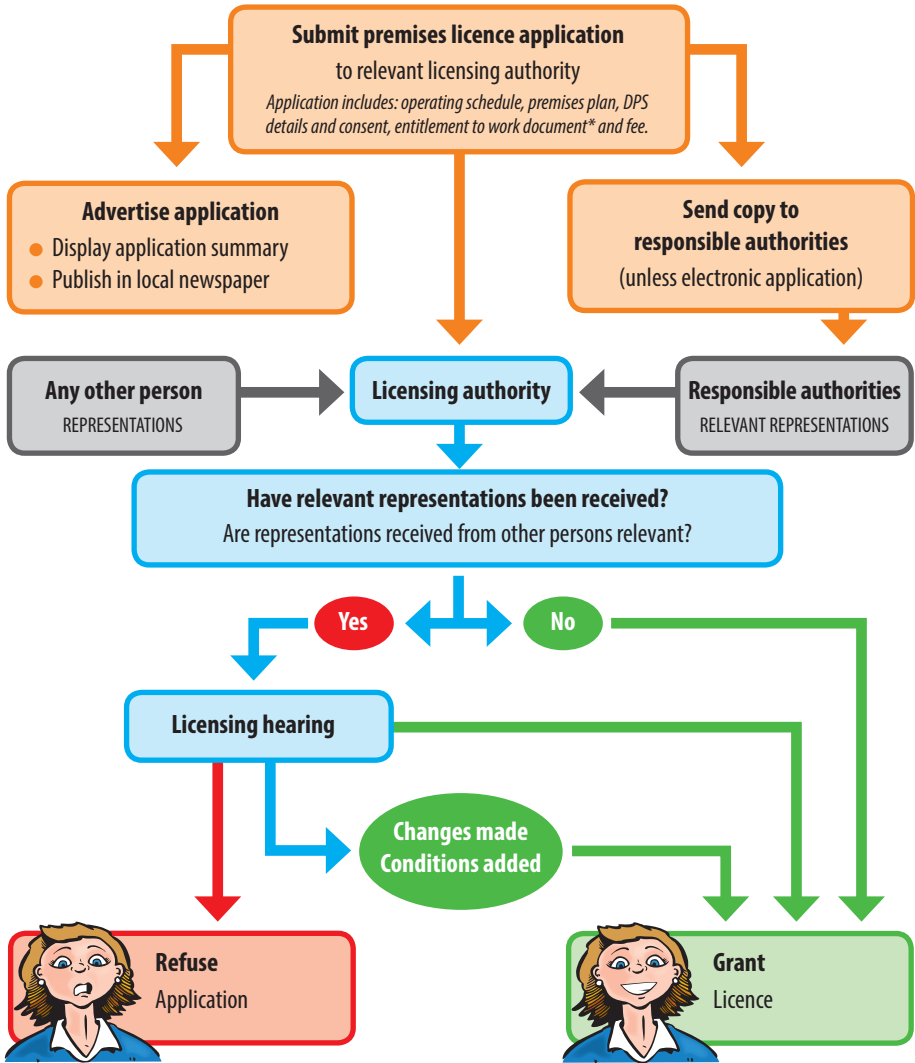


Frivolous representation:

A representation considered flippant or not sufficiently serious.

Figure 2: Premises licence application process

The premises licence application process is shown in the flow diagram below. Please note, this is a simplified illustration of the process and is for training purposes only.



*Applications from individuals not entitled to work in the UK will be rejected.

Determination of an application

Each application must be considered on its own merits, and in accordance with licensing policy, including:

- Whether the application meets legal requirements;
- Any relevant representations received; and
- Whether the application has been correctly advertised.

Where relevant representations are received, unless the concerns can be resolved beforehand, the licensing committee must hold a hearing.

Hearing

During a hearing all parties have an opportunity to put forward their points for consideration by the licensing committee, which must then decide whether or not to take any steps necessary to promote the licensing objectives.

The committee may:

- Reject the application;
- Refuse the appointment of the DPS;
- Grant the licence:
 - As requested;
 - With the addition of conditions to achieve the licensing objectives; or
 - With certain licensable activities excluded.

Appeal

There is a right of appeal to the magistrates' court within 21 days if any party is dissatisfied with the outcome of the hearing.



Keeping and display of premises licence and summary

The premises licence holder must ensure the premises licence (or a certified copy) and a list of relevant mandatory conditions are kept at the premises.

The premises licence may be in the control of the premises licence holder, or another person who works on the premises and has been nominated in writing by the premises licence holder.

The premises licence holder must ensure that the summary of the licence (or a certified copy of that summary) is prominently displayed on the premises.



Operating schedule

A key part of the premises licence detailing how the premises will operate and the licensable activities that will take place, including:

- How the premises will promote the licensing objectives;
- Positive ways in which potential risks will be managed; and
- Consideration of the needs and interests of the local community.

The operating schedule includes a general description of the type, style and character of the premises along with the proposed:

- Licensable activities;
- Times when licensable activities will be offered;
- Other times when the premises will be open to the public;
- Designated premises supervisor; and
- Steps to be taken to promote the licensing objectives.

Premises must be operated and managed at all times according to the operating schedule.



Make a note...

Make a note of the times when alcohol can be sold on or from your premises.

Sunday _____

Monday _____

Tuesday _____

Wednesday _____

Thursday _____

Friday _____

Saturday _____

Risk assessment



A risk assessment is an assessment of the potential hazards and the measures necessary to remove or reduce their impact.

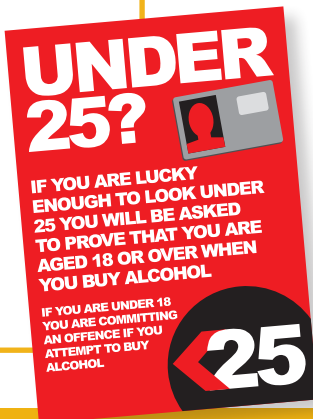
Carrying out a risk assessment against the licensing objectives will help identify ways in which potential risks can be managed and the steps which may be necessary to support the licensing objectives.

Certain best practice policies and procedures may need to be developed and implemented, depending on the type of premises and the potential causes of harm, nuisance, damage or other hazards.

An example risk assessment against 2 of the licensing objectives is provided on the opposite page.

Figure 3: Risk assessment against the licensing objectives

Licensing objectives	What are the problems or hazards?	Who/what might be harmed and how?	What are you already doing?	What further action is necessary?
<p>Preventing public nuisance</p> 	<p>Noise from customers leaving licensed premises in a residential area after 11.00 pm.</p>	<p>Disturbance of neighbours at night leading to complaints.</p> <p>A premises licence review and licence revoked, suspended, changed or licensable activities removed.</p>	<p>Signs in car park asking customers to respect the needs of local residents.</p> <p>Using alternative exits.</p>	<p>Door supervisors and staff to remind customers to leave quietly.</p> <p>Supervise customers leaving premises after 11.00 pm.</p> <p>Reduce shouting by giving out lollipops on exit.</p> 
<p>Protecting children from harm</p>	<p>Staff selling alcohol to persons under 18.</p> <p>Adults buying alcohol for persons aged under 18.</p>	<p>Prosecution and premises licence review.</p>	<p>Displaying relevant signs at point of sale.</p> <p>Vigilance both inside and outside premises.</p> <p>Regular staff training on when and how to refuse a sale.</p> <p>No proof, no sale, age verification policy.</p>	<p>Install CCTV.</p> <p>Carry out daily check on procedures and signage.</p> <p>Increase supervision of and by all staff serving alcohol.</p> <p>Implement a 'Challenge 25' age verification policy.</p>



Premises licence review

A review is an opportunity to re-appraise a premises licence following a closure order or problems such as nuisance, disorder or underage sales.

A responsible authority or any other person may request a premises licence review at any time in relation to any licensing objective.

The review of a premises licence will be carried out following a closure order due to nuisance and disorder on the premises.

There must be a reasonable amount of time (usually 12 months) between applications to review a premises licence, unless there are compelling reasons for a further review.

Summary review and interim steps

Alcohol licensed premises associated with serious crime and/or disorder may be subject to a summary (fast track) review by the licensing authority that may take interim steps pending a review hearing. Interim steps include:

- Modifying licence conditions;
- Excluding the sale of alcohol;
- Removing the DPS; and
- Suspending the premises licence.

Outcomes of a review hearing

Any actions taken as the result of a premises licence review must be relevant for the promotion of the licensing objectives and may include:

- Suspending the licence for up to 3 months;
- Changing or adding new conditions;
- Removing certain licensable activities;
- Revoking the licence; and
- Removing the DPS.

All parties have the right to appeal within 21 days to the magistrates' court against the decision made at a review hearing.

Non-payment of the annual fee

If the annual fee for the premises licence or club premises certificate is not paid within 21 days of its due date, the licensing authority will suspend the licence until the fee is paid.

They must give at least 2 days' written notice of the date when this suspension will take place. The suspension will remain in place until the fee is paid and during this time it is an offence to provide licensable activities on the premises.

Duties of the premises licence holder

The premises licence holder has certain legal duties and responsibilities with regards to licensed premises, these include:

- To keep the premises licence (or a certified copy) at the premises;
- To clearly display a summary of the premises licence;
- To inform the licensing authority of any change of name or address of the DPS; and
- To inform the licensing authority of a change of DPS.

Should the premises licence holder die, become incapacitated or bankrupt, the licence may lapse unless action is taken.

To allow the premises to continue operating, a person associated with the premises or the former licence holder may issue an Interim Authority Notice to the licensing authority within 28 days, lasting for up to 3 months.

Licence conditions

DEFINITION

Conditions:

The parameters within which the premises must operate including any actions which must be or must not be taken.

Types of conditions (all of which must be followed) include those which have been or are:

Proposed – steps to promote the licensing objectives identified by a risk assessment and included in the operating schedule;

Imposed – appropriate conditions attached to an individual premises licence as the result of a hearing or review hearing to promote the licensing objectives; and

Mandatory – compulsory conditions which must be implemented by all licensed premises.



Mandatory conditions

1. DPS appointed

There must be a designated premises supervisor (DPS) appointed who must hold a current personal licence.

2. Authorisation of alcohol sales

Each and every sale of alcohol must be made or authorised by a personal licence holder.

3. Age verification policy

The premises licence holder or club premises certificate holder must put into place an age verification policy which, as a minimum, ensures those who appear under 18 are asked to produce photographic identification showing their date of birth and bearing a holographic mark or ultraviolet feature.

The DPS must ensure the age verification policy for the premises is adopted and implemented by staff.

4. No below cost alcohol

The relevant person (premises licence holder, DPS, personal licence holder authorising the sale of alcohol or member or officer of a club) must ensure alcohol for consumption on or off the premises is sold or supplied for no less than the permitted price. The permitted price (cost price) is the cost of the duty plus the VAT. This means a bottle (750 ml) of wine with an abv of 11.5% must not be sold for less than £2.46. A can of lager (440 ml) with an abv of 4% must be sold for at least 40p.

5. Licensed door supervisors

Where the presence of door supervisors or guards is required as a condition of the premises licence, they must hold a licence granted under the Private Security Act 2001.

The following 3 mandatory conditions apply to on-licensed premises:

1. No irresponsible promotions

The responsible person must ensure staff on the premises do not carry out, arrange or participate in irresponsible alcohol promotions.

2. Free potable water

The responsible person on the premises must ensure free potable water is available for customers where requested and when available.

3. Awareness and display of small measures

Certain drinks must be available in the following measures:

- Beer or cider - half-pint
- Gin, rum, vodka or whisky - 25 ml or 35 ml
- Still wine in a glass - 125 ml



Community premises

For community premises such as village halls, the premises licence holder is the management committee. It is this committee which is responsible for the supervision and authorisation of alcohol sales. There is no requirement for a DPS.



Unauthorised licensable activities

It is an offence to undertake any licensable activity other than in accordance with an appropriate licence or other authorisation.

Examples include:

- Not operating premises in accordance with the operating schedule;
- Allowing premises to operate outside conditions of the premises licence;
- Undertaking licensable activities not covered by an appropriate licence or other authorisation;
- Making alcohol sales outside the permitted hours on the premises licence; and
- Not employing door supervisors holding a licence issued by the SIA under the Private Security Act 2001, where this is a condition of the licence.



Unauthorised sales of alcohol:

Selling or allowing the sale of alcohol to take place not in accordance with a premises licence (including any conditions of the licence) or other authorisation.

Due diligence

A person who is charged with an offence regarding unauthorised licensable activities may have a defence where they are able to show all reasonable precautions were taken and all due diligence was exercised to avoid the offence, and:

- What happened was due to a mistake;
- They were relying on someone else; or
- What happened was out of their control.

Producing appropriate documents such as training records may support a due-diligence defence.



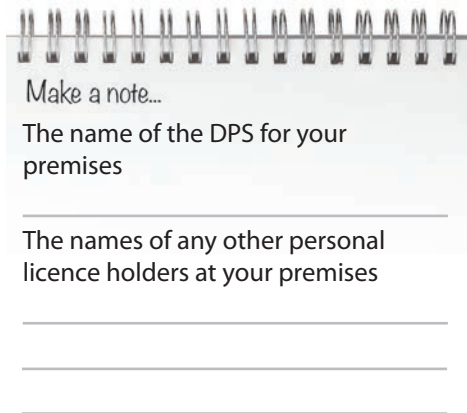
Role and legal responsibilities of the DPS

The DPS is the personal licence holder appointed by the premises licence holder and named on the premises licence. They will normally be in day-to-day control of the premises.

The DPS is the main point of accountability within the premises and should be easily identifiable by the police and other authorities as the person in charge.

They must ensure the premises operate legally and responsibly at all times.

The DPS is responsible for ensuring the age verification policy is adopted and implemented by staff. They must also implement measures in order to promote the licensing objectives.



Make a note...

The name of the DPS for your premises

The names of any other personal licence holders at your premises

Only one DPS may be appointed per premises at any one time. They may be the DPS for more than one premises but must ensure each premises complies with the law and promotes the licensing objectives.

Objection to a DPS

Only the police may object to the appointment of a DPS, usually in exceptional circumstances where it is believed the appointment would undermine the prevention of crime and disorder.

A change of DPS

The premises licence holder must apply to the licensing authority for a minor variation to the premises licence to change the name of the DPS.

This may take immediate effect.

Presence of the DPS

Generally, there is no requirement for the DPS to be on the premises at times when the sale of alcohol is taking place as this may not be practical. However, the DPS must take all reasonable measures to ensure the premises operate legally at all times.



Variations

A variation application is required where a premises licence holder wishes to change or amend some aspect of a premises licence. This may involve either a full or a minor variation depending upon the nature of the variation.

A full variation application will be necessary for:

- Permanent or significant changes to opening hours;
- Adding licensable activities; and
- Premises extensions or changes

A full variation application procedure is similar to that required for a new premises licence.



The process is more straightforward when notifying changes and making minor variations such as:

- Any change to the name or address of a person on a premises licence;
- Changing the premises licence to specify a new personal licence holder as DPS;
- Requesting to be removed as DPS; and
- Making an application for a minor variation.

Minor variations

A minor variation involves a simplified process for changes not having an adverse impact upon any of the licensing objectives such as:

- Making minor amendments to the structure or layout of premises;
- Making small adjustments to licensed hours; and
- Removing out-of-date conditions or adding new conditions (where volunteered not imposed).

While a minor variation application does not need to be advertised or copies sent to responsible authorities in the same way as a full variation, it must be displayed on a notice for 10 working days.

The licensing authority must assess whether the variation could impact adversely on the licensing objectives. It must consult with responsible authorities and consider any relevant representations from other persons. There is no right to a hearing.

Transfers

When a licensed premises changes hands, the new owner (who must be 18 or over), company or organisation applies to the licensing authority for the premises licence to be transferred from the previous holder.

Provisional statement

Where premises are being constructed, extended or altered, a provisional statement provides an assurance in the form of a provisional licence that once the work has been completed, a premises licence is likely to be granted.



Chapter 3: KEY TASKS

Complete the tasks below:

3a Complete the mandatory conditions for alcohol licensed premises by filling in the missing words:

- There must be a [] appointed.
- Alcohol sales must be made or [] by a personal licence holder.
- Premises must have an age [] policy in place.
- No below [] sales of alcohol.
- Door supervisors (where a condition of the licence) must be [] .
- No [] alcohol promotions.
- Free potable [] .
- Awareness and display of [] measures.

Choose from these words:

- cost
- DPS
- authorised
- verification
- small
- licensed
- water
- irresponsible

3b Residents living close to a public house have requested the review of the premises licence due to noisy, drunken customers leaving the pub between 11.00 pm and 1.00 am. What are the possible outcomes of the review hearing?

.....

.....

.....

.....

.....

.....

.....

.....



Find solutions on page 82

Chapter 4: The protection of children

The sale, purchase and consumption of alcohol involving under-18s

Everyone working on licensed premises has a legal responsibility to protect children from harm arising from the premises and their activities. This includes moral and psychological harm which may be caused by exposure to strong language, or inappropriate or 'adult' content; physical harm from unsafe premises and harm to health from consuming alcohol.

Offences regarding under-18s and alcohol

The purchase or attempted purchase of alcohol by or for an under-18-year-old

It is an offence for an under-18 to buy or attempt to buy alcohol.

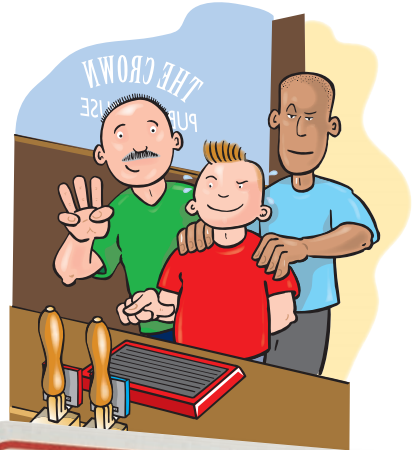


Table 1: Main offences

Identifies the main offences and those who may commit offences relating to under-18s and alcohol. (See pages 42 and 44 for further details and exceptions.)

	Offence relating to the SALE of alcohol	Offence relating to the PURCHASE of alcohol	Offence relating to the CONSUMPTION of alcohol	Offence relating to the DELIVERY of alcohol
Staff (or those working in any capacity with authority to prevent the offence)	Selling alcohol to under-18s or allowing the sale to under-18s		Allowing consumption by under-18s	Delivering or allowing delivery to under-18s
Personal licence holders	Selling alcohol or allowing the sale of alcohol to under-18s		Allowing consumption by under-18s	Delivering or allowing delivery to under-18s
Under -18s	Sale of alcohol by under-18s	Buying or attempting to buy alcohol	Consuming alcohol on licensed premises	
Adults 18 or over		Buying or attempting to buy alcohol for an under-18		Sending an under-18 to obtain alcohol for consumption off the premises



The consequences of selling alcohol to under-18s

An unlimited fine may be imposed by a court upon an adult who commits an offence by selling or allowing the sale of alcohol to an underage person.

The offence of persistently selling alcohol to under-18s

A premises licence holder whose premises are caught selling alcohol to under-18s on two occasions in a consecutive three-month period may receive:

- An unlimited fine; and
- Suspension of the licence for up to 3 months.

As an alternative to prosecution, the premises licence holder may voluntarily close the premises for at least 48 hours to a maximum of 336 hours (14 days).

There is no due-diligence defence in this instance.

The consumption of alcohol on licensed premises by under-18s

Allowing under-18s to drink alcohol on licensed premises is an offence.

There is one exception to this.

Those aged 16 or 17 years old may drink the beer, wine or cider purchased for them by an adult, with a table meal when accompanied at the meal by an adult.



Sending an under-18 to collect alcohol

It is an offence for an adult to send an under-18 to collect alcohol for them.

Under-18s accepting a delivery of alcohol

It is an offence for alcohol to be delivered to an under-18 or to allow this delivery to take place.

There are some situations when, providing an adult placed the order, under-18s may accept delivery of alcohol, including:

- At home; and
- When working on licensed premises, if this is part of their duties.



The sale of alcohol by under-18s

A responsible person commits an offence if they allow alcohol to be sold by an under-18, unless each and every sale is specifically approved by a responsible person on the premises. This does not apply when alcohol is sold for consumption with a table meal in a dining area on premises (or part of the premises) used for the service of table meals.



Responsible person:

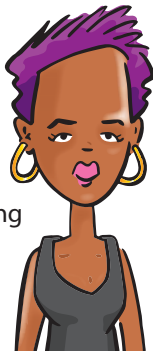
A 'responsible person' able to authorise the sale of alcohol by an under-18-year-old on licensed premises is:

- The designated premises supervisor;
- The premises licence holder; and
- A person aged 18 or over who is authorised by either of the above.

Age verification

Everyone selling alcohol has a legal duty to determine a person's age by requesting and checking proof-of-age documentation before making a sale. Where necessary they may need to refuse the sale.

It is often difficult to quickly and accurately assess a person's age. However, it is important to make eye contact, look carefully at the person's face and look for other clues before deciding whether or not to request proof of age.



Make a note...

Write down some factors you would look for when assessing a person's age.

Requirements for an age verification policy



If it appears they may be under 18 (or under 21 or 25 depending upon the policy), they must be challenged and provide photographic evidence they are at least 18 before any sale of alcohol takes place.

Having a Challenge 21 or 25 policy in place helps premises reduce the risk of underage sales by removing the need for staff to accurately assess whether or not someone is under 18. It may be easier to assess whether or not a person looks under 21 or 25.

Make a note...

What is the age verification policy for your premises?

Figure 4 on page 48 shows the steps to be taken when deciding whether or not to sell alcohol.

Acceptable proof-of-age documents

The following documents are usually acceptable as proof of a person's age. However, there may be others depending on the policy of the premises.

- A valid passport;
- A valid European Union photocard driving licence; or
- A valid photographic identity card bearing the national Proof of Age Standard Scheme (PASS) hologram.



Everyone selling alcohol must be trained regarding when and how to refuse a sale and how to check that proof-of-age documentation is valid and has not been tampered with or borrowed.

Checking proof-of-age documents (ID)

Those selling or serving alcohol must be trained to check documents are valid and acceptable.

They must take the document and examine it carefully on both sides before checking:

- Date of birth indicates the person is 18 or over;
- Photograph is a true likeness of the person requesting alcohol;
- Hologram is present and genuine it has not been forged, altered or tampered with; and
- It is valid, current and has not expired.

If there are any doubts, or there is reason to suspect the document is forged or borrowed, the sale or service of alcohol must be refused.

Borrowed ID

Watch out for young people who have borrowed ID from friends or family. Look carefully at the person and compare them with the photograph.

Ask them for their name, date of birth and star sign and if there is any hesitation the ID may be borrowed.


Proof-of-age schemes

There are many proof-of-age cards but the most reliable are those issued under the Proof of Age Standards Scheme (PASS). This scheme, endorsed by the Home Office, provides young people with a card to prove their age and may help licence holders fulfil their legal obligations when faced with doubts about someone's age.

How do I check proof-of-age documents?

The following shows the design standard for all proof-of-age cards bearing the PASS hologram.

You must take the document and examine it carefully on both sides before checking:



Acceptability
Is it an acceptable form of ID?

Photograph
Is it a true likeness of the person?

Forgery
Is there an indication it may have been forged, altered or tampered with?

Borrowed
Has it been borrowed from friends or family?
Check this by asking their date of birth or star sign.

Issued by
Name or logo of issuing authority

Hologram
A genuine 3D PASS hologram?

Date of birth
Does it show they are aged 18 or over?

Note:
This graphic is intended as a guide only.
The Young Scot card or other PASS cards may look slightly different to the one shown above.

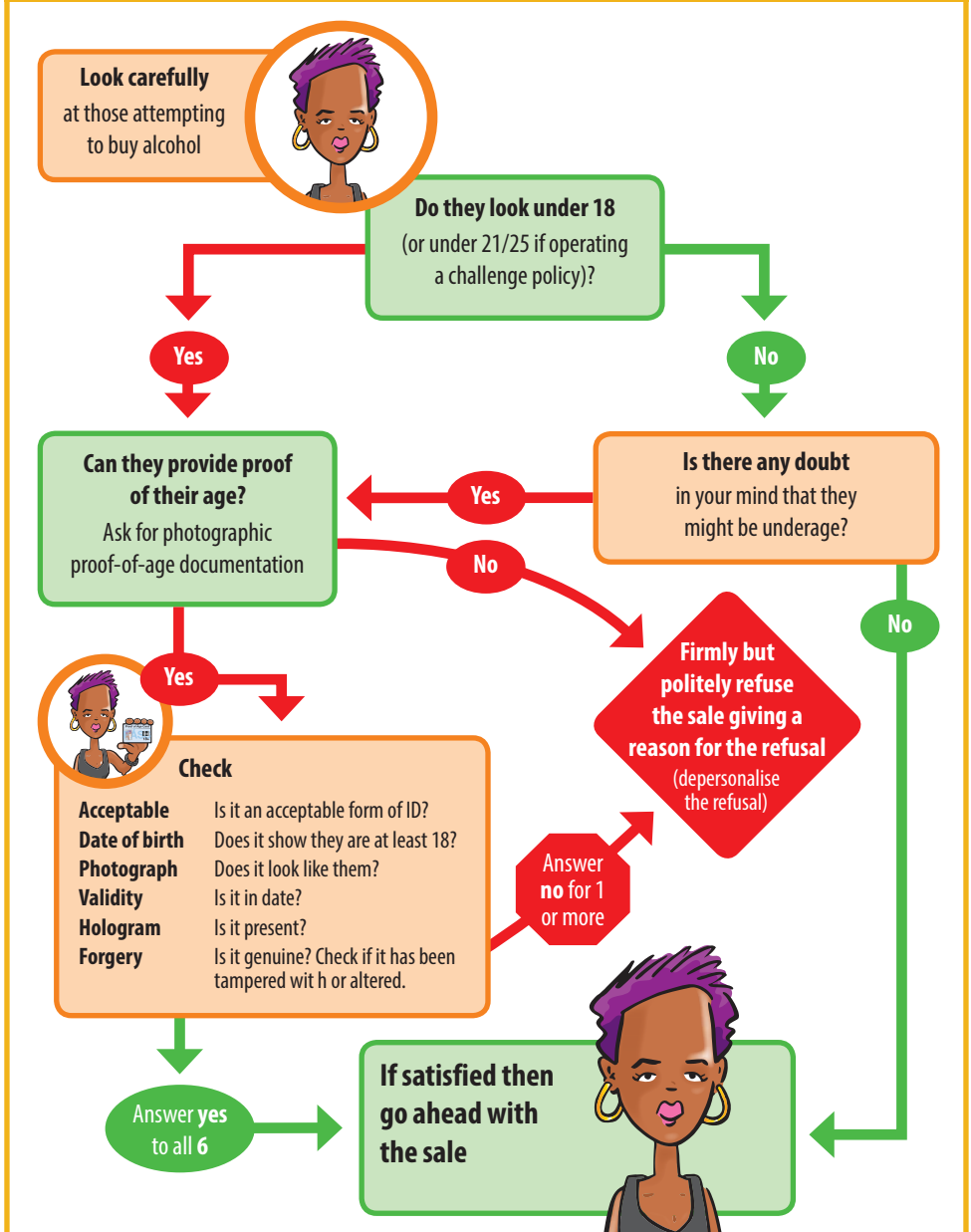
If an acceptable proof-of-age document is not provided or you have any doubts you must always refuse the sale. If you fail to request and check proof-of-age documents resulting in an illegal sale, you may be prosecuted, fined or lose your job.

Other age-restricted products

Tobacco and nicotine-inhaling products	18	Party poppers	16
Videos/DVDs	12, 15, 18	Lighter refills	18
Knives/blades	18	Solvents	18
Fireworks	18	Lottery tickets and scratch cards	16

If there is any doubt about the age of those attempting to purchase these products, they must be asked to provide evidence of their age before a sale takes place.

Figure 4: How to refuse a sale



REMEMBER: LADS

L **LOOK**
Look carefully at all persons attempting to buy alcohol.

A **ASSESS**
Assess their likely age. Do they look under 18 (or under 21/25)?

D **DECIDE**
Decide whether or not to ask for proof-of-age documentation.

S **SURE?**
Make sure they are 18 or over. Is the documentation acceptable?

If there are any doubts about the documentation produced, the sale must be refused.



Test purchasing



Test purchasing:

An attempted purchase of alcohol by a person under 18 carried out as part of an operation by police and weights and measures officers.

Test purchasing checks premises are operating legally regarding age-restricted products.

A failed test purchase may result in:

1. A fixed penalty notice of £90 to the person making the sale.
2. An unlimited fine.
3. A review of the premises licence.
4. An unlimited fine, suspension of the premises licence for up to 3 months or voluntary closure for between 48 and 336 hours where failure is a persistent sale to under-18s.

A fixed penalty notice may be issued by police or trading standards officers to bar staff or staff in off-licences or stores.

Issue of a notice will contribute towards the offence of persistently selling alcohol to under-18s.

An upper tier penalty of £90 may also be issued to a member of staff who sells or attempts to sell alcohol to a person who is drunk.



PASS scheme:

Further details on all PASS accredited schemes:

www.pass-scheme.org.uk



Penalty notices:

Further information regarding fixed penalty notices:

www.gov.uk

Ways to prevent underage sales

- Have a clear policy in place which all staff understand and follow;
- Implement practical procedures to prevent underage sales:
 - Supervise new, inexperienced or 'problem' staff selling alcohol;
 - Record refusals and check details regularly;
- Audit performance against policy using mystery shoppers aged 18 or under.
- Deliver regular training and keep records on:
 - how and when to request ID;
 - acceptable forms of ID;
 - how to check the validity of ID; and
 - how to avoid conflict when refusing service.

It is good practice for licensed premises to keep:

- Records of staff training and refresher training; and
- Refusals books to record refusals and incidents.

Children on licensed premises

Unaccompanied under-16s on licensed premises

The law places some restrictions regarding unaccompanied under-16s being on premises which are used mostly for the consumption of alcohol.

Policy on access by children

The extent to which children may access licensed premises depends upon the type of premises, the activities being offered and its suitability for children.

Premises where adult or other inappropriate activities take place may have conditions attached to the licence regarding access by under-18s.



To protect children from harm it may be necessary for premises to:

- Exclude or restrict access at all times or at certain times;
- Place restrictions on the parts of the premises to which children have access; and
- Have in place certain age or other specific restrictions.

Where children are allowed access to premises, the operating schedule must show the measures to be taken to protect them from harm.

Chapter 4: KEY TASKS

4a Designated Premises Supervisor

You are the designated premises supervisor for one of the premises. Outline the steps you will take to avoid the underage sale of alcohol.

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DAILY NEWS

UNDERAGE SALES SHOCK!

Licensed premises operators had been warned that they would face stiff penalties if they continued selling alcohol to youngsters. So, in a test purchasing operation, local police were shocked when some off-licensed premises failed to request proof of age from 16-year-olds claiming to be 18, who were sold alcohol.

Chief Inspector Smith said 'The message is clear: if you sell alcohol to children or young people under the age of 18 you face a stiff fine and a three-month prison sentence as well as having your licence suspended or revoked.'

4b Which of the following are offences regarding under-18s and alcohol?

- | | Tick |
|---|--------------------------|
| An adult buying alcohol from an off-licence on behalf of a group of under-18s | <input type="checkbox"/> |
| An under-18-year-old accepting a delivery of alcohol as part of their work | <input type="checkbox"/> |
| A 17-year-old serving alcohol to the table in a restaurant | <input type="checkbox"/> |
| A 15-year-old drinking wine with a meal in a restaurant | <input type="checkbox"/> |
| Every sale of alcohol made by an under-18 being specifically authorised | <input type="checkbox"/> |
| Selling liqueur confectionery to a 16-year-old | <input type="checkbox"/> |
| Selling alcohol to a person who looks under 18 without first checking ID | <input type="checkbox"/> |
| Allowing the sale or service of alcohol to an underage person | <input type="checkbox"/> |
| An adult sending a young person to collect alcohol they have purchased over the telephone | <input type="checkbox"/> |
| Displaying a Challenge 25 notice at each service or till point | <input type="checkbox"/> |

Find solutions on page 83

Chapter 5: Powers and enforcement

The police, local authorities, immigration officers and other responsible authorities have certain powers with regards the closure of licensed premises, entry to licensed premises and enforcement of the law.

Closure powers

Closure of licensed premises in an area

Police can apply for the closure of licensed premises in an area where public disorder problems are anticipated.

For example, in an area where a demonstration or sports match is taking place, closure may be necessary to prevent disorder or nuisance.

Closure of individual licensed premises

The power to close premises is in two linked stages:

Stage 1 - the closure notice

Stage 2 - the closure order

Closure notices and closure orders are issued by the police, the local authority and the magistrates' court.

See Closure powers process table on page 54 for information on the closure process.

Closure notices aim to allow the quick closure of premises which are causing or are likely to cause nuisance or disorder.

Both the closure notice and order can cover licensed premises and any land or other place including residential, business or non-business premises.



Illegal working closure notice

In certain situations where immigration officers suspect illegal working is taking place, licensed premises may be issued with a closure notice for up to 48 hours.

Table 2: Closure powers process

Problems caused by premises →	Closure notice up to 48 hours →	Application for closure order →	Closure order for up to 3 months →	Action following a closure order
<p>Nuisance - either has occurred or is likely to occur.</p> <p>Disorder - either has occurred or is likely to occur.</p>	<p>Closure notice by police inspector or local council for up to 24 hours.</p> <p>Closure notice by police superintendent or council Chief Executive up to 48 hours.</p> <p>Cannot prevent access to premises by those living on a premises.</p>	<p>Application to magistrates</p> <p>To be considered within 48 hours of closure notice issue (unless cancelled).</p> <p>Temporary orders - to extend closure notice for further 48 hours or for up to 14 days where hearing adjourned.</p>	<p>Serious nuisance to the public or disorder likely to occur through use of premises.</p> <p>Disorderly, offensive or criminal behaviour on the premises.</p>	<p>Review of the premises licence by the licensing authority within 28 days of closure order.</p> <p>Extended closure for further 3 months (up to a maximum 6 months).</p>

The above table shows a simplified process regarding the closure of premises and is intended for training purposes only.

Premises or persons affected by closure powers must consult a legal adviser.



Offences regarding closure

It is an offence without a reasonable excuse to remain on or enter premises in breach of a closure notice or order. It is an offence to obstruct a police officer or local council employee while they are serving a closure notice, entering or securing the premises.

An appeal against a closure order must be made to the Crown Court within 21 days. There is no right of appeal against a closure notice.

Where licensed premises are closed voluntarily to allow nuisance or disorder problems to be resolved, a review of the premises may not be necessary.

Rights of entry

Entry to premises during the application process

The police, the licensing authority and other responsible authorities have the right to enter premises at any reasonable time to assess a premises licence application or temporary event notice against the licensing objectives.

Entry to investigate licensable activities

The police and authorised persons may enter premises to investigate whether the licensable activities taking place or about to take place are licensed. They may also enter to check whether the activities that are taking place are in accordance with the premises licence and licence conditions.



Authorised persons are:

- An authorised officer of the licensing authority;
- A fire safety inspector;
- A health and safety inspector; and
- An environmental health practitioner of the local authority.



Entry by an Immigration Officer

An immigration officer has the right of entry to licensed premises to investigate breaches of immigration laws including illegal working.

Entry by HM Revenue and Customs

It is an offence to keep smuggled goods on licensed premises.

HM Revenue and Customs officers may enter and search licensed premises and seize any smuggled goods for which duty has not been paid.

If they need to enter at night they must be accompanied by a police officer.

Police powers

Powers to search licensed premises

The police may enter and search licensed premises if they suspect an offence under the Licensing Act 2003 is taking place or is about to take place.

They do not need a search warrant. It is an offence to prevent or obstruct police officers or authorised persons from carrying out their duties.

They may use reasonable force to enter licensed premises and to carry out their duties.



Late-night levy

The late-night levy gives licensing authorities the option to charge operators of premises licensed to sell alcohol late at night an extra fee as a contribution towards the costs of policing the night-time economy.



Make a note...

Visits to premises by police or authorised persons

Write down the procedure to be followed during and following an official visit to your premises.



Chapter 5: KEY TASKS

Answer the following questions:

5a Under which circumstance might a police superintendent apply for a 24-hour closure order for all licensed premises in an area?

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5b What must happen after a closure notice has been issued by the police or local authority for a particular licensed premises?

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5c For which reasons may a court issue premises with a closure order?

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5d What powers do HM Revenue and Customs officers have regarding licensed premises?

.....

.....

5e Under what circumstances can the police or authorised officers enter licensed premises?

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.....

Find solutions on page 84

Chapter 6: Temporary event notices

A temporary event notice (TEN)

Is a notice of the intention to undertake licensable activities on:

- Entirely unlicensed premises; or
- Licensed premises for occasions or activities not already covered by the premises licence, such as a temporary extension to bar opening hours or additional licensable activities.

Premises with a premises licence may have appropriate conditions imposed upon a temporary event notice.

A permitted temporary activity

Is a proposed event involving one or more licensable activities operated within certain limitations. These limitations are:

- The maximum period of time each TEN may last must not exceed 168 hours (7 days);
- The scale of the event in terms of the maximum number of people attending must be less than 500 at any one time (including staff);
- The number of times a temporary event may be given is a maximum of 15 per premises in a calendar year;
- The total number of days in a calendar year during which a TEN may apply is 21 days per premises;
- The minimum period between events at premises and given by the same premises user is 24 hours;
- The number of times a personal licence holder may give a temporary event notice is 50, including 10 late TENs; and
- A non-personal licence holder aged 18 or over may give 5, including 2 late TENs.

If a proposed event exceeds these limits, a premises licence may be required.



Types of TEN

There are two different types, which are:

- **Standard TEN** - must be received by the licensing authority at least 10 working days prior to the scheduled event; and
- **Late TEN** - must be received by the licensing authority no earlier than 9 working days and no later than 5 working days prior to the scheduled event.

Submitting a TEN

Where submitting a notice in writing – the premises user must send two copies to the licensing authority, and one each to the police and environmental health, known as ‘relevant persons’.

Where submitting a notice electronically – the premises user must send the notice to the licensing authority which must then send a copy to both the police and environmental health.

If the proposed event exceeds the limitations, the licensing authority will issue a counter-notice to prevent it taking place.

Notifications for temporary events given by ‘associated persons’ will be counted together.

Associated persons include a spouse or civil partner, a close family member, an agent or employee.

Authorisation of alcohol sales at a temporary event

Sales of alcohol at a temporary event are made or authorised by the premises user.



Premises user:

The premises user is the person who submits the temporary event notice to the licensing authority and under whose authority alcohol sales are made.



Displaying the TEN

The premises user must clearly display the temporary event notice or ensure it is available for inspection at the event. The notice must be produced where requested by a police officer or authorised officer of the licensing authority.

It is a criminal offence not to display or produce the notice when requested, subject to a maximum level 2 penalty on the standard scale of £500.

Presence of the premises user for the duration of the TEN

The premises user will not need to be present at times when licensable activities take place under a TEN. However, the premises user is responsible for operating the event legally and remains liable if certain offences are committed such as allowing disorderly conduct or selling alcohol to under-18s.

Objections to a temporary event

Objections to a TEN must come from a 'relevant person'.

A relevant person is either:

- The chief officer of police for any police area in which the premises are situated; or
- The local authority exercising environmental health functions in an area where the premises are situated.

The grounds for objection must be based upon concerns that the event undermines one or more of the licensing objectives.

Relevant persons have three working days in which to object to a standard or a late TEN. Following an objection to a standard TEN a hearing may be required, unless all parties involved agree it is not necessary.

If an objection is made to a late TEN, a hearing will not take place and a counter-notice must be given at least 24 hours before the event date.

The right to appeal

The premises user and relevant persons may have the right to appeal against the decision of the licensing committee following a hearing.

Where limitations are exceeded

If the limitations for permitted temporary activities are exceeded, such as more than 499 people actually attend the event, the premises user may be prosecuted.





Chapter 6: KEY TASK

Complete the task below:

Complete the statements below by inserting the correct number from the following list:

1

2

5

5

9

10

15

18

21

24

50

168

Use each number only once

A standard temporary event notice must be submitted at least working days prior to the start of the event.

A late temporary event notice must be submitted no earlier than days and no later than working days prior to the start of the event.

The maximum length of time a permitted temporary event may last is hours.

A personal licence holder may submit up to temporary event notices and a non-personal licence holder (aged or above) may submit up to temporary event notices in a calendar year.

There must be at least hours between temporary event notices given by a premises user for the same premises.

Premises are limited to temporary events covering a maximum total of days per calendar year.

Where a temporary event notice is given in writing, the premises user must send copy to each relevant person (police and environmental health) and copies to the licensing authority.

Find solutions on page 85

Chapter 7: Responsibility in alcohol retailing



The strength of alcoholic drinks

The strength of alcoholic drinks is measured as a percentage of alcohol by volume or abv.

DEFINITION **abv:**

The abv is the amount of pure alcohol by volume contained in a drink or product.

The higher the abv the more alcohol it contains.

The abv is expressed on the label as alc. 12% vol. or 12% vol.

This means the drink contains 12% pure alcohol with the remainder being water and flavouring.

Alcohol content of drinks

- Spirits such as whisky, gin or vodka are around 40% abv;
- Wines can vary between 8% abv and 16% abv;
- Beer and lager range from 3% abv to 9% abv; and
- Cider can vary between 3% abv and 8.5% abv.



Those selling alcohol must provide customers with clear and accurate information regarding the alcohol content of drinks and the availability of small measures.

DEFINITION **Alcohol-free:**

The drink, such as alcohol-free wine or lager, must contain no more than 0.05% abv.

The words 'alcohol free' should be stated on the label.

DEFINITION **Low alcohol:**

Low-alcohol drinks have an abv of no more than 1.2% vol.

The words 'low alcohol' should appear on the label.

Units of alcohol

The amount of alcohol in a certain quantity and type of alcoholic drink can be measured according to the number of units it contains.

A unit of alcohol is either 8 grams (g) or 10 millilitres (ml) of alcohol.

Different types and quantities of drinks contain a different number of units of alcohol.

As an approximate guide one unit of alcohol is contained in:

- A half-pint of normal strength (abv 4% vol.) beer, lager or cider;
- A small (125 ml) glass of wine with an abv of 8%;
- A single shot (25 ml) of spirits; and
- An ordinary measure (50 ml) of sherry, port or vermouth with an abv of 20% vol.

Calculating units

To calculate the number of units of alcohol you will need to use the following formula.

Volume of drink (in millilitres) x abv (% volume alcohol) x 0.001 = number of units of alcohol.

It is very easy for a person to consume many more units of alcohol than they intend.

The behavioural and psychological nature of alcohol consumption

Alcohol is an intoxicating and addictive substance which, when consumed, alters the emotional, physical and behavioural state of the consumer.

It will have a range of effects depending upon the individual and the type and amount of alcohol they have consumed.



Intoxicating substance:

An intoxicating substance is one that when consumed results in a loss of self-control.

Effects on behaviour

Drinking alcohol will affect a person's emotional state with the drinker becoming more relaxed and outgoing initially. As consumption increases, the following may be observed:

- loss of inhibitions
- impairment of reasoning and decision-making
- reduced ability to judge situations correctly
- inability to control anger and aggression

The effects of alcohol on the body

The speed at which alcohol enters the bloodstream will be affected by these factors:

- Quantity and strength of alcohol the person has consumed;
- Size of the person;
- Gender of the person; and
- Food the person has eaten.

The amount of alcohol present in the blood is the blood alcohol concentration (BAC) level.

Generally, a person becomes drunk when alcohol enters the body faster than it is eliminated. It takes roughly 1 hour to remove 1 unit of alcohol from the body.

As alcohol consumption increases, a range of physical changes may be observed, including:

- slower reactions
- difficulty with walking and body control
- slurred speech and difficulty with talking
- danger of acute alcohol poisoning, which can be fatal

UK government's sensible drinking advice

Advice for lower-risk drinking

Advice from the UK's chief medical officers warns that drinking any level of alcohol increases the risk of developing serious, long-term illnesses such as heart disease, liver disease, strokes and a range of cancers. The more a person drinks the greater the risk to their health.

The 3 recommendations are:

Regular drinking

- A weekly guideline of up to 14 units per week for both men and women
- Spread the 14 units evenly over 3 days or more
- Have several alcohol-free days each week

Single drinking episodes

- Limit the total amount of alcohol consumed on any single occasion

- Drink more slowly with food and with water
- Avoid risky places and activities and be with people you know



Alcohol and pregnancy

Pregnant women or those trying to become pregnant should not drink alcohol at all as no level of alcohol consumption is safe during pregnancy.

Binge drinking

There is no legal definition but this term is often used to describe the drinking of large amounts on a single occasion sometimes leading to antisocial behaviour.

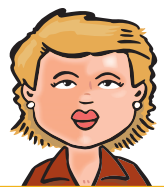
Chronic/harmful drinking

Chronic drinking is the regular consumption of large amounts of alcohol over a period of time often leading to serious health problems such as liver damage and high blood pressure.



Men

Men are advised to drink no more than 14 units of alcohol per week



Women

Women are advised to drink no more than 14 units of alcohol per week

Previous guidelines recommended a different number of units for men and women based on daily amounts.

The rights and legal duties of responsible persons in relation to the operation of licensed premises

It is an offence to knowingly allow disorderly conduct to take place on licensed premises.

The maximum penalty for this offence is a level 3 fine on the standard scale of £1,000.

The premises licence holder, DPS or premises user have a duty to prevent drunken and disorderly behaviour occurring.



A police officer may issue a fixed penalty notice to a member of staff selling alcohol to a drunken person or if convicted the maximum penalty is a level 3 fine of £1,000.

Alcohol must not be sold or served if it could be consumed by a person who is drunk.

Asking a drunk or disorderly person to leave licensed premises

A personal licence holder, a responsible person at the premises or a police officer may ask a person who is drunk or disorderly to leave licensed premises.

It is an offence for that person to re-enter or attempt to re-enter the premises. A police officer may be asked to help with the removal of a drunk or disorderly person.





Irresponsible alcohol promotions

Irresponsible promotions encourage the overconsumption of alcohol and contribute to anti-social behaviour and drunkenness.

It is a mandatory condition that on-licensed premises and club premises do not allow the irresponsible promotion of alcohol.

Examples of irresponsible alcohol promotions

- **Drinking games** such as speed drinking or activities encouraging customers to drink a quantity of alcohol within a time limit, or to drink as much alcohol as possible;
- **Unlimited or unspecified free alcohol or alcohol for a fixed or discounted fee to the public or a group with a risk of undermining the licensing objectives** such as 'all you can drink for £10' promotions, '10 pints for £10' or 'free drinks until 10.00 pm' as part of the entry fee;
- **Offers or incentives for specific groups** such as 'women drink for free' or 'discounts on alcohol for students';
- **Alcohol as a prize** to reward the consumption of alcohol over a period of 24 hours or less such as 'drink 4 pints get the 5th free';
- **Free or discounted alcohol when things happen at sporting events** such as free drinks for customers of the winning team;
- **Promotional signs or posters** advertising alcohol in a way which encourages, condones or glamorises anti-social behaviour or getting drunk; and
- **A person dispensing alcohol directly** into the mouth of another person.



Early Morning Alcohol Restriction Orders (EMROs)

If appropriate for the promotion of the licensing objectives in an area or part of an area, the licensing authority may apply to ban the sale of alcohol for a specific time between 12.00 am and 6.00 am.

Illegal drug activity

The Misuse of Drugs Act 1971 identifies and regulates the production, possession or supply of illegal drugs.

Licensed premises may be targets for drug users and dealers.

Allowing drug activity to take place or 'turning a blind eye' is a serious offence for which licence holders may be prosecuted.



Zero tolerance policy

Having a zero tolerance policy ensures customers and staff are aware that action will be taken if illegal drug activity is discovered.

All those working on licensed premises must be constantly vigilant and take action to prevent illegal drug activity, as failing to do this may lead to an escalation of other criminal activities.

Action where drug activity is suspected

Seek police advice immediately any drug activity is suspected.

Staff should be discouraged from approaching those suspected of drug activity for their own safety.



Drugs:

Further details on drugs can be found at:

www.homeoffice.gov.uk/drugs



Reducing the risk of drug activity

To reduce the risk of illegal drug activity, licensed premises may take some or all of the following steps:

- Provide well-lit areas and good lighting in dark corners or corridors;
- Ensure all tables and customer areas are visible to staff and managers;
- Employ Security Industry Authority (SIA) registered door staff particularly at busy times;
- Refuse service to anyone suspected of being involved in the sale or use of illegal drugs;
- Have well-lit and monitored car parking areas and outside seating areas;
- Create, communicate and enforce a strict zero tolerance policy towards illegal drugs;
- Educate staff on drug awareness - particularly in recognising the signs, types of behaviour and paraphernalia;
- Have a dress code that discourages drug apparel such as marijuana t-shirts;
- Be vigilant and watch out for gangs or groups of people acting in a strange manner;
- Check premises frequently, particularly toilet areas; and
- Check every night after closing for stashed drugs.

Conflict resolution and personal safety

Some licensed premises are more vulnerable to conflict and crime than others.

This may be due to:

- Location of premises (city centre, large housing estate or isolated areas);
- Type, age and gender of customers;
- Opening hours (off-licences open 24 hours); and
- Management skills (experience, skills and continuity of management).

Reducing the threat of conflict

Some strategies to reduce the threat of conflict on licensed premises include:

- Remaining vigilant at all times;
- Staff and managers should constantly monitor customers and all areas of the building looking out for the early warning signs of trouble;
- Getting to know the customers;
- Developing a good relationship with customers will promote mutual respect and confidence;



- Depersonalising refusals. When staff refuse to serve a customer they should be trained to refer to their legal obligations and emphasise it is not a personal issue;
- Encouraging a good social mix of customers. This can be achieved by offering food, soft drinks, tea and coffee or family activities;
- Only running responsible alcohol promotions; Operate promotions that encourage moderate consumption of alcohol;
- Providing an efficient and courteous service for customers; and
- Providing good service will help to avoid frustration and possible aggression against staff.



Smoking on licensed premises

Smoking in virtually all enclosed (or substantially enclosed) public places or workplaces is against the law.

The person who manages or controls the premises has a responsibility to prevent people smoking and may be fined up to £2,500 for failing to do so.

To ensure licensed premises comply with the law they must display no-smoking signs.

Psychoactive substances

Under the Psychoactive Substances Act 2016, it is an offence to produce, supply, offer to supply, export or import substances known as 'legal highs', although it is not illegal to possess these substances. The definition does not include alcohol or tobacco.

Partnerships

A reduction in the harm, nuisance and crime associated with alcohol may be better achieved by police, licence holders and others working together in partnership.

Pubwatch and Shopwatch are partnership schemes, often supported by the police and other authorities, which encourage members to work together to implement strategies in support of the licensing objectives.

Community safety partnerships

Community Safety partnerships have replaced crime and disorder reduction partnerships.

They involve the police, the local council, fire, health and probation services that work together with businesses and the community to address and reduce specific crime and disorder issues in an area. In this way they help to support the licensing objectives.

Local alcohol action areas (LAAAs)

LAAAs are partnership and mentoring schemes that aim to tackle alcohol-related problems in some areas. The schemes have 3 core aims:

- 1) Preventing alcohol-related crime and disorder
- 2) Reducing alcohol-related health harm
- 3) Generating economic growth by creating a vibrant and diverse night-time economy

For further information visit the Home Office website at www.gov.uk.



Chapter 7: KEY TASK

Match up the alcohol by volume percentages with the correct descriptions by drawing an arrow between them: *See example.*



Wines have an **abv** within this range



Cider has an **abv** within this range



Drinks with an **abv** of this (or less) can be sold without a licence



The percentage **abv** of most spirits



Alcohol-free drinks may contain up to this amount



Beers and lagers usually have an **abv** within this range



Drinks with an **abv** of up to this are classed as low-alcohol



Find solutions on page 86

Appendix 1: Glossary

abv	Alcohol by volume, the amount of pure alcohol by volume as a percentage
alcohol	An item of food or drink having more than 0.5% of alcohol by volume
alcohol-free	A drink containing less than 0.05% alcohol by volume
appeal	The right to challenge a decision made by the licensing committee. Must be made to the magistrates' court within 21 days of the licensing committee decision
authorised person	An official with the right to enter licensed premises and investigate licensable activities
basic disclosure	A disclosure of unspent criminal convictions
binge drinking	Consumption of large quantities of alcohol in a short time
Challenge 21 or Challenge 25	Age verification policies requiring staff to request proof-of-age documentation from anyone considered to be under 21 or 25
closure order	An order forcing premises where serious nuisance or disorder is likely to occur to close for up to 3 months
club premises certificate	Issued to a qualifying club where qualifying club activities, such as the supply of alcohol takes place for members and their guests
Community Safety Partnerships	A partnership between police, licensing authorities and other groups to reduce crime and disorder in an area
conditions	Elements of the premises licence which are mandatory and must be followed
conflict resolution	The implementation of strategies to avoid potential conflict situations escalating into violence
convicted	When a person is found guilty of a criminal offence
designated premises supervisor (DPS)	The person in day-to-day control of the premises appointed by the premises licence holder and specified on the premises licence
disorderly conduct	Using threatening, insulting or abusive words as well as behaving in a drunken, violent or disorderly manner

due diligence	A defence against prosecution if all reasonable steps were taken to avoid the offence
foreign offence	An offence similar to a relevant offence but committed outside England or Wales
forfeiture	The loss of or giving up a licence as a penalty for wrongdoing
frivolous representation	An objection considered to be flippant and not particularly serious
hearing	An opportunity for all involved in an objection, review request or contested issue to put forward their case to be considered by the licensing committee
intoxicating substance	A substance such as alcohol which, when consumed, may result in a change in behaviour and loss of self-control
irrelevant representation	An objection not directly relevant to the application
irresponsible promotions	Banned promotions encouraging the overconsumption of alcohol that may contribute to anti-social behaviour and drunkenness
late-night refreshment	Hot food or hot drink sold for consumption on or off the premises between 11.00 pm and 5.00 am
licensable activities	Activities for which a licence is required
Licensing Act 2003	An act of Parliament regulating the sale and supply of alcohol, public entertainment and late-night food premises
licensing authority	The body responsible for issuing licences and carrying out licensing functions in an area
licensing objectives	The four fundamental principles - prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm
licensing policy	A policy published by each licensing authority at least every five years
low-alcohol	A drink containing no more than 1.2% abv
mandatory conditions	Compulsory and must be followed by licensed premises at all times

off-sales	The sale of alcohol for consumption off the premises
on-sales	The sale of alcohol for consumption on the premises
operating schedule	A written document showing how the premises will be operated, the licensable activities that will take place and the opening hours
permitted hours	The hours of business when licensable activities may take place on the premises as stated on the premises licence
personal licence	A licence issued to an individual allowing them to sell or authorise the sale of alcohol in accordance with a premises licence or temporary event notice
Personal licence holder (PLH)	An individual who holds a personal licence
premises licence	A licence issued for premises to allow one or more licensable activities to take place
premises user	The person submitting a temporary event notice to the licensing authority
proof of age	Providing reliable and acceptable documentary evidence of age before alcohol or other age-restricted products are sold
Proof of Age Standards Scheme (PASS)	A standard for proof-of-age card schemes
provisional statement	An official indication that a premises licence may be granted for a building under construction or substantially changed
proxy sales	The purchase or attempted purchase of alcohol by an adult on behalf of an under-18-year-old
pub/shop watch	Schemes operated by licence holders and retailers with support from police to tackle important issues such as crime and disorder
regulated entertainment	Entertainment activities provided for an audience or a private event intended to make a profit for which a licence is required

relevant offence	A criminal offence listed in the Licensing Act 2003
representation	Usually a concern raised on the likely effect of a premises licence application on the licensing objectives
responsible authorities	Public bodies which must be notified of new premises licence applications and variations and may make representations
responsible person	The premises licence holder, DPS or person aged 18 or over authorised by these people, able to authorise alcohol sales by under-18s
retail sale of alcohol	Alcohol sales made directly to a consumer
revoke	The removal of a licence from a person or premises
risk assessment	An assessment of the hazards and risks by identifying problems that may prevent the licensing objectives being met
Security Industry Authority (SIA)	The authority issuing licences for door supervisors
spent convictions	Convictions elapsed under the Rehabilitation of Offenders Act 1974, and are no longer relevant
supply of alcohol	A term often used to mean both the sale of alcohol by retail and the supply of alcohol on club premises
table meal	A meal eaten at a table in a dining area excluding bar snacks
Temporary event notice (TEN)	A notice given to the licensing authority to cover an otherwise unlicensed event involving licensable activities and operated within certain limitations
test purchasing	An attempted purchase of alcohol by an under-18-year-old organised and supervised by the police and weights and measures officers
unauthorised licensable activity	Licensable activities taking place without an appropriate licence or outside licence conditions

unit of alcohol	A unit of alcohol is either 8 grams or 10 ml of alcohol. The units of alcohol in a drink are calculated using volume of the drink (millilitres) x abv x 0.001
unspent convictions	Convictions not spent and still appearing on a criminal record
variation	An application to change an existing premises licence
vexatious representation	A representation based upon business rivalry
wholesale or trade sales	When alcohol is sold or supplied from one business to another and is not a licensable activity

Appendix 2: Useful websites for further information

Home Office

The government department responsible for alcohol licensing and illegal drug policy

www.homeoffice.gov.uk/drugs/alcohol

Department for Culture, Media and Sport

The government department responsible for developing entertainment licensing

www.culture.gov.uk

Portman Group

The organisation works with alcohol producers to raise standards of alcohol marketing

www.portmangroup.org.uk

Drinkaware

The organisation provides facts about alcohol and alcohol advice

www.drinkaware.co.uk

Basic disclosure applications

There are a number of online sites providing basic disclosures for personal licence applications, including:

www.mygov.scot/basic-disclosure/apply-for-basic-disclosure

British Beer and Pub Association (BBPA)

An association aiming to promote the reputation of the UK beer and public house sector

www.beerandpub.com

British Retail Consortium (BRC)

The trade association representing large and small retailers

www.brc.org.uk

Association of Convenience Stores (ACS)

The association represents and supports more than 33,500 local retailers

www.acs.org.uk

British Hospitality Association (BHA)

This is the trade organisation for UK hotels, caterers and restaurants

www.bha.org.uk

Highfield Products Limited

A one-stop shop for all licensing training resources including staff training workbooks

www.highfieldproducts.com

Highfield Qualifications

Awarding body for the Level 2 Award for Personal Licence Holders qualification

www.highfieldqualifications.com



Chapter 1: KEY TASKS SOLUTIONS

1a Identify which activities are licensable and which are not licensable (tick):

	Not licensable?	Licensable?
● A wholesaler supplying alcohol to the retailer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Off-licence sales of alcohol to a consumer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● Morris dancing in the street	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Live amplified music taking place on licensed premises after 11.00 pm	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● A van selling burgers after 11.00 pm at night	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● The sale of alcohol on board a train	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1b Identify the licensing objectives:

	Tick
● The health and hygiene of customers	<input type="checkbox"/>
● The prevention of public nuisance	<input checked="" type="checkbox"/>
● Public security	<input type="checkbox"/>
● The protection of vulnerable adults	<input type="checkbox"/>
● The prevention of crime and disorder	<input checked="" type="checkbox"/>
● The protection of children from harm	<input checked="" type="checkbox"/>

1c Which licensing objective is missing from the above list?

P	U	B	L	I	C	Fill in the missing letters
S	A	F	E	T	Y	

1d Identify which of the following are roles, functions or responsibilities of a licensing authority:

	Yes	No
● Publish a statement of licensing policy every 5 years	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Operate all licensed premises in an area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● Deal with the administration of the licensing system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Issue premises and personal licences	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Establish a licensing committee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Issue closure orders for licensed premises	<input type="checkbox"/>	<input checked="" type="checkbox"/>
● Make representations on a new premises licence application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
● Object to personal licence applications from unsuitable applicants	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Chapter 3: KEY TASKS SOLUTIONS

Complete the tasks below:

3a Complete the mandatory conditions for alcohol licensed premises by filling in the missing words:

There must be a **DPS** appointed.

Alcohol sales must be made or **authorised** by a personal licence holder.

Premises must have an age **verification** policy in place.

No below **cost** sales of alcohol.

Door supervisors (where a condition of the licence) must be **licensed**.

No **irresponsible** alcohol promotions.

Free potable **water**.

Awareness and display of **small** measures.

Choose from these words:

cost

DPS

authorised

verification

small

licensed

water

irresponsible

3b Residents living close to a public house have requested the review of the premises licence due to noisy, drunken customers leaving the pub between 11.00 pm and 1.00 am. What are the possible outcomes of the review hearing?

- Reducing the opening hours and times when alcohol can be sold on the premises;
- Suspending the premises licence for up to three months;
- Removing the designated premises supervisor; and
- Adding further conditions to the licence to achieve the licensing objectives.



Chapter 4: KEY TASKS

4a Designated Premises Supervisor

You are the designated premises supervisor for one of the premises, outline the steps you will take to avoid the underage sale of alcohol.

- Implement an age verification policy such as Challenge 21 or Challenge 25 and display relevant posters to inform customers;
- Undertake ongoing training for all staff selling alcohol which focuses on assessing age, checking proof-of-age documentation they can accept and ways to refuse a sale;
- Improve management and staff vigilance;
- Increase staffing levels at traditionally busy and after school times;
- Join a local Shop Watch or Pubwatch group to get further support and help from others; and
- Establish a refusals book for staff to record occasions when a request for alcohol is refused.

DAILY NEWS

UNDERAGE SALES SHOCK!

Licensed premises operators had been warned that they would face stiff penalties if they continued selling alcohol to youngsters. So, in a test purchasing operation, local police were shocked when some off-licensed premises failed to request proof of age from 16-year-olds claiming to be 18, who were sold alcohol.

Chief Inspector Smith said 'The message is clear: if you sell alcohol to children or young people under the age of 18 you face a stiff fine and a three-month prison sentence as well as having your licence suspended or revoked'.

4b Which of the following are offences regarding under-18s and alcohol?

- | | Tick |
|---|-------------------------------------|
| An adult buying alcohol from an off-licence on behalf of a group of under-18s | <input checked="" type="checkbox"/> |
| An under-18-year-old accepting a delivery of alcohol as part of their work | <input type="checkbox"/> |
| A 17-year-old serving alcohol to the table in a restaurant | <input type="checkbox"/> |
| A 15-year-old drinking wine with a meal in a restaurant | <input checked="" type="checkbox"/> |
| Every sale of alcohol made by an under-18 being specifically authorised | <input type="checkbox"/> |
| Selling liqueur confectionery to a 16-year-old | <input type="checkbox"/> |
| Selling alcohol to a person who looks under 18 without first checking ID | <input checked="" type="checkbox"/> |
| Allowing the sale or service of alcohol to an underage person | <input checked="" type="checkbox"/> |
| An adult sending a young person to collect alcohol they have purchased over the telephone | <input checked="" type="checkbox"/> |
| Displaying a Challenge 25 notice at each service or till point | <input type="checkbox"/> |



Chapter 5: KEY TASKS SOLUTIONS

Answer the following questions:

5a Under which circumstance might a police superintendent apply for a 24-hour closure order for all licensed premises in an area?

If it is necessary to prevent imminent disorder or nuisance taking place in an area.

5b What must happen after a closure notice has been issued by the police or local authority for a particular licensed premises?

The premises must close immediately. The police or local council must make an application to the magistrates' court for a closure order, unless the closure notice is cancelled. Magistrates must consider the application within 48 hours.

5c For which reasons may a court issue premises with a closure order?

If the court is satisfied there has been or is likely to be disorderly, offensive or criminal behaviour on the premises; use of the premises has or is likely to result in public nuisance; or there has or is likely to be, disorder near the premises.

5d What powers do HM Revenue and Customs officers have regarding licensed premises?

They may enter, search for and remove smuggled goods for which duty has not been paid.

5e Under what circumstances can the police or authorised officers enter licensed premises?

At any reasonable time to assess a premises licence application.
At any time to investigate licensable activities.

Chapter 6: KEY TASK SOLUTION



Complete the task below:

6a: Complete the statements below by inserting the correct number from the following list:

1

2

5

5

9

10

15

18

21

24

50

168

Use each number only once

A standard temporary event notice must be submitted at least **10** working days prior to the start of the event.

A late temporary event notice must be submitted no earlier than **9** days and no later than **5** working days prior to the start of the event.

The maximum length of time a permitted temporary event may last is **168** hours.

A personal licence holder may submit up to **50** temporary event notices and a non-personal licence holder (aged **18** or above) may submit up to **5** temporary event notices in a calendar year.

There must be at least **24** hours between temporary event notices given by a premises user for the same premises.

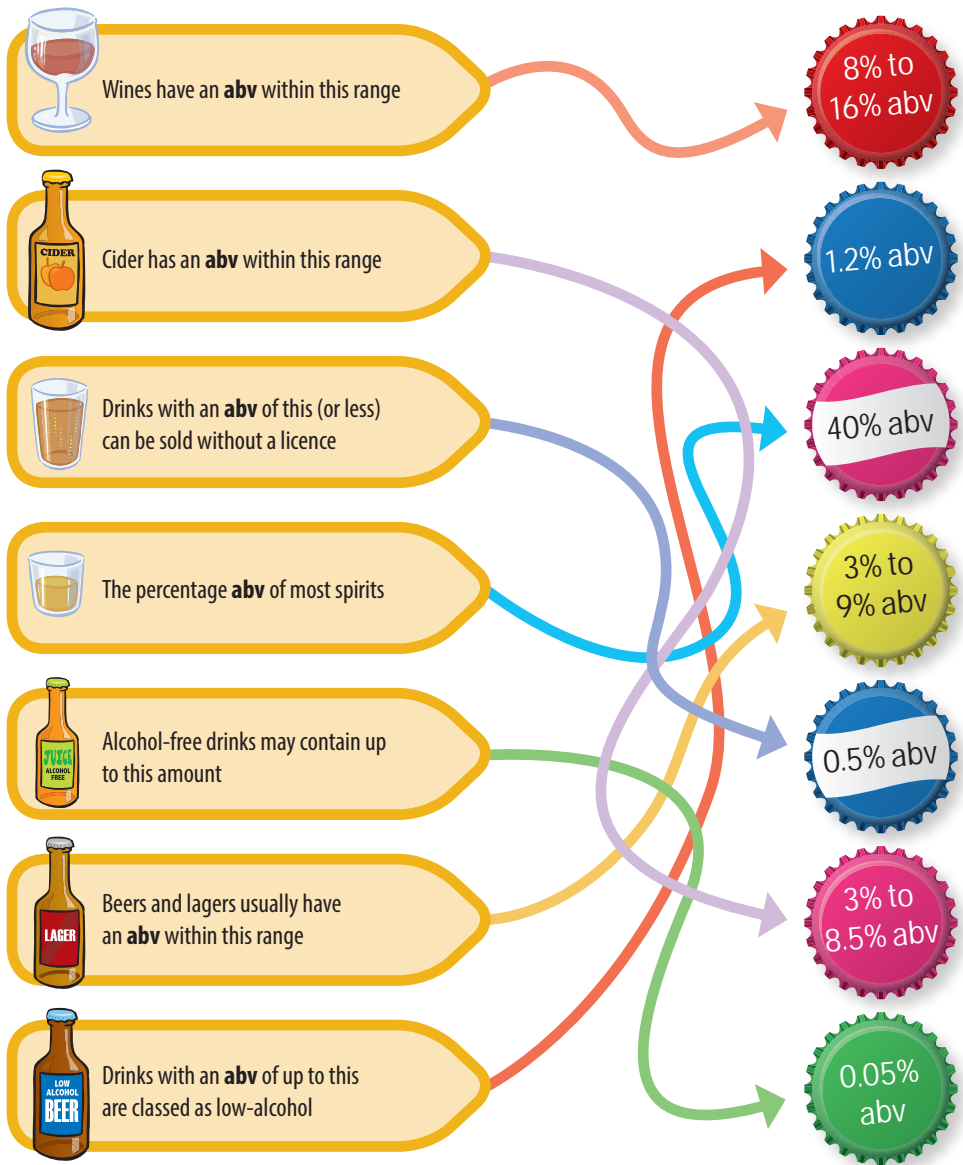
Premises are limited to **15** temporary events covering a maximum total of **21** days per calendar year.

Where a temporary event notice is given in writing, the premises user must send **1** copy to each relevant person (police and environmental health) and **2** copies to the licensing authority.



Chapter 7: KEY TASK SOLUTION

Match up the alcohol by volume percentages with the correct descriptions by drawing an arrow between them: *See example.*





How to refuse a sale

