



Licensing (Scotland) Act 2005

On Sales Guide

For

Licence Holders and

Designated Premises Managers

This Information pack has been developed by the Licensing Standards Officer and Licensing Team of East Lothian Council and to assist premises licence holders, Designated Premises Managers (DPMs) and their staff in running their premises in compliance with the 2005 Act.

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Licensing (Scotland) Act 2005

Licensing Standards Information Pack for Licence Holders

1. Introduction

The Licensing (Scotland) Act 2005 ('the 2005 Act') regulates the sale of alcohol in Scotland and is built around the five Licensing Objectives, which all licensed premises are expected to uphold:

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm

The operation of any retail business is challenging and means a lot of hard work for everyone involved. While all commercial operations must comply with a wide variety of regulation, it is essential that anyone involved in the sale of alcohol understands all aspects of the legislation which applies to that type of business. It is a commercial activity where there is a lot of responsibility placed on all staff involved to ensure that the law is complied with to the highest possible standards at all times.

Failure to comply fully with the legislation and/or with the terms of your Licence can have a serious impact on your business.

This guide is intended to give you the basic information in relation to the legislation which affects the sale of alcohol from an on- sales premises. It is not the purpose of this document to provide legal opinion. Should you require this for any aspect of the operation of your business then you should consult with a solicitor with specialised knowledge of this subject.

This Pack and Internet Access

There is a presumption that those reading this pack will have access to the internet and links are provided where appropriate to the East Lothian Council website and other sites including guidance and legislation. If you have received this pack by email then click on the relevant quick links for access at the end of this document.

The Licensing (Scotland) Act 2005 can be accessed via

(<http://www.legislation.gov.uk/asp/2005/16/contents>)

2. Licensing Board Policy

The East Lothian Licensing Board oversees the alcohol licensing regime in granting licences and taking action where necessary to ensure compliance.

The 2005 Act requires that each Licensing Board publish a statement of its policy in relation to alcohol licensing in its area. The policy document is now linked to the Council Election Periods. It is important that all licence holders, staff and others who have an interest in alcohol licensing, take time to read this document, which can be found on the East Lothian Council website

https://www.eastlothian.gov.uk/downloads/download/12780/east_lothian_licensing_board

3. The Sale and Provision of Alcohol

It is essential that, as someone involved in the sale or provision of alcohol, you understand the responsibility you have both to individual customers and to the wider community to ensure that you operate in a manner which achieves the highest possible standards of compliance with the law.

To do this involves a lot of hard work over and above that normally undertaken by most licence holders and staff but it is worth it to ensure that you can demonstrate that you are taking the business of selling alcohol seriously.

It can be difficult when there are a lot of changes to the legislation which applies to you as an individual or your business. If you are uncertain, please contact:

Licensing Standards Officer
Karen Harling
kharling1@eastlothian.gov.uk
01620 872478
07774432158

Please leave your name, number and a message for a call back.

4. The Role of the Regulators

Your premise can be visited at any time by the following persons who have a legal right of access to undertake inspections. Whilst these officers will always seek to work with you to ensure that your business is operating successfully, they also have significant legal powers and will take formal action where appropriate should you be found to be breaking the law.

A summary of some of the basic matters which will be checked by any of the officers mentioned below during inspections. There is also a single sheet version of this checklist at the back of the booklet at **Appendix 1**.

Licensing Standards Officers (LSO's)

The Licensing (Scotland) Act 2005 introduced the role of the Licensing Standards Officer (LSO) who are authorised under the Act and are appointed by East Lothian Council and have the following functions:

- Undertake inspections of premises to ensure that you are complying with the terms of your licence and any associated conditions – this includes checking training records, promotions, signage etc.
- Provide you with information and guidance
- Investigate complaints
- Provide mediation to resolve any disagreements or disputes
- Take formal action should there be continued or serious non-compliance.

Police Officers

Police Officers can visit your premises at any time for many of the same reasons as Licensing Standards Officer's. Indeed you may be visited jointly by officers from both organisations. The Police have different powers to those held by Licensing Standards Officers. A person who intentionally obstructs a Police Officer from entering a premises is committing an offence.

Environmental Health Officers

These officers are also appointed by East Lothian Council and have the following functions:

- They comment on new or provisional premises licence applications made in terms of the Licensing (Scotland) Act 2005. Comments would relate to food safety
- They will investigate complaints about food safety, health and safety and public health matters, including noise complaints
- They provide information and guidance, however should there be a serious or continued non-compliance then formal action may be taken

5. The Premises Licence and Statutory Notices

To sell alcohol to the public the premises used for such sales must be licensed. This section provides information on the premises licence and statutory notices required to be displayed on the licensed premises.

Premises Licence

To sell alcohol to the public there must be a premises licence in place. The premises licence, or a certified copy of it (not a photocopy)¹ must be kept at the premises under the control of the licence holder or the premises manager. It is worth noting that each licence has its own individual conditions.

The premises licence comprises –

- The licence
- The operating plan - this details how individual premises intend to operate
- The layout plan - this sets out where alcohol is to be sold and the general layout of the premises

Summary Premises Licence

The summary premises licence, or a certified copy of it (not a photocopy)¹ must be prominently displayed so as to be capable of being read by anyone frequenting the premises. Each page must be able to be viewed separately therefore it is best not to laminate or frame this part of your licence.

The summary premises licence comprises-

- The summary licence
- The premises licence conditions

It is an offence

- If your licence or a certified copy of it isn't kept on your premises and available for inspection
- If you fail to have the summary of your licence or a certified copy prominently displayed on the premises in a location visible to anyone frequenting the premises.

¹Section 55 of the 2005 Act provides that a certified copy of the premises licence is a copy that has been certified as true by; the Licensing Board; or Solicitor; or notary public. This does not mean a standard photocopy. The certified copy will be clearly marked as such. Should an amendment to these documents be required, then a variation of premises licence application must be made to the Licensing Board.

Statutory Notice

A notice in terms of Section 110 of the 2005 Act (at least A4 size) must be displayed at all times at each place on the premises where sales of alcohol are made; and in a position where it is readily visible to any person seeking to buy alcohol. A copy of this notice is attached in **Appendix 2**

6. The Personal Licence-holder/DPM

Personal Licence

The 2005 Act introduced the personal licence which is a portable licence granted to an individual enabling him or her to sell alcohol at a premises licensed for the sale of alcohol. A personal licence has a term of ten years and must be renewed by the issuing Licensing Board prior to the tenth anniversary of issue.

Please note that any holder of a personal licence must undergo refresher training within 5 years. It is extremely important that you formally notify the relevant Licensing Board which issued your licence of any changes to your personal circumstances within the relevant timescales. This includes completion of your refresher training, changes to your address and any relevant convictions. You will receive direct communication from the Licensing Board about some of these matters but the onus is on you to make contact at other times. For further guidance please contact the licensing team – licensing@eastlothian.gov.uk

Designated Premises Manager (DPM)

Alcohol is not to be sold on any premises where there is no premises manager in place. Each premises manager must be the holder of a valid personal licence and can only be manager for one premise at a time. There is no requirement for the premises manager to be present on the premises at all times. However, all sales of alcohol must be authorised by them whether generally or specifically.

If a DPM changes or leaves, then the premises licence holder must advise the Licensing Board of this in writing within **seven days**. Once this notification has been made, the premises licence holder has a **six week** period to get a new DPM in place and notify the board that this has happened. If no notification is received within the seven day period the 6 week period will not apply and all sales of alcohol must cease.

7. Staff Training

All staff must complete the 2 hours mandatory staff training completed by either a personal licence holder or suitably qualified trainer. **Staff are not permitted to serve alcohol until this training is complete.**

Training Records

There must be training records for all staff involved in the sale of alcohol on the premises.

These records must be available for inspection on the premises at all times. They should be dated and signed by both the member of staff and the personal licence holder who conducted the training. An example of a staff training record can be found in **Appendix 3**.

8. Alcohol Promotions

The Alcohol etc. (Scotland) Act 2010 was introduced on the 1st October 2011 and retailers must comply with all of the requirements relevant to the type of business they are operating.

The Alcohol Etc. (Scotland) Act 2010 can be accessed via:-

<http://www.legislation.gov.uk/asp/2010/18/contents/enacted>

A drinks promotion is irresponsible if it:

- Relates specifically to an alcoholic drink likely to appeal to a child or young person
- Involves the supply of an alcoholic drink free of charge, or at a reduced price on the purchase of one or more drinks (e.g. buy one get one free)

- Involves the supply free of charge or at a reduced price of one or more measures of an alcoholic drink on the purchase of one or more measures of an alcoholic drink (e.g. a double for the price of a single)
- Involves the supply of an unlimited amount of alcohol for a fixed charge, including any charge for entry to the premises (e.g. £10 entry in return for free drinks all night)
- Encourages or seeks to reward a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume
- Is based on the strength of any alcohol
- Rewards or encourages, or seeks to reward or encourage rapid consumption of alcohol
- Offers alcohol as a reward or prize, unless the alcohol is in a sealed container, and is for consumption off the premises.

9. Security / CCTV

Anyone who operates premises where alcohol is sold will, at some point, encounter difficult customers particularly when staff refuse to sell them any or more alcohol. It is essential that management have a risk assessment in place in relation to these matters and that all staff are aware of what action they must take in any given circumstances.

For certain premises it may be a condition of the licence to have a CCTV system installed and in operation, to the satisfaction of the Chief Constable, for example; any premises opening after 1am.

Throughout the licensed hours a member of staff, fully trained in the operation of the CCTV, should be present on the premises.

It would however be recommended that it is best practice for all on sales premises to have fully functioning CCTV or security camera system.

10. Age Verification Policy

The Alcohol Etc. (Scotland) Act 2010 introduced a new mandatory condition for all premises licences and occasional licences requiring an age verification policy on the premises in relation to the sale of alcohol. The law has set a minimum age of twenty five years for the policy where it appears to the person selling the alcohol that the customer may be under the age of twenty five years.

As a result of this change in the law, customers in any premises in Scotland licensed for the sale of alcohol, including pubs, clubs, restaurants, supermarkets and convenience stores may be asked to produce identification where they appear under the age of twenty five to prove that they are over the age of eighteen and can lawfully purchase alcohol.

The www.challenge25.org website provides information about the law and what you should do to make sure you comply, and provides a specimen Age Verification Policy. A specimen policy document is also produced at **Appendix 4**. This website also provides posters for display on the premises.

The Premises Licence Holder operates an 'Age Verification Policy', the terms of which require production of an acceptable proof-of-age document if you are in any doubt as to whether a person seeking to buy alcohol is less than twenty-five years of age.

Only the following documents are acceptable for proof-of-age purposes. *(Delete any of the forms of identification below which are NOT to be accepted as part of your company's 'Age Verification Policy')*

- **Passport**
- **European Union photo-card driving licence**
- **Ministry of Defence Form 90 (Defence Identity Card)**
- **Photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram**
- **A national identity card issued by a European Union member state (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland, or**
- **Biometric Immigration Document**

Members of staff should always ask for any form of proof of age to be handed to them for closer examination. If any person declines to do so, they should be refused service and asked to leave. Details of the incident should be recorded in the refusal log book.

If no such document is produced or if you have a suspicion that the document presented is not genuine, or has been tampered with or has been altered, then you must refuse that sale or refuse to authorise the sale, and consideration should be given to seizing such a document and reporting the matter to Police Scotland.

11. Alcohol Authorisation

The 2005 Act requires that every sale of alcohol is authorised either generally or specifically by the premises manager or another person who holds a personal licence. To ensure that the authorisation can be evidenced, it is recommended that the authorisation is made in writing. This is what is expected in East Lothian. A written authorisation should contain the following elements.

- The person(s) authorised to sell alcohol at any particular premises should be clearly identified.
- The authorisation should specify the acts which may be carried out by the person being authorised.
- There should be an overt act of authorisation, for example, a specific written statement given to the individual being authorised.
- There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

A specimen template for written authorisation is attached at **Appendix 5**.

12. Children & Young Persons

If you have indicated in your operating plan that children and young persons will be allowed access to your premises, you must consider the following:

- a) Terms of access
- b) Ages;
- c) Times;
- d) Parts;
- e) Underage policy – ensuring a common approach that staff are aware of and adhere to;
- f) Young children access – is the atmosphere conducive (e.g access to pool tables; darts; and gaming machine, etc.);
- g) Baby Changing Facilities

On sales premises which admit children under 5 years are required to provide baby changing facilities (2005 Act, Schedule 3). Members clubs are exempt from this condition.

It is a statutory requirement that a notice is to be displayed within the premises detailing children access including the terms, ages, times and parts of the premises. An example notice can be found in **Appendix 6**.

13. Sale of Alcohol to Intoxicated Persons

Members of staff should be instructed not to serve customers who are, or appear to be, intoxicated, under any circumstances. Staff should be advised that, where doubt exists, to seek the advice of a manager.

Members of staff should consider some, or all, of the following symptoms when considering whether a person is intoxicated:

- Noisy, loud inappropriate comments
- Annoying other customers and employees
- Aggressive and loud behaviour
- Inappropriate sexual advances
- Rambling conversation, loss of train of thought
- Degree of confusion, lack of understanding and difficulty in responding
- Change in drinking patterns
- Becoming agitated or argumentative
- Becoming careless with money, buying drinks for strangers
- Knocking over drinks
- Slurred speech
- Smell strongly of alcohol
- Excessive profanity
- Sleepy or falling asleep
- Unable to stand or sit upright
- Unconscious

If a customer who is, or appears to be drunk, asks for an alcoholic drink, staff should consider offering a soft drink or a glass of water as an alternative. If that is refused, the person should be refused service and asked to leave. Details of the refusal should be recorded in the refusal log book and incident log book. Should the person be judged to be vulnerable due to their level of intoxication, then the premises Duty of Care Policy should be utilised. Details regarding this can be found below.

If a member of staff has reason to believe that someone is attempting to purchase alcohol for, or on behalf of a person, who appears to be drunk, they should be refused service. If the behaviour of any person gives members of staff reason to believe that by refusing service they may endanger the safety of staff or customers, then the Police should be called prior to that person being asked to leave.

All refusals or ejections from the premises should be recorded in the relevant log book.

14. Duty of Care Policy

Each and every establishment has a duty of care to their customers and their staff. On some occasions you will find that you also have a duty of care to members of the public not necessarily associated with your premises.

People who frequent licenced premises are there to enjoy themselves in a safe and friendly environment. There is an expectancy that they will be looked after by the staff and the stewards, extending to how they are looked after upon leaving the premises.

There is an expectancy for premises to take all reasonable care in carrying out their work in order to ensure that appropriate standards of care are met.

The factors to be considered in situations of potential harm are:

- The risk and likelihood of injury/harm occurring
- The nature of injury/harm that could occur
- Precautions that could be taken to minimise the risk of injury/harm occurring.

Avoiding harm or injury involves:

- Determining when harm or injury is foreseeable
- Taking account of the seriousness of the potential harm or injury
- Assessing risks from the perspective of others
- Recognising when people are at risk of injury from others
- Safeguarding others from harm or injury.

If you feel that someone within the premises is overly intoxicated, then inform them of such and refuse them service.

It is advised that the following steps are undertaken:

- Offer them a glass of water, or non-alcoholic drink
- Establish if they are with friends, and if so ensure that they are reunited with them
- When necessary; phone a member of their family/friend to come and collect them
- If none of these are an option then **contact the Police**.

Whilst it is not feasible to continually observe patrons after they have exited the premises, staff have a duty to ensure that those exhibiting signs of intoxication/vulnerability upon leaving are kept safe.

Questions to consider are:

- Establish if they are with friends, and if so ensure that they are reunited with them
- Are you concerned about the taxi they are entering, is it licenced? If concerned consider taking details of taxi number, vehicle and driver, and **immediately contact Police**
- Is there someone paying unwanted attention to them? Particularly that of lone females.

15. Stewarding Policy

If the licence or operating plan states that door supervisors will be used on the premises at certain times then that must be observed. Not to do so would be a breach of the licence condition, that could lead to prosecution and/or a review of the licence.

It is the responsibility of the licence holder to ensure that all door stewards are licensed by the Security Industry Authority (SIA), even if covering on a temporary basis.

Door stewards should be made aware they do not have any powers to insist on searching another person. Door Supervisors have no power to search without the consent of the person who is to be searched. However, where it is a **condition of entry** then it is up to patrons to decide whether or not to submit to a search. Signage should be clearly displayed.

The following should be adhered to when utilising SIA licensed door stewards:

- Stewards should be briefed/debriefed at the beginning/end of each shift and details taken of their SIA accreditation. Premises management should also undertake checks on the SIA website to ensure that stewards hold a valid licence - <https://www.sia.homeoffice.gov.uk>

- Where it is the policy of the management to search patrons prior to entry, a large notice to that effect should be placed in a prominent position at the entrance, or immediately inside the premises, where it can be seen by patrons before they approach the area where the searches will take place.
- Searches should only be conducted with the customers consent, as a condition of entry. Any customer refusing to consent to a search should be refused entry to the premises.
- Door stewards must only search patrons of the same sex. In no circumstances should a strip search be performed by a door steward.
- If a door steward suspects that a patron is carrying drugs or a weapon they should request that the item in question be produced. If the person fails to produce the item the door steward should refuse entry. Such items should not be returned to the owner, and the Police should be informed immediately, and arrangements made for them to be handed over to the Police within 24 hours where possible. Details of this should be recorded in the incident log book.
- Persons who have left the premises, for whatever reason, and have returned, should be liable to the same search criteria as if they were entering the premises for the first time. This should be made clear to patrons by way of signage
- It should be ensured that stewards are easily identifiable at all times by prominently displaying their SIA badge.

16. Smoking in licensed premises

Licensed premises in Scotland should operate under the Smoking Health and Social Care (Scotland) Act 2005. Smoking is no longer allowed in any wholly or substantially enclosed public place in Scotland. This includes bars, and all types of clubs, cafes and restaurants. It also includes all members' clubs.

- Proprietors who allow this to happen will be liable to a fixed penalty fine of £200.
- Individuals may be fined a fixed penalty of £50 for smoking in non-smoking premises.
- Refusal to pay or failure to pay the fine may result in prosecution and a fine of up to £2,500.

The law is enforced by specially trained environmental health officers, who have been authorised by their local authority to carry out this work.

These authorised personnel will have the power to enter no-smoking premises to carry out a pre-arranged or unannounced inspection to determine whether the law is being upheld.

Proprietors should have a policy covering no-smoking and staff should be trained accordingly. You have a duty not to allow smoking; however this should be done tactfully, so as not to provoke any conflict.

If someone is breaking the law, the Scottish Government states that you should:

- Advise them that smoking is prohibited by law and politely ask them to stop smoking
- Draw their attention to the 'No-Smoking' signs
- Advise them of any place where smoking is permitted, such as beer gardens or shelters
- Refuse service to anyone who continues to smoke and ask them to leave

If a customer refuses to leave, follow usual procedures for dealing with anti-social behaviour, including maintaining records of such incidents and outcomes.

Premises are required by law to display 'No-Smoking' signs in premises affected by the ban, so that they are highly visible to people in the premises and approaching the premises.

- Display as many notices as required to ensure all patrons approaching, entering and remaining on the premises are in no doubt that smoking is not permitted there
- 'No-smoking' signs should also be placed in the toilets.

The signs must be prominently displayed and protected from tampering or damage, removal or concealment.

* The use of electronic cigarettes, on the premises, is at the discretion of the proprietor.

17. Drugs

All premises should operate a policy of zero tolerance with regards to drugs use/supply on premises, and admission should be refused to anyone suspected of being under the influence of drugs.

The confiscation or discovery of all drugs must be witnessed, logged in the incident log book and the drugs handed to the most senior member of management, who will secure them in a secure designated place such as a drug safe or lockable filing cabinet. Police should be contacted as soon as possible.

Drugs should never be taken off the premises by staff, even if they are requested to do so by a Police Officer, or with the intention of delivering them directly to a Police station.

Members of staff should consider some, or all, of the following symptoms when considering whether a person is displaying signs of drugs misuse:

- Dilated pupils. Pupils appear very large and almost hide the eye colour
- Pinpoint pupils which may indicate the use of heroin or other banned substances
- White marks/traces of powder around the nostrils
- Appearing intoxicated but without the characteristic smell of alcohol
- Marked alteration in behaviour following a trip to the toilet

18. Dealing with Disorder and Violence

Most licensed premises are peaceful places and many staff never have to deal with anything worse than a drunk or a closing-time scuffle.

Violence comes in many forms and may be directed against the licence holder, the staff, and the fabric of the premises or against other customers or residents.

Members of staff should only intervene to prevent the escalation of physical disorder if they believe doing so will not put themselves, other members of staff or customers at risk of injury. If the behaviour or attitude of any person gives staff reason to believe that any further verbal intervention with that person, or requests for that person to leave, may increase the likelihood of that person being physically violent towards staff or customers, then the Police should be called prior to that person being asked to leave.

In instances of physical violence occurring inside the premises, members of staff **must always** contact the Police.

Customers should be advised that if their behaviour is judged to be having an adverse effect on others, they must desist or they will be asked to leave.

Remember by placing hands on a person, the staff member/steward leaves themselves open to an allegation of assault.

19. Crime Scene Management

Should an incident occur within a premises, and there is a crime scene, then the management on duty should ensure that the staff are aware of the correct procedure. **No crime scene should be cleared up by a member of staff.**

Should an incident occur, the main advice to the premises would be to call the Police immediately. There is **no black mark** against any premises who contact the Police to report such incidents. However, failure to report incidents, to the Police, may ultimately result in the revocation of the Premises Licence.

20. Noise and Dispersal

At the end of the licensed hours, premises should make sure that their patrons leave quickly, quietly and safely. Noise notices should be displayed at exits, and smoking areas, reminding patrons to keep noise to a minimum when they are leaving, particularly if they are within a residential area.

Consideration should be given to raising the lighting level and reducing the music volume shortly before closing time, to allow customers some notice as to the end of the night, encouraging them to start to think about leaving in a safe manner.

The 15 minute period of grace, otherwise known as “drinking up time” at the end of licensed hours can be utilised in order to allow patrons to finish their drinks and retrieve their belongings. This is done to discourage fast consumption of alcohol and to allow the venue time to stagger the dispersal of customers in a safe way.

Stewards should consider wearing high visibility jackets at the end of trading and ensure that patrons leave the area quickly, quietly and safely.

21. First Aid

In the event of a medical emergency or concern about the immediate health of staff or customers, staff should always contact an ambulance.

All staff should be made aware of the whereabouts of First Aid boxes as part of their induction. Any items removed from the first aid boxes should be brought to the immediate attention of a senior member of staff who will ensure the items are replaced as a matter of urgency.

Wherever possible, at least one first aid trained member of staff should be on duty. **There must be at least one trained first aider on the premises if open after 1am.**

Wherever possible, staff should treat an injured person out of public view and seek to respect the privacy of the person receiving treatment.

Records of all first aid interventions and accidents should be recorded in the incident log book.

22. Evacuation Procedure

All premises must have an evacuation procedure which all staff need to be made aware of and trained to use, including training on how to deal with suspect packages. Training in evacuation procedures is vital.

All staff should be briefed on their specific roles during an evacuation and be aware of the designated assembly point.

Regular evacuation drills should be carried out to ensure all staff are aware and prepared in the event of an evacuation.

The priority concern, in the event of an evacuation, is the safety and welfare of staff, customers and the general public.

Clear signage should be displayed throughout the building detailing the procedure and assembly point.

Appendices

Appendix 1: Premises Checklist

Ensure that all documents listed and are available for viewing and inspection on your premises by Licensing Standard Officers and Police Officers.

Appendix 2: Section 110 Notice

Insert name of premises and display at every point of sale of alcohol (sales counter or bar area) on the premises. Consider laminating or framing notice.

Appendix 3: Training of Staff – Training Record

This training declaration should be completed by the premises manager or personal licence holder and the member of staff who has been trained. The completed declaration should be kept on the premises with staff training records.

Appendix 4: Age Verification Policy Staff Declaration

This policy document should be completed for each staff member by the premises licence holder or premises manager then signed and retained with training records.

Appendix 5: Authorisation to Sell Alcohol

This alcohol authorisation should be completed by the premises manager or personal licence holder and signed by each member of staff who is not a personal licence holder. The completed authorisation should be kept on the premises with staff training records.

Appendix 6: Children's Notice

For display within premises.

Appendix 1 – Premises Checklist

LICENSING (SCOTLAND) ACT 2005

Inspection - Premises Checklist

The purpose of this note is to advise you of some of the main matters that a Police Officer/Licensing Standards Officer will check when visiting your premises

Name of Premises:.....

Premises Licence Holder:.....

Premises Manager:.....

Premises Manager Personal Licence current - Yes/No

<u>Requirement</u>	<u>Check</u>	<u>Action Required</u>
Display of Summary of Premises Licence	YES /NO	
Premises Licence available	YES /NO	
Operating Plan available	YES /NO	
Layout Plan available	YES /NO	
Children and Young Person Notice (on sales only)	YES /NO	
Section 110 Notice	YES /NO	
Age Verification Policy in place	YES/NO	
Staff Training Records	YES/NO	
Refusal Book	YES/NO	
<u>Best Practice</u>		
CCTV	YES/NO	
Satisfactory Security Arrangements	YES/NO	
Additional Comments	YES/NO	

Appendix 2 – Section 110 Notice

LICENSING (SCOTLAND) ACT

This notice is displayed in accordance with the provisions of Section 110 of the Licensing (Scotland) Act 2005

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

It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under eighteen.

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

Appendix 3 – Training of Staff – Training Record

TRAINING OF STAFF – TRAINING RECORD
LICENSING (SCOTLAND) ACT 2005 – SCHEDULE 3, Paragraph 6

The Act - Schedule 3

6. (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.

(2) That is a capacity (whether paid or unpaid) which involves the person –

(a) making sales of alcohol, or

(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.

DECLARATION:

Trainee

I _____ (insert name of staff member)

Confirm that I have received the training required by the Licensing (Training of Staff) Scotland Regulations 2007.

_____ (signature)

Trainer

I _____ (insert name of trainer)

Confirm that I have PROVIDED the above named member of staff with the training required under the Licensing (Training of Staff) (Scotland) Regulations 2007.

On _____ (insert date or dates)

_____ (signature)

Where signatory (trainer) is the holder of a Personal Licence issued under the Licensing (Scotland) Act 2005, please insert the number and the name of the Licensing Board which issued the licence, below:

Personal Licence Number :	
Licensing Board :	

Where signatory (trainer) is a person OTHER than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007. The name of any company by which the person is employed to provide training should also be given.

SQA Qualification :	
Company :	

Appendix 4 – Age Verification Policy

Premises Age Verification Policy

The Licensing (Scotland) Act, 2005 requires by virtue of mandatory condition that every premises operates an Age Verification Policy.

Extract from Mandatory Conditions

Age verification policy

9A(1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An "age verification policy" is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises ("the customer") if it appears to the person selling the alcohol that the customer may be less than **25 years of age** (or such older age as may be specified in the policy).

The following Age Verification Policy will be applied to all sales of alcohol made on these premises

Name of premises:

--

Address of premises:

--

Name of premises licence holder:

Designated Premises Manager:

--	--

Any individual who appears to the person selling or serving alcohol to be under the age of **25 years** will, prior to any sale or service of alcohol taking place be asked to produce identification bearing their photograph, date of birth, and if relevant a holographic mark.

The Following documents are the only acceptable forms of identification at these premises.

- An EU Photo Card Driving Licence
- A Current Passport
- A Proof Of Age Card Bearing the PASS Hologram
- *(add from additional list of approved documents if required)*

Regular Customers Who have Previously Satisfied Age Verification Requirements

An individual who is a regular customer and who appears to be under 25 years of age **and** who has on a previous occasion produced, to a member of staff on duty at that time, satisfactory proof (one of the above documents) that they are over the age of 18 years may at the discretion of the member of the staff member be relieved of the requirement to produce identification and proof of age.

This discretion will only be applied where the staff member is certain that they have previously seen and examined an approved document from the above list and were satisfied that the individual is over 18 years of age

Further Information and Training Record

By selling alcohol to a person who is under 18 it is YOU that commits the

offence as well as the customer. On Conviction you could be fined up to £5,000 and or be imprisoned for up to 3 months.

In addition selling Alcohol to someone under 18 could result in the premises licence holder being prosecuted

- 1 The licence holder, if prosecuted and if found guilty can be fined up to £5,000
- 2 On conviction it is likely that the Licensing Board will hold a premises Licence Review Hearing which could result in the Licence being revoked or suspended.

The premises licence holder and designated premises manager must ensure that all staff who are involved in the supply of alcohol are made aware of the existence and content of the age verification policy applied by the premises.

All Staff must consistently apply the same policy when considering whether or not to make a sale of alcohol.

Signed. On Behalf of Premises Licence Holder

Date.....

I acknowledge having been made fully aware of the Age Verification Policy in operation at and I can confirm that I have received full training in its use at this premises.

[illegible]

[illegible]

Appendix 5 – Authorisation to Sell Alcohol

Licensing (Scotland) Act 2005

Authorisation to Sell Alcohol

This authorisation to sell alcohol has been written in accordance with the premises licence mandatory conditions contained in Schedule 3, paragraph 5 of the Licensing (Scotland) Act 2005 and incorporated by virtue of section 27

"I hereby authorise all staff, trained under the Licensing (Training and Staff) (Scotland) Regulations 2007, to sell alcohol, on these premises, on my behalf and in conformity with the Licensing (Scotland) Act 2005".

Premises Manager/ PLH: Signature:

Personal Licence No: **Date:**

- New members of staff must be made aware of this authorisation and sign it prior to selling/serving alcohol.
- This form is only valid when the above-named person is the nominated Designated Premises Manager (DPM) for the premises or other personal licence holder (PLH). If a new DPM is nominated, of the personal licence holder making the authorisation leaves, a new form should be completed with all staff signing their names and the new DPM/PLH countersigning and dating the form, so it is recommended that a blank copy is kept.
- The Premises Manager will retain this authorisation with staff training records.

<u>Staff Members</u>
<i>"I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder"</i>

"I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder"

[illegible]

Alcohol Authorisation Continued

Staff Members

“I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder”

Alcohol Authorisation Continued

Staff Members

“I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder”

Alcohol Authorisation Continued

Staff Members

“I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder”

[illegible]

Appendix 6 – Examples of Children Access Signs

LICENSING (SCOTLAND) ACT 2005

NOTICE RE CHILDREN AND YOUNG PERSONS POLICY

**CHILDREN TO 15 YEARS OF AGE AND YOUNG PERSONS
OF 16 AND 17 WILL BE ADMITTED TO ALL AREAS OF
THESE PREMISES IF ACCOMPANIED BY AN ADULT.**

**CHILDREN MUST VACATE THE PREMISES BY 20.00 AND
DURING FUNCTIONS 22.00**

Contact Details

Some details for contacting these organisations are given below. The list is not comprehensive but will give you some assistance should you require any advice or information.

East Lothian Council – Licensing Standards Officer and Licensing Team

Licensing, Administration and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

Telephone: 01620 827478 or 01620 827664

Email: LSO@eastlothian.gov.uk or licensing@eastlothian.gov.uk

East Lothian Council

Switchboard Telephone: 01620 827827

[Contact Us](#)

[East Lothian Council Homepage](#)

East Lothian Council Antisocial Behaviour Team

Telephone: 01875 824307

[Don't suffer in silence | Antisocial Behaviour | East Lothian Council](#)

Police Scotland – Licensing Department

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lothianscotborderslicensingeastmid@scotland.pnn.police.uk

Police Scotland East Lothian

[East Lothian - Police Scotland](#)

East Lothian Licensing Forum

[East Lothian Licensing Forum | East Lothian Council](#)