

TWS Training

SCPLH/SCPLH-R pre -course briefing

Please study this briefing carefully, especial anything highlighted or that has a number. If you study this, you will improve your chances of passing the exam.

If you want to work selling or serving alcohol in Scotland, the law requires that everyone must do a **minimum of two hours training covering 16 specific topics**. Once completed a record of that training must be kept in the prescribed format on the premises where the person works.

If you want to run a licensed premises in Scotland, **you need to be 18 or older and complete the Scottish Certificate for Personal Licence holders** and apply to the local board for your personal licence. Only after the board approve your personal licence can you become a premises manager.

If you already have a Personal licence, **you need to complete the five-year refresher course before the fifth anniversary of your personal licence** or **complete the Ten-year renewal course at least three months before your licence expires**.

The SCPLH courses are broken down into roughly 4 main topics.

1. The people involved in the licensing process and in the enforcement of the licensing legislation and the five licensing objectives.
2. The types of licences, how to get them and what they allow you to do.
3. The legislation with reference to children or young people.
4. The effects of alcohol on individuals and society.

At the end of the training session, you will complete a 40-question multiple choice style exam. To pass the course you must achieve at least 28 out of 40 correct answers.

Your personal Licence allows you to work in both the “on-trade” and the “Off-trade” sectors of the industry. The exam will have questions that are relevant to both sectors so do not ignore the training that you feel is not relevant to the sector you work in.

“On-trade” alcohol is drunk **on** the premises e.g., Pubs, restaurants, clubs, and hotels.

“Off-trade” Alcohol must be **removed** in sealed containers from the premises before it can be consumed e.g., Supermarkets, convenience stores or Off-licences.

The people

The licence board are the only people that can issue, revoke, or amend licences for the sale of alcohol.

The Licence board are made up of elected local councillors and **are responsible for the operation of alcohol licensing in their area.**

There is **a minimum of 5 members** and a maximum of 10 members required to make up a board.

The board employ someone called the “Clerk to the Board” this person is not a board member and provides advice and guidance to the board. They do not have any say in who gets or doesn’t get a licence. Any time we wish to present information about a licence application to the board we give it to the “Clerk” who will then inform all board members.

It is a criminal offence the law to try to influence or bribe a board member during the application process. If found guilty of doing so you may be Fined or imprisoned and the board will simply not consider your application.

The board also **produces a Licensing Policy Statement every five years,** which includes further restrictions or limits the board wishes to impose on the licensing process.

The board must also set up a group called the Local Licensing Forum. This group is made up of personal licence holders, Health, Education, and social work professionals also the police, young people, and local residents. The Licensing standards officer is also present.

The local licensing forum’s main responsibility is to keep the operation of the Licensing Scotland Act 2005 under review. The ensure that the board make their decisions fairly and consistently no matter who applies for a licence and that the board keep to the framework of the legislation.

The police are responsible for enforcing the laws regarding the sale of alcohol. If you break the alcohol laws, you can be arrested, taken to court and if found guilty you can be fined, imprisoned or both. You will now have a criminal record.

The police can enter a licensed premises at any time and do not need a warrant to do so. They do not even need to tell you why they are there.

The police will carry out regular routine licenced premises checks but will also react to any intelligence that suggest there is a problem with the premises.

If the police charge a personal licence holder or a premises licence holder with an offence, **before the trial starts the licence holder must inform the court that they have a licence and if convicted, the licence holder must tell the licensing board within 1 month of their conviction.**

Police Continued.

The police are the only people allowed to use under 18s to try to buy alcohol for the purpose of a test purchase. The police use "Young Persons" aged 16 or 17 to try and buy alcohol. To pass a test purchase all you have to do is ask anyone that doesn't look 25 their age as these young people are not allowed to lie about their age.

The police can issue and request closure notices.

If the police have reasonable belief that there has been, is or about to be a serious disturbance they can issue an emergency closure order. They do not need the board's permission to do this as there is an imminent threat to public safety. A police officer of the rank of inspector or above can issue the order. Emergency closure orders last for 24 hours although they can be repeatedly extended if the risk to public safety does not go away.

The penalty for ignoring an emergency closure is a fine of up to £20000 or 3 months in jail, with the maximum being £20000 fine and 3 months in jail.

The police can also ask the board for closure order where their investigations show that the premises are being run in a way that is putting public safety in danger. Once granted an officer of the rank of inspector or above will issue the order to the responsible person in charge of the premises at that time and the premises must shut immediately.

Closure orders are always about public safety.

The police have 21 days to report to the board on a background check done on a personal licence holder or a premise licence applicant and their business partners. The police provide information about relevant convictions or intelligence linking an applicant to serious or organised crime.

The police do not have the power to block an application, the board will review the police report and the board will decide if a licence is granted.

The Licensing Standards officer (LSO) is employed by the council to monitor how the licences that have been issued are being operated.

The LSO has the power to enter the premises to carry out compliance inspections.

He will act as a mediator where there is a dispute between the public and the premises.

He will confirm that staff training has been done and recorded in line with the law.

He will check compliance, that the premises is being run in accordance with its premises licence.

He will check that the premises manager is still employed as manager and has a valid personal licence.

He is there to provide information and guidance about the LSA205.

If the LSO finds that the premises has breached any of its operating plan's conditions he may issue a compliance notice (warning letter) If that is ignored or the offence is more serious he may ask the board for a review of the licence. The LSO has no powers of punishment, he cannot shut a premises, impose

further conditions, or suspend or revoke a licence. Only the board has the power to do something about a licence.

Types of licences

There are only three types of licence.

The Premise Licence

The Personal Licence

The Occasional Licence

Premises Licence

Every premises that sells alcohol to the consumer i.e., to the people that will drink the alcohol, must have a premises licence. Wholesalers who do not sell to the public or staff do not need a premises licence but must be registered with the alcohol wholesaler's registration scheme.

Premises licence applications must include the details of:

- The premises licence holder and connected persons.
- The premises manager.
- State whether alcohol is to be sold "On" or "OFF" the premises or both.
- The operating plan.
- The layout drawing.
- **Planning certificate**, **building control certificate** and if required a **food safety certificate**.

The premise Licence holder can be any individual 18 years old or over or be applied for in a company name, any number of premises licences can be held by the premises licence holder.

The premises manager must be 18 or older and have a personal licence and can only manage one premises at a time.

The operating plan describes all the activities that will take place on the premises, the hours the premises will be open and the core hours when alcohol will be sold.

The layout drawing is to a specific scale and must show a lot of specific information. It also shows exactly where all alcohol is displayed.

Planning certificate must show premises can be used for that class of business.

Building control certificate must show that the building meets the minimum requirements for that type of business and is fit for purpose.

The premises licence application will be granted or refused at a public meeting of the full licence board.

Any person living anywhere in Scotland can object to a premise licence application. They can also support or recommend changes to an application.

If the board refuse to grant an application, that application is barred from reapplying for 1 year, unless the applicant makes a material change to the application (a big change).

Premises licence continued.

Once a premises licence has been issued nothing that is written on it can be changed without applying to the board for a variation. Changing the name of the premises, the layout of the premises, the licensing hours, or even the premises manager. You need a variation to change anything written on your licence.

Once issued the premises licence holder has a duty to display the summary of the licence where the public can easily see it and Keep the full licence on the premises so that it can be checked by the LSO or the Police.

They must also display the section 110 notice about under 18s not buying alcohol in prominent position wherever alcohol sales actually take place.

It is against the law to sell Alcohol without the premises manager listed on the licence still being employed by the premises. If they leave, get sacked, or lose their personal licence they must be replaced by another personal licence holder within seven days of them no longer being employed. If you tell the board within the first seven days, that they are no longer the premises manager they will give you 6 weeks to continue selling alcohol while you fix it. If you don't tell them within 7 days or fail to replace them within 6 weeks the board will revoke your licence to sell alcohol.

Anyone living anywhere in Scotland can request that a premises licence be reviewed if they believe that the premises has breached any of the five licencing objectives.

1. Preventing Crime and Disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. Protecting Children and young people from harm (Young people only means 16 & 17 year olds)

The board can use their discretion when deciding whether or not to hold a review, however if the Police ask for a review the board must hold a review.

Premises licences do not have an expiry date, they last indefinitely, unless the is licence revoked or varied by the board.

Personal Licence

A personal licence holder must be 18 or older and have passed the SCPLH exam before they can apply to the council for their personal licence.

The applicant should apply to the licence board that covers the area where they live.

The police will carry out a background check and report their findings to the board. The board will decide to grant or refuse the personal licence at a private meeting of the board. Only the applicant and the police are informed of the decision.

A personal licence only lasts for ten years, but only if you complete your refresher course within 5 years of the issue of the licence and inform the board that you have completed your refresher course.

Personal Licence continued.

Before 10 years is up the licence holder must complete another refresher course no less than three months before the expiry date on their licence.

They will then have to complete an application form for a renewal of their licence and send it to the board that issued their first licence, even if they have moved out of that board's area of control.

If they fail to complete their refresher training within the correct timeline they will have their personal licence revoked. You will be able to apply for a new one immediately though.

If you have your licence revoked for any reason other than missing training deadlines, you will lose it for 5 years. Personal licences can be endorsed for breaches of the licensing laws or breaches of the 5 licensing objectives. Each endorsement lasts for 5 years. If you receive three endorsements, you will lose your licence for 5 years.

A personal licence allows the holder to:

- Sell alcohol from a licensed premises.
- Authorise and supervise the sale of alcohol.
- Become a premises manager.
- Provide the mandatory staff training.
- Apply for an occasional licence.

If the police ask for a review of a personal licence, the board must carry out a review.

If the board has reviewed a premises licence and it has shown that a personal licence holder was responsible for the infringement that they can automatically review the personal licence too.

Occasional Licence

An occasional licence allows the sale of alcohol on unlicensed premises such as a village hall, church hall, or a beer tent in the middle of a field.

An occasional licence can last for a maximum of 14 days.

Only Premises managers or personal licence holders can apply for an occasional licence.

Individuals can only apply for 56 days' worth of personal licences in a year.

The application for an occasional licence must contain: The hours and days that the licence is required for. Where the event will take place and a list of all the activities that will take place within the licensed area. The ages of the people that will be allowed to enter the licensed area.

The police and the LSO get 21 days to provide a report to the board who will then decide whether to grant or refuse the occasional licence.

Private members clubs

Some private members clubs that are run for and by the members are exempt from some aspects of the LSA2005.

They must have a premises licence, and all staff or members selling alcohol must complete the mandatory training.

but they are not required to have sales of alcohol authorised by a premises manager or another personal licence holder.

They are not required to have a premises manager or a personal licence holder.

They usually can not sell alcohol to non-members.

When a member buys alcohol in the club it is not called a sale, but a supply of alcohol.

Mandatory conditions apply to all premises licences.

These conditions have been applied by the government and cannot be changed or varied.

The premises licence holder must ensure these conditions are met.

1. Comply with current operating plan.
2. Named premises manager in place with a valid personal licence.
3. All sales authorised by premises manager or other personal licence holder (except Members clubs)
4. Staff training completed and record kept on premises.
5. Price changes last for a minimum of 72 hours from the time the change was made.
6. No irresponsible drinks promotions.
7. Multiple pricing of alcohol product restrictions enforced.
8. Minimum pricing as prescribed by law applied.
9. Display areas of alcohol and related products observed.
10. Display of section 110 notice and if required ages of persons permitted on licensed premises.
11. On trade must have non alcoholic drinks available to be purchased.
12. Annual premises licence fee is paid.
13. Challenge 25 policy in operation

Late night premises, those operating after 1am have extra conditions imposed on them.

There must be a:

1. personal licence holder on duty after 1am until premises close.
2. Qualified first aid person on duty.

3. Working high quality CCTV system.
4. 1 or more SIA licensed door stewards
5. Written drugs misuse policy and an evacuation policy in place.
6. Procedure for checking on the welfare of customers.

Part of any drugs misuse policy must include a search policy which should be carried out at the entrance to stop drugs and weapons getting into the premises.

Conditions continued

Additional conditions can be added by the board to any premise licence. Possibly as a punishment for breaching the legislation or breaching any of the five licensing objectives. The premises licence holder can apply for a variation to remove or amend these additional conditions applied by the license board.

Some offences related to the operation of the premises.

- It is an offence to sell alcohol when the named premises manage no longer works for the premises.
- It is an offence to sell alcohol out with the hours prescribed in the premise licence.
- Off-sales hours are prescribed by law, the maximum being 10am to 10pm 7 days a week.
- Alcohol sold in the on-trade for consumption off the premises is restricted to the same hours as the Off-trade i.e., 10am to 10pm with a further condition that the carry out must be removed from the premises no later than 15 minutes of the end of off-sales hours.
- On-trade hours are agreed with the board and contained in the premises licence.

The on-trade do have a couple of exceptions to this rule.

- If only consuming alcohol, customers are allowed 15 minutes drinking up time.
- If consuming alcohol with a meal, customers are allowed 30 minutes drinking up time.
- If a resident staying at a hotel wants a drink after licensing hours, they may be served.
- The on trade can ask for extensions to their hours for special occasions.

They can apply for a Regular extension, they need to say what hours and for how many days they want the extension and why they want it, the police get 10 days to provide report to board, board will decide to grant or not.

General extensions the board grant for events of local or national significance, premises do not need to apply. The board will decide how many hours and how many days it lasts for.

It is also an offence and will break 1 or more of the 5 licensing objectives if the premises licence holder or any responsible person allows:

- The keeping or sell contraband products such as fake alcohol or alcohol where the duty has not been paid.
- Fake or foreign cigarettes/tobacco.
- Pirated goods such as music or movies.
- Selling alcohol to a drunk person.
- A drunk person to be in a licensed premises.

- A breach of the peace or disturbance on a licenced premises.
- Smoking inside the premises.
- The playing or performance of copyrighted music without a music licence.

The premise manager should carry out a risk assessment regarding the premises licence to identify anything that could put their licence at risk (**Jeopardy**) this would be evidence of due diligence.

Due diligence is when you do everything you can to prevent an offence being committed.

Offences relating to children and young people.

It is an offence to:

- Sell alcohol to persons under the age of 18
 - Allow the sale of alcohol to a person under the age of 18
 - Sell liqueur confectionery to a person under the age of 16
 - Purchase alcohol by or for a person under the age of 18
 - Allow the unsupervised sale of alcohol by a person under the age of 18
- Only sales for consumption off of the premises may be made by under 18s if supervised by a responsible person, 18 years or old and authorised to do so.
- Delivery of alcohol by or to a person under the age of 18* (unless they work there in a role that involves taking in deliveries of alcohol).
 - Sending a person under the age of 18 to obtain alcohol** (unless done by the police)
 - Failure to display an Underage Notice
 - Consumption of alcohol by person under the age of 18 in a licensed premises***

(The following is an exception to this rule)

Exception to the consumption of alcohol by persons under 18

"Young Persons" Aged 16 to 17 are allowed to drink limited quantities of Beer, Wine, Cider or Perry with a proper meal.

The alcohol must be bought by a person who is over 18 and is part of the group.

A Bar snack does not count.

Valid types of ID. Allowed by the law to verify someone's age:

A Valid Passport.

A European union or British photo-card driving licence.

A PASS approved ID card with the PASS hologram.

A British MOD ID. Card, Army, Navy, or Air Force.

A biometric immigration document with photograph.

National ID card from any EU member state (But do not accept anything that says it's a British national ID card, they do not exist everyone is a fake.

Challenge 25

The Alcohol etc. Act 2010 made it compulsory for all Licensed premises in Scotland to have a Challenge 25 procedure in place.

Staff must ask themselves if the person attempting to buy alcohol looks 25 or older. If they do not think they are 25 or older they must ask to see a valid form of ID. If the person cannot provide a valid form of ID then the sale must be refused. If they do offer ID it must be one of the six forms the Government allows to be used to verify ID.

Refusal books

While the law does not say you need to keep a refusal book it is **best practice and shows due diligence** if you do keep one

Illegal Drugs

Premises must do everything to prevent drugs being used or sold on their premises.

Look for evidence of drug use like drug paraphernalia, smells, **people with powder on their nose, or having dilated pupils.**

Are people going to the toilet frequently, people following them in.

People using or selling drugs in a licenced premises is one of the main reasons that a licence may be suspended or revoked. It breaks three of the five licencing objectives.

Drugs are also the main reason the police will apply for a closure order.

Allowing drug use or the sales of drugs breaches all five of the licensing objectives and will lead to a licence being reviewed and likely revoked.

The designated premises manager

Is responsible for ensuring that the **one premises they are allowed to manage, is run inline with current operating plan and that all conditions on the premises licence are met.**

They are responsible for staff training and the keeping of their records

That all other legislation that applies to the premises is followed even when it is not directly linked to the sale of alcohol.

Health and safety, Food safety, Fire safety, Music licence

Units of alcohol

1 unit of alcohol is either 8g or 10ml of 100% ethyl alcohol

To calculate how many units are in a drink you can use either of these formulae

Volume of liquid in ml x % strength (ABV) x 0.001 or

Volume of liquid in ml x % strength (ABV) ÷ 1000

E.g. Bottle of whisky @ 40% ABV

$700\text{ml} \times 40 \times .001 = 28$ units or $700\text{ml} \times 40 \div 1000 = 28$ units

Minimum price can be the worked out by multiply .65

The government recommendations for safe drinking also uses units

The current advice is that Men and Women should drink no more than:

2 to 3 units a day, with a couple of days when you do not drink at all, and no more than 14 units in a week

If you do drink 14 units you should do so over 3 or 4 days and have a couple of days when you do not drink at all.

The new advice for women that are pregnant or trying to get pregnant is that they should not drink alcohol at all.

This is advice and not the law if a pregnant woman wants served with alcohol you should serve her. It would be discrimination if you refused service.

Long term effects of drinking alcohol could be liver or kidney disease

Short term effects are blurred vision or hangovers

The speed at which alcohol affects the body depends on the strength, and quantity of alcohol drinks and the amount of food in the stomach.