



Higher National Unit specification

General information for centres

Unit title: Scottish Licensing Law

Unit code: F1B6 34

Unit purpose: This Unit will enable the candidate to advise potential licensee holders on the requirements of the Licensing (Scotland) Act 2005. This Unit will have direct relevance to those intending to work or already working at a supervisory or management level in a range of different types of premises licensed to sell alcohol. They would need to be familiar with all major aspects of the law relating to a premises or personal license and other key areas of legislation required for licensed premises in hospitality, events management, retail, tourism and the entertainment industry. The Unit covers the statutory requirement to comply with the law relating to all aspects of licensing in the operation of the premises. The Unit is based on the Licensing (Scotland) Act 2005 and associated legislation.

On completion of the Unit the candidate should be able to:

- 1 Explain the law with regard to a premises licence.
- 2 Explain the law with regard to a personal licence.
- 3 Apply the law as it relates to the operation of premises licensed to sell alcohol.
- 4 Outline the key areas of legislation required for associated activities to licensed premises.

Credit points and level: 1 HN credit at SCQF level: 7 (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. It would be advantageous to have some practical experience of working in the hospitality industry or the retail licensed trade however this is not necessary to undertake the Unit.

Core Skills: There are opportunities to develop the Core Skills of *Communication* and *Problem Solving* at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes. The Unit can also be delivered as a freestanding Unit.

General information for centres (cont)

Assessment: Outcomes 1 and 2 could be assessed either by two separate case studies based on applying for a premises licence and a personal licence or integrated into a single case study combining the two Outcomes into a single case study. It is recommended that the case study be based on a hotel or a public house as it would be simpler to integrate off sales provision into this scenario.

Outcome 3: Case study based on the same or a similar business as above requiring the production of training materials and company policies to deal with sales of alcohol (on and off sales) and the possible penalties that could be applied if the legislation is not followed.

Outcome 4: Short answer questions covering the knowledge items listed for the Outcome.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the law with regard to a premises licence

Knowledge and/or Skills

- ◆ The circumstances under which a licence is required for the retail sale of alcohol under the Licensing (Scotland) Act 2005
- ◆ The specific requirements of the Licensing Objectives
- ◆ The role and composition of the licensing board
- ◆ The requirement of local boards to issue a licensing policy
- ◆ The role of Licensing Standards Officers
- ◆ The role and powers of the Licensing Police including emergency closure orders
- ◆ The role of local Licensing Forums
- ◆ Premises which would be excluded under the Act
- ◆ Procedures for applying for, varying and transferring a premises licence
- ◆ The duties in relation to a premises licence

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ produce a report based on a given case study for a particular type of business which would advise on the background to the legislation and how to apply for a premises licence. This could be enhanced by completing an application form for a premises licence and an operating plan for the simulated business in the case study.

Assessment Guidelines

The report should be open-book and be about 1,000 words in length. The report could be combined with that required for Outcome 2. The report should cover the knowledge areas listed in the Outcome. The final two areas in the list of knowledge items should be given the greatest weight.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Licensing Law

Outcome 2

Explain the law with regard to a personal licence

Knowledge and/or Skills

- ◆ Procedure for applying for a personal license
- ◆ Requirements to be met for gaining a personal license
- ◆ The duties required of a Personal Licence holder to maintain their licence
- ◆ Details of what a Personal Licence allows an individual to do
- ◆ Licensing Board sanctions on Personal Licence Holders
- ◆ Identify when an occasional license is required and who can apply
- ◆ Requirements for obtaining an occasional license

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ produce a report based on a given case study for a particular type of business which would advise on the process and requirements for an individual to obtain a Personal Licence, this could be enhanced by completing an application form for a Personal Licence. The duties required to maintain the Personal Licence and the sanctions available by the local board for not complying with the stipulated conditions of the licence or the Licensing (Scotland) Act 2005 should also be included.

The report should also cover the requirements of an occasional licence including who can apply and what details and procedures are required to obtain it.

Assessment Guidelines

Open-book assessment based on a given case study. The report should be about 800 words in length. The report could be combined with the report for Outcome 1 in which circumstance it would be about 1,800 words long.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Licensing Law

Outcome 3

Apply the law as it relates to the operation of premises licensed to sell alcohol

Knowledge and/or Skills

- ◆ Main offences under the Licensing (Scotland) Act 2005 relating to the sale of alcohol and possible sanctions eg (underage sales, sales to drunken persons, disorderly conduct and staff drunk on duty)
- ◆ Responsibilities of the personal license holder and premises manager
- ◆ Responsibilities of 'responsible persons', eg staff
- ◆ Permitted hours to sell alcohol, (core hours and off sale hours) and extensions of hours
- ◆ Sanctions if the Licensing (Scotland) Act 2005 is not complied with
- ◆ Procedure for Police and Licensing Standard Officers visiting a licensed premise, right of entry, duty to comply and what they can inspect
- ◆ Proof of age and test purchasing
- ◆ Requirement for staff training Licensing (Scotland) Act 2005 schedule 3, paragraph 6
- ◆ Requirements of the law regarding employing young people whose work involves selling and, or serving alcohol

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ produce a set of training notes and company policies covering the areas of knowledge listed above

Assessment Guidelines

Open-book assignment to produce a set of training guidelines and company policies for the knowledge listed above. The information should cover how the law would apply to the sale of alcohol for both on and off sales. The guidelines policies should be aimed at staff serving alcohol or supervisors.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Licensing Law

Outcome 4

Apply the law as it relates to associated activities to licensed premises

Knowledge and/or Skills

- ◆ Notices that are required to be displayed in licensed premises
- ◆ Gaming in licensed premises
- ◆ Requirements of the Weights and Measures Act with regards to the sale of alcohol
- ◆ Requirements that have to be met in providing entertainment including live and recorded music within licensed premises
- ◆ Sale of tobacco and tobacco products
- ◆ Requirements for door supervisors
- ◆ Requirements of the No Smoking legislation

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ answer eight short answer questions sampling the knowledge above

Assessment Guidelines

This should be a closed-book, supervised assessment. Candidates should not know in advance which areas of knowledge are to be questioned. Five of the seven areas should be sampled for any assessment.

Administrative Information

Unit code:	F1B6 34
Unit title:	Scottish Licensing Law
Superclass category:	NC
Original date of publication:	August 2007
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History of changes:

Version	Description of change	Date
02	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09
	Wording revised relating to guidance for candidates with additional support needs.	

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Higher National Unit specification: support notes

Unit title: Scottish Licensing Law

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit is based on 'The Licensing (Scotland) Act 2005'. To ensure continuity the content should be based on what is required after transition, ie post 1st September 2009.

The legislation would apply to both 'on sales' and 'off sales' provision.

It should be understood that interpretation of parts of 'The Licensing (Scotland) Act 2005' will evolve over a number of years and it may take some test cases in court to define some aspects of the act. The local boards are interpreting areas of the act in different ways eg the requirement to have a personal licence holder on duty at **all times** to supervise the sale of alcohol. This would mean that candidates answers could vary slightly depending on which board area they had carried out their research in.

Guidance on the delivery and assessment of this Unit

It would be advisable to start with an outline of the previous Licensing Act 'The Licensing (Scotland) Act 1976' and the seven different types of licence which were available. There is a wealth of material and information available on the internet including application forms for premises, personal and occasional licenses. These can be found on any licensing board website eg
<http://www.dumgal.gov.uk/Dumgal/MiniWeb.aspx?id=480>
<http://www.south-ayrshire.gov.uk/licensing/new-forms.htm>
<http://www.dundee.gov.uk/licensing/licensing2005/>

Useful government websites are:

<http://www.infoscotland.com/licensingact/files/Licensing-Act-Briefing-Pack.pdf>
http://www.opsi.gov.uk/legislation/scotland/acts2005/pdf/asp_20050016_en.pdf

Using an 'off sales' business for the case studies such as a supermarket would be possible. Candidates could be allowed to use for their 'case study' a business that they are employed in. In this case they should provide a description of the business as their case study.

Opportunities for developing Core Skills

Candidates analyse, evaluate and summarise complex legal information, as they present written reports and business documentation to a professional standard. *Communication* skills are not discretely assessed but candidates should be advised on the need to present responses which are formally expressed, structured and technically accurate.

Higher National Unit specification: support notes (cont)

Unit title: Scottish Licensing Law

Problem Solving skills will be naturally developed and enhanced as candidates apply their knowledge of the law to a number of complex practical tasks. Responding to case studies they identify a range of complex factors which could influence and affect personal and premises licences before analysing issues and compiling an advisory report. Applying knowledge of current legislation and regulatory requirements affecting the operation of licensed premises in order to produce a set of training notes and company policies requires further skills in planning and organising. Although candidates have to complete and present evidence independently, discussions of case studies during formative work could offer opportunities to critically review and evaluate problem solving approaches and would also provide practice in using effective oral communication techniques.

Open learning

The Unit would be suitable for open or distance learning. Arrangements would have to be made to authenticate students work for Outcomes 1, 2 and 3 and to ensure that Outcome 4 was assessed under supervised conditions.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

General information for candidates

Unit title: Scottish Licensing Law

This Unit covers the licensing law for Scotland and covers the legislation contained in The Licensing (Scotland) Act 2009. This came fully into effect on 1st September 2009. The Unit would be suitable for those working in or wishing to work in any part of the licensed trade such as the Hospitality Industry (hotels, restaurants, pubs, clubs etc) event management, retail (supermarkets, off sales shops).

The Unit has four Outcomes which will provide the required information needed to apply for a premises licence, a personal license or an occasional licence.

The Unit also provides the information required to manage the legislation relating to the sale of alcohol and would give the knowledge needed to train staff in their duties regarding the legal sale of alcohol.

There are many internet websites which give information on the Licensing (Scotland) Act 2009 including your local licensing (council) board website. This will give you a local perspective on the legislation.