



## Licensing for Personal Licence Holders (Off-Sales) SCQF Level 6

### SQA Licensing Qualifications

#### What are the Licensing Qualifications?

These are Scotland's standards, based on the training framework drawn up by the National Licensing Forum for those involved in the off-sales sector. They have been developed to make sure that to comply with Licensing (Scotland) Act 2005, all training covers the three key areas.

They are necessary because of changes in the law which makes these requirements part of licensed trade responsibility – a regulatory requirement – to help keep Scotland safer and healthier.

The key areas are

- ◆ The licensing process in Scotland
- ◆ The responsible operation of licensed premises
- ◆ The effect of irresponsible operation on society and health

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

Understanding and applying skills in these key areas are important because they help you work effectively in your present job and also prepare you for jobs within the sector which you may do in future. Developing your knowledge of the licensing

legislation helps you deal with today's rapidly changing world and improve your career prospects. That's also why employers value them.

## **What is this Licensing Unit about?**

This Unit is about showing you understand how the licensing process works in Scotland, how to work responsibly and what happens if you don't – both to Scotland and to the health of others.

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

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

You should:

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

## **What do I need to do?**

You will need to show that you can effectively apply the law in carrying out the role as a Licence Holder in Scotland, as specified within the Licensing (Scotland) Act 2005.

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

## **How do I get this Unit?**

You will complete a multiple choice question examination marked out of 40. You must get at least 28 marks (70%) to achieve this Unit.

## **What might this involve?**

- ◆ Pre- course study
- ◆ Attendance at a one day training course

## What can I do next?

You could move on to further study towards Level 3 SVQ in retailing or hospitality, a Higher National Certificate or Diploma or an appropriate degree course.

Your tutor can advise you about this.

## Guidance for tutors

This Unit is supported by a comprehensive handbook for candidates, which should be issued with guidance on prior study before they attend a course.

The assessment criteria are detailed in Appendix A.

### 1. Introduction to Licensing

(Not assessed)

### 2. The responsible Operation of Licensed premises

- Overview of the licensing function - Section 2 (a.1-3)
- Key roles – Section 2 (b.1-4)
- Licensing and operating conditions – Section 2 (c1-12)
- Protecting children from harm – Section 2 (d.1-3)
- Control of order – Section 2 (e.1-4)
- Training - Section 2 (f.1-2)
- Associated law – Section 2 (g.1-9)

### 3. The effect of irresponsible operation on society and health

Knowledge

- Alcohol – Section 3 (a.1-7)
- Illegal drugs – Section 3 (b.1-4)
- Social responsibility – Section 3 (c.1-4)
- Community links – Section 3 ( d.1)

## **Learners with disabilities and/or additional support needs**

The additional support needs of individual learners should be taken into account when planning learning experiences, selecting the most appropriate assessment activity and considering any reasonable steps which might be necessary to allow the learner to meet the assessment standard.

Further advice can be found in SQA's Assessment Arrangements' web pages ([www.sqa.org.uk](http://www.sqa.org.uk))

## ADMINISTRATIVE INFORMATION

### Credit Value

0.5 SQA credit (2 SCQF credit points at SCQF level 6)



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## Appendix A

### Training and Assessment Specification for Personal Licence Holders – Off-Sales

This appendix provides detailed information on the requirements for the training and assessment content for Personal Licence Holders – Off-Sales.

Under the column “assessment weightings” (A/W) the following coding is used for assessment purposes: 0 = Not assessed , 1 = “Must have knowledge” of and 2 = “Should have knowledge of”. For ease of use all areas classified by the National Licensing Forum as a “1” have been highlighted in greyscale.

Subject	Areas to be covered	Assessment Weighting
<b>1) Introduction</b> [not for assessment]		
Any training should give the rationale for the development of the Licensing (Scotland) Act 2005 – including process and the relationship between licensing and health	<ul style="list-style-type: none"> <li>Understanding of key parts of the Plan for Action on Alcohol problems published 2001<sup>1</sup></li> <li>Knowledge of the remit of the Nicholson Committee <sup>2</sup></li> <li>Understanding of the background, overview and main themes underlying the approach taken in the Licensing (Scotland) Bill Policy memorandum</li> </ul>	<b>0</b>

Ref	Subject	Areas to be covered	A/W
	<b>2) Responsible operation of licensed premises</b>		
2(a)	<b>a) Overview of the licensing function</b> All relating to the Licensing (Scotland) Act 2005		

<sup>1</sup> Including the purpose (reduce alcohol problems) and key priorities (reduce binge drinking and harmful drinking by children and young people) and 4 pillar approach (culture change; prevention and education; service delivery; and protection and control); plus any updated priorities in the next plan for action due later in 2006

<sup>2</sup> That is to review all aspects of liquor licensing and practice, with particular reference to the implications of health and public disorder, to recommend changes in the public interest and report accordingly.

2(a).1	Understanding of the 5 Licensing Objectives	S4 The Licensing objectives	1
2(a).2	The meaning of "alcohol"	S2 Meaning of alcohol	1
2(a).3	Broad understanding of the Licensing (Scotland) Act 2005 and how it applies to the post.	Give understanding of broad content of the Act i.e. Part 1 – Core provisions Part 2 – Licensing Bodies and Officers Part 3 – Premises Licences Part 4 – Occasional Licences Part 5 – Licensed Hours Part 6 – Personal Licences Part 7 – Control of Order Part 8 – Offences Part 9 Miscellaneous and General Schedule 2 – Local Licensing Forums Schedules 3 & 4 – Premises licenses: mandatory conditions & occasional licences: mandatory conditions	1
2(b)	<b>b) Key roles</b>		
2(b).1	General understanding of the role of the Licensing Boards in granting applications, regulating standards in licensed premises and duties to set out licensing policy.	Paras. 38-56 Policy memorandum Part 2 Licensing bodies and officers	2
2(b).2	General understanding of the function of Licensing Standards Officers, their monitoring and advisory role and how this relates to licensing board and the local authority.	S13 Licensing Standards Officers S14 General Functions of LSOs S15 Powers of Entry and Inspection S16 Training of Licensing Standards officers	2
Ref	<b>Subject</b>	<b>Areas to be covered</b>	<b>A/W</b>
2(b).3	Basic understanding of the key roles and powers of other statutory bodies involved in the licensing process.	S50 Certificates as to planning, building standards and food hygiene S138 Police powers of entry	2
2(b).4	Understanding of the make-up and role of Local Licensing Forum	S10 Local Licensing Forums S11 General functions of LLFs Schedule 2 Local Licensing Forums	2
2(c)	<b>c) Licences and operating conditions</b>		
2(c).1	Understanding the different types of licence: premises, personal and occasional	S17 Premises licence S56 Occasional licence subs 1) 2) S71 Personal licence	1

2(c).2	Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder and their duties	S19 Premises Manager S20 Application for premises licence sub 1) S24 Applicant's duty to notify Licensing Board of convictions S41 Duty to notify court of premises licence S43 Licence holder's duty to notify Licensing Board of convictions S52 Duty to keep, display and produce premises licence S54 Dismissal, resignation, death etc of premises manager S72 Application for personal licence S74 Determination of a personal licence application S75 Applicant's duty to notify Licensing Board of convictions S80 Duty to notify court of personal licence S82 Licence holder's duty to notify Licensing Board of convictions S87 Licence holder's duty to undertake training S93 Licence holder's duty to produce a licence	<b>1</b>

Ref	Subject	Areas to be covered	A/W
2(c).3	Licensed hours	S62 Licensed hours S63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours S65 Licensed hours: off-sales S66 Effect of start and end of British summer time	1
2(c).4	Understanding the relationship of risk assessment and best practice policies to the operating plan	To include understanding of basic procedure of making a risk assessment and best practice policies as relevant for different types of premises <sup>3</sup>	1
2(c).5	Detailed understanding of mandatory and discretionary national and local conditions	S27 Conditions of premises licence Schedule 3 Premises Licences: Mandatory Conditions Schedule 4 Occasional Licences: Mandatory Conditions	1

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<sup>3</sup> Best practice policies could include: House Rules; Closing time procedures; Dispersal policy; Age related sales; Promotions; Refusals of service – practice and record keeping; Communication within a premises; Plan for managing conflict, disorder or drunkenness; Noise control and Management of smokers

Ref	Subject	Areas to be covered	A/W
2(c).6	Relevant offences	S102 Sale of alcohol to a child or young person S103 Allowing the sale of alcohol to a child or young person S104 Sale of liqueur confectionary to a child S105 Purchase of alcohol by or for a child or young person S106 Consumption of alcohol to a child or young person S107 Unsupervised sale of alcohol to a child or young person S108 Delivery of alcohol to a child or young person S109 Sending a child or young person to obtain alcohol S110 Duty to display notice S111 Drunk persons entering or in premises on which alcohol is sold S112 Obtaining alcohol by or for a drunk person S113 Sale of alcohol to a drunk person S114 Premises manage, staff etc not to be drunk S115 Disorderly conduct S116 Refusal to leave premises S117 Offences relating to the sale of alcohol to trade S118 Prohibition of unauthorised sale of alcohol on moving vehicles S119 Delivery of alcohol from vehicles etc S120 Prohibition of late night deliveries of alcohol S121 Keeping of smuggled goods S122 Interpretation of Part 8	1
2(c).7	<b>Detailed knowledge of application and renewal for a personal licence including police powers.</b>	S71 Personal Licence S72 Application for a personal licence S73 Notification of application to chief constable S74 Determination of personal licence application S75 Applicant's duty to notify Licensing Board of convictions S76 Issue of licence S77 period of effect of personal licence S78 Renewal of personal licence S79 Notification of determinations	1

Ref	Subject	Areas to be covered	A/W
2(c)8	Application process for a premises licence including police powers	S20 Application for premises licence S21 Notification of application S23 Determination of premises licence application S24 Applicant's duty to notify Licensing Board of convictions S25 Further application after refusal of a premises licence application S26 Issue of licence and summary	<b>2</b>
2(c).9	Variation and transfer of premises licence	S29 Application to vary premises licence S30 Determination of application for variation S31 Variation to substitute new premises manager S32 Further application after refusal of application for variation S33 Transfer on application of licence holder S34 Transfer of application of person other than licence holder S35 Variation on transfer	<b>2</b>
2(c).10	Understanding the duties of a personal licence holder	S80 Duty to notify court of personal licence S82 licence holder's duty to notify Licensing Board of convictions S87 Licence holder's duty to undertake training	<b>1</b>
2(c).11	Rights of objectors	S22 Objections and representations S36 Application for review of premises licence.	<b>2</b>
2(c).12	Understanding the relationship between the operating plan and the premises licence, including variations.	S20 Application for premises licence S2 Application to vary premises licence S30 Determination of application for variation S31 Variation to substitute new premises manager S32 Further application after refusal of application for variation	<b>1</b>

Ref	Subject	Areas to be covered	A/W
2(d)	<b>d) Protecting children from harm</b>		
2(d).1	Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18's	S102 Sale of alcohol to a child or young person S103 Allowing the sale of alcohol to a child or young person S104 Sale of liqueur confectionary to a child S105 Purchase of alcohol by or for a child or young person S106 Consumption of alcohol to a child or young person S107 Unsupervised sale of alcohol to a child or young person S108 Delivery of alcohol to a child or young person S109 Sending a child or young person to obtain alcohol S110 Duty to display notice	<b>1</b>
2(d).2	Understanding of the application of "proof of age"	Understanding best practice for age related sales <sup>4</sup> Understanding recognised Proof of Age schemes and related initiatives Understanding where relevant information can be obtained	<b>1</b>
2(d).3	Test purchasing	Understanding clear duties & responsibilities with regard to determining someone's age Clear understanding of purpose of test purchasing	<b>1</b>

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<sup>4</sup> To include identifying possible underage or agent sales; high risk products; appropriate service practices; recording refusals; and deterrence measures

Ref	Subject	Areas to be covered	A/W
2(e)	<b>e) Control of order</b>		
2(e).1	The law in relation to drunkenness and disorderly conduct	S111 Drunk persons entering or in premises on which alcohol is sold S112 Obtaining of alcohol by or for a drunk person S113 Sale of alcohol to a drunk person S114 Premises manager, staff etc not to be drunk S115 Disorderly conduct S116 Refusal to leave premises	<b>1</b>
2(e).2	The law with regard to irresponsible promotions	S27 Conditions of premises licence Schedule 3 – premises licence mandatory conditions Schedule 4 – Occasional licences: mandatory conditions	<b>1</b>
2(e).3	exclusion orders, review of premises licence, suspension of premises licences, closure orders, endorsements and suspension of personal licences	S36-40 Review of premises licence S83 Procedure where Licensing Board receives notice of conviction S84 Conduct inconsistent with the licensing objectives S85 Expiry of endorsements S86 Suspension after multiple endorsements S94 Exclusion orders S95 Breach of exclusion order S96 Exclusion orders: supplementary position S97 Closure orders S98 Termination of closure orders S99 Extension of emergency of closure order S100 Regulations as to closure orders S101 Interpretation of sections 97 to 100	<b>1</b>
2(e).4	Powers of entry and right to inspection	S15 Powers of entry and inspection S138 Police powers of entry	<b>1</b>

Ref	Subject	Areas to be covered	A/W
2(f)	f) Training		
2(f).1	The legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications	S87 Licence holder's duty to undertake training Schedule 3 Premises Licence Mandatory Conditions	1
2(f).2	Guidance in appropriate record keeping procedures (Note: it would be helpful if templates were available at local/national level)		1
2(g)	<b>g) Associated Law.</b> Licence Holders require knowledge of the existence of associated laws, how they relate to their job role and where to get further information:		
2(g).1	Trades Descriptions Act		2
2(g).2	Security Industry Act (2001)		2
2(g).3	Smoking, Health and Social Care (Scotland) Act (2005)		2
2(g).4	Gaming, Betting and Lotteries Act		2
2(g).5	Disability Discrimination Act 1995		2
2(g).6	Consumer protection Act		2
2(g).7	Phonographic Performance Limited (PPL) and Performing Rights Society (PRS)		2
2(g).8	Basic elements of relevant criminal law such as Misuse of Drugs Act 1971		2
2(g).9	In addition require to have a basic understanding of the relevant sections and best practice in conforming with the requirements of Food Hygiene legislation, Health and Safety legislation, Noise Regulations, and advertising requirements and the duty of the premises licence holder to carry out a risk assessment.		2

Ref	Subject	Areas to be covered	A/W
3	<b>3) Effect of irresponsible operation on society and health</b>		40%
3(a)	<b>a) Alcohol</b>		
3(a).1	Units of alcohol and strengths of alcoholic drinks	<ul style="list-style-type: none"> <li>Knowledge of British standard units</li> <li>Knowledge of how to calculate the units per drink from a range of common drinks</li> </ul>	2
3(a).2	Physical and psychological effects of alcohol	<ul style="list-style-type: none"> <li>the effects on the brain<sup>5</sup></li> <li>the general effects on behaviour<sup>6</sup></li> </ul>	1
3(a).3	Sensible drinking limits		2
3(a).4	Dispelling myths about alcohol	<ul style="list-style-type: none"> <li>key facts about alcohol<sup>7</sup></li> <li>common myths about alcohol<sup>8</sup></li> </ul>	2
3(a).5	Difference between blood alcohol level and drunkenness	<ul style="list-style-type: none"> <li>the difference between blood alcohol level and drunkenness<sup>9</sup></li> </ul>	2
3(a).6	Consequences to the individual, to the business and to society of excessive drinking	<ul style="list-style-type: none"> <li>the key consequences of excessive drinking for the individual including: <ul style="list-style-type: none"> <li>Short term dangers<sup>10</sup></li> <li>Health and social problems<sup>11</sup></li> </ul> </li> <li>the key consequences of excessive drinking for the business<sup>12</sup></li> <li>the key consequences of excessive drinking for society<sup>13</sup></li> </ul>	1
Ref	Subject	Areas to be covered	A/W
3(a).7	Common patterns of alcohol consumption and misuse in	<ul style="list-style-type: none"> <li>The patterns of problem drinking and binge drinking</li> </ul>	1

<sup>5</sup> including the consequent graduated physical effects observed and the danger of acute alcohol poisoning

<sup>6</sup> including loss of inhibition and impairment of reasoning and decision making

<sup>7</sup> Including the effects of gender, tolerance, food, age, general size, general health, time.

<sup>8</sup> Including coffee and/or other substances/practices as "sobering agents", alcohol as a "warmer agent", "health", properties of other drinks.

<sup>9</sup> BAC as an objective measure used in drink driving offences, compared to drunkenness, a subjective measure of behaviour, as used in licensing legislation.

<sup>10</sup> Including the increased risk of accidents, becoming a victim of crime or being involved in crime, increase in other socially related risks/problems e.g. sexual diseases or pregnancy from unplanned sex.

<sup>11</sup> Both short and long term: including hangover, increased blood pressure, birth defects, heart disease, liver disease and various cancers; employment problems, relationship problems and financial problems.

<sup>12</sup> Including increased difficulty in dealing with drunken customers, ultimately affecting reputation and business viability (such as increased cost of replacing fixtures and fittings, staff turnover, liability and loss of licence).

<sup>13</sup> Including the current trend for high rates of alcohol related crime and disorder; the trend of increasing alcohol related problems including underage drinking, drunkenness, alcohol related disease; and associated costs to society

	Scotland	<ul style="list-style-type: none"> <li>• Basic understanding of the level and trend in underage drinking and drunkenness</li> <li>• Basic understanding of the level and trends in various types of alcohol-related illness and death</li> </ul>	
<b>3(b)</b>	<b>b) Illegal Drugs</b>		
<b>3(b).1</b>	Common patterns of drug consumption in licensed premises		<b>2</b>
<b>3(b).2</b>	Signs to look for – drug dealing		<b>2</b>
<b>3(b).3</b>	Drugs prevention policy		<b>1</b>
<b>3(b).4</b>	The importance of seeking advice from the police with regards to drug dealing in licensed premises.		<b>1</b>
<b>3(c)</b>	<b>c) Social responsibility</b>		
<b>3(c).1</b>	Best practice in setting and maintaining good standards of service and environment	<ul style="list-style-type: none"> <li>• The importance of high and consistent standards throughout a premises <sup>14</sup></li> <li>• The potential for the environment to affect drinking and behaviour</li> <li>• The importance of good service practice <sup>15</sup></li> <li>• Responsibilities to staff and customers</li> </ul>	<b>1</b>
<b>3(c).2</b>	Common causes of conflict, how to prevent conflict and how to manage conflict situations	<ul style="list-style-type: none"> <li>• Typical scenarios leading to conflict and how these might be prevented or managed</li> <li>• Signs of potential conflict</li> </ul>	<b>1</b>

<sup>14</sup> Should include need for cleanliness, tidiness, good state of repair

<sup>15</sup> Should include being polite to customers, knowledge of products, customer awareness and managing busy situations

Ref	Subject	Areas to be covered	A/W
3(c).3	Security procedures and policies in relation to crime and terrorism.		2
3(c).4	Promoting responsible drinking	<ul style="list-style-type: none"> <li>• Ways in which responsible drinking behaviour can be promoted</li> <li>• Awareness of the increasing importance of social responsibility and the need for responsible drinking <sup>16</sup></li> </ul>	2
3d)	<b>d) Community links</b>		
3(d).1	Understanding the roles and links to local community initiatives, such as alcohol and drug action teams, Community Safety Partnerships Pub Watch, Retail Watch, City Centre Safe	<p>General awareness of the existence of such schemes</p> <p>The benefits of such schemes</p>	2

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<sup>16</sup> Such as demonstrated by manufacturers policies and initiatives, such as Drinkaware Trust, social responsibility adverts and support by government