



Unit title: Scottish Personal Licence Holder Standard (Refresher)

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Credit points and level

1 SCQF credit point at SCQF level 46

Introduction

The Licensing (Scotland) Act 2005 requires that Personal Licence Holders must complete additional mandatory training 5 years after their Personal Licence was originally issued.

This unit forms the Scottish Certificate for Personal Licence Holders (Refresher) qualification, which is considered a 'relevant qualification' for the purposes of providing evidence of completing refresher training under the Licensing (Scotland) Act 2005.

This unit is based on the Scottish Standard for Personal Licence Holders (Refresher) developed by People 1st International in consultation with industry, awarding organisations and the Scottish Government and is designed to meet the mandatory qualification and training requirements of the Licensing (Scotland) Act 2005 and subsequent regulations.

The three key areas covered in the Scottish Standard for Personal Licence Holders (Refresher) are:

- Introduction to licensing
- Responsible operation of licensed premises
- The Effect of Alcohol Consumption on Customers and your Business

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 following topic references relate to those within the Scottish Personal Licence Holder Standard (Refresher), which can be found in Appendix A.

Topic Ref	Topic Title
2.1	Understanding of the 5 Licensing Objectives
2.2	The meaning of 'alcohol'
2.3	What constitutes the 'sale of alcohol'
2.4	Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder.
2.5	Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensing premises; duties to set out licensing policy
2.6	Understanding of the function of Licensing Standards Officers; their monitoring and advisory role; and how this relates to licensing boards and the local authority
2.7	Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships
2.8	Understand the premises licence including the operating plan, layout plan and any variations to those documents
2.9	Understanding the relationship of risk assessment and best practice policies to the operating plan
2.10	Understanding the different types of licence: premises, personal and occasional
2.11	Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder
2.12	Understanding licensed hours
2.13	Understanding of national mandatory conditions and local conditions
2.14	Understanding alcohol pricing and promotions
2.15	Understanding of operating conditions of members' clubs
2.16	Knowledge of application and renewal for a personal licence including police powers
2.17	Understanding the duties of a personal licence holder
2.18	Understanding of offences related to the premises and personal licence
2.19	Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s
2.20	Understanding of the application of 'proof of age'; how to adhere to business's age verification policy
2.21	Understanding of test purchasing
2.22	Understanding offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s
2.23	The law in relation to drunkenness and disorderly conduct

2.24	Knowledge of interactions and interventions from police
2.25	Understanding of review of premises licences and sanctions available to the Licensing Board
2.26	Understanding of review of personal licences and sanctions available to the Licensing Board
2.27	Understanding closure orders
2.28	Understanding offences related to closure orders
2.29	The mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications
2.30	Statutory record keeping procedures relevant to the premises
2.31	Understanding offences related to training
2.32	Knowledge of relevant associated law
2.33	Knowledge of offences related to relevant associated law
3.1	Knowledge of units of alcohol and strengths of alcoholic drinks
3.2	Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered
3.3	Understanding of consequences of alcohol intoxication
3.4	Understanding of common patterns of drug consumption in licensed premises
3.5	Best practice in setting and maintaining good standards of service and environment
3.6	Understanding of common cause of conflict, how to prevent conflict and manage conflict situations
3.7	Understanding of security procedures and policies in relation to crime and terrorism

Assessment Criteria

Assessment criteria for the unit is specified within the Scottish Personal Licence Holder Standard (Refresher), which can be found in Appendix A.

The Training Delivery and Assessment Strategy for Scottish Alcohol Licensing Qualifications outlines the minimum acceptable standards for delivery and assessment of alcohol licensing qualifications in Scotland.

History of changes to unit

Version	Description of change	Date

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General information for candidates

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

You must have been awarded with a Scottish Certificate for Personal Licence Holders qualification.

What do I need to do?

You will need to show that you understand the law relating to the role of a Personal Licence Holder in Scotland, as specified within the Licensing (Scotland) Act 2005 and subsequent regulations.

You will need a qualification based on the Scottish National Standard for Personal Licence Holders (Refresher) to support an application for demonstrating to a Licensing Board that you have completed your mandatory refresher training. The Scottish National Standard for Personal Licence Holders (Refresher) can be found in Appendix A.

How do I get this unit?

You will complete a 40-question multiple-choice examination. You must get at least 28 questions correct (70%) to achieve this unit.

What might this involve?

Pre course study

Attendance at a half-day (minimum 3 hour) training course or completion of an online training programme approved by an awarding body

What can I do next?

You could undertake further study in a related area, for example the Scottish Vocational Qualification (SVQ) in Hospitality Supervision and Leadership or SVQ in Retail Management, a Professional Development Award (PDA) in Hospitality, a Higher National Certificate/Diploma (HNC/D) in Hospitality or Retail Management. Your tutor can advise you about this.

Appendix A

The Scottish Personal Licence Holder Standard (Refresher)

Introduction

Section 87 of the Licensing (Scotland) Act 2005 requires that Personal Licence Holders must complete additional mandatory training 5 years after their Personal Licence was issued. All training to meet the requirements of the Licensing (Scotland) Act 2005 must include the topics as outlined in PART A of this qualification standard. The assessment content of the qualification titled Scottish Certificate for Personal Licence Holders (Refresher) (SCPLHR) is also derived from this Standard. Achieving the qualification and presenting the certificate to a Licensing Board in Scotland within the prescribed period, is the only method by which the Personal Licence Holder can meet their statutory obligations and continue to be a Personal Licence Holder.

PART B of this qualification standard provides further detail for each topic and specifies the components which must be delivered through either tutor-led or online training. Please note that all topic detail in PART B must be covered in the course handbook. Candidates are expected to cover the topics not covered in the training delivery component through self-directed learning using the course handbook.

This qualification standard has been developed by People 1st International in consultation with industry employers, their representatives and other stakeholders, and the Scottish Government.

Timescale

The training delivery schedule should take a minimum of 3 hours. Assessment should take no more than one hour. Candidate preparation and reading time is in addition to this. For the purposes of the Scottish Credit and Qualifications Framework (SCQF) this represents a total of 10 notional learning hours.

Delivery

The SCPLHR qualification must be assessed by way of a 40-question multiple-choice paper. All areas are subject to assessment. Assessment weighting for the topics covered are included in the appendix at the end of this document. Please note that a maximum of 90% of examination questions will relate solely to the delivered component with the remaining examination questions assessing subjects covered within the handbook.

Training Delivery and Assessment Strategy

The delivery and assessment of the SCPLHR qualification is governed by the Training Delivery and Assessment Strategy specified by People 1st International and regulated by SQA Accreditation.

PART A: The Scottish Personal Licence Holder Standard - October 2019

Section 1: Introduction to Licensing (not assessed)

Section 2: Responsible Operation of Licensed Premises

Overview of the licensing function

- Understanding of the 5 licensing objectives (Topic 2.1)
- The meaning of 'alcohol' (Topic 2.2)
- What constitutes the 'sale of alcohol' (Topic 2.3)
- Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder (Topic 2.4)

Key roles

- Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensed premises; duties to set out licensing policy (Topic 2.5)
- Understanding of the function of Licensing Standards Officers; their monitoring and advisory roles; and how this relates to licensing boards and the local authority (Topic 2.6)
- Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships (Topic 2.7)

Licensing and operational responsibilities

- Understanding the premises licence including the operating plan, layout plan and any variations to those documents (Topic 2.8)
 - Understanding the relationship of risk assessment and best practice policies to the operating plan (Topic 2.9)
 - Understanding the different types of licence: premises, personal and occasional (Topic 2.10)
 - Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder (Topic 2.11)
 - Understanding licensed hours (Topic 2.12)
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- Understanding of national mandatory conditions and local conditions (Topic 2.13)
- Understanding alcohol pricing and promotions (Topic 2.14)
- Understanding of operating conditions of members clubs (Topic 2.15)
- Knowledge of application and renewal for a personal licence, including police powers (Topic 2.16) (not assessed)
- Understanding the duties of a personal licence holder (Topic 2.17)
- Understanding offences related to the premises and personal licence (Topic 2.18)

Protecting children and young persons from harm

- Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.19)
- Understanding of the application of 'proof of age'; how to adhere to business's age verification policy (Topic 2.20)
- Understanding of test purchasing (Topic 2.21)
- Understanding the offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s (Topic 2.22)

Control of Order

- Understanding the law in relation to drunkenness and disorderly conduct (Topic 2.23)
- Knowledge of interactions and interventions from police (Topic 2.24)
- Understanding of review of premises licence and sanctions available to the Licensing Board (Topic 2.25)
- Understanding of review of personal licences and sanctions available to the Licensing Board (Topic 2.26)
- Understanding of closure orders (Topic 2.27)
- Understanding offences related to closure orders (Topic 2.28)

Training

- Knowledge of the mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications (Topic 2.29)
- Understanding of statutory record keeping procedures relevant to the premises (Topic 2.30)
- Understanding of offences related to training (Topic 2.31)

Associated law

- Knowledge of relevant associated law (Topic 2.32)
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- Knowledge of offences related to relevant associated law (Topic 2.33)

Section 3: The Effect of Alcohol Consumption on Customers and your Business

Alcohol intoxication

- Knowledge of units of alcohol and strengths of alcoholic drinks (Topic 3.1)
- Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered (Topic 3.2)
- Understanding of the consequences of alcohol intoxication (Topic 3.3)

Illegal drugs

- Understanding of common patterns of drug consumption in licensed premises (Topic 3.4)

Social responsibility

- Best practice in setting and maintaining good standards of service and environment (3.5)
 - Understanding of common causes of conflict, how to prevent conflict and manage conflict situations (3.6)
 - Understanding of security procedures and policies in relation to crime and terrorism (3.7)
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PART B: The Scottish Personal Licence Holder Refresher Qualification Delivered Components of the Standard (with topic detail and references) – October 2019

NB: ALL topics must be covered in the handbook which accompanies the refresher training.

Topic Knowledge and Understanding	Topic detail	Compulsory Delivered Component	Further information Legal and further references (for guidance only)
Section 1: Introduction to licensing			
1.1	The reason for, and importance of, the Licensing (Scotland) Act 2005	<ul style="list-style-type: none"> <li style="text-align: center;">X <li style="text-align: center;">X <li style="text-align: center;">X <li style="text-align: center;">X <li style="text-align: center;">√ 	<p>Licensing (Scotland) Act 2005, and subsequent amending acts and regulations</p> <p>Key parts of Scotland's Preventative Framework on Alcohol 2018</p> <p>https://www.gov.scot/publications/alcohol-framework-2018-preventing-harm-next-steps-changing-relationship-alcohol/</p>

Section 2: Responsible operation of licensed premises – Overview of the licensing function				
2.1	Understanding of the 5 Licensing Objectives	<ul style="list-style-type: none"> • Introduction to and overview of the 5 Licensing Objectives: <ul style="list-style-type: none"> - Preventing crime and disorder - Securing public safety - Preventing public nuisance - Protecting and improving public health - Protecting children and young persons from harm • Examples of how licensed premises promote the 5 Licensing Objectives 	<p>√</p> <p>√</p>	Licensing (Scotland) Act 2005 S.4 The Licensing Objectives, NB: young persons were added via the Air Weapons and Licensing (Scotland) Act 2015 (s41)
2.2	The meaning of 'alcohol'	<ul style="list-style-type: none"> • The types of products which are included in the meaning of alcohol in accordance with the legislation • How the alcoholic strength of a drink is measured i.e. the meaning of ABV • The types of alcoholic products which are not included in the meaning of alcohol in accordance with the legislation 	<p>X</p> <p>X</p> <p>X</p>	Licensing (Scotland) Act 2005, section 2 as amended by s54 of the Air Weapons and Licensing (Scotland) Act 2015 to remove an exemption for angostura bitters
2.3	What constitutes the 'sale of alcohol'	<ul style="list-style-type: none"> • The definition of the sale of alcohol • Circumstances under which the supply of alcohol must be treated as a sale e.g. for events, clubs • Definition and parameters of a contract sale 	<p>√</p> <p>√</p> <p>√</p>	Licensing (Scotland) Act 2005 s147, also s3 Alcohol (Minimum Pricing) (Scotland) Act 2012 See also https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf
2.4	Broad understanding of the Licensing	<ul style="list-style-type: none"> • Introduction to and overview of the broad 	X	Licensing (Scotland) Act 2005

	<p>(Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the personal licence holder.</p>	<p>content of alcohol legislation</p> <ul style="list-style-type: none"> • Overview of how the legislation is relevant and applies to the personal licence holder • The importance of the personal licence holder understanding how the legislation applies to them <p><i>NB: This topic is intended as an introduction to the various aspects of the legislation which will be covered in more detail later in this standard.</i></p>	<p>X</p> <p>X</p>	<p>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</p> <p>Schedules 3 and 4 – Premises licences: mandatory conditions and occasional licences: mandatory conditions</p> <p>Also key relevant provisions from amending acts</p> <p>Alcohol etc (Scotland) Act 2010 – Part 1, restrictions on promotions</p> <p>Criminal Justice and Licensing (Scotland) Act 2010 – Part 9 – disabled access and facilities statement (s179), LSO powers (s197)</p> <p>Alcohol (Minimum Pricing) (Scotland) Act 2012</p>
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				Air Weapons and Licensing (Scotland) Act 2015 – fit and proper (s43-48), duration of statement of licensing policy (increased to five years aligned with local elections) (s42) and ability to consider spent offences (<i>un-commenced at time of writing</i>) (s52)
Section 2: Responsible operation of licensed premises – Key roles				
2.5	Understanding of the role and purpose of the Licensing Boards in granting applications; regulating standards in licensing premises; duties to set out licensing policy	<ul style="list-style-type: none"> Licensing Board policies, what they are and where they can be found The requirement for the Licensing Board to assess overprovision, what this means and where to find this information How to contribute to Licensing Board policy The requirement to make applications for licences to Licensing Boards The importance of not influencing board members: 	X X X X X	<p>Licensing (Scotland) Act 2005 Paragraphs 38-56 Policy memorandum for the original Bill</p> <p>Part 2 Licensing Bodies and officers, and Schedule 1 (<i>NB this is for trainer background information only and is not intended to be taught as part of the training</i>)</p> <p>Alcohol etc. (Scotland) Act 2010 S.9 Presumption against prohibition of off-sales to under 21s</p> <p>S.11 Consultation etc. of health boards</p>
2.6	Understanding of the function of Licensing Standards Officers; their	<ul style="list-style-type: none"> General functions of Licensing Standards Officers and their responsibilities for 	√	Licensing (Scotland) Act 2005 S.13 Licensing Standards

	<p>monitoring and advisory role; and how this relates to licensing boards and the local authority</p>	<p>providing guidance and information to interested parties (NB: this is not legal advice); ensuring compliance by licence holders; and providing a mediation service for the purpose of avoiding or resolving disputes</p> <ul style="list-style-type: none"> • The importance of developing positive relationships with Licensing Standards Officers • The duty of the Licensing Standards Officers to provide information to Licensing Boards about any conduct of holders of, or persons applying for, personal and premises licences in the area, which is inconsistent with the licensing objectives • How the role of the Licensing Standards Officers relates to licensing boards and the local authority • Licensing Standards Officers powers of entry and inspection; and why you should not obstruct them in the course of their duties 	<p style="text-align: center;">√</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">√</p>	<p>Officers</p> <p>S.14 General Functions of Licensing Standards Officers (as amended by – section 57 of the Air Weapons and Licensing (Scotland) Act 2015)</p> <p>S.15 Powers of Entry and Inspection (and seizure) (as amended by - section s197 Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.16 Training of Licensing Standards Officers</p>
2.7	<p>Understanding of the key roles and powers of other statutory bodies involved in alcohol licensing, including powers of entry, rights to inspection and building relationships</p>	<ul style="list-style-type: none"> • Key roles and powers of the following other statutory bodies: <ul style="list-style-type: none"> - Police - Trading Standards Officers - Environmental Health Officers - Fire Service - HMRC Enforcement Officer - Immigration • What each statutory body inspects and why • The importance of, and methods for developing relationships with other 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	<p>Police - key references in Licensing (Scotland) Act 2005</p> <p>Part 7 – control of order</p> <p>Part 8 – offences</p> <p>Section 138 – police powers of entry</p> <p>Police Scotland Liquor Licensing Standard Operating procedure section 8 for guidance from Police Scotland</p>

		<p>statutory bodies</p> <ul style="list-style-type: none"> • How to deal with joint visits from statutory bodies and the benefits to the Personal Licence Holder and business in terms of reduced time and number of visits 	X	<p>Trading Standards Scotland</p> <p>Environmental Health Officers – Food Safety Act 1990 & The Food Hygiene (Scotland) Regulations 2006</p> <p>Fire Service – section 21 of the Licensing (Scotland) Act 2005</p> <p>HMRC</p> <p>Immigration – Immigration Act 2016, section 36 provides powers to UK Government to amend the Scottish liquor licensing regime. Regulation not laid at time of writing (July 2019).</p>
Section 2: Responsible operation of licensed premises – Licensing and operational responsibilities				
2.8	Understand the premises licence including the operating plan, layout plan and any variations to those documents	<ul style="list-style-type: none"> • The purpose and contents of a premises licence • The requirements for displaying the 'licence summary' on the premises • The purpose and contents of the operating plan and layout plan and how they relate to each other • Types of variations which can be made to a premises licence • The need to and importance of sharing 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Licensing (Scotland) Act 2005 Part 3, in particular</p> <p>S.17 Premises licence</p> <p>S.19 Premises Manager</p> <p>S.20 Application for premises licence sub 1) (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.24 Applicant's duty to notify</p>

		information contained within the operating plan with staff and management		Licensing Board of convictions (amended by Police and Fire Reform (Scotland) Act 2012 Schedule 7(1) para 29(2) Criminal Justice and Licensing (Scotland) Act 2010 Schedule 6 para 6(2) and 6(3)) S.29 to S.32 S.41 Duty to notify court of premises licence S.43 Licence holder's duty to notify Licensing Board of convictions S.48 notification of change of name or address S.52 Duty to keep, display and produce premises licence S.54 Dismissal, resignation, death etc. of premises manager S.72 Application for personal licence S.74 Determination of a personal licence application S.80 Duty to notify court of personal licence S.82 Licence holder's duty to notify Licensing Board of convictions S.87 Licence holder's duty to undertake training S.93 Licence holder's duty to produce a licence
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				<p>Also S.28 - Period of effect of premises licence</p> <p>Including subsequent amendments</p> <p>Relevant secondary regulations: Premises Licence (Scotland) Regulations 2007/452 Premises Licence (Scotland) Amendment Regulations 2018/49</p>
2.9	Understanding the relationship of risk assessment and best practice policies to the operating plan	<ul style="list-style-type: none"> • The importance of assessing potential risks and developing best practice policies • Basic procedure of making a risk assessment and best practice policies as relevant for different types of premises e.g.: <ul style="list-style-type: none"> - age-related sales - age-verification policies - proof of ID policies - promotions - house rules - closing time procedures - dispersal policy - record keeping - internal communication and reporting procedures - plan for managing conflict, disorder or drunkenness, noise control - management of smokers - promotion of low risk guidelines - promotion of drink-driving limits 	<p>√</p> <p>√</p>	Licensing (Scotland) Act 2005

2.10	Understanding the different types of licence: premises, personal and occasional	<ul style="list-style-type: none"> • The purpose of the different types of licence: premises, personal and occasional i.e. what they are, what they permit the holder to do • Who can make applications for the different types of licence • How to apply for an occasional licence • The requirements and conditions of the different types of licence <p><i>NB: How to apply for a Personal Licence is covered in topic 2.16</i></p>	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	<p>Licensing (Scotland) Act 2005 S.17 Premises licence S.56 Occasional licence (as amended) S.71 Personal licence</p> <p>Including amendments to s56 via amending Acts.</p>
2.11	Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder	<ul style="list-style-type: none"> • Legal duties and responsibilities of a Premises Licence Holder, a Premises Manager and a Personal Licence Holder • Explanation of a 'fit and proper person' • What to do if the Premises Manager leaves, dies, becomes incapable or loses personal licence • Requirements to keep, display and produce premises licence • Requirements to produce a personal licence 	<p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p>	<p>Licensing (Scotland) Act 2005 S.19 Premises Manager S.24 Applicant's duty to notify Licensing Board of convictions S.41 Duty to notify court of premises licence S.43 Licence holder's duty to notify Licensing Board of convictions S.52 Duty to keep, display and produce premises licence S.54 Dismissal, resignation, death etc. of premises manager</p> <p>S.71 Personal licence S.72 Application for personal licence S.74 Determination of a personal licence application S.80 Duty to notify court of personal licence</p>

				<p>S.82 Licence holder's duty to notify Licensing Board of convictions</p> <p>S.87 Licence holder's duty to undertake training</p> <p>S.93 Licence holder's duty to produce a licence</p> <p>S.28 - Period of effect of premises licence and section 54 - dismissal, resignation, death etc. of premises manager</p> <p>Including amendments to legislation</p>
2.12	Understanding licensed hours	<ul style="list-style-type: none"> • Licensed hours for on sales and off sales • The importance of restricting the sale of alcohol outside the licensed hours set out in the operating plan • How extensions to licensed hours can be made and general extensions 	<p>√</p> <p>√</p> <p>√</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.62 Licensed hours</p> <p>S.63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours</p> <p>S.64 24 hour licences to be granted only in exceptional circumstances</p> <p>S.65 Licensed hours: off-sales</p> <p>S.66 Effect of start and end of British summer time</p> <p>S.67 Power of Licensing Board to grant general extensions of licensed hours</p> <p>S.68 Extended hours applications</p>

				<p>S.69 Notification of extended hours application S.70A extended hours applications: variation of conditions</p> <p>Including amendments in the legislation</p> <p>See also Board's Licensing Policy Statement which may include guidance on hours</p>
2.13	Understanding of national mandatory conditions and local conditions	<ul style="list-style-type: none"> • The importance of understanding national mandatory and local conditions e.g. may be working within Licensing Law, but breaching local conditions • Where to find information on local conditions • How to ensure compliance with local conditions 	<p>√</p> <p>√</p> <p>√</p>	<p>Licensing (Scotland) Act 2005</p> <p>S. 27 Conditions of premises licence As amended by Alcohol etc. (Scotland) Act 2010, s7(2) Schedule 3 – Premises licences: mandatory conditions (including late night mandatory and discretionary conditions) and subsequent amendments Schedule 4 – Occasional Licences: mandatory conditions, including amendments</p> <p>The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007</p>

				<p>The following have been largely incorporated into the 2005 Act</p> <p>Alcohol etc (Scotland) Act 2010</p> <p>S.2 Minimum price of packages containing more than one alcoholic product</p> <p>S.3 Off-sales: variation of pricing of alcohol drinks</p> <p>S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price</p> <p>S.5 Off-sales: location of drinks promotions</p> <p>S.6 Requirement for age verification policy</p> <p>Alcohol (Minimum Pricing) (Scotland) Act 2012</p> <p>Including amendments to legislation</p>
2.14	Understanding alcohol pricing and promotions	<ul style="list-style-type: none"> • How minimum unit pricing affects the sale of alcohol • Duties and responsibilities in relation to alcohol pricing and promotions • Types of legal promotions e.g. dual price lists • Types of irresponsible promotions 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.27 Conditions of premises licence (amended by section 7 of the Alcohol etc. (Scotland) Act 2010)</p> <p>Schedule 3 – Premises licences mandatory conditions</p> <p>Schedule 4 – Occasional licences: mandatory conditions</p>

				<p>Alcohol Etc (Scotland) Act 2010</p> <p>S.2 Minimum price of packages containing more than one alcoholic product</p> <p>S.3 Off-sales: variation of pricing of alcohol drinks</p> <p>S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price</p> <p>S.5 Off-sales: location of drinks promotions</p> <p>Alcohol (Minimum Pricing) (Scotland) Act 2012</p> <p>Including amendments to legislation</p> <p>See also https://www.scottishshop.org.uk/images/SGF-MUP-Communications.pdf</p>
2.15	Understanding of operating conditions of members' clubs	<ul style="list-style-type: none"> • Special provisions for members clubs • Conditions for operating under occasional licences 	X X	<p>Licensing (Scotland) Act 2005</p> <p>S.125 – Special provision for certain clubs</p> <p>The Licensing (Clubs) (Scotland) Regulations 2007</p> <p>S.56 – occasional licence</p> <p>Including amendments to the legislation</p>

2.16	<p>Knowledge of application and renewal for a personal licence including police powers</p>	<ul style="list-style-type: none"> • How to apply for a personal licence • Lifespan of personal licence and requirements to refresh training and renew licence <p><i>NB: this topic is to prepare the candidate for the application process and is not assessed</i></p>	<p>X v</p>	<p>Licensing (Scotland) Act 2005 S.71 Personal licence S.72. Application for personal licence S.73 Notification of application to chief constable S.74 Determination of personal licence application S.75 Applicant's duty to notify Licensing Board of convictions S.76 Issue of licence S.77 Period of effect of personal licence S.78 Renewal of personal licence S.79 Notification of determination</p> <p>Personal Licence (Scotland) Regulations 2007/77</p> <p>Personal Licence (Training) (Scotland) Regulations 2013/261</p> <p>Licensing Qualification (Scotland) Regulations 2007/98</p> <p>Including amendments to the legislation</p>
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				https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence
2.17	Understanding the duties of a personal licence holder	<ul style="list-style-type: none"> • The importance of, and circumstances under which court must be notified of personal licence • The importance of notifying the Licensing Board of convictions • The legal requirements for training 	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.80 Duty to notify court of personal licence</p> <p>S.82 Licence holder's duty to notify Licensing Board of convictions</p> <p>S.87 Licence holder's duty to undertake training</p>
2.18	Understanding of offences related to the premises and personal licence	<ul style="list-style-type: none"> • Types of breaches which can occur and how to prevent them • Fines and penalties associated with offences related to the premises and personal licence 	<p>✓</p> <p>X</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.24 – applicant's duty to notify Licensing Board of convictions</p> <p>S.40A – connected persons and interested parties – licence holder's duty to notify changes</p> <p>S.41 – duty to notify court of premises licence</p> <p>S.43 – licence holder's duty to notify Licensing Board of convictions</p> <p>S.48 – notification of change of name or address</p> <p>S.52 – duty to keep, display and produce premises licence</p> <p>S.75 – applicant's duty to notify Licensing Board of convictions</p> <p>S.76 – issue of licence</p> <p>S.80 – duty to notify court of personal licence</p> <p>S.82 – licence holder's duty to</p>

				<p>notify Licensing Board of convictions</p> <p>S.88 – notification of change of name or address</p> <p>S.92 – theft, loss etc. of personal licence</p> <p>S.93 – licence holder’s duty to produce licence</p> <p>Including amendments to legislation</p>
Section 2: Responsible operation of licensed premises – Protecting children and young persons from harm				
2.19	Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s	<ul style="list-style-type: none"> • Duties and responsibilities with regard to protecting children and young persons from harm • How to apply due diligence 	<p>√</p> <p>√</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.1 Prohibition of unlicensed sale of alcohol</p> <p>S.102 Sale of alcohol to a child or young person</p> <p>S.103 Allowing the sale of alcohol to a child or young person</p> <p>S.104 Sale of liqueur confectionary to a child</p> <p>S.105 Purchase of alcohol by or for a child or young person</p> <p>S.106 Consumption of alcohol to a child or young person</p> <p>S.107 Unsupervised sale of alcohol to a child or young person</p>

				<p>S.108 Delivery of alcohol to a child or young person S.109 Sending a child or young person to obtain alcohol S.110 Duty to display notice</p> <p>Alcohol etc. (Scotland) Act 2010 S.6 Requirement for age verification policy</p> <p>Including amendments to the legislation</p>
2.20	Understanding of the application of 'proof of age'; how to adhere to business's age verification policy	<ul style="list-style-type: none"> • Duties and responsibilities with regard to determining someone's age • The importance of, and how to Challenge 25 • How to determine whether an ID document is genuine • Examples of good practice of age verification policies • How to apply due diligence 	<p>√</p> <p>√</p> <p>√</p> <p>√</p> <p>√</p>	<p>The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007</p> <p>Sale of Alcohol to Children and Young Persons (Scotland) Amendment Regulations 2013/199</p> <p>Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019/6</p> <p>Alcohol etc. (Scotland) Act 2010 S.6 Requirement for age verification policy</p> <p>Smoking, Health and Social Care (Scotland) Act 2005</p>

2.21	Understanding of test purchasing	<ul style="list-style-type: none"> • Definition and purpose of test purchasing • How test purchasing is applied and the possible outcomes where any illegal sale is made 	<p style="text-align: center;">√ √</p>	None
2.22	Understanding offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s	<ul style="list-style-type: none"> • Types of offences which can occur and how to prevent them • Fines and penalties associated with offences related to sale, purchase, consumption of alcohol, supervised sales by under 18s 	<p style="text-align: center;">√ X</p>	<p>Licensing (Scotland) Act 2005 S.1 – prohibition of unlicensed sale of alcohol S.102 Sale of alcohol to a child or young person S.103 Allowing the sale of alcohol to a child or young person S.104 Sale of liqueur confectionary to a child S.105 Purchase of alcohol by or for a child or young person S.106 Consumption of alcohol to a child or young person S.107 Unsupervised sale of alcohol to a child or young person S.108 Delivery of alcohol to a child or young person S.109 Sending a child or young person to obtain alcohol S.110 Duty to display notice</p> <p>Including amendments to the legislation</p>

Section 2: Responsible operation of licensed premises – Control of order				
2.23	The law in relation to drunkenness and disorderly conduct	<ul style="list-style-type: none"> • The importance of preventing drunkenness and disorderly conduct in licensed premises • Duties and responsibilities in relation to drunkenness and disorderly conduct • How to apply due diligence 	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.111 Drunk persons entering or in premises on which alcohol is sold</p> <p>S.112 Obtaining of alcohol by or for a drunk person</p> <p>S.113 Sale of alcohol to a drunk person</p> <p>S.114 Premises manager, staff etc. not to be drunk</p> <p>S.115 Disorderly conduct</p> <p>S.116 Refusal to leave premises</p> <p>Including amendments to the legislation</p>
2.24	Knowledge of interactions and interventions from police	<ul style="list-style-type: none"> • Types of support and advice available from police • The importance of seeking advice from police and when to do so • The difference between an interaction and an intervention 	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Police interaction and intervention</p> <p>Section 8 (8.1, 8.5) & Appendix D Police Scotland Liquor Licensing Standard Operating Procedure v4.00</p> <p>https://www.scotland.police.uk/assets/pdf/151934/184779/liquor-licensing-sop</p>
2.25	Understanding of review of premises licences and sanctions available to the Licensing Board	<ul style="list-style-type: none"> • The grounds for the review of a premises licence • How the review process works (basic knowledge) 	<p>✓</p> <p>✓</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.36 -40 – Review of premises licence</p> <p>S.83 Procedure where Licensing</p>

		<ul style="list-style-type: none"> Types of sanctions available to the Licensing Board 	√	<p>Board receives notification of convictions</p> <p>S.84 Conduct inconsistent with licensing objectives</p> <p>S.85 Expiry of endorsements</p> <p>S.86 Suspension of licence after multiple endorsements</p> <p>S.94 Exclusion orders</p> <p>S.95 Breach of exclusion order</p> <p>S.96 Exclusion orders: supplementary provision</p> <p>S.97 Closure orders</p> <p>S.98 Termination of closure orders</p> <p>S.99 Extension of emergency closure orders</p> <p>S.100 Regulations as to closure orders</p> <p>S.101 Interpretation of sections 97-100</p> <p>Including amendments to legislation</p>
2.26	Understanding of review of personal licences and sanctions available to the Licensing Board	<ul style="list-style-type: none"> The grounds for the review of a personal licence How the review process works (basic knowledge) Types of sanctions available to the Licensing Board 	<p>√</p> <p>√</p> <p>√</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.83 Procedure where Licensing Board receives notification of convictions</p> <p>S.84 Conduct inconsistent with licensing objectives</p> <p>S84A power of chief constable to report conduct inconsistent with the licensing objectives (inserted by Schedule 6 (16) of</p>

				<p>the Criminal Justice and Licensing (Scotland) Act 2010 S.85 Expiry of endorsements</p> <p>Including amendments to the legislation</p>
2.27	Understanding closure orders	<ul style="list-style-type: none"> Who can make a closure order (including emergency closure orders), circumstances under which closure orders can be made and the implications for the premises 	√	<p>Licensing (Scotland) Act 2005 S.97 Closure orders (amended by section 193 of the Criminal Justice and Licensing (Scotland) Act 2010) S.98 Termination of closure orders S.99 Extension of emergency closure orders S.100 Regulations as to closure orders S.101 Interpretation of sections 97-100</p> <p>Licensing (Closure Orders) (Scotland) Regulations 2007.</p> <p>Including amendments to the legislation</p>
2.28	Understanding offences related to closure orders	<ul style="list-style-type: none"> Types of breaches and offences which can occur in relation to a closure order Fines and penalties associated with offences related to closure orders 	<p>√</p> <p>X</p>	<p>Licensing (Scotland) Act 2005 S.97 – Closure orders S.98 – Termination of closure orders</p> <p>Including amendments to legislation</p>

Section 2: Responsible operation of licensed premises – Training

2.29	The mandatory legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications	<ul style="list-style-type: none"> • The training and qualifications required to be undertaken by the licence holder and staff • How staff training and development contributes to due diligence 	<p>√</p> <p>√</p>	<p>Licensing (Scotland) Act 2005</p> <p>S.87 Licence holder’s duty to undertake training</p> <p>Schedule 3, para 6, Premises licence: mandatory conditions – training of staff</p> <p>The Licensing (Training of Staff) (Scotland) Regulations 2007</p> <p>See also</p> <p>S.71 Personal licence</p> <p>S.72. Application for personal licence</p> <p>S.73 Notification of application to chief constable</p> <p>S.74 Determination of personal licence application</p> <p>S.75 Applicant’s duty to notify Licensing Board of convictions</p> <p>S.76 Issue of licence</p> <p>S.77 Period of effect of personal licence</p> <p>S.78 Renewal of personal licence</p> <p>S.79 Notification of determination</p>
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				<p>Personal Licence (Scotland) Regulations 2007/77</p> <p>Personal Licence (Training) (Scotland) Regulations 2013/261</p> <p>Licensing Qualification (Scotland) Regulations 2007/98</p> <p>https://www2.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing/PersonalLicence</p> <p>Including amendments to the legislation</p>
2.30	Statutory record keeping procedures relevant to the premises	<ul style="list-style-type: none"> • The importance of keeping statutory staff training records in relation to mandatory staff training • The need for, and recording of continuous staff development • Appropriate staff training record keeping procedures 	<p>√</p> <p>√</p> <p>√</p>	<p>Schedule 3 - para 6 –</p> <p>Form of training record specified in The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007)</p>
2.31	Understanding offences related to training	<ul style="list-style-type: none"> • Types of breaches and offences in relation to training • Sanctions for breaches in relation to review and loss of licence 	<p>√</p> <p>X</p>	<p>Licensing (Scotland) Act 2005 –</p> <p>Section 1 prohibition of unlicensed sale of alcohol</p>

Section 2: Responsible operation of licensed premises – Associated law

2.32	Knowledge of relevant associated law	<ul style="list-style-type: none"> • What is licensable activity and the risks involved in relation to relevant associated law i.e. what could put the licence at risk / under what circumstances could a licence be reviewed • The roles and responsibilities of the personal licence holder in contributing to complying with relevant associated law • Relevant associated law relates to: <ul style="list-style-type: none"> - Weights and Measures Act 1985 - The Consumer Protection from Unfair Trading Regulations 2008 - Private Security Industry Act 2001 - Smoking, Health and Social Care (Scotland) Act 2005 - Gambling Act 2005 - Equality Act 2010 - The Music Licence and public music licences for businesses - Misuse of Drugs Act 1971 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	<p>Weights and Measures Act 1985 For example: information on standard measures, free pouring, beer/cider/lager head size, glass lines and pre-packed alcohol service</p> <p>The Consumer Protection from Unfair Trading Regulations 2008 For example: information on misleading actions, omissions and aggressive practices</p> <p>Private Security Industry Act 2001 For example: Sections 3 - 6 of that Act</p> <p>Smoking, Health and Social Care (Scotland) Act 2005 For example: how the business manages its smoking policy (if applicable)</p> <p>Gambling Act 2005 For example: the 3 Gambling Objectives; automatic entitlement and the need to monitor gaming machines</p>
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				<p>Equality Act 2010 For example: Protected Characteristics with regard to employment and services</p> <p>The Music Licence and public music licences for businesses - For example: information on live and pre-recorded music and the licenses required</p> <p>Misuse of Drugs Act 1971 Common patterns of drug consumption in licensed premises and associated offences</p>
2.33	Knowledge of offences related to relevant associated law	<ul style="list-style-type: none"> • Types of breaches and offences related to relevant associated law listed in topic 2.32 • The implications of breaches of legislation covered in topic 2.32 	X X	<p>Weights and Measures Act 1985</p> <p>The Consumer Protection from Unfair Trading Regulations 2008</p> <p>Private Security Industry Act 2001</p> <p>Smoking, Health and Social Care (Scotland) Act 2005</p> <p>Gambling Act 2005</p> <p>Equality Act 2010</p> <p>The Music Licence and public music licences for businesses</p> <p>Misuse of Drugs Act 1971</p>

Section 3: The effect of alcohol consumption on you and your business – Alcohol intoxication				
3.1	Knowledge of units of alcohol and strengths of alcoholic drinks	<ul style="list-style-type: none"> • British standard units of alcohol, and where to find information on the units per drink for a range of common drinks • Differences between the ABV of low-alcohol, reduced alcohol and no-alcohol drinks • The importance of providing accurate information to customers on the strength of alcohol in the product • Low risk alcohol guidelines and how to promote them 	<p>√</p> <p>√</p> <p>√</p> <p>√</p>	None
3.2	Understanding of common signs and symptoms of alcohol intoxication; how to gauge whether people are vulnerable and ensure duty of care is considered	<ul style="list-style-type: none"> • The effects of alcohol on the brain • The general effects on behaviour • Factors to be considered when judging drunkenness • Awareness of changes in drinking habits e.g. 'pre-loading' • How to determine the extent of your duty of care (NB: this is not assessed) • How to gauge whether people are vulnerable and determine what action to take e.g. vulnerability policy, safe home taxi links, etc. • How licensed premises contribute to protecting the safety of customers through the provision of soft drinks, small glasses, smaller measures (within legal parameters), mocktails, provision of water, food, snacks etc. 	<p>X</p> <p>X</p> <p>√</p> <p>√</p> <p>X</p> <p>√</p> <p>√</p>	None

3.3	Understanding of consequences of alcohol intoxication	<ul style="list-style-type: none"> • The key consequences of excessive drinking for the individual including: <ul style="list-style-type: none"> - short term dangers - health and social problems • The key consequences of excessive drinking for the business • The key consequences of excessive drinking for society 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	None
Section 3: The effect of alcohol consumption on you and your business – Illegal drugs				
3.4	Understanding of common patterns of drug consumption in licensed premises	<ul style="list-style-type: none"> • Responsibilities of the Personal Licence Holder in relation to illegal drug activity • How to prevent illegal drug use on the premises • The fines and penalties if breaches occur • Signs to look for to identify illegal drug dealing • Key features of illegal drugs prevention policies • Types of support available from the police, and the importance of seeking advice from them in relation to preventing or dealing with illegal drug dealing on licensed premises 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	Police Scotland Liquor Licensing Standard Operating Procedure Appendix D
Section 3: The effect of alcohol consumption on you and your business – Social responsibility				
3.5	Best practice in setting and maintaining good standards of service and environment	<ul style="list-style-type: none"> • The importance of high and consistent standards throughout a premises • The potential for the environment to affect drinking and behaviour • The importance of good service practice • Responsibilities to staff and customers 	<p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p> <p style="text-align: center;">√</p>	None

3.6	Understanding of common cause of conflict, how to prevent conflict and manage conflict situations	<ul style="list-style-type: none"> • Typical scenarios leading to conflict and how these might be prevented or managed • Signs of potential conflict 	<p style="text-align: center;">√</p> <p style="text-align: center;">√</p>	<p><i>NB: Training should include signposting to further conflict management training</i></p>
3.7	Understanding of security procedures and policies in relation to crime and terrorism	<ul style="list-style-type: none"> • Practical actions the Personal Licence Holder can take in different situations or scenarios including who to contact • Policies and procedures to prevent shoplifting or theft, including staff training, use of CCTV • Training of staff to look out for left packages/luggage etc • Key actions the Personal Licence Holder can take to support the police in the event of a crime on the premises 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	<p>HELP poster on National Licensed Trade Partnership (NLTP) website https://sltn.co.uk/wp-content/uploads/2018/11/NLTP-crime-scene-preservation-poster-1.jpg</p> <p><i>NB: If candidates require further information on counter terrorism and crime scene management, signpost to specific training and support e.g. Action Counters Terrorism (ACT) awareness online training https://www.gov.uk/government/news/act-awareness-elearning</i></p>

Assessment Criteria for Awards

Examination papers for the Scottish Certificate for Personal Licence Holders (Refresher) must adhere to the following assessment balance:

Ref	Topic	Assessment Weighting (%)	Number of Questions
1.1	Introduction	0	0
2.1 – 2.4	Overview of the licensing function	5%	2
2.5 – 2.7	Key roles	2.5%	1
2.8 – 2.18	Licensing and operational responsibilities	42.5%	17
2.19 – 2.22	Protecting children and young persons from harm	15%	6
2.23 – 2.28	Control of order	15%	6
2.29 – 2.31	Training	2.5%	1
2.32 – 2.33	Associated law	0	0
3.1 – 3.4	Alcohol intoxication and illegal drugs	12.5%	5
3.5 – 3.7	Social responsibility	5%	2
