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| Argyll and Bute Council logo  **LICENSING (SCOTLAND) ACT 2005**  **LICENSING STANDARDS INFORMATION PACK**  **FOR**  **LICENSEES**  ***Updated August 2023*** |

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**LICENSING (SCOTLAND) ACT 2005**

**LICENSING STANDARDS INFORMATION PACK FOR LICENSEES**

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1. **Introduction**

The Licensing (Scotland) Act 2005 (‘the 2005 Act’) regulates the sale of alcohol in Scotland and is built around the 5 Licensing Objectives, which all licensed premises in Scotland are expected to aspire to:

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

This information pack has been developed by the Licensing Standards Service of Argyll and Bute Council as a reference guide to assist premises licence holders and Designated Premises Managers (DPMs) and their staff in running their premises in compliance with the 2005 Act. The information below covers On Sales and Off Sales premises where indicated.

Licensed Clubs

Members Clubs that sell alcohol are included in the scope of the 2005 Act and these premises are covered at Section 13 below.

This Pack and Internet Access

There is a presumption that those reading this pack will have access to the internet and links are provided where appropriate to the Argyll and Bute Council website and other sites including legislation. If you do not have internet access contact one of the Licensing Standards Officers via the contact details below.

The Licensing (Scotland) Act 2005 can be accessed via this link – [Licensing (Scotland) Act 2005](https://www.legislation.gov.uk/asp/2005/16/contents)

1. **Licensing Board Policy**

The Argyll and Bute Licensing Board oversees the alcohol licensing regime in Argyll and Bute granting licences and taking action where necessary to ensure compliance. The 2005 Act requires that each Licensing Board publish a statement of its policy in relation to alcohol licensing in its area.

It is recommended that all licensees, and others who have an interest in alcohol licensing, take time to read the current Argyll and Bute Licensing Board Policy Statement, which can be found on the Argyll and Bute website –

[Statement of Licensing Policy 2020](https://www.argyll-bute.gov.uk/sites/default/files/migrated_files/Unknown/520164_-_statement_of_licensing_policy_2020.pdf)

1. **Licensing Standards Officers and Contact**

The Licensing Standards Officer (LSO) is responsible under the 2005 Act for providing guidance and information to interested parties; ensuring compliance by holders of premises or occasional licences; and providing a mediation service for the purpose of avoiding or resolving disputes.

The LSOs can be contacted at:

**East Area**

Bute & Cowal and Helensburgh & Lomond

Raymond Park

Argyll and Bute Council

22 Hill Street

DUNOON

PA23 7AP

**Tel: 01369-707158**

**West Area**

Mid Argyll, Kintyre & Islay and Oban, Lorn & the Isles

Eric Dearie

Argyll and Bute Council

Kilmory

LOCHGILPHEAD

PA31 8RT

**Tel: 01546 604317**

**E-mail:** [**licensing.standards@argyll-bute.gov.uk**](mailto:licensing.standards@argyll-bute.gov.uk)

The licensing standards service also provides information via the Argyll and Bute Council website which can be accessed here –

[Licensing Standards website](https://www.argyll-bute.gov.uk/business-and-licensing/law-and-licensing/licensing-standards)

There is also a free licensing standards monthly newsletter which you can sign for here –

[Licensing Standards – Sign Up](https://argyllandbute.custhelp.com/app/admin/Contact_Preferences?utm_source=council%20website&utm_medium=banner%2C%20homepage%20link&utm_campaign=customer%20outreach)

1. **The Premises Licence & Statutory Notices Display (On & Off Sales)**

To sell alcohol to the public the premises used for such sales must be licensed. This section provides information on the premises licence and statutory notices required to be displayed on licensed premises. Each heading includes the Section in the 2005 Act where full details can be found or visit the licensing standards web page link above:

Premises Licence – Section 52(1) - (On & Off Sales)

To sell alcohol to the public there must be a premises licence in place. The premises licence, or a certified copy of it (not a photocopy)**¹** must be kept at the premises in the custody or control of the licence holder or the premises manager.

The premises licence comprises –

 the licence

 the premises licence conditions

* Operating plan

 the Layout Plan¹

The Licence

The licence is a four page document which details the name and address of the premises; the premises licence holder; on and off sales core hours; and details of the designated premises manager. The licence should always be current with any changes being referred to the licensing board through a variation application.

Licence Conditions

Each premises licence is governed by a set of national mandatory conditions and it is expected that premises will be run in accordance with these conditions. The licensing board may also impose local conditions in relation to, for example, late night licensing; stewarding and live and recorded music, etc.

The Operating Plan

The operating plan provides trading details and includes the core licensing hours; any seasonal variation to these hours; any activities additional to the sale of alcohol and whether these activities will take place during or outwith core licensing hours or both; children and young person access terms; the capacity of the premises and the details of the designated premises manager.

The layout Plan**²**

The layout plan is a schematic drawing detailing the location of the premises within the surrounding area; the premises and licensed areas within, including outside areas; and the areas available to children and young persons.

The premises licence, the licence conditions, and the operating plan come stapled together and the staple should not be removed. The layout plan is a separate drawing depicting the premises and the licensed area(s) within.

Summary Premises Licence – Section 52(2) - (On & Off Sales)

The summary premises licence, or a certified copy of it (not a photocopy)¹, must be prominently displayed on the premises so as to be capable of being read by anyone frequenting the premises. Each page must be able to be viewed, so do not laminate or frame this licence. It is recommended that this licence is displayed in a clear plastic poly-pocket under the supervision of the Premises Manager/Staff. The summary premises licence comprises –

 the summary licence

 the premises licence conditions

The summary licence

The licence is a two page document detailing the name and address of the premises; name and address of the licence holder; and details of the designated premises manager. The licence should always be current with any changes being referred to the licensing board through a variation application.

Licence Conditions

Each premises licence is governed by a set of national mandatory conditions and it is expected that premises will be run in accordance with these conditions. The licensing board may also impose local condition in relation to, for example, late night licensing; stewarding and live and recorded music, etc.

The Summary Licence and licence conditions come stapled together and the staple should not be removed.

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

*² The layout plan should denote the alcohol licensed area and should clearly include outside drinking areas where applicable. Full details of layout plan requirements can be found in The Premises Licence (Scotland) Regulations 2007* [Layout Plan (Premises Licence)](https://www.argyll-bute.gov.uk/sites/default/files/2023-04/architect_info_layout_plan.pdf)

“Section 110” Notice – Purchase of alcohol by or on behalf of a person under 18 years -

(On & Off Sales)

A notice, of at least A4 size must be displayed at all times; at each place on the premises where sales of alcohol are made; and in a position where it is readily visible to any person seeking to buy alcohol. A copy of this notice is attached at **Appendix 1** for reference. It is recommended that this notice is framed or laminated.

“Schedule 3” Notice – Admission of persons under 18 years (On Sales Premises Only)

In relation to premises where alcohol is sold for consumption on the premises, there is to be displayed so that it is reasonably visible to customers entering the premises (at the entrance) a sign of at least A4 size which states either –

1. that persons under the age of 18 years are not permitted on the premises; or
2. that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

A copy of each notice is attached at **Appendices 2 &3** for reference. It is recommended that each notice is framed or laminated.

In relation to (b) above, the details to be entered can be found in Question 6 of the premises licence operating plan. The 2005 Act does not detail the style of this notice only its size and information required. Therefore, there is no reason why the information cannot be displayed on the premises headed note paper or similar (if available) provided the statutory information required is reproduced and is easily visible.

1. **The Personal Licence & Premises Manager**

Personal Licence – Sections 71 to 93

A personal licence is a portable licence granted to an individual enabling him or her to sell alcohol, and authorise and supervise the sale of alcohol at a premises licensed for the sale of alcohol.

*NB. At present, only a personal licence issued in Scotland is valid in Scotland.*

A personal licence has a **currency of 10 years** and must be renewed by the issuing licensing board prior to the 10th anniversary of issue.

In addition, the 2005 Act requires that prior to the 5th anniversary of issue, and every 5 years thereafter, the personal licence holder must undergo mandatory refresher training. On successful completion of this training a training certificate will be issued a copy of which should be submitted to the licensing board within 3 months of the completion of the training. Once the licensing board receives the copy certificate an updated personal licence will be issued. It is recommended that submission of the copy training certificate is by recorded delivery post or by e-mail. Finally, current law dictates that if the above process is not completed within the timescales provided the personal licence must be revoked. The licensing board has no discretion in this.

There is currently no fee for the refresher licence application to the licensing board or issue of the updated personal licence.

Premises Manager – Section 19 & Condition 4

Alcohol is not to be sold on any premises where there is no premises manager in place. Each premises manager must be the holder of a valid personal licence and can only be manager for one premises at a time**³**. There is no requirement for the premises manager to be present on the premises at the time any sale of alcohol is made (see Alcohol Authorisation below).

With the exception of licensed clubs, the details of the premises manager are to be included in the premises licence and premises licence operating plan.

Substitution of Premises Manager – Section 54

If a premises manager ceases to be such, then the premises licence holder must advise the licensing board in writing within 7 days of the event. Provided this notification has been made, the premises licence holder has a 6 week period of grace to install a new premises manager and the premises can operate during this period as if there was a premises manager in place.

When the new premises manager is installed the details must be notified in writing to the licensing board so that the premises licence and premises licence operating plan can be updated and issued to the premises licence holder.

***³****There is an exception for licensed vessels and further information on this can be obtained from the Licensing Standards Officers.*

Accredited Trainers

An Accredited Trainer is any person who has gained a qualification accredited by the Scottish Qualifications Authority (SQA) allowing them to train candidates up to personal licence level –

Scottish Qualifications Authority (SQA) Accredited Trainers in Argyll and Bute

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Company | Telephone | E-mail | Website |
| Sheila Johnston (Based Tarbert) | EnCAT | 01880 820199  07786063944 | [**sheila@encat.com**](mailto:sheila@encat.com) | [**www.encat.com**](http://www.encat.com/) |
| Lynn Nicholson (Based Helensburgh) | Ben Lomond Training | 01436821839 | [**lynn@thebenlomond.com**](mailto:lynn@thebenlomond.com) | [**www.thebenlomond.com**](http://www.thebenlomond.com/) |
| Morag Beattie (Based Oban) | MB Training | 07904 043436 | [**morag.beattie@outlook.com**](mailto:morag.beattie@outlook.com) | [**www.facebook.com/mbtrainingcotland**](https://www.facebook.com/mbtrainingcotland?__xts__%5B0%5D=68.ARAOZcrKNevw1WQ1dkF7-0h6IABvzEKD8rfQwY2AQag8wQhvepRdLx0WZBRtmeXmFmnDwkzS2uAknA3H5fvw-EbUHypPjYrIIgmcNY-JHtlTf_pxQ9eFkKNHV7iGAn1fGuAetRSVBL8NAzLFqJc23GLlQI0oPGofO7Z1KF_66xpKwQYlDlNPQfTWux2X9xNHSSwYrirW219WXhge8lR8b-gtaqEKDM1qzc5Z99LpWc_R3Njizyfd-7uNbZFdFcegvEvHP0pOSs9Su1okAKBSX8iZkbFwJN266SMaW_FmOkL7gWlfF8KIkE9b4ILX-gVVZUeW88CH2mTwpymUiBDkDDqeyAiluw&__tn__=-UK-R) |
| Christine Roberts (Based Oban) | North Star Consultancy | 01866 822746 07767 253912 | [**christine@northstarconsultancy.co.uk**](mailto:christine@northstarconsultancy.co.uk) | [**www.northstarconsultancy.co.uk**](http://www.northstarconsultancy.co.uk/) |
| Sharon Lande (Based Lenzie) | 5 Star Hospitality Training | 07775797179 | [**sharon.lande@5starhospitalitytraining.com**](mailto:sharon.lande@5starhospitalitytraining.com) | [**www.5starhospitalitytraining.com**](http://www.5starhospitalitytraining.com/) |
| Nigel Ashworth (Based Dunoon) | Nigel Ashworth Consultancy & Training | 01369 830775 07546 007106 | [**Nashworth30@gmail.com**](mailto:Nashworth30@gmail.com) | N/A |

Sheila Johnston, Lynn Nicolson, Morag Beattie and Christine Roberts are also offering online training at the present time. Please contact them direct for further details.

**6. Management Overview - (On & Off Sales)**

The Premises Manager is responsible by law for the operation of the premises and represents the premises licence holder on a day-to-day basis. Therefore, an effective management overview of the premises should consist of:

1. Written management Policy so that premises standards are maintained.
2. Written authorisation to staff to sell alcohol (see below).
3. Written age verification policy (see below).
4. Written noise management policy (for premises providing late night entertainment).
5. Prevention of drunkenness.
6. Refusals Register (see below).
7. Educational Literature.
8. Drinking water availability (on sales only).

**7. Operation of On Sales Premises**

The safety and comfort of staff and patrons is paramount and the Premises Manager should be fostering a welcoming atmosphere within the premises where staff feel safe at work and customers enjoy themselves. This will require a balancing act of openness and security by the premises manager, staff, and any door stewards and the following should form part of the premises overview:

1. Internal security - including regular monitoring of the toilets;
2. External Security – including effective door stewarding;
3. Late night opening policy – e.g. customer and music curfews
4. Noise Management Plan - for premises providing late night entertainment.
5. Dispersal policy – effective dispersal of patrons at end of trading;
6. PubWatch participation

The licensing standards officers can assist in the formulation of policies and training in the above.

**8. Staff Training/Knowledge - (On & Off Sales)**

Training Records

At any time when a person (other than a person who holds a personal licence) is working in premises, which involves that person making sales of alcohol; or where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person, there must be kept on the premises a training record which relates to that person and is in the prescribed form. A copy of the prescribed form is attachedat **Appendix 4**.

In Argyll and Bute it is expected that the training provided will be evidenced with the syllabus used for training being available for inspection. There are various licensing workbooks on the market which act as a training record. These workbooks incorporate progress tests and include a training declaration (similar to the Training Record) to be signed by the trainer and staff member certifying that the training has been carried out.

Awareness of the 2005 Act

Through regular training, the premises manager will ensure that those persons working on the premises selling and/or serving alcohol will have a general awareness of how the 2005 Act affects their premises. In particular:

1. The 5 Licensing Objectives;
2. Operating Plan;
3. Layout Plan;
4. Age Verification and ID requirements;
5. Irresponsible Promotions

Therefore it is imperative that staff training is updated on a regular basis. This need not be formal but should be so structured that awareness of responsibilities is maintained.

**9. Children & Young Persons (On Sales Only)**

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

1. Terms of access
2. Ages;
3. Times;
4. Parts;
5. Underage policy – ensuring a common approach that staff are aware of and adhere to;
6. Young children access – is the atmosphere conducive (e.g. access to pool tables; darts; and gaming machine, etc.)?
7. Baby Changing Facilities⁴

⁴*On sales premises which admit children under 5 years are required to provide baby changing facilities (2005 Act, Schedule 3). Members clubs are exempt from this condition.*

**10. Age Verification Policy (On & Off Sales)**

Condition 9A attached to the premises licences and Condition 9 attached to an occasional licence requires an age verification policy on the premises/event in relation to the sale of alcohol. The law has set a minimum age of 25 years for the policy where it appears to the person selling the alcohol that the customer may be under the age of 25 years.

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

A specimen Age Verification Policy is produced at **Appendix 5.**

Refusals Register

Although not a requirement of the 2005 Act it is considered good practice to record refusals to sell alcohol in a refusals register or refusals book. The keeping of such a register or book also shows that the premises licence holder has an effective system in place for checking ages of those presenting to purchase alcohol where there is concern that they may be underage.

Attached at **Appendix 7** is a specimen refusals register which can be printed off and used on your premises. Licensing Standards expects premises to use a refusals book or register.

**11. Alcohol Authorisation (On & Off Sales)**

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

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

A specimen template for written authorisation is attached **at Appendix 6.**

**12. Sale of Alcohol by a Child or Young Person**

Section 107 of the 2005 Act allows the sale, supply or service of alcohol by a child or young person only under the following circumstances, otherwise it is an offence:

* where any sale by a child or young person of alcohol is for consumption off the premises (off sales);
* where any supply or service (not sale) by a child or young person of alcohol is for consumption on the premises along with a meal supplied on the premises (on sales), and only if - the sale, supply or service is specifically authorised by (see Alcohol Authorisation above):
* a responsible person, or
* any other person of or over 18 years of age who is authorised by a responsible person

A “responsible person” in relation to licensed premises is the premises manager or other person, of or over 18 years of age, authorised to sell alcohol on the premises.

Local Byelaws concerning the employment of children –

Licensees should also be aware of local byelaws governing the employment of children under 16 years. A child under 16 years is prohibited from selling alcohol unless that alcohol is sold in a sealed container (off sales). Further information can be found here –

[Employment of children - Argyll and Bute Council](https://www.argyll-bute.gov.uk/education-and-learning/employment-children)

**13. Members Clubs**

Members clubs that sell alcohol are included in the scope of the 2005 Act and the majority of the information provided in this advice pack applies to such clubs.

However, Section 125 of the 2005 Act - [Licensing (Scotland) Act 2005 Section 125](https://www.legislation.gov.uk/asp/2005/16/section/125) [de](http://www.legislation.gov.uk/asp/2005/16/part/9/crossheading/special-provision-for-certain-clubs)tails the following exceptions. The Licensing Standards Officer will be able to advise you on these:

* No requirement for there to be a premises manager for the premises;
* No requirement for the operating plan to contain information as to the premises manager;
* No requirement for the name and address of the premises manager to be specified in premises licence;
* No requirement for sales of alcohol to be authorised by a personal licence holder;
* No requirement for the club to provide baby changing facilities

See also – [The Licensing (Clubs) (Scotland) Regulations 2007 (legislation.gov.uk)](https://www.legislation.gov.uk/ssi/2007/76/regulation/2/made)

**14. Connected Persons\* - (On & Off Sales)**

Connected Persons

Section 40A of the 2005 Act provides that a premises licence holder must, within one month after a person becomes or ceases to be a Connected Person, give the appropriate licensing board notification of that fact. The notification must specify –

1. the person’s name and address; and
2. if the person is an individual, date of birth

Where the licensing board receives such notification it must give a copy to the chief constable.

A premises licence holder who fails to give notification commits an offence.

Definition - Connected Person

For the purposes of the Act, a person is, in relation to a partnership, a company, a club or other body (whether incorporated or unincorporated), a connected person –

1. in the case of a partnership, is a partner;

2. in the case of a company – is a director, or has control of the company;

3. in the case of a club, is an office bearer of the club;

4. any other case, is concerned in the management or control of the body.

Specimen letter and update forms are attached at **Appendix 8.**

*\*The 2005 Act also refers to interested parties. This part of the legislation has still to be commenced and should be disregarded at this time.*

**15. Remote Sales/Deliveries (Off Sales)**

The 2005 Act provides that the sale and delivery of alcohol through mail order or via the internet is a “*Remote Sale”* and the following rules apply in relation to this type of business:

**Remote Sales**

**S**ection 63 of the 2005 Act provides that orders of alcohol can be made and the despatch of alcohol carried out at any time; and the delivery of alcohol can also take place at any time (except between midnight and 6:00am – Section 120) but the completion of the transaction (the payment) can only take place during the statutory off sales licensing hours of 10:00am and 10:00pm.

**Delivery of Alcohol**

To deliver alcohol the following must be place:

1. a day book recording the order kept on the premises from where the alcohol was despatched; and
2. a delivery book or invoice carried by the person delivering the alcohol

In addition the information required to be entered in the above is:

* the quantity, description and price of the alcohol; and
* the name and address of the person to whom the alcohol is to be delivered

**Finally, in Scotland it is an offence to deliver alcohol to a person under 18 years of age, unless that person works in a capacity involving alcohol deliveries.**

**Age Verification & Delivery of Alcohol**

**Although not a legal requirement it should be clear that it is the responsibility of the premises licence holder to ensure an effective age verification policy is in place which the delivery person is aware of and practices for each delivery. Licensing Standards has produced a specimen Delivery Age Verification Policy which is attached at Appendix 9 and it is suggested this document is used in a similar way as the premises Age Verification Policy document.**

**16. Alcohol Pricing & Promotions**

Licence Conditions 6B, 7, 7A, 8 and 13 place certain responsibilities and restrictions on the promotion and sale of alcohol from on sales and off sales6 premises.

These are as follows:

Condition 6B

a) Minimum price of packages containing more than one alcoholic product

The price of such packages must be equal to or greater than the sum of the prices at which each product is for sale. This provision only applies where each alcoholic product in the package is available for sale separately on the premises.

Example 1: If a single bottle of wine is sold on the premises for £4.00, then a package sold on the premises containing two of those bottles could not be sold for less than £8.00.

Example 2: if a single can of 440ml lager is sold on the premises at £1.00, then a package sold on the premises containing, say, 24 x 440ml, the package could not be sold for less than £24.00

Conditions 7 & 7A

b) Variation of pricing of alcoholic drinks

Condition 7 relates to on sales premises and Condition 7A relates to off sales premises and both stipulate that any variation in the price of an alcoholic drink must be maintained for 72 hours from the start of the price variation. The price variation must be brought in at the beginning of a period of licensing hours and no further variation is acceptable during the period.

*NB. In on-sales premises, variation of pricing rules affects all alcohol sales. In off-sales premises only the particular alcohol product being varied is affected.*

Condition 8

Condition 8 prohibits “irresponsible drinks promotions” of alcohol and stipulates that an irresponsible drinks promotion must not be carried on in or in connection with the premises.**S**

A drinks promotion is irresponsible if it -

(a) Relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,

(b) Involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),

(c) Involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,

(d) Involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

(e) Encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,

(f) Is based on the strength of any alcohol,

(g) Rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or

(h) Offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e)aboveapply only to a drinks promotion carried on in relation to alcohol sold

A “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

Condition 13

Condition 13 regulates the display of alcohol promotions in off sales premises. Alcohol that is displayed for consumption off the premises (off sales) can only be displayed in (1) a single area of the premises agreed between the Licensing Board and the premises licence holder and (2) a single area which is inaccessible to the public. These areas are known as “alcohol display areas”.

Any off sales drinks promotion may take place only in the alcohol display areas or in a tasting room. Further, Condition 13 also provides that a drinks promotion in connection with the premises cannot take place within an area extending 200 meters from the boundary of the premises as shown on the layout plan.

The display of branded non-alcoholic products (products that bear a name or image of an alcoholic product such as football tops, slippers, tea towels etc.) which are not for sale may constitute a drinks promotion and, if so, may only be displayed in alcohol display areas or in a tasting room. It will be for Licensing Boards, or the courts, to determine whether they consider the display of branded non-alcoholic products is a drinks promotion.

Newspapers, magazines and other publications which are not for sale may constitute a drinks promotion where they relate only or primarily to alcohol. In this instance, they must only be available in the alcohol display area. It will be for Licensing Boards, or the courts, to determine whether they consider a newspaper, magazine or other publication primarily relate to alcohol. Where newspapers, magazines and other publications that are not for sale and do not relate only or primarily to alcohol, they may be displayed anywhere on the premises. Where branded non-alcoholic products and newspapers, magazines and other publications are for sale then they do not constitute a drinks promotion and so may be displayed anywhere in the premises and in the vicinity of the premises, including in alcohol display areas and any tasting room.

6 *Off Sales premises in this context means those premises that provide off sales only, such as licensed shops or supermarkets, etc. It does not include on sales premises that also provide off sales.*

**17. Minimum Unit Pricing of Alcohol (MUP)**

The price per unit has been set by the Scottish Parliament at 50p [fifty pence], and all licensed premises (including those premises covered by an occasional licence) must ensure that alcohol is not sold below this base price. MUP is also a condition of premises licences and a breach of the MUP condition could result in a review of a premises licence and criminal prosecution.

Licensing Standards Officers will monitor licensed premises to confirm compliance, and MUP monitoring forms part of each premises inspection.

All staff working on licensed premises should be made aware of MUP and their responsibility to meet requirements. Licensing **Standards has produced a specimen Minimum Unit Pricing Staff Declaration form for completion by staff and the Designated Premises Manager (DPM) which confirms that training has been provided. This Declaration is not a legal requirement but acts as a record of training and shows due diligence. A specimen Minimum Unit Pricing Staff Declaration is attached at Appendix 10.**

The Scottish Grocers Federation (SGF) has produced an excellent guide to MUP for retailers which can be viewed on the SGF website –

[MUP Calculator | Scottish Grocers' Federation (SGF) (sgfscot.co.uk)](https://www.sgfscot.co.uk/advice/mup-calculator)

**18. Occasional and Extended Hours Licences**

Occasional Licences

Premises licence holders, personal licence holders, licensed members clubs and voluntary organisations are all eligible to apply for occasional licences. An occasional licence is a licence allowing the sale of alcohol on premises that are not ordinarily licensed (e.g. village hall; marquee; community centre, etc.). An occasional licence can last for a maximum of 14 days and premises and personal licence holders can apply for an unlimited amount of occasional licences during any year. Applications by members clubs and voluntary organisations are restricted as follows in any period of 12 months:

* not more than 4 occasional licences each having effect for a period of 4 days or more, and;
* not more than 12 occasional licences each having effect for a period of less than 4 days

In any period of 12 months, the total number of days on which occasional licences are issued must not exceed 56.

Applications for occasional licences must be made either by post or online at least 35 days prior to the event to be licensed.

Those applying for occasional licences should be aware that a Public Entertainment licence may also be required to cover the event to be licensed. Further information can be obtained form the Council’s licensing department on 01546-604128.

Further information on Occasional Licences including the application process can be found here – [Occasional Licence (to sell alcohol)](https://www.argyll-bute.gov.uk/licences/occasional-licence-sell-alcohol)

Extended Hours Licences

Only a premises licence holder is eligible to apply for an extended hours licence to extend the core hours of the premises in connection with –

* a special event or occasion to be catered for on the premises; or
* a special event of local or nation significance

An extended hours licence has effect for such period granted by the licensing board, however, the period of grant can be no more than one month.  It is important to note that an extended hours licence will only be granted for a special event or occasion or an event of national significance.  Regular events, by definition, cannot be considered special or significant.  Each application will be treated on its own merits, but the following events could be considered special or significant:

* Weddings
* Birthdays
* Charity fundraisers
* Christmas and New Year Celebrations
* Local and National celebrations

Applications for extend hours licences must be made either by post or online at least 35 days prior to the event to be licensed.

Further information on Extended Hours Licences including the application process can be found here – [Extended Hours Licence to Sell Alcohol](https://www.argyll-bute.gov.uk/licences/extended-hours-licence)

**19. Common Compliance Failures and Consequences (On & Off Sales)**

Below **at Appendix 11** is a ready-reckoner which gives details of the action that can be taken where a premises fails to comply with the provisions of the 2005 Act and associated legislation.

Full details of this aspect of the legislation can obtained from the licensing standards officers.

**20. Appendices**

Advice on how to complete and use notices/documents on your premises -

**Appendix 1: “Section 110 Notice” (On and Off Sales Premises)**

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

**Appendix 2: “Schedule 3 Children’s Notice” – No Children Allowed (On Sales Premises Only)**

Insert name of premises and display at each public entrance to the premises. Consider framing or laminating this notice.

**Appendix 3: “Schedule 3 Children’s Notice” – Children Allowed (On Sales Premises Only)**

Insert the necessary details in the boxes and display at each public entrance to the premises. The details required can be found in Question 6 of the premises operating plan. Consider framing or laminating this notice.

**Appendix 4: Training Of Staff – Training Record (On and Off Sales Premises)**

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

**Appendix 5: Age Verification Policy Staff Declaration (On and Off Sales Premises)**

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

**Appendix 6: Authorisation to Sell Alcohol (On and Off Sales Premises)**

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

**Appendix 7: Refusals Register (On and Off Sales Premises)**

It is recommended that the premises manager maintains a refusals register on the premises, which should be completed each time a refusal to sell alcohol has been made. The refusals register is proof that the premises takes seriously its responsibilities in relation to underage drinking, and shows due diligence should an underage sale be made on the premises.

**Appendix 8: Connected Persons Notification (On and Off Sales Premises)**

This documentation should be used when there is a change to connected persons in relation to the premises. The notification must be made to the licensing board within one month of the change. Failure to do so is an offence.

**Appendix 9: Delivery of Alcohol Age Verification Policy Staff Declaration (On and Off Sales Premises**

Not a legal requirement and can be used for staff involved in the alcohol deliveries.

**Appendix 10: Minimum Unit Pricing (MUP) - (On and Off Sales Premises)**

This is staff training and awareness declaration to confirm that staff have been trained in their responsibilities.

**Appendix 11: Common Compliance Failures and Consequences (On and Off Sales Premises)**

This is a ready-reckoner for premises licence holders and premises managers. It details what is required to be kept and displayed on licensed premises and the consequences of failure to do so.

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| **LICENSING (SCOTLAND) ACT 2005** |

*Insert Name & Address of Premises*

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

**It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.**

**It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under 18.**

**When there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.**

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| LICENSING (SCOTLAND) ACT 2005  STATUTORY NOTICE  CHILDREN & YOUNG PERSON ACCESS |

Insert Name & Address of Premises

*This notice is displayed in accordance with the premises licence mandatory conditions contained in Schedule 3 of the Licensing (Scotland) Act 2005 and incorporated by virtue of Section 27*

|  |
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| PERSONS  UNDER THE AGE OF  EIGHTEN YEARS  ARE NOT PERMITTED  WITHIN  THESE PREMISES |

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| LICENSING (SCOTLAND) ACT 2005  **STATUTORY NOTICE**  **CHILDREN & YOUNG PERSON ACCESS** |

*This notice is displayed in accordance with the premises licence mandatory conditions contained in Schedule 3 of the Licensing (Scotland) Act 2005 and incorporated by virtue of section 27*

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| **LICENSING (SCOTLAND) ACT 2005**  **SCHEDULE 3, PARAGRAPH 6** |

**TRAINING OF STAFF - TRAINING RECORD**

***Print Staff Member Name Here***

[*Name* ]

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| **The Act**  **Schedule 3, Paragraph 6:**  **(1)** No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.  **(2)** That is a capacity (whether paid or unpaid) which involves the person – (a) making sales of alcohol, or (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person. |

**DECLARATION TRAINEE**

***Print Staff Member Name Here***

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

[*Signed* ]

**TRAINER**

***Print PLH or Accredited Trainer Name Here***

I [\_ ] confirm that I have provided the above named member of staff with the training required under the Licensing (Training of Staff) (Scotland) Regulations 2007 on [*Date or dates* ].

[*Signed* ]

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

***Print Personal Licence No and Licensing Board Name Here***

[ \_]

*Where signatory is a person other than the holder of a Personal Licence described above, please provide details of the qualification held and accredited by the Scottish Qualifications Authority for the purposes of regulation 2(b) of the Licensing (Training of Staff) (Scotland) Regulations 2007.*

*The name of any company by which the person is employed to provide training should also be given*

***Print Accredited Trainer and Company Details (if applicable)***

[ *\_]*

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| **LICENSING (SCOTLAND) ACT 2005**  **AGE VERIFICATION POLICY STAFF DECLARATION** |

*Insert Name & Address of Premises*

***STAFF MEMBER NAME:******. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .***

*The sale of alcohol to a child or young person (that is to say, a person aged under 18 years) is an offence which may lead to a fine of up to £5,000 and/or a term of imprisonment not exceeding three months. Such a sale will also lead to a review of the premises licence and could result in the licence being suspended or revoked.*

*The Premises Licence Holder operates an ‘Age Verification Policy’, in terms of which you must require production of an acceptable proof-of-age document if you are in any doubt as to whether a person seeking to buy alcohol is less than 25 years of age.*

*Only the following documents are acceptable for proof-of-age purposes [Delete any of the forms of identification below which are NOT to be accepted as part of the company’s ‘Age Verification Policy’]:*

*•* ***Passport***

***• European Union photocard driving licence***

***• Ministry of Defence Form 90 (Defence Identity Card)***

***• Photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram***

***• A national identity card issued by a European Union member state (other than the***

***United Kingdom), Norway, Iceland, Liechtenstein or Switzerland, or***

***• Biometric Immigration Document.***

*If no such document is produced or if you have a suspicion that the document presented is not genuine, or has been tampered with or has been altered, then you must refuse the sale or refuse to authorise the sale.*

***Declaration:***

***I have read and understood the foregoing policy. I understand that failure to comply with its terms will be treated as gross misconduct and may lead to my dismissal from my employment.***

***Signed [Licence Holder/Premises Manager]****:* ***. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .***

***Signed [Staff Member]: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .***

***Date:******. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .* . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

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| **LICENSING (SCOTLAND) ACT 2005**  **Authorisation to Sell Alcohol** |

*Insert Name & Address of Premises*

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

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

***Premises Manager/PLH: .................................... Signature: ............................***

**Personal Licence No: ......................................... Date: ......................................**

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

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| **STAFF MEMBERS**  ***“I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder”*** | | | |
| **STAFF NAME**  **(Print)** | **STAFF**  **SIGNATURE** | **PLH / DPM**  **SIGNATURE** | **DATE** |
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| **ALCOHOL AUTHORISATION CONTINUED…**  **STAFF MEMBERS**  ***“I have been made aware that I am authorised to sell alcohol on these premises on behalf of the Premises Manager or other Personal Licence Holder”*** | | | |
| **STAFF NAME**  **(Print)** | **STAFF**  **SIGNATURE** | **PLH / DPM**  **SIGNATURE** | **DATE** |
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| **LICENSING (SCOTLAND) ACT 2005**  **REFUSALS REGISTER** |

*Insert Name & Address of Premises*

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| **Date** | **Time** | **Product** | **Name or Description of Person**  ***(If you are not comfortable asking for a name, then don’t)*** | **Comments** | **Staff Member** |
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| **CONNECTED PERSONS NOTIFICATION** |

Licensing Standards

Planning & Regulatory Services

Argyll and Bute Council

Kilmory

LOCHGILPHEAD

PA31 8RT

Dear Sir/Madam,

**THE LICENSING (SCOTLAND) ACT 2005, SECTION 40A –**

**PREMISES LICENCES: CONNECTED PERSONS**

**NAME OF CLUB:**

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As required by Section 40A of the Licensing (Scotland) Act 2005, I hereby give notice on the attached forms of change to the Connected Persons¹ status of the above Club. I confirm this notification has been made within one month² of the change.

I have also provided details of the office bearer who will act as contact person for the Licensing Board and Licensing Standards and include a copy of the most recent Club Constitution.

Yours faithfully,

Secretary

**¹** A Connected Person in relation to a licensed club is an office bearer.

² Notification must be made to the licensing board within **one month** of a person becoming or ceasing to be a connected person. Failure by the premises licence holder to supply this notice to the Licensing Board is an offence.

**CONNECTED PERSONS NOTIFICATION –**

**PERSONS *COMMENCING* AS CONNECTED PERSONS¹**

**NAME OF CLUB**

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**ADDRESS**

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**CLUB CONTACT:** *(liaison officer for the Licensing Board and Licensing Standards)*

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| **Name: Date of Birth: Contact Tel. No:**  **Address: Postcode:**    **Contact e-mail: Position in Club:** | | | | |
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| **Persons *Commencing* As Connected Persons²** | | | | |
| **Position in Club** | **Name** | **Home Address & Tel No.** | **Date of**  **Birth** | **\*\*Date of**  **Change** |
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**¹** A Connected Person in relation to a licensed club is an office bearer.

² Notification must be made to the licensing board within **one month** of a person becoming or ceasing to be a connected person. Failure by the premises licence holder to supply this notice to the Licensing Board is an offence.

**CONNECTED PERSONS NOTIFICATION –**

**PERSONS *CEASING* AS CONNECTED PERSONS¹**

**NAME OF CLUB**

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**ADDRESS**

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| **Persons *Ceasing* As Connected Persons²** | | | | | |
| **Position in Club** | **Name** | **Home Address & Tel No.** | **Date of**  **Birth** | **\*\*Date of**  **Change** | |
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¹A Connected Person in relation to a licensed club is an office bearer.

² Notification must be made to the licensing board within **one month** of a person becoming or ceasing to be a connected person. Failure by the premises licence holder to supply this notice to the Licensing Board is an offence.

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| LICENSING (SCOTLAND) ACT 2005  DELIVERY OF ALCOHOL AGE VERIFICATION POLICY |

*Insert Name & Address of Premises*

**NAME OF STAFF MEMBER . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

Any responsible person who delivers or allows alcohol to be delivered to a child or young person (that is to say, a person aged under 18 years) commits an offence (Section 108 (3) Licensing Scotland Act 2005) which may lead to a fine of up to £1,000.

Such a delivery will also lead to a review of the premises licence and could result in the licence being suspended or revoked.

The Premises Licence Holder operates an ‘Age Verification Policy’, in terms of which you, as the person delivering alcohol, must require production of an acceptable proof-of-age document, if you are in any doubt as to whether a person receiving the alcohol is less than 25 years of age.

Only the following documents are acceptable for proof-of-age purposes *[Delete any of the forms of identification below which are NOT to be accepted as part of the company’s ‘Age Verification Policy’]:*

**• Passport**

**• European Union photo card driving licence**

**• Ministry of Defence Form 90 (Defence Identity Card)**

**• Photographic identity card bearing the national Proof of Age Standards Scheme**

**(PASS) hologram**

**• A national identity card issued by a European Union member state (other than the**

**United Kingdom), Norway, Iceland, Liechtenstein or Switzerland, or**

**• Biometric Immigration Document.**

If no such document is produced, or if you have a suspicion that the document presented is not genuine, has been tampered with or altered, then you must not deliver to that person.

**Declaration:**

I have read and understood the foregoing policy. I understand that failure to comply with its terms will be treated as gross misconduct and may lead to my dismissal from my employment.

**Signed [Licence Holder/Premises Manager]: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

**Signed [Staff Member]: . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

**Date:** **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

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| **LICENSING (SCOTLAND) ACT 2005**  **MINIMUM UNIT PRICING STAFF DECLARATION** |

*Insert Name & Address of Premises*

**STAFF MEMBER NAME:** **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

Minimum Unit Pricing (MUP) is a mandatory condition on all premises licences in Scotland.

The MUP unit price for alcohol has been set at 0.50p [fifty pence] by the Scottish Parliament and all licensed premises are required to sell alcohol products at a price at or above this base price.

The Designated Premises Manager (DPM) is responsible for the day to day running of the premises and to make all staff are aware of this policy. Failure to observe its terms could jeopardise the premises licence and personal licences of individuals involved.

Licensing Standards Officers are responsible for monitoring MUP in practice and can visit any licensed premises to confirm compliance. Where non-compliance is found, they can issue a warning, or call for a review of a premises licence should non-compliance persist.

Allowing alcohol to be sold at less than the MUP ultimately is a criminal offence under the 2005 Act.

In order to comply with MUP the following points must be complied with at all times:

* **The price per unit is 50 pence.**
* **All alcohol products must be sold at or above its MUP.**
* **All signage and promotions must be checked so that alcohol is not advertised or sold at a price below MUP.**
* **Neither discount coupons nor special offer may allow the price of an alcoholic product to be reduced below the MUP.**
* **Any licensing standards officers or police officers checking the pricing of alcoholic products should be provided with whatever reasonable assistance is required.**
* **Any questions should be raised with the DPM or other member of management.**

**DECLARATION**

I confirm that I have received training on the above policy and have read and understood its terms:

**Staff Member** *[print name]:* **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .**

Signature: . . . . . . . . . . . . . . . . . . . **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . .**

**Designated Premises Manager** *[print name]:* **. . . . . . . . . . . . . . . . . . . . . . .**

Signature: **. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . . . . .**

**Date: . . . . . . . . . . . . . . . . .**

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| **LICENSING (SCOTLAND) ACT 2005 - COMMON COMPLIANCE FAILURES**  **This ready-reckoner should assist you in complying with legislation** |

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| **Compliance**  **Failure** | **What is required?** | **Offence or**  **Breach of Condition?** | **Consequences?** | **Do I comply?**  **[✓ or x]** |
| No premises  licence kept on premises | Premises Licence must be kept on premises and available for inspection | Offence | £1000 fine  (level 3 Standard Scale) |  |
| No summary  premises licence displayed on  premises | Summary Premises Licence must be displayed on premises and available for inspection | Offence | £1000 fine  (level 3 Standard Scale) |  |
| No personal licence  on premises | Personal licence holder must be in possession of licence when working on premises and the licence must be available for inspection.  *(Not applicable to licensed clubs)* | Offence | £500 fine  (level 2 Standard Scale) |  |
| No “Section 110”  Notice displayed | Statutory notice stating alcohol will not be sold to persons under 18 years.  Should be displayed at each point of sale | Offence | £1000 fine  (level 3 Standard Scale) |  |
| No Designated  Premises Manager  (DPM) | Licensed premises must have a named DPM. Alcohol cannot be sold without a DPM being in place  *(Not applicable to licensed clubs)* | Breach of condition | Possible review of premises licence by licensing board. |  |
| No Children and  Young Person  (C&YP) Notice | There are two styles of statutory notice. One of the notices should be displayed at each public entrance to the premises.  (The premises operating plan details C&YP access). | Breach of condition | Possible review of premises licence by licensing board. |  |
| No staff training | All staff who are not personal licence holders must be trained prior to their first sale of alcohol on the premises | Breach of condition | Possible review of premises licence by licensing board. |  |
| No staff training  records | Training records must be kept on the premises for all members of staff selling alcohol. Training Declaration must be completed. | Breach of condition | Possible review of premises licence by licensing board. |  |
| No Alcohol  Authorisation | Designated Premises Manager or other Personal Licence holder must authorise staff to sell alcohol on the premises.  *(Not applicable to licensed clubs)* | Breach of condition | Possible review of premises licence by licensing board. |  |
| No drinking water  available | On sales premises only – drinking water should be available free of charge | Breach of condition | Possible review of premises licence by licensing board. |  |
| No baby changing facilities | Baby changing facilities must be available in those premises admitting children under 5 years of age | Breach of condition | Possible review of premises licence by licensing board. |  |
| Non-payment of  annual and recurring fees | Fees to be paid within timescales set by licensing board | Breach of condition | Possible review of premises licence by licensing board. |  |

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| **LICENSING (SCOTLAND) ACT 2005 - COMMON COMPLIANCE FAILURES**  **This ready-reckoner should assist you in complying with legislation** |

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| **Compliance**  **Failure** | **What is required?** | **Criminal Offence or**  **Breach of**  **Condition?** | **Consequences?** | **Do I comply?**  **[✓ or/ x]** |
| Not Notifying  Board of change of  Connected Persons | Any change must be notified within one month of the change.  *Contact LSO for full details of what constitutes a connected person* | Offence | £500 fine  (level 2 Standard Scale) |  |
| No Age  Verification policy | All licensed premises are required to have in place an Age Verification policy. | Breach of Condition | Possible review of premises licence by licensing board. |  |
| Failure to observe Minimum Unit Pricing (MUP) | The price per unit is 50p and all licensed premises (including those premises covered by an occasional licence) must sell alcohol at or above this price. | Breach of Condition | Possible review of premises licence by licensing board. |  |

**END**