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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| **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. |  |

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | | | | |
| **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. |  |