

 <p>Promoting professionalism and social responsibility</p> 	<p>You must have the following in place by 1 September 2009.</p> <p>Failure to comply with any of these new rules is likely to end with your being reported to the licensing board or procurator fiscal. You will have to bear the cost of defending yourself and depending on the outcome you may have your licence endorsed; varied; suspended or revoked or face a large fine.</p>
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SIGNAGE

This sign must be placed at every point of sale

“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 the age of 18. Where 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.

LICENSING (SCOTLAND) ACT 2005

(NAME OF PREMISES)

Persons under the age of 18 are not permitted on these premises

**This notice is displayed in accordance with the provisions of The Licensing
(Mandatory Conditions)(Scotland) Regulations 2007, Regulation 11**

Compliance information

- You must have a Premises [or Occasional Licence] – permitting your premises to be used for the sale of alcohol – you can only carry out the activities detailed on your operating plan and must comply with the terms of your licence and any conditions attached
- Premises Licence Holder must ensure that summary of the premises licence must be displayed so as to be capable of being read by anyone frequenting the premises - if boards have not issued you with a summary you can either display the full licence **DO THIS ONLY IN A FRAME THAT IS SCREWED TO THE WALL** as it will cost you if you lose it as you will have to pay for a replacement and failure to report its loss is a criminal offence - or put a note on your notice board or in your display area that you are awaiting the summary from the board
- You must ensure the premises licence or a certified copy is kept on the premises and is under the control of the premises licence holder or premises manager
- You will have to produce the premises licence to a Licensing Standards officer or member of the police on request so it has to be on the premises
- Premises manager – must be personal licence holder [or if you or your manager have passed the BIIAB Scottish Certificate for Personal Licence Holders [or equivalent] and applied for a personal licence by 31 August 2009 at the latest you will be able to trade as if you have a premises manager in place until 1 November 2009 - when the licensing board grants the personal licence you will then have to remember to apply to be or to have the personal licence holder appointed as the premises manager and will have to submit a copy of the premises and personal licences with that application]
- Personal Licence Holders - Best to have at least 2 personal licence holders one to replace the premises manager – because if your premises manager leaves, is fired or dies you will not have the time in the 6 weeks trading time without a premises manager permitted by the law to recruit, get a BIIAB Scottish Certificate for Personal Licence holders qualification [or equivalent] and apply for a licence for the replacement
- All staff who serve or sell alcohol must be trained either by personal licence holder or by qualified trainer - BIIAB Scottish Certificate for Licensed Premises Staff qualification recommended otherwise utilise the BIIAB staff training handbook
- Staff and management training record books must be kept on the premises the form training records must take is attached.
- New signage to be displayed at all times, at each point of sale, at a height which makes it easily visible to all persons buying or attempting to buy alcohol –“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 the age of 18. Where 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. “This sign is incorrect in law as there is an exception which is shown immediately below. However you must display the sign as detailed above.
- Please note that Persons of 16 and 17 can no longer purchase alcohol to drink with a meal but they may still have alcohol purchased for them by an adult and consume it with a meal.
- Signage – if you operate on sales premises you must have a sign stating that persons under 18 are not welcome on the premises. If they are permitted on the premises the sign must detail where they may go on the premises. This sign must be able to be easily read by persons before they enter the premises. You may need to get planning consent or listed building consent for such a sign –check with your local planning department

Note for licensees including signage

- Baby change – if you permit persons under 5 on the premises you must have adequate baby change facilities which can be accessed by both men and women.
- If you operate off sales premises you will have to ensure your alcohol is located in one or both of these areas 1. Behind the counter or in a locked secure place; 2 in an area where no other product –except for non alcoholic drinks - are located – so no hip flasks; corkscrews; glasses etc to be sold alongside alcohol – the only mixed good you can display are wrapped goods e.g. port and stilton; champagne and chocs – if they are wrapped in a single package – you can do this yourself.
- Test purchasing – the police have extensive powers to mount test purchasing operations. If you or your staff do not challenge a person who looks under 18 you will be liable to be reported to the licensing board and possibly prosecuted – BII Scotland recommend you train your staff to challenge everyone who looks under 25 to avoid error – ask for passport; photo driving licence or young scot card - if in any doubt don't serve
- Be aware of the 5 licensing objectives - (a) preventing crime and disorder, (b) securing public safety, (c) preventing public nuisance, (d) protecting and improving public health, and (e) protecting children from harm.
- You must advise the board of any relevant or foreign convictions and must advise the court you are a personal or premises licence holder if you are facing a criminal charge.

TRAINING – MATTERS TO BE COVERED

1. The legal basis of the requirement for the training of staff under paragraph 6 of schedule 3 to the Act.
 2. The licensing objectives.
 3. The definition of “alcohol” in the Act.
 4. What constitutes an unlicensed sale.
 5. The functions of Licensing Standards Officers, including their powers of entry.
 6. The nature of an operating plan and its place in the licensing system.
 7. The different types of premises licence conditions under section 27 of the Act.
 8. Special provision for clubs under section 125 of the Act.
 9. Licensed hours under Part 5 of the Act.
 10. Offences under the Act, particularly those involving persons under the age of 18.
 11. Proof of age under sections 102 and 108 of the Act and the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007(a).
 12. Test purchasing of alcohol under section 105(2) of the Act.
 13. Best practice as regards standards of service and refusing service.
 14. Units of alcohol and the relationship between units and the strength of different alcoholic drinks.
 15. The sensible drinking limits for males and females recommended by the British Medical Association.
 16. Good practice in managing conflict situations.
- (a) S.S.I. 2007/93, as amended by S.S.I. 2007/313.

LICENSING (SCOTLAND) ACT 2005 – SCHEDULE 3, PARAGRAPH 6 TRAINING OF STAFF - TRAINING RECORD

[Name _____]

(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

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

[Signed _____]

TRAINER

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 _____].

Note for licensees including signage

[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
[_____].

[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
[_____
_____]