

Licensed Premises Statutory Documents and Notices

The **Licensing (Scotland) Act 2005** requires certain documents to be kept or displayed on licensed premises.

These are:

- Section 52 – Premises Licence – must be kept on the premises and must be available for inspection by a police constable or licensing standards officer.
- Section 52 – Summary Premises Licence – must be displayed on the premises and easily visible to those using the premises.
- Section 110 – “Section 110 Notice” – must be displayed at every point of sale of alcohol within the premises.
- Schedule 3 - Children and Young Persons **not** allowed on premises notice – where the premises operating plan indicates no access to children and young persons and must be displayed at every public entrance. (On-sales only)
- Schedule 3 - Children and Young Persons allowed on premises notice – where the premises operating plan indicates access to children and young persons and must be displayed at every public entrance. (On-sales only)
- Schedule 3 – Training Records – every member of staff who is not a personal licence holder involved in the sale and/or service of alcohol must be trained by a personal licence holder or accredited trainer.
- Schedule 3 – Alcohol Authorisation - every sale of alcohol on the premises must be authorised by the premises manager or any other personal licence holder.
- Schedule 3 - Age Verification Policy - there must be an age verification policy in relation to the sale of alcohol on the premises. An age verification policy is a policy that details steps to be taken to establish the age of the person attempting to buy alcohol on the premises (the customer). If it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy), then proof of age must be provided to satisfy the person making the sale the individual is over the age of 18. This is commonly known as “Challenge 25” and more information can be found here:

www.challenge25.org

Licensing (Scotland) Act 2005

Statutory Notice

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

Premises:

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.

Children and Young Persons

The Licensing (Scotland) Act 2005, Section 4, details the 5 Licensing Objectives.

- Objective 5 is: *“Protecting Children and Young Persons from Harm.”*

Operating Plan - Section 20 the 2005 Act requires that a premises operating plan must form part of the premises licence for all licensed premises and the operating plan of those premises where alcohol is sold for consumption **on the premises** must include a statement detailing whether children or young persons are to be allowed entry to the premises, and, if entry is allowed, the terms of entry including, in particular –

- i. the **terms** under which children or young persons are allowed;
- ii. the **ages** of the children or young person to be allowed entry;
- iii. the **times** at which they are to be allowed entry; and
- iv. the **parts** of the premises to which they are to be allowed entry

Statutory Notice – on sales premises must also display a statutory notice which is reasonably visible to customers entering the premises, detailing whether children or young persons are allowed entry or not. It is recommended that this notice is framed or laminated and displayed at each public entrance to the premises.

Definitions

A *“Child”* means a person under 16 years

A *“Young Person”* means a person aged 16 or 17 years

If you require further information on children and young persons and alcohol, then please contact the licensing standards officer for your area.

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*

PERSONS

UNDER THE AGE OF

EIGHTEEN YEARS

ARE NOT PERMITTED

WITHIN

THESE PREMISES

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

Premises:

Terms:

Ages:

Times:

Parts:

SCHEDULE - FORM OF TRAINING RECORD

LICENSING (SCOTLAND) ACT 2005 - SCHEDULE 3, PARAGRAPH 6

Training of Staff – Training Record

Member of Staff

<p>The Act - Schedule 3</p> <p>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.</p> <p>(2) That is a capacity (whether paid or unpaid) which involves the person –</p> <p>(a) making sales of alcohol, or</p> <p>(b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.</p>

DECLARATION

TRAINEE

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

Signature

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

Signature

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.

Qualification

Name of Company

SCHEDULE

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.

Alcohol Authorisation

The Licensing (Scotland) Act 2005, Schedule 3, paragraph 5, requires that every sale of alcohol made on licensed premises must be authorised by the premises manager or another personal licence holder.

This authorisation can be general or specific. In West Lothian it is expected that the alcohol authorisation will be given in writing with the premises manager or other personal licence holder and staff signing the authorisation.

Attached is an example alcohol authorisation which meets the criteria laid down by the Act.

There is no requirement for an alcohol authorisation in licensed clubs.

If you require further information on alcohol authorisation on licensed premises, then please contact one of the licensing standards officers.

LICENSING (SCOTLAND) ACT 2005 AGE VERIFICATION POLICY STAFF DECLARATION

NAME AND 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:-

- **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:

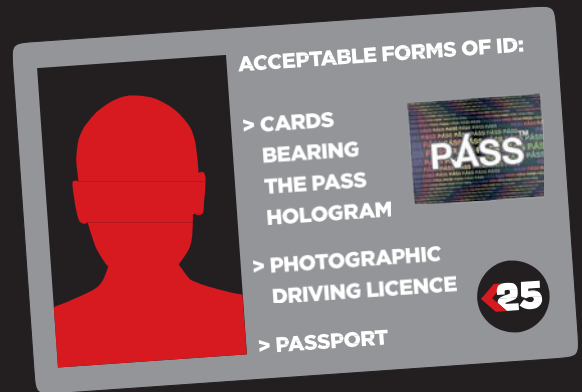
I have read and understood the foregoing policy. I understand that failure to comply with its terms will be treated as gross misconduct and may lead to my dismissal from my employment.

Signed [Licence Holder/Premises Manager]:

Signed [Staff Member]:

Date:

UNDER 25?



**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**

