

National Standards - Personal Licence Holders

Introduction

To be eligible for a personal licence under the Licensing (Scotland) Act 2005 an applicant must hold the Scottish Certificate for Personal Licence Holders. The training certificate in itself does not constitute a personal licence. Once the certificate has been attained, the applicant must include this in their application for a licence to their local Licensing Board.

All training to meet the requirements of the Licensing (Scotland) Act 2005 should include three key areas:

1. Introduction to licensing
2. Responsible operation of licensed premises
3. Effect of irresponsible operation on society and health

The framework also provides an overview of the topics that should be covered by any generic training programme. As recommended by the framework, this specification is based on these topics but has been adapted and supplemented by topics specific to the Personal Licence Holder's role.

Timescale

The training delivery schedule should take a minimum of 6 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.

Assessment

The SCPLH qualification must be assessed by way of a 40 question multiple-choice paper¹. Assessment weighting for the topics covered in this specification are included in the appendix at the end of this document.

Delivery and Assessment Strategy

The delivery and assessment of the SCPLH qualification is governed by the Delivery and Assessment Strategy specified by People 1st. The Strategy is available without charge from People 1st (www.People1st.co.uk).

Further information on mandatory licensing training within Scotland can be found at www.scplh.info

¹ Electronic forms of assessment offered by Awarding Bodies are acceptable

Topic		Reference
		Note: References are intended as guidance for where relevant information can be found. Not all information in the reference will be fully relevant to every subject. All references are to the Licensing (Scotland) Act 2005 and as amended by subsequent legislation².
1	Introduction	
1.1	Training must outline the reason for, and importance of, the Licensing (Scotland) Act 2005 including the relationship between licensing and health	Understanding of key parts of the current Scottish Government's Alcohol Policy ³ .
2	Responsible operation of licensed premises	
	Overview of the licensing function	
2.1	Understanding of the 5 Licensing Objectives	Licensing (Scotland) Act 2005 S.4 The Licensing objectives The 5 objectives: <ul style="list-style-type: none"> • preventing crime and disorder • securing public safety • preventing public nuisance • protecting and improving public health • protecting children from harm Each of the licensing objectives has equal weighting
2.2	The meaning of "alcohol"	Licensing (Scotland) Act 2005 S.2 meaning of alcohol i.e. spirits, wine, beer, cider, or any other fermented, distilled or spirituous liquor, but does not include alcohol with a strength of 0.5% or less at the time of its sale.

² At the time of writing this includes: Regulations, Scottish Statutory Instruments, the Criminal Justice and Licensing (Scotland) Act 2010, the Alcohol etc. (Scotland) Act 2010

³ Reduce alcohol consumption; supporting families and communities; positive public attitudes, positive choices; improved treatment and support. At the time of writing this is *Changing Scotland's Relationship with Alcohol: A Framework for Action*, published 2009.

	Topic	Reference
2.3	<p>Broad understanding of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the post⁴</p>	<p>Give understanding of broad content of alcohol legislation i.e.</p> <p>Licensing (Scotland) Act 2005 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>Schedule 2 – Local Licensing Forums</p> <p>Schedules 3 and 4 – Premises licences: mandatory conditions and occasional licences: mandatory conditions</p> <p>Alcohol etc. (Scotland) Act 2010 Sections 2 to 6 and Sections 9 and 10 i.e. S.2 Minimum price of packages containing more than one alcoholic product S.3 Off-sales: variation of pricing of alcoholic drinks S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at reduced price S.5 Off-sales: location of drinks promotions S.6 Requirement for age verification policy S.9 Presumption against prohibition on off-sales to under 21s S.10 Premises licences: variation of conditions</p> <p>The Sale of Alcohol to Children and Young Persons (Scotland) Regulation 2007</p> <p>The Licensing (Training of Staff) (Scotland) Regulations 2007</p> <p>Criminal Justice and Licensing (Scotland) Act 2010 Section 195</p>

Topic	Reference
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⁴ This section should take no more than 10 minutes to deliver as all areas are covered in further detail later within the specification.

Key Roles		
2.4	General understanding of the role of the Licensing Boards in granting applications; regulating standards in licensing premises; duties to set out licensing policy	<p>Licensing (Scotland) Act 2005 Paragraphs 38-56 Policy memorandum Part 2 Licensing bodies and officers</p> <p>Alcohol etc. (Scotland) Act 2010 S.9 Presumption against prohibition of off-sales to under 21s S.10 Premises Licences: variation of conditions S.11 Consultation etc. of health boards</p>
2.5	General understanding of the function of Licensing Standards Officers; their monitoring and advisory role; and how this relates to licensing boards and the local authority	<p>Licensing (Scotland) Act 2005 S.13 Licensing Standards Officers S.14 General Functions of Licensing Standards Officers S.15 Powers of Entry and Inspection (and seizure) (as amended - section 197 Criminal Justice and Licensing (Scotland) Act 2010) S.16 Training of Licensing Standards Officers</p>
2.6	Basic understanding of the key roles and powers of other statutory bodies involved in the licensing process	<p>Licensing (Scotland) Act 2005 S.50 Certificates as to planning, building standards and food hygiene (as amended - section 186 Criminal Justice and Licensing (Scotland) Act 2010) S.138 Police powers of entry S.186 (Criminal Justice and Licensing (Scotland) Act 2010) - Premises licence applications: food hygiene certificates</p>
2.7	Understanding of the make-up and role of Local Licensing Forums	<p>Licensing (Scotland) Act 2005 S.10 Local Licensing Forums S.11 General functions of Local Licensing Forums Schedule 2 – Local Licensing Forums</p>

Topic	Reference
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Licensing and Operating Conditions		
2.8	Understanding the different types of licence: premises, personal and occasional	Licensing (Scotland) Act 2005 S.17 Premises licence S.56 Occasional licence subs 1) 2) (amended by section 13 of the Alcohol etc. (Scotland) Act 2010) S.71 Personal licence
2.9	Understanding of the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder	Licensing (Scotland) Act 2005 S.19 Premises Manager S.20 Application for premises licence sub 1) (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010) 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 S.72 Application for personal licence S.74 Determination of a personal licence application (amended by section 192 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) S.75 Applicant's duty to notify Licensing Board of convictions 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 ⁵ S.93 Licence holder's duty to produce a licence
2.10	Licensed hours	Licensing (Scotland) Act 2005 S.62 Licensed hours S.63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours (amended by section 188 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) S.64 24 hour licences to be granted only in exceptional circumstances S.65 Licensed hours: off-sales S.66 Effect of start and end of British summer time S.67 Power of Licensing Board to grant general extensions of licensed hours S.68 Extended hours applications S.69 Notification of extended hours application (amended by section 190 of the Criminal Justice and Licensing (Scotland) Act 2010) S.70 Determination of extended hours application (amended by section 191 of the Criminal Justice and Licensing (Scotland) Act 2010)

⁵ Including information on statutory training requirements for Personal Licence Holders, i.e. pre application - full SCPLH training, 5 years after Personal Licence issued, SCPLH (Refresher) training, 10 years after Personal Licence issued, full SCPLH training

		<p>Justice and Licensing (Scotland) Act 2010)</p> <p>S.118 Prohibition of unauthorised sale of alcohol on moving vehicles (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.119 Delivery of alcohol from vehicles etc.</p> <p>S.120 Prohibition of late night deliveries of alcohol (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.121 Keeping of smuggled goods (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.122 Interpretation of Part 8</p> <p>S.141 (a) Defence of due diligence for certain offences (as amended by section 195 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.141 (b) Vicarious liability of premises licence holders and interested parties (amended by section 195 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p>
2.15	Detailed knowledge of application and renewal for a personal licence including police powers	<p>Licensing (Scotland) Act 2005</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 (amended by section 192 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.75 Applicant's duty to notify Licensing Board of convictions</p> <p>S.76 Issue of licence (amended by section 192 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</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>
2.16	Application process for a premises licence including police powers	<p>Licensing (Scotland) Act 2005</p> <p>S.20 Application for premises licence (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.21 Notification of application (amended by section 180 Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.22 Objections and representations (amended by section 183 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.23 Determination of premises licence application (amended by section 181 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.24 Applicant's duty to notify Licensing Board of convictions (amended by section 183 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.25 Further application after refusal of premises licence application</p> <p>S.26 Issue of licence and summary (amended by section 187 of the Criminal Justice and Licensing (Scotland) Act 2010)</p>

Topic		Reference
2.17	Variation and transfer of premises licence	Licensing (Scotland) Act 2005 S.29 Application to vary premises licence S.30 Determination of application for variation S.31 Variation to substitute new premises manager S.32 Further application after refusal of application for variation S.33 Transfer on application of licence holder S.34 Transfer on application of person other than licence holder S.35 Variation on transfer
2.18	Understanding the duties of a personal licence holder	Licensing (Scotland) Act 2005 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
2.19	Rights of objectors	Licensing (Scotland) Act 2005 S.22 Objections and representations (amended by section 183 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) S.36 Application for review of premises licence
2.20	Understanding the relationship between the operating plan and the premises licence, including variations	Licensing (Scotland) Act 2005 S.20 Application for premises licence (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010) S.29 Application to vary premises licence S.30 Determination of application for variation S.31 Variation to substitute new premises manager S.32 Further application after refusal of application for variation

Topic		Reference
	Protecting children from harm	
2.21	Understanding of the law relating to sale, purchase, consumption of alcohol, supervised sales by under 18s	<p>Licensing (Scotland) Act 2005 S.102 Sale of alcohol to a child or young person (as amended by The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007) S.103 Allowing the sale of alcohol to a child or young person (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) 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 (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) S.107 Unsupervised sale of alcohol to a child or young person (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010) S.108 Delivery of alcohol to a child or young person (as amended by The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007) 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>
2.22	Understanding of the application of “proof of age”	<p>The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007</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>
2.23	Test purchasing	<p>Understanding clear duties and responsibilities with regard to determining someone’s age Clear understanding of purpose of test purchasing</p>

Topic		Reference
	Control of Order	
2.24	The law in relation to drunkenness and disorderly conduct	Licensing (Scotland) Act 2005 S.111 Drunk persons entering or in premises on which alcohol is sold S.112 Obtaining of alcohol by or for a drunk person S.113 Sale of alcohol to a drunk person S.114 Premises manager, staff etc. not to be drunk S.115 Disorderly conduct S.116 Refusal to leave premises
2.25	The law with regard to irresponsible promotions	Licensing (Scotland) Act 2005 S.27 Conditions of premises licence (amended by section 7 of the Alcohol etc. (Scotland) Act 2010) Schedule 3 – Premises licences mandatory conditions Schedule 4 – Occasional licences: mandatory conditions Alcohol Etc (Scotland) Act 2010 S.2 Minimum price of packages containing more than one alcoholic product S.3 Off-sales: variation of pricing of alcohol drinks S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price S.5 Off-sales: location of drinks promotions S.10 Premises licences: variation of conditions
2.26	Exclusion orders; review of premises licence and sanctions available to the Licensing Board; premises licences, closure orders; review of personal licences and sanctions available to the Licensing Board	Licensing (Scotland) Act 2005 S.36 -40 – Review of premises licence S.83 Procedure where Licensing Board receives notification of convictions S.84 Conduct inconsistent with licensing objectives (amended by Schedule 6 (16) of the Criminal Justice and Licensing (Scotland) Act 2010) S.85 Expiry of endorsements S.86 Suspension of licence after multiple endorsements S.94 Exclusion orders S.95 Breach of exclusion order S.96 Exclusion orders: supplementary provision 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
2.27	Powers of entry and rights to inspection	Licensing (Scotland) Act 2005 S.15 Powers of entry and inspection (and seizure) (amended by section 197 of the Criminal Justice and Licensing (Scotland) Act 2010) S.138 – Police powers of entry

Topic		Reference
2.28	Licence holders: Social responsibility levy	S.14 Alcohol etc. (Scotland) Act 2010 A statutory instrument which makes provision for the imposition on licence-holders, charges for furtherance of the licensing objectives, and which the authority considers necessary to mitigate any adverse impact attributable to the operation of the businesses licence holders in the authority's area.
Training		
2.29	The legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications	Licensing (Scotland) Act 2005 S.87 Licence holder's duty to undertake training Schedule 3 Premises licence: mandatory conditions The Licensing (Training of Staff) (Scotland) Regulations 2007
2.30	Guidance on appropriate record keeping procedures	Schedule 3 - Section 6 - Form of training record specified in The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007)
Associated Law		
2.31	Relevant associated law ⁷	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 The Consumer Protection from Unfair Trading Regulations 2008 For example: information on misleading actions, omissions and aggressive practices Private Security Industry Act 2001 For example: Sections 3 - 6 of that Act Smoking, Health and Social Care (Scotland) Act (2005) For example: how the business manages it's smoking policy (if applicable) Gambling Act 2005 For example: the 3 Gambling Objectives Equalities Act 2010 For example: Protected Characteristics with regard to employment and services Phonographic Performance Limited (PPL) and Performing Right Society (PRS) For example: information on live and pre-recorded music and the licenses required Misuse of Drugs Act (1971) Common patterns of drug consumption in licensed premises and associated offences

⁷ In addition Personal Licence Holders require to have a basic understanding of the relevant sections and best practice in conforming with the requirements of Food Hygiene legislation, Health and Safety legislation, Noise Regulations, and advertising requirements and the duty of the premises licence holder to carry out a risk assessment

Topic		Reference
3	Effect of irresponsible operation on society and health	
	Alcohol⁸	
3.1	Minimum price of alcohol per unit ⁹	<ul style="list-style-type: none"> • Alcohol (Minimum Pricing) (Scotland) Act 2012 • Knowledge of minimum price per unit • Basic understanding of the arguments for introduction
3.2	Units of alcohol and strengths of alcoholic drinks	<ul style="list-style-type: none"> • Knowledge of British standard units • Knowledge of how to calculate the units per drink from a range of common drinks
3.3	Physical and psychological effects of alcohol	<ul style="list-style-type: none"> • The effects on the brain¹⁰ • The general effects on behaviour¹¹
3.4	Low drinking limits	<ul style="list-style-type: none"> • Definitions of low risk, hazardous and harmful drinking¹²
3.5	Dispelling myths about alcohol	<ul style="list-style-type: none"> • Key facts about alcohol¹³ • Common myths about alcohol¹⁴
3.6	Difference between blood alcohol level and drunkenness	<ul style="list-style-type: none"> • The difference between blood alcohol level and drunkenness¹⁵ • Drink-driving limits in Scotland¹⁶ • Drink driving limits in England, Wales and Northern Ireland
3.7	Consequences to the individual, to the business and to society of excessive drinking	<ul style="list-style-type: none"> • The key consequences of excessive drinking for the individual including: <ul style="list-style-type: none"> ~ short term dangers¹⁷ ~ health and social problems¹⁸ • The key consequences of excessive drinking for the business¹⁹ • The key consequences of excessive drinking for society²⁰
3.8	Common patterns of alcohol consumption and misuse in Scotland ²¹	<ul style="list-style-type: none"> • The patterns of problem drinking and binge drinking • Basic understanding of the level and trend in underage drinking and drunkenness • Basic understanding of the level and trends in various types of alcohol related illness and death

⁸ Information should come from a reputable, up to date source, such as Alcohol Statistics Scotland, published biennially by NHS National Services Scotland or the Scottish Government's InfoScotland website (Healthier Scotland – alcohol)

⁹ This section is optional until such time as legislation is implemented and is not currently assessed

¹⁰ Including the consequent graduated physical effects observed and the danger of acute alcohol poisoning

¹¹ Including loss of inhibition and impairment of reasoning and decision making

¹² Current edition of Alcohol Statistics Scotland, published biennially by NHS National Services Scotland

¹³ Including the effects of gender, tolerance, food, age, general size, general health, time

¹⁴ Including coffee and/or other substances/practices as “sobering agents”, alcohol as a “warmer agent”, “health”, properties of other drinks

¹⁵ BAC as an objective measure used in drink driving offences, compared to drunkenness, a subjective measure of behaviour, as used in licensing legislation

¹⁶ No PLH or staff member should attempt to calculate alcohol units or sobriety as a method for determining if it is “safe” to drive - best and safest advice remains “don't drink alcohol and drive”.

¹⁷ Including the increased risk of accidents, becoming a victim of crime or being involved in crime, increase in other socially related risks/problems e.g. sexual diseases or pregnancy from unplanned sex

¹⁸ Both short and long term: including hangover, increased blood pressure, birth defects, heart disease, liver disease and various cancers; employment problems, relationship problems and financial problems

¹⁹ Including increased difficulty in dealing with drunken customers, ultimately affecting reputation and business viability (such as increased cost of replacing fixtures and fittings, staff turnover, liability and loss of licence)

²⁰ Including the current trend for high rates of alcohol related crime and disorder; the trend of increasing alcohol related problems including impact on persons other than the drinker especially children, underage drinking, drunkenness, alcohol related disease; economic impact including the impact on productivity in the workplace [Information Services Division, NHS National Services Scotland] and associated costs to society

²¹ Current edition of Alcohol Statistics Scotland, published biennially by NHS National Services Scotland; current edition of Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS), published biennially by NHS Scotland

Topic		Reference
Illegal Drugs		
3.9	Common patterns of drug consumption in licensed premises	<ul style="list-style-type: none"> ▪ Signs to look for - drug dealing ▪ Drugs prevention policy ▪ The importance of seeking advice from the police with regards to drug dealing in licensed premises
Social Responsibility		
3.10	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 premises²² • The potential for the environment to affect drinking and behaviour • The importance of good service practice²³ • Responsibilities to staff and customers
3.11	Common causes of conflict, how to prevent conflict and how to 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
3.12	Security procedures and policies in relation to crime and counter terrorism	<ul style="list-style-type: none"> • Threat procedures²⁴ • Training of staff to look out for left packages/luggage etc
3.13	Promoting recommended low risk guidelines	<ul style="list-style-type: none"> • Ways in which low risk drinking behaviour can be promoted • Awareness of the increasing importance of social responsibility and the need for low risk drinking²⁵
Community Links		
3.14	Understanding the roles and links to local community initiatives, such as Alcohol and Drugs Partnerships (ADPs), Community Safety Partnerships Pub Watch, Retail Watch, City Centre Safe	<ul style="list-style-type: none"> • General awareness of the existence of such schemes • The benefits of such schemes

²² Should include need for cleanliness, tidiness, good state of repair

²³ Should include being polite to customers, knowledge of products, customer awareness and managing busy situations

²⁴ Should include how to record threat information, management reporting, emergency service contact procedure and evacuation procedures

²⁵ For further information go to www.drinksarter.org or www.drinkaware.co.uk

Assessment Criteria for Awards

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

(Ref)	Topic	Assessment Weighting (%)	Number of Questions
(1.1)	Introduction	0%	0
(2.1 - 2.3)	Overview of the licensing function	2.5%	1
(2.4 - 2.7)	Key Roles	5%	2
(2.8 - 2.20)	Licensing and Operating Conditions	35%	14
(2.21 - 2.23)	Protecting children from harm	15%	6
(2.24 - 2.28)	Control of Order	10%	4
(2.29 - 2.30)	Training	2.5%	1
(2.31)	Associated Law	2.5%	1
(3.2 - 3.8)	Effect of irresponsible operation on society and health	15%	6
(3.9)	Illegal Drugs	2.5%	1
(3.10 - 3.13)	Social Responsibility	10%	4
(3.14)	Community Links	0%	0

