#### **National Standards – Staff Training**

#### Introduction

This National Standard has been written to inform the industry of their obligations under Schedule 3 (Paragraph 6) of the Licensing (Scotland) Act 2005.

**Training requirement** - The training requirement prescribed is that any person working in a capacity where they sell or serve alcohol for consumption on the premises or sell alcohol for consumption off the premises must have received **relevant training** from a person who at the time of providing the training holds—

- (a) A personal licence; or
- (b) A qualification accredited for the purposes of this regulation by the Scottish Qualifications Authority<sup>1</sup>.

The regulation states that "relevant training" means training of at least 2 hours duration that covers each of the 16 matters specified in the Licensing (Mandatory Conditions No.2) (Scotland) Regulations 2007 (referred to as "Matters to be covered" in this Standard). In addition, employers are required to complete and retain a training record for each staff member who completes their mandatory training and an exemplar of this can be found appended to this standard. Remember too that all training records are subject to inspection by Licensing Standards Officers upon request.

Timescale - The training should take no less than 2 hours to complete

**Assessment of a qualification -** There is no requirement for this training to be formally assessed or for those being trained to hold a qualification. However, formally assessed qualifications based upon this standard are available. Information on these can be found at <a href="https://www.scplh.info">www.scplh.info</a>

**Delivery and Assessment Strategy** - The delivery and assessment of all licensing awards in Scotland is governed by the Delivery and Assessment Strategy specified by People 1<sup>st</sup>. The Strategy is available from <a href="www.scplh.info">www.scplh.info</a>. **Please note** - The mandatory two-hour training for staff who sell and serve alcohol in Scotland must cover all 16 topics within the Licensing (Training of Staff) (Scotland) Regulations 2007, however, the content and depth of this training is for the business and the trainer to determine.

This training standard is intended to assist the trade in creating staff training materials but they are under no obligation to use it. No individual or group may seek to impose the advice and guidance aspect of this standard as a mandatory requirement under any circumstances.

<sup>&</sup>lt;sup>1</sup> A list of these can be found at http://www.sqa.org.uk/sqa/42349.html or www.scplh.info

### Matters to be covered and Advice and guidance for training sectional breakdown 1. The legal basis of the requirement for the training of staff under paragraph 6 of schedule 3 to the Act. All staff, paid or unpaid, must be aware that it is a condition of the premises licence under which they work that they must undergo this mandatory training before commencing alcohol sales (unless they have a personal licence). The advice and guidance aspect of this standard is not intended to be prescriptive and must not be interpreted as such. 2. The licensing objectives. Within the training session, it is useful to explore each of these in a little detail to ascertain what each objective is trying to achieve. S.4 The Licensing objectives preventing crime and disorder securing public safety preventing public nuisance protecting and improving public health protecting children from harm **3.** The definition of "alcohol" in the It is important that the staff member understand which types of alcohol are covered by the act and which are not, i.e. Act. spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, does not include— alcohol which is of a strength of 0.5% or less at the time of its sale S.2 meaning of alcohol Liqueur chocolates are not considered alcohol – but sales are restricted to those aged 16 or over. i.e. spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include alcohol which is of a strength of 0.5% or less at the time of its sale An unlicensed sale is any sale of alcohol that is made on premises that does not have a current Premises Licence and / or named Premises **4.** What constitutes an unlicensed Manager and/or any sale not authorised by a Personal Licence Holder. sale. Within your training you should inform your staff who the Premises Manager is and who the (various) Personal Licence Holders are. Sale usually means in exchange for money, however, can also include barter and where alcohol is included in the price of other goods and services. A Personal Licence Holder does not have to authorise the sale of each alcoholic item specifically (unless the sales person or server is

	under 18).
	Occasional Licences are required for some types of events where alcohol is sold. Staff selling alcohol under an occasional licence do not need to have completed the mandatory two hours of training unless this is a condition of the licence being granted.
<b>5.</b> The functions of Licensing Standards Officers, including their powers of entry.	Licensing Standards Officers have three main roles: Guidance, Mediation and Compliance. Licensing Standards Officers (LSOs) should no give legal advice, however, will offer information and guidance on the licensing system and generally be a first point of contact wit issues related to licensing within their geographic area. LSOs are employed by the Local Authority.
	LSOs generally speaking offer the following services:
	Guidance – provide information; liaise with licensed trade/others; give talks/presentations.
	<ul> <li>Compliance – monitor and inspect premises; issue notices of non-compliance and report premises to the licensing board.</li> <li>Mediation – log complaints; discuss licensing problems and disputes with premises and neighbours separately and together.</li> </ul>
	LSOs also have the right to enter and inspect premises at any time, to check documentation is in order (including training records). For premises licences, the LSO can also seek a review of that licence if they have reasonable grounds to do so. Please also ensure that starknow it is an offence to obstruct an LSO in the exercising of their duties.
<b>6.</b> The nature of an operating plan and its place in the licensing	The operating plan is a crucial part of the terms of a licence and a business must operate within it at all times. The following informatio must be included in an operating plan:
system.	1. a description of the activities to be carried on in the premises,
	2. a statement of the times during which it is proposed that alcohol be sold on the premises,
	3. a statement as to whether the alcohol is to be sold for consumption on the premises, off the premises or both,
	4. If there is a seasonal aspect to the business, how this impacts upon the times when alcohol is sold
	<ul> <li>5. a statement of the times at which any other activities in addition to the sale of alcohol are to be carried on in the premises,</li> <li>6. where alcohol is to be sold for consumption on the premises, a statement as to whether children or young persons are to be allowed entry to the premises and, if they are to be allowed entry, a statement of the terms on which they are allowed entry including, in particular—</li> </ul>
	i. the ages of children or young persons to be allowed entry,
	ii. the times at which they are to be allowed entry, and
	iii. the parts of the premises to which they are to be allowed entry,
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	7. information as to the proposed capacity of the premises,

Ensure the staff know that Licensing Standards Officers, the Police and the Licensing Board assess the business against the Operating Plan to ascertain if there are any areas of non-compliance.

From a training perspective, your team need to know much of this information, so it might be useful to summarise your existing operating plan using areas relevant to your business headings. Remember, that if your team don't meet the requirements of the operating plan every day then it is quite possible that offences are being committed that could put the premises licence in jeopardy.

**7.** The different types of premises licence conditions under section 27 of the Act and section 2 and 5 of the Alcohol etc. (Scotland) Act 2010

When a premises licence is issued, there are a number of conditions attached to that licence that your team need to be aware of:

- Alcohol is only to be sold in compliance with the operating plan
- Every sale of alcohol must be authorised by a Personal Licence Holder (that is specifically if the seller is under 18, or, more commonly, generally)
- All staff (paid or unpaid) who sell or serve alcohol must have a minimum of two hours of training BEFORE they are permitted to do so
- When the price of alcohol is varied, that price must be maintained for a minimum of 72 hours after the price variation
- (On-sales) Water fit for drinking must be made available without charge
- (On-sales) Non-alcoholic drinks must be made available at a reasonable price

There are a number of promotions that are considered irresponsible:

#### On-sales

- Any promotion that relates specifically to an alcoholic drink likely to be appealing to a person under the age of 18
- o Any promotion that supplies alcohol free or at a reduced price on the purchase of another drink (alcoholic or not)
- o Any promotion that rewards drinking alcohol quickly
- o Any promotion that offers unlimited alcohol for a fixed price
- O Any promotion that provides free, or at a reduced price, extra measures of alcohol on the purchase of one or more measures (that is buy one measure of rum, get the second half price for example)
- o Any promotion that encourages a person to purchase more alcohol than they intended to

#### Off-sales

- o Any promotion that relates specifically to an alcoholic drink likely to be appealing to a person under the age of 18
- o Any promotion that supplies alcohol free or at a reduced price on the purchase of another drink (alcoholic or not)
- o Any promotion that is based upon the specific strength of alcohol
- o Any promotion that offers alcohol as a prize (unless this is for consumption off the premises)
- $\circ$  Any promotion that is outside of the alcohol display area

In addition to the above, legislation subsequent to the Licensing (Scotland) Act 2005 has been introduced. Your staff also need to be aware of the following section of the Alcohol etc. (Scotland) Act 2010.

**Off-sales**: variation of pricing of alcohol drinks

Packages containing two or more alcoholic beverages may only be sold at a price equal to or greater than the price of each individual alcoholic beverage.

As an example, a can of cider costs £2 and a can of lager £1.50. As a package, this can only be sold for £3.50 or more. In essence, discounting the price of alcohol by encouraging customers to buy another alcoholic product is prohibited. This provision only applies where the same product is sold individually. As a training example, where premises sell "Licensing Lager" at £1.50 a can, a four pack of "Licensing Lager" must cost £6.00. However, if the same lager is not available as an individual can, then the business can set a price for the 4 pack that is less than £6.00.

Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price

There is already a restriction within Schedule 3 (above) regarding irresponsible promotions, but the Alcohol etc. act moves this into off-sales too. To sum up, reducing the price of alcohol because the customer is purchasing more is prohibited. As a training example, consider using the following examples that are no longer permitted.

- Buy one, get one free
- Four for the price of three
- Buy five, get the cheapest free
- Five cans of lager for £3 (if single case are on sale in the store for 61p or more)
- Buy a case of wine and get a 15% discount.

Off-sales: location of drinks promotions

This part of the act restricts where alcohol can be sold within off sales premises and creates "alcohol display areas". An Alcohol Display Area is either; an area that is inaccessible to the general public or an area within the premises designated for the sale of alcohol that has been agreed with the licensing board.

Any promotion of alcohol can only take place within the alcohol display area. Again, for training purposes:

- Ensure your staff understand where the alcohol display area is
- That alcohol promotional materials connected to the premises are only to be displayed in this area (general magazines, newspapers etc. that carry adverts for alcohol are exempt from this, but newspapers or magazines that are not for sale that are predominantly about alcohol are not and must only be displayed in the alcohol display area).

## Requirement for age verification policy All business must establish an age verification policy that challenges anyone who could reasonably be thought of as younger than 25 (Challenge 25). For more information on this aspect, see **section 11** of this training specification. Please note - consider which of these conditions a staff member is likely to come across in your business and adjust your training accordingly by maintaining a focus on the needs of the business. **8.** Special provision for clubs under Clubs (for example a bowling club) are dealt with differently within the Licensing (Scotland) Act 2005, but only with regard to some aspects: section 125 of the Act. Refusal of a premises licence cannot be determined by an assessment of overprovision The operating plan, or premises licence does not need to contain information about the premises manager Sales of alcohol do not need to be authorised by a Personal Licence Holder In most other aspects, clubs are treated the same as other licenced premises and the staff, management committees and members of those clubs should act accordingly at all times. Selling alcohol is permitted within specified hours, and these hours are indicated within the operating plan of the business. 9. Licensed hours under Part 5 of the Act. Off-sales - permitted between the hours of 10.00 am and 10.00 pm seven days a week, unless the local licensing board has specified different hours for their area or unless different hours are specified within a premises operating plan. If your business is affected by such a variation, you need to ensure that your staff are aware of this, and sell alcohol only within the permitted times. On-sales - the hours the business is permitted to sell alcohol is specified within the Operating Plan of the business. You need to be clear

Alcohol cannot be sold outwith the times specified within the operating plan, however, may be consumed after this time, commonly referred to as **drinking up time**.

with the staff member what the permitted hours are for your business, and whether these hours vary, for example at the weekend.

- Drinking up time without a meal 15 minutes only
- Drinking up time with a meal 30 minutes only

After these times, no alcohol may be consumed on the premises.

For commercial **residential premises e.g. hotels**, residents can purchase and consume alcohol outwith licensed hours at the licence holder's discretion.

**Move to / from British summertime** - the clock change (forward or backward) is made within licensed premises AFTER the premises have closed, and as such time changes have no impact upon the business or their customers.

Within the training session, be clear about permitted hours within your business, and check that your staff know these hours before the session closes.

# **10.** Offences under the Act, particularly those involving persons under the age of 18.

Firstly, lets define the groups we are talking about:

- Child anyone under the age of 16 years old
- Young person 16 or 17 years old
- Adult 18 years old or older

There are a number of offences under the Licensing (Scotland) Act that your staff can commit, and this section is a summary of these.

**Sale of alcohol to a child or young person** - it is an offence to sell alcohol to a child or young person. The exception to this is where a young person (16-17 years old) is consuming beer, cider, wine or perry with a meal and that the alcohol has been purchased by an adult.

Sale of liqueur confectionary to a child - it is an offence to sell liqueur chocolate to a child (under 16).

Purchase of alcohol by or for a child or young person - it is an offence to purchase alcohol for a child or young person, and it is an offence to sell alcohol to a person you know intends to supply it to a child. Be clear with the staff here, that if they have any knowledge that that proposed purchase would be consumed by a child or young person, they MUST decline the sale.

Consumption of alcohol by a child or young person - it is illegal for a child or young person to consume alcohol and it is illegal to permit a child or young person to consume alcohol on licensed premises. The exception to this is where a young person (16-17 years old), accompanied by an adult (18 or over), is consuming beer, cider, wine or perry with a meal and where the alcohol has been purchased by someone aged 18 or older.

**Delivery of alcohol by or to a child or young person** – It is an offence for a responsible person to allow a child or young person to deliver alcohol – an exception to this rule is if a child or young person is employed in a capacity that involves the handling of deliveries.

It is also an offence if a responsible person delivers (or allows to be delivered) alcohol to a child or young person for example, alcohol sent out with a home delivery of groceries.

**Drunk persons entering or in premises on which alcohol is sold -** it is illegal for a drunk person to attempt to enter, or be drunk on a licensed premises.

Obtaining alcohol by or for a drunk person - It is illegal for a drunk person to obtain alcohol, or for a person to serve alcohol to a drunk

	person. In addition, it is not permitted to supply alcohol to a person who is drunk.
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	Premises manager, staff etc. not to be drunk - it is not permissible for anyone who sells or serves alcohol, or for anyone who manages a
	premises where alcohol is served to be drunk.
	<b>Disorderly conduct</b> - it is not permitted to allow disorderly conduct on licensed premises, nor to commit disorderly conduct on licensed premises. Disorderly conduct is broadly defined as <i>conduct that disturbs the peace or endangers the morals, health, or safety of a community.</i>
	Vicarious liability - Staff should be aware that where an offence is committed by an employee of the business, the premises licence holder can also be found guilty of that same offence even if they had no knowledge of it. Staff must remain vigilant in exercising their roles with regard to the potential offences that may be committed and be aware that their actions could result in a criminal record for not just them but their employer.
11. Proof of age	There is a requirement for the premises to have an age verification policy. If your business has not done so already, develop standards for the checking of age and refusal of service that meets your needs and then train your staff to this standard.  To check proof of age, your staff should:
	• Follow the businesses age verification policy and check the proof of age for anyone they consider to be under 25 (or older if the policy of the business permits this). Acceptable forms of proof of age are:
	i. An EU photo card driving licence, or
	ii. a valid passport, or
	iii. a photographic identity card approved by the British Retail Consortium for the purposes of its Proof of Age Standard Scheme (PASS Card), such as a British Retail Consortium PASS Card or a YoungScot card (with a PASS hologram on it)
	In 2012, the Scottish Government consulted on acceptable forms of proof of age and as a result of this they amended the legislation so that the following will be considered acceptable proof of age as of 01 October 2013
	<ul> <li>iv. a valid identity card from within the EU (Belgium Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Gibraltar, Greece, Hungary, Italy, Netherlands, Poland, Portugal, Slovakia, Spain, or Sweden), and Norway, Iceland, Liechtenstein or Switzerland or Ministry of Defence Form 90 (Defence Identity Card) or</li> <li>v. a Security Industry Authority Card,</li> </ul>
	vi. a Biometric Residents Permit (BRP), or
	Whichever form(s) of proof of age your business uses:
	<ul> <li>Ensure that they check the date of birth and that they calculate this correctly</li> <li>Check to ascertain if the proof of age is a potential forgery</li> </ul>

	Check that the customer could reasonably be thought of as being 18 or older
	It is good practice to have a record of all sales and service of alcohol that have been refused. Record the date, the person who decline the sales name and the reason for the refusal of sale / service. Such records are useful for a number of reasons; keeping track of why people are being refused, who is refusing sales and as a potential defence should the business fail a test purchase. If you chose to follow good practice guidelines, ensure you train your staff accordingly.
	Further advice and some useful downloads can be found at <a href="https://www.challenge25.org">www.challenge25.org</a>
	In addition, be sure that your staff understand that they, as the seller, commit an offence and that they are liable to up to a £5000 fine and or up to three months in prison.
<b>12.</b> Test purchasing of alcohol under section 105(2) of the Act.	Test purchasing is carried out within Scotland to check if a business is ensuring that only those who are legally permitted to buy alcohol are actually doing so.
	Under the instruction of the police, a child or young person is authorised to attempt to purchase alcohol, to provide information as to whether the sale was permitted, and whether proof of age was asked for. Businesses fail a Test Purchase where they sell alcohol to a child or young person. The police notify the business of the outcome of the test purchase immediately.
	Within the training session, you need to be clear what the age verification policy is for your business. In addition, be sure that your staff understand that they, as the seller, commit an offence and that they are liable to up to a £5000 fine and or up to three months in prison.
13. Best practice as regards standards of service and refusing service.	Good service is one of the key aspects of running a successful licensed premises, and your business should have standards of service based around friendliness, efficiency and compliance with the law.
	In <b>on-sale</b> , standards of service also include keeping a clean bar area, ensuring glasses are collected regularly and using and expecting moderate language.
	In <b>off-sales</b> , standards of service also include keeping the shop clean and tidy, ensuring the there is adequate stock on the shelves and using and expecting moderate language.
	Information on service standards training can be found at www.ukstandards.org.uk.
	Service refusal
	Ensure that your team understand the grounds for refusal and that they understand the refusal procedures for your business. Refusal should be dealt with in a firm but professional manner and if the customer escalates the situation then train your team to call the

	supervisor or manager to assist.			
<ul> <li>14. Units of alcohol and the relationship between units and the strength of different alcoholic drinks.</li> <li>Units of alcohol and strengths of alcoholic drinks</li> <li>Knowledge of British standard units</li> <li>Knowledge of how to calculate the units per drink from a range of common drinks</li> </ul>	Try to break this part of the training into a conversation about the nature of alcohol and the varying degrees of strength that differing alcohol has. Use exercises that rank alcohol from weakest to strongest for example, but be sure that the staff members understand the varying nature of alcoholic strength and the volumes of alcohol that are consumed.  Staff should also be able to calculate units of alcohol in a drink where they know the Alcohol By Volume (ABV - that is the percentage the liquid that is alcohol) and the amount of liquid. The formula is as follows:  Volume (mL) x ABV (% of alcohol) 1000  It is important that your staff know how to calculate units based upon the ABV of the alcohol sold on your premises so check that your staff members know the units of alcohol in a range of alcoholic products such as beer, cider, wine and a range of spirits that your busine sells.			
<ul> <li>15. The sensible risk drinking limits for males and females recommended by the British Medical Association</li> <li>14 units for Women per week</li> <li>21 Units for Men per week</li> <li>The general effects on behaviour<sup>2</sup></li> <li>Definitions of low risk, hazardous and harmful drinking <sup>3</sup></li> </ul>	The staff member should understand that they are selling a substance that, when misused, can have harmful effects. It is important to strike a balance within this section of the training session and to emphasise that low risk consumption of alcohol in itself is unlikely to cause any serious harm.  UK Government drinking guidelines highlight that sustained heavy drinking or drinking excessively on one or more occasion can contribute to a range of health and social problems. The guidelines recommend daily drinking limits as well as weekly guidelines to ensure that weekly recommended levels are not consumed in a few concentrated days.  Daily recommended guidelines are that men should not consistently drink more than 3 - 4 units of alcohol per day, and women should not consistently drink more than 2 - 3 units of alcohol per day.  Weekly guidelines are that men drink no more than 21 units and women no more than 14 units. It is also advised that people should have at least two alcohol free days during a week.			
	Above 'low risk' daily drinking 'Binge' Drinking	Men More than 4 units More than 8 units	Women  More than 3 units  More than 6 units	

<sup>2</sup> including loss of inhibition and impairment of reasoning and decision making <sup>3</sup> current edition of *Alcohol Statistics Scotland*, published biennially by NHS National Services Scotland

<b>Drinking Category</b>	Men (per week)	Women (per week)
Non-drinker	No units	No units
Low risk	21 units or below	14 units or below
Hazardous	Over 21 units - 50 units	Over 14-35 units
Harmful	Over 50 units	Over 35 units

- Hazardous drinkers are thought to be drinking at a level which may not be causing them harm currently, but may do so in the future
- Harmful drinkers are considered to be drinking enough to cause physical, social or psychological harm to themselves,

Further information may be found at www.drinksmarter.org

# **16.** Good practice in managing conflict situations.

There are times within the trade when conflict situations can happen and it is important that your staff are aware of how to deal these should they arise.

If your business has not developed standards for this situation, then consider writing these and training your staff to the standard. You might want to adapt the following for your business:

#### Ensure that staff members

- are polite, but firm when dealing with conflict situations
- keep calm, as raised voices can lead to aggression
- (when refusing service), explain why service has been refused, but avoid using terms like "drunk"
- inform the customer of their legal obligations not to sell or serve alcohol to anyone under age, or to someone who may have consumed too much alcohol
- listen to the customer and try to respond.
- Use active listening skills and positive body language (eye contact, nodding, smiling (when appropriate) etc.
- maintain a distance from the customer that helps ensure their safety
- offer alternatives to alcohol (where appropriate)
- seek help if the situation begins to escalate or they cannot get the customer to accept that no service is going to take place
- record the reason for the dispute