



BIIAB  
Level 2 Award  
for Personal  
Licence Holders

Workbook



# Introduction

Dear learner,

Welcome to the workbook for the BIIAB Level 2 Award for Personal Licence Holders (APLH).

Inside this workbook, you will find images, diagrams, quizzes and activities which will prepare you for the APLH exam.

The workbook is designed to support the training you receive on your training course. The answers to all of the activities can be found at the back of this workbook.

The examination for the APLH consists of 40 multiple-choice questions and you have 60 minutes to complete them. You will need to correctly answer 28 out of the 40 to pass.

**Remember you cannot take this  
workbook into the examination!**

Good Luck!

# Contents

|   |    |
|---|----|
| 1. The Licensing Act 2003   | 04 |
| 2. Licensing Policy   | 11 |
| 3. Personal Licence   | 12 |
| 4. Duties of a Personal Licence Holder                                  | 15 |
| 5. Premises Licence   | 16 |
| 6. Operating Schedules  | 24 |
| 7. The Designated Premises Supervisor                                   | 26 |
| 8. Temporary Event Notices  | 28 |
| 9. Exemptions to the Sale and Supply of Alcohol                         | 30 |
| 10. Prohibitions to the Sale of Alcohol                                 | 31 |
| 11. Unauthorised Licensable Activities and Due Diligence                | 33 |
| 12. Rights of Entry and Inspection                                      | 35 |
| 13. Powers to Close Licensed Premises                                   | 36 |
| 14. Protection of Children  | 38 |
| 15. The Definition and Nature of Alcohol<br>and How it Affects the Body | 44 |
| 16. Smoking, Drugs and Being a Responsible Retailer                     | 48 |
| <br>  |    |
| Sample Application Form   | 52 |
| Sample Disclosure Form  | 56 |
| Specimen Questions  | 60 |
| Activities  | 61 |
| Specimen Question Answers   | 78 |
| Activity Answers  | 78 |
| Glossary  | 84 |
| Useful Contacts   | 86 |
| Who are BIIAB Qualifications Limited?                                   | 89 |

# 1. The Licensing Act 2003

---

## The history of licensing

---

The introduction of licensing laws dates back to the Gin Act 1751, which was introduced due to the 'gin craze' in Britain, when the production of gin increased to six times that of beer. Under the Gin Act, gin makers were forced to sell to licensed premises and control of these premises by the local magistrates was introduced.

In the 19th century, licensing hours were gradually imposed, with additional restrictions on opening hours being introduced during World War I. However, over the years these restrictions were relaxed.

## The Licensing Act 2003

---

The Licensing Act 2003, which came into force in November 2005, replaced all previous licensing laws and moved the responsibility for licensing away from the local magistrates to the local authorities. A single integrated system was introduced throughout England and Wales to regulate the sale and supply of alcohol, the provision of entertainment to the public and the provision of late-night refreshment. The act also includes the statutory requirement that all retail sales of alcohol must be made, or

authorised by, a personal licence holder. In addition, premises which are licensed for the sale of alcohol must have a Designated Premises Supervisor (DPS) appointed. This DPS must be a personal licence holder.

## Licensing objectives

---

There are four licensing objectives under the Licensing Act 2003. You must know what they are as each objective is important and forms the structure of the licensing law. To demonstrate support for the licensing objectives it is advisable that staff are properly trained and qualified in licensing law.

You must promote the licensing objectives at all times in your business.

## The four licensing objectives are:

---

1. Prevention of crime and disorder



2. Public Safety



3. Prevention of public nuisance



4. Protection of children from harm



## Licensable activities

---

There are four licensable activities under the Licensing Act 2003:

1. Sale of alcohol by retail
2. Supply of alcohol on club premises
3. Provision of regulated entertainment
4. Late-night refreshment.

The sale of alcohol by retail is the only licensable activity that requires a personal licence holder (PLH) and Designated Premises Supervisor (DPS).

### Sale of alcohol by retail

---

This is the sale of alcohol to any person except in the following situations:

- i. To a trader for the purpose of their trade. For example the sale of wine by a distributor to a supermarket is not classed as a sale of alcohol by retail
- ii. To a members' club
- iii. To a personal or premises licence holder for the purposes of making sales according to the terms of a premises licence

- iv. To a premises user who has a Temporary Event Notice for the purpose of making sales authorised by that notice.

For the sale of alcohol by retail a premises must have:

**At least one personal licence holder (PLH)**

**A named Designated Premises Supervisor (DPS) (this person must be a PLH)**

**A premises licence**

It is a mandatory condition that all sales of alcohol are authorised by a personal licence holder.

In some premises there may only be one personal licence holder who is also the Designated Premises Supervisor. In others there may be multiple personal licence holders; however, there will still only be one DPS.

## Supply of alcohol on club premises

There are a wide variety of clubs that exist which include:

- i. Political-based members' clubs
- ii. Working men's clubs
- iii. Sports and social clubs.

Technically no sale to a member actually takes place on club premises because the members of the club own the alcohol, and for this reason such transactions are referred to as 'supply of alcohol'.

To supply alcohol on a club premises, the premises must have a club premises certificate. However, no personal licence holder, premises licence or DPS is required.

## Provision of regulated entertainment

Regulated entertainment consists of providing certain entertainment for an audience or spectators. The following activities are examples of regulated entertainment:

- a. Performance of a play where there is an audience of more than 500 people and/or the performance takes place before 08:00 or after 23:00
- b. Indoor sporting event (excluding boxing or wrestling) where there is an audience of more than 1,000 people and/or the performance takes place before 08:00 or after 23:00
- c. Performance of live music, or the playing of recorded music under certain circumstances (see below for exceptions to this)
- d. Performance of dance where any of the following apply: there is an audience of more than 500 people; the performance takes place before 08:00; the performance takes place after 23:00; the entertainment is defined as relevant entertainment by the Local Government Act 1982 (i.e. it involves live display or performance of nudity for the purposes of sexually stimulating any member of the audience)
- e. Exhibition of a film

- f. Boxing or wrestling entertainment, whether indoor or outdoor, including combined fighting sports where boxing or wrestling is combined with one or more martial arts.

Even if no charge has been made, regulated entertainment will still be classed as a licensable activity. However, there are some activities that are not classed as regulated entertainment, including:

- a. Games such as pool, darts etc. (unless the game is staged for spectators, for example a celebrity darts match)
- b. Morris dancing
- c. Music used in a religious ceremony
- d. Background music.

Live music, whether amplified or unamplified, or the playing of recorded music, will not be classed as regulated entertainment as long as all the following conditions are satisfied:

- a. There is a premises licence or club premises certificate in place permitting the sale or supply of alcohol for consumption on the premises,
- b. The premises are open for the sale or supply of alcohol for consumption on the premises,

- c. The music is being performed between 08:00 and 23:00, and
- d. In the case of amplified live music, the audience consists of no more than 500 people.

Live music will also not be classed as regulated entertainment if:

- a. The live music is unamplified and is performed between 08:00 and 23:00 regardless of where the music is performed or the size of the audience
- b. The live music is performed in a workplace (as defined by the Workplace (Health, Safety and Welfare) Regulations 1992) which is not licensed under the Licensing Act 2003 (with the exception for the provision of late-night refreshment) and the performance takes place between the hours of 08:00 and 23:00 to an audience of no more than 500 people.

If different activities with different audience thresholds are taking place at the same premises at the same time, organisers must ensure that the audience for each activity does not exceed the relevant limits unless the correct licence is in place.

In order to provide regulated entertainment, a premises must have a premises licence

which authorises such activity. The Music Licence from PPL PRS Limited (previously Phonographic Performance Limited and Performing Right Society) may also be required and if alcohol is to be sold there must also be at least one personal licence holder and a named Designated Premises Supervisor.

## Provision of late-night refreshment

---

The provision of late-night refreshment is the supply of hot food or hot drink to members of the public between the hours of 23:00 and 05:00; this applies for consumption both on and off the premises. Examples are:

- i. Pubs and restaurants
- ii. Burger and kebab vans
- iii. Service stations
- iv. Cafes and food takeaways.

For the provision of late-night refreshment a premises must have:

- i. A premises licence that authorises late-night refreshment
- ii. A personal licence holder if alcohol is also to be sold.

## Premises affected by the act

---

Premises that are affected by the act include:

- a. Pubs and bars
- b. Nightclubs

- c. Restaurants
- d. Hotels and guest houses
- e. Off-licences
- f. Private members' clubs
- g. Theatres
- h. Cinemas
- i. Community centres
- j. Community premises
- k. Public entertainers
- l. Any business that offers hot food or hot drink late at night.

This list should only be used as a guide as there are many other businesses which are affected by the act.

## Types of licences

---

There are two types of licence under the Licensing Act 2003:

A **Personal** Licence: allows a person to sell, or authorise the sale of, alcohol. Any sale, or authorisation of sale, must be in accordance with the terms of the premises licence for the premises where the sale is made.

A **Premises** Licence: authorises a premises to be used for one or more of the licensable activities.

## Licensing authorities

---

Alcohol and entertainment licensing in each area of England and Wales is the responsibility of the local licensing authority, which deals with all licensing matters.

A licensing authority can be any one of the following bodies:

- a. A district council in England
- b. A county council in England, where there are no separate districts within the county
- c. A county council or county borough in Wales
- d. The council of each London borough
- e. The common council of the city of London
- f. The council of the Isles of Scilly.

Each licensing authority must publish a Statement of Licensing Policy, setting out how that authority intends to promote the licensing objectives. A licensing committee considers the licensing policies in relation to deciding whether to grant a licence or not. Each licensing authority appoints a licensing committee consisting of at least 10, but no more than 15, elected council members. A licensing officer may deal with some of the committee's tasks, such as dealing with premises and personal licence applications.

Every licensing authority must keep a register that contains:

- i. A record of every premises licence, personal licence and club premises certificate issued
- ii. A record of every Temporary Event Notice (TEN) received
- iii. A record of all notices and applications.

## Licensing hearings and appeals

---

Licensing hearings may take place if there have been objections or issues determining applications:

- i. To grant, transfer, review or vary a premises licence
- ii. To grant, review or vary a club premises certificate
- iii. To grant a personal licence.

A hearing may also be held if an objection is made in relation to the issue of a Temporary Event Notice (TEN).

Following a hearing to consider a personal licence application the licence will be refused if the licensing authority agrees with the objection notice issued by the Chief Officer of Police or Home Office (Immigration Enforcement) on the grounds that it would undermine the crime prevention licensing objective.

If any party remains unsatisfied by the decision made at a hearing, they can challenge the authority's decision through an appeal to a magistrates' court. Appeals must be made within 21 days of the applicant being notified of the decision by the licensing authority.

## **Partnership working**

Partnerships are vital to making sure that the licensing objectives are being met and promoted. A premises licence holder can show support for the licensing objectives by working in partnership with the authorities and other organisations.

There are many partnerships that work together to ensure the smooth running and ongoing operations of the licensing process.



## **What you need to know**

### **The Licensing Act 2003**

- i. There are four licensing objectives and four licensable activities
- ii. There are two types of licence, a personal licence and a premises licence
- iii. All licences are issued by the licensing authority.

**Now complete activity 1 on page 62**

## 2. Licensing Policy

A Statement of Licensing Policy must be published by each and every licensing authority, with information on how it intends to promote the licensing objectives. Without this, a licensing

authority would be unable to issue licenses.

Before a final policy is published the licensing authority must consult with certain bodies:



Every local licensing authority must publish a statement of licensing policy every five years, although they can review and amend the statement at any time.

### What you need to know

#### Licensing policy

- i. Must be published by all licensing authorities
- ii. Must be published every five years
- iii. Licensing authorities cannot grant any licences without a licensing policy.

Now complete activity 2 on page 63

### 3. Personal Licence

A personal licence allows a person to sell, or authorise the sale of, alcohol in England and Wales. Where a personal licence holder authorises others to sell alcohol, records should be kept of these authorisations. These records can then be used as evidence of due diligence should the need arise.

All sales must be made in accordance with the terms of the

premises licence where the sale is taking place.

A person does not need to be working in licensed premises to hold a personal licence, and an individual can hold only one personal licence.

The application for a personal licence must be made to the licensing authority where you live.



To apply for a personal licence you must:

- i. Be 18 or over and entitled to work in the UK
- ii. Possess a relevant qualification, e.g. the BIIAB Level 2 Award for Personal Licence Holders
- iii. Not have had a personal licence revoked or forfeited within the last five years
- iv. Declare any convictions for relevant offences or foreign offences or immigration penalty.



To apply for a personal licence you must submit:

- i. A completed application form (see sample application form, page 52) available from your local licensing authority
- ii. An original certificate of a relevant licensing qualification
- iii. Two photos\*
- iv. A Disclosure and Barring Service (DBS) certificate available online from [gov.uk/request-copy-criminal-record](http://gov.uk/request-copy-criminal-record)
- v. Disclosure of convictions and declaration form (see sample disclosure form, page 56) available from your local licensing authority
- vi. The appropriate fee.

\*Endorsed with the words 'I certify that this is a true likeness of [applicant's name]' and signed by a solicitor, notary, a person of standing in the community (bank or building society official, a police officer, a civil servant or a minister of religion) or any individual with a professional qualification.

## Determination and grant of a personal licence

---

The local authority must grant a personal licence application if the applicant meets all of the following criteria:

### **Criterion 1**

The applicant is aged 18 or over and entitled to work in the UK.

### **Criterion 2**

The applicant possesses a relevant accredited licensing qualification such as the BIIAB APLH (or NCPLH if taken before 31/3/2011).

### **Criterion 3**

The applicant has not forfeited a personal licence in the last five years.

### **Criterion 4**

Declare any convictions of a relevant or foreign offence or payment of an immigration penalty.

The licensing authority must inform both the applicant and the Chief Officer of Police for the area, in writing, that the licence has been granted.

If the applicant fails to meet 1, 2 or 3 above, then the licensing authority must reject the application. If an applicant has had their personal licence forfeited or revoked they cannot apply for a personal licence for a period of five years.

If the applicant meets 1, 2 and 3 above, but fails to meet criterion 4, the licensing authority must notify the Chief Officer of Police for the area and/or Home Office (Immigration Enforcement).

The police or Home Office (Immigration Enforcement) have the power to object to someone having a personal licence if that person fails to meet the relevant or foreign offence or immigration penalty criteria. The Chief Officer of Police or Home Office (Immigration Enforcement) has 14 days from notification to object if they believe that granting the licence would undermine the prevention of crime licensing objective. If there is no objection then the licence will be issued.

A personal licence is valid indefinitely.

If a person is convicted of a relevant or foreign offence or required to pay an immigration penalty during the application period, the licensing authority considering the application must be told straightaway. Failure to do this is a criminal offence which carries a fine of no more than £2,500 (Level 4).

Should the licensing authority find out that a personal licence holder has not informed them of a conviction of a relevant or foreign offence or immigration penalty before or after the grant,

the personal licence may be suspended for up to six months, or it may be revoked. If the relevant licensing authority is considering whether to suspend or revoke the licence, the authority must give notice to the personal licence holder.

A personal licence holder who is charged with an offence must tell the court dealing with the offence that they hold a personal licence no later than their first appearance in court.

If a personal licence holder is convicted of a relevant offence, the court may order that the licence is suspended (for up to six months) or that it is forfeited completely. Some examples of relevant offences are:

- i. An offence under either the Licensing Act 1964 or Licensing Act 2003

- ii. Offences relating to driving under the influence of alcohol or drugs
- iii. Firearms offences
- iv. Sex offences
- v. Theft
- vi. Dealing in smuggled goods.

A relevant offence is any offence listed in Schedule 4 of the Licensing Act. Full details can be found online at: [legislation.gov.uk/ukpga/2003/17/schedule/4](https://www.legislation.gov.uk/ukpga/2003/17/schedule/4)

The term 'foreign offence' means an offence (other than a relevant offence) under the law of any place outside England and Wales that is equivalent to, although not exactly the same as, a relevant offence.

Some convictions have a period of time after which they are 'spent', which means that under law they are no longer counted against the offender. However, there are certain offences which are never spent.

## What you need to know

### The Personal Licence

- i. It is valid indefinitely
- ii. An individual can hold only one
- iii. It is valid in England and Wales
- iv. To apply you must meet four criteria and submit five things with your application
- v. You must not have been convicted of any relevant offences
- vi. You do not need a premises to hold a personal licence.

### Now complete activity 3 on page 64

## 4. Duties of a Personal Licence Holder

Personal licence holders (PLH) are legally responsible for the following:

|   |   |
|---|---|
| Notifying the licensing authority if there is a change in their address or name   | Producing their licence for examination, whilst they are working, if requested by any police constable or authorised officer of the licensing authority |
| Informing the licensing authority of a conviction for a relevant or foreign offence or immigration penalty, and returning their licence | Notifying the court that they hold a personal licence if charged with a relevant offence  |
| Producing their licence to the licensing authority if they are notified of a conviction by a court                                      |   |

A personal licence holder also commits an offence if, while they are working, they fail to produce their personal licence if asked to do so by a police constable or other authorised officer.

If a personal licence holder fails to produce their personal licence for updating within 14 days, or fails to carry out any of their legal duties then they commit an offence and can be subject to a fine of up to £500 (Level 2).

If a personal licence holder wishes to surrender their personal licence they must return the licence to the licensing authority which issued the original licence, together with a signed letter, stating that they wish to surrender the licence.

### Activity

Now complete activity 4 on page 65

# 5. Premises Licence

## Definition of 'premises'

The term premises can be applied to:

- i. Any building, part of a building or open space
- ii. A moveable structure such as a beer tent, a parked vehicle such as a burger van or vessels such as river boats.

- i. The licence was issued for a specific time period
- ii. The licence holder dies, becomes mentally incapacitated, ceases to be entitled to work in the UK, or becomes insolvent.

## What is a premises licence?

It authorises premises to be used for one or more licensable activities

It is granted by the licensing authority where the premises is situated

Following the grant of a premises licence an annual fee is payable

An application fee set by central government is payable

In the event of a premises licence holder dying, becoming incapacitated, ceasing to be entitled to work in the UK or entering into any form of insolvency, an application for the transfer of the licence to an eligible person has to be made within 28 days of the date of the licence lapsing. This transfer is valid immediately so that the business can continue to operate, although the application will go through the usual approval process and could be rejected by the licensing authority.

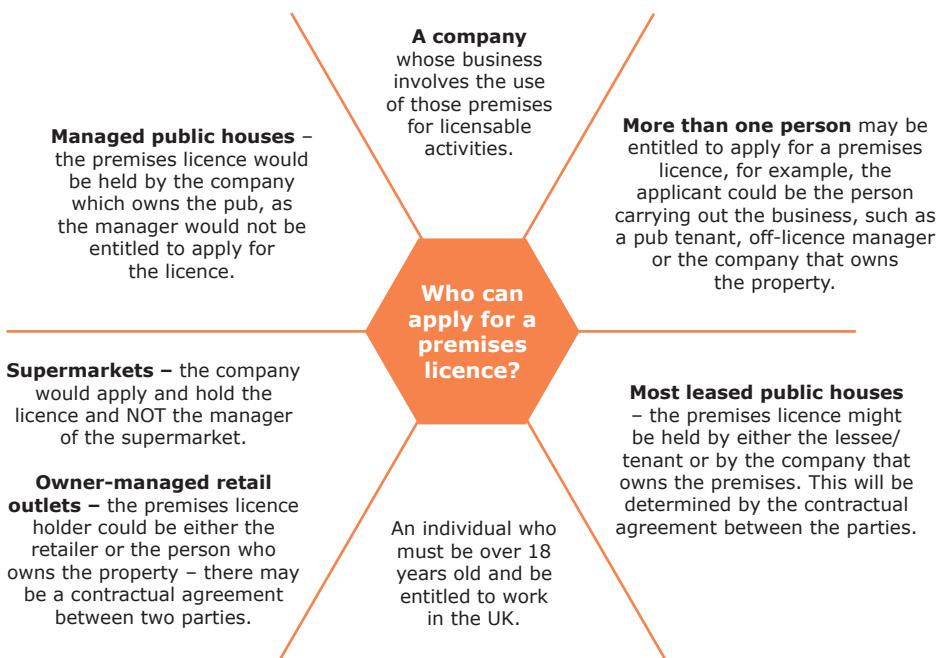
Alternatively, an interim authority notice can be served on the licensing authority and the police (also Home Office (Immigration Enforcement) if relevant), again within the 28-day period, which will also allow the business to continue operations in accordance with the premises licence.

This notice is valid for a maximum of three months.

## Validity of a premises licence

Once a premises licence has been granted it will continue until the business no longer exists or the licence is surrendered, suspended or revoked. The only exceptions are if:

## Who can apply for a premises licence?



An application can be made in writing or electronically and must be made to the licensing authority responsible for the area where the premises is situated. The application should be submitted with:

- i. The prescribed application form containing the operating schedule
- ii. A plan of the premises
- iii. Details of the Designated Premises Supervisor (if the premises is to be used for the sale of alcohol)
- iv. The appropriate fee.

An applicant for a premises licence should ensure that

the operating schedule demonstrates that they have given consideration to the licensing objectives.

Notice of an application must be given to each responsible authority. If the application is made in writing the applicant must inform the responsible authorities; however, if the application is made electronically, it is the responsibility of the licensing authority to inform the responsible authorities.

Responsible authorities are:

- a. Police
- b. Fire authority
- c. Health and Safety authority
- d. Local Planning authority
- e. Environmental health authority
- f. Child Protection authority
- g. Weights and Measures authority
- h. Primary Care Trust or Local Health Board
- i. Licensing authority
- j. Home Office (Immigration Enforcement).

If the application relates to a vessel, additional authorities must be notified such as:

- i. The navigation authorities responsible for the waters where the vessel will be moored and/or sailing
- ii. The Environment Agency
- iii. The Canal & River Trust or the Secretary of State.

By law all premises licence applications must be advertised to allow for any person to submit any comments to the licensing authority. Details should be displayed clearly on a notice, on or outside the premises, and an application should also be advertised in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises. Details should include:

- i. A brief summary of the application
- ii. Proposed licensable activities
- iii. Proposed opening hours
- iv. Details of where the application can be viewed.

## Mandatory conditions on a premises licence

---

A premises licence which authorises the sale of alcohol will always include a number of mandatory conditions:

### Condition 1

There can be no sale of alcohol at the premises unless there is a Designated Premises Supervisor (who must be a personal licence holder) appointed for the premises.

### Condition 2

Every sale of alcohol on the premises must be made or authorised by a personal licence holder. This means that anyone who is not a personal licence holder who is selling alcohol must have been given permission to do so by a personal licence holder. It is recommended such permission should be in writing and records should be kept at the premises.

### Condition 3

No staff in licensed premises should carry out, arrange or participate in any irresponsible promotions relating to the premises.

*An irresponsible promotion means any one or more of the following activities, or substantially similar activities that are carried out for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:*

- i. Games which require or encourage people to drink a quantity of alcohol within a time limit (other than to consume drinks already purchased before the premises closes), or to drink as much alcohol as possible, even without a time limit
- ii. Unlimited or unspecified amounts of alcohol being given free or for a fixed price to the public or a group defined by a particular characteristic, in a manner which carries a significant risk of undermining a licensing objective (i.e. all you can drink for £10; women drink free)
- iii. Free or discounted alcohol (or anything else, such as free concert tickets) as a prize to encourage or reward the purchase and consumption of alcohol over a 24-hour period, or less, in a manner which carries a significant risk of undermining a licensing objective
- iv. Free or discounted alcohol linked to a sporting event, such as free drinks for 30 minutes after the game if a certain team wins, or greatly reduced prices charged for measures of spirits every time a try is scored, in a manner which carries a significant risk of undermining a licensing objective
- v. Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise antisocial behaviour.

#### **Condition 4**

There is a ban on 'dentist chair' games where alcohol is dispensed directly into the mouth of a customer.

*You must be aware that customers may organise their own 'dentist chair' games and you need to make sure that this does not happen on your premises. This does not apply if the person receiving the drink cannot do so otherwise due to disability.*

#### **Condition 5**

Free potable water is to be provided to customers on request where it is reasonably available.

#### **Condition 6**

Smaller measures of the following **must** be available, and customers made aware of their availability, either verbally, on menus, price lists or other printed material. The measures available are:

- i. Beer and cider in ½ pints
- ii. Gin, rum, vodka and whisky in 25ml or 35ml measures
- iii. Wine served by the glass in 125ml glasses (still wine only, not sparkling).

*punishable by an unlimited fine and/or six months' imprisonment.*

### **Condition 7**

Every premises selling alcohol will be required to have an age verification policy requiring staff to check the ID of anyone appearing to be under the age of 18 years (or any such older age as may be specified in the policy) before being served alcohol. The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises.

### **Condition 8**

No alcohol can be sold or supplied for consumption for a price which is less than the permitted price. The permitted price of alcohol can be calculated using the formula  $P=D + (D \times V)$ , where P is the permitted price, D is the amount of duty chargeable in relation to the alcohol, and V is the rate of VAT chargeable.

### **Condition 9**

There can be no sale or supply of alcohol in association with promotional materials on the premises, which can encourage or glamorise antisocial behaviour or refer to drunkenness favourably.

*Not complying with these conditions would make sales of alcohol an unauthorised licensable activity which is*

### **Condition 10**

If a premises also contains a condition that door supervisors or security guards are used at a premises, these personnel must hold current licences issued by the Security Industry Authority (SIA).

## **Variation of an existing premises licence**

---

Variations of a licence may be made to modify conditions, for example opening hours, to add or remove licensable activities or to change the Designated Premises Supervisor. A premises licence holder may apply for a variation either in writing or electronically to the relevant licensing authority for the premises and must include a copy of the premises licence with the application or provide a statement as to why this is not possible. Other than this, the application process is the same as that for a new licence, except for a change of Designated Premises Supervisor.

In the case of small changes that affect the premises licence, such as limited alterations to the premises layout, the premises licence holder can apply to the licensing authority for a minor variation. The licensing authority has 15 days to consider this and, if it does not believe that the licensing objectives will be

undermined, it has to grant the variation.

## Relevant representations

---

Responsible authorities and any other person have a right to object to a new premises licence application or to an application for variation of an existing licence (except for a change of Designated Premises Supervisor), as long as the representation is not irrelevant, vexatious or frivolous. Representations made by a responsible authority cannot be vexatious or frivolous. If no agreement can be reached, there will be a hearing in front of the licensing authority. If any party is unhappy about the decision made at this hearing, they can make an appeal to a magistrates' court within 21 days of the licensing authority's decision.

## Hearings in the event of disputes

---

At a hearing the licensing authority can decide to:

- i. Grant the licence on the terms requested
- ii. Grant the licence subject to conditions believed to achieve the licensing objectives
- iii. Exclude certain activities from the licence prior to granting it
- iv. Refuse the appointment of the specified Designated Premises Supervisor
- v. Reject the application.

## Expedited/Summary Reviews

---

A police officer of the rank of Superintendent or higher may sign a certificate requesting a Summary Review of a premises licence that authorises the sale of alcohol. The use of this section of the Licensing Act 2003 is confined to cases of serious crime or serious disorder.

The licensing authority must make a determination within 48 hours of the receipt of the certificate, deciding what "interim" steps (if any) it considers are necessary. The licensing authority could order that the Designated Premises Supervisor be removed, the imposition of conditions, the exclusion of the sale of alcohol by retail or for the premises licence to be suspended. If the licence is suspended, this could effectively close the premises, pending a full review of the premises licence. The review must take place within 28 days of the initial request being received by the licensing authority.

There is no requirement for the premises licence holder, or their representative, to be notified of this initial consideration. There could then be a situation where the police have obtained the suspension of a premises licence without the premises licence holder even being aware of it until they have been served with

a notice of the suspension. Premises licence holders may be invited to attend an initial interim steps hearing but in any event, the premises licence holder has the right to request a hearing where they can make representations against any interim steps.

This representation hearing must be heard within 48 hours of the request being made by the premises licence holder for the hearing, and the licensing authority must, at that hearing, consider whether the interim steps it initially imposed are necessary for the promotion of the licensing objectives, and whether or not in light of that, it is necessary to withdraw or not modify the steps it took.

A full review of the premises licence must then be held within 28 days of the receipt of the request from the police, at which the normal options on a review are available to the licensing authority.

## **Review of premises licences**

A review of a premises licence is to ensure that the licensing objectives are being met and that the community is protected from crime and disorder; for example if problems arise in a premises, a review of the licence may be instigated. An application for a review can be made either by a responsible

authority or by any other person whether or not they live or work in the vicinity. On determination of a review, the authority may take any of the following steps which it considers appropriate to promote the licensing objectives:

- i. Modify the conditions of the licence
- ii. Exclude a licensable activity from the licence
- iii. Remove the Designated Premises Supervisor
- iv. Suspend the licence for up to three months
- v. Revoke the licence.

In some cases, the licensing authority may decide that no action needs to be taken as the licensing objectives are being met already. Modification or exclusion may be permanent or for a maximum period of three months.

## **Duty to keep and produce the premises licence**

The premises licence holder must ensure that the licence or a certified copy of the licence is kept at the premises. A summary of the licence, or a certified copy of the summary, must be displayed prominently at the premises. A police constable or authorised person may require the production of the premises licence or the certified copy for examination.

## **What you need to know**

### **The Premises Licence**

- i. It authorises the premises to be used for one or more licensable activities
- ii. It is granted by the licensing authority where the premises are located
- iii. If an individual applies for a premises licence they must be over 18 and entitled to work in the UK
- iv. A premises licence application can be made by a single person, a group of people or a company/business
- v. Not complying with any conditions or employing unlicensed security staff can attract a penalty of an unlimited fine and/or up to six months in prison.

**Now complete activity 5 on page 66**

## 6. Operating Schedules

---

An operating schedule is part of a premises licence application. The operating schedule will give an overview of how the premises will run, and contain details such as:

- a. The type of premises (e.g. supermarket, public house)
- b. The licensable activities taking place (e.g. sale of alcohol by retail)
- c. The sort of facilities available to customers (e.g. dance areas, beer garden)
- d. The name and address of the Designated Premises Supervisor and whether the alcohol is for consumption on the premises, off the premises or both (for premises that sell alcohol only)
- e. The times during which licensable activities will take place
- f. Any other times the premises is open
- g. Steps to promote the licensing objectives (see page 5).

Steps to promote the licensing objectives in the operating schedule include details of how the four licensing objectives will be promoted. On the opposite page are some examples of measures that can be used to do this in a premises:



### Prevention of crime and disorder

- i. CCTV
- ii. Door supervisors
- iii. PubWatch membership



### Public safety

- i. External lighting
- ii. Door supervisors
- iii. CCTV



### Prevention of public nuisance

- i. Noise reduction measures
- ii. Dispersal policies



### Protection of children from harm

- i. Challenge 21 or Challenge 25 scheme
- ii. Control over admission of children

## What you need to know

### Operating Schedules

- i. The operating schedule describes the activities taking place on licensed premises, and how the premises will operate
- ii. The operating schedule may show how the licensing objectives will be promoted.

**Now complete activity 6 on page 67**

## 7. The Designated Premises Supervisor

A Designated Premises Supervisor (DPS) is usually the person named on the premises licence who has responsibility for day-to-day management of the premises. The DPS does not have to be present on the premises whenever they are open. Below are the main points that you must know about the position:



A formal application by the premises licence holder is required to change the DPS, along with the consent of the proposed replacement. You should give serious consideration before accepting a nomination as a DPS.

If the previous DPS has already left the premises, or they have had their personal licence revoked or suspended, the application may include a request that the variation takes immediate effect.

## **What you need to know**

### **The Designated Premises Supervisor**

- i. They provide a single point of contact in licensed premises
- ii. They are in day-to-day management of the premises
- iii. It is illegal to sell alcohol without a DPS appointed for that premises
- iv. The DPS must hold a personal licence.

**Now complete activity 7 on page 68**

## 8. Temporary Event Notices

A Temporary Event Notice (TEN) is notification of an event which will include a licensable activity, and which will often take place at a venue not covered by a premises licence or a club premises certificate which permits that activity. To hold a temporary event, a notice must be given to the licensing authority, the police and environmental health.

No authorisation is required, unless there is an objection. Under the Licensing Act 2003, the police and environmental health can object to a TEN within three working days if they believe it would undermine any of the licensing objectives. Should an objection be lodged to a standard TEN the licensing authority will determine the TEN at a hearing. If an objection to a late TEN is lodged there is no right to a hearing and the TEN may not go ahead.

There are a number of rules that apply to TENs:

Only 15\* TENs per year can take place at the same premises

There's a minimum period of 24hrs between events at the same premises when given by the same user or associate

Ensuring no more than 499 people attend at any one time

An event can only last for a maximum of 168 hours

Someone who does not hold a personal licence is only allowed to give up to five TENs per year, where the number of late TENs issued does not exceed two

They must be given by someone over the age of 18

The total duration of periods covered by a notice in respect of the same premises can be no more than 21\* days

A personal licence holder can give up to 50 TENs per year, where the number of late TENs issued does not exceed 10

\*15 and 21 extended to 20 and 26 respectively in 2022 and 2023.

There are two types of Temporary Event Notices: standard and late. A standard Temporary Event Notice must be given no later than 10 working days before an event is due to take place. A late Temporary Event Notice must be given no later than five working days before an event is due to take place. This notification can be given either in writing or electronically by the premises user.

**Notice of a standard TEN must be given a minimum of 10 clear working days before the event is scheduled to begin, and for a late TEN a minimum of five clear working days must be given before the event is scheduled to begin.**

These days are exclusive of the day of the event and the day of receipt. So, for an event to be held on Saturday 18 September, a standard TEN must be given by Friday 3 September. For a late TEN, this notice can be given as late as Friday 10 September.

Premises which are to be used under a TEN must be described in the notice. The notice of the TEN must be displayed throughout the duration of the event.

Notice of cancellation of a temporary event has to be given to the licensing authority no later than 24 hours before the time specified for the start of the event.

## What you need to know

### The Premises Licence

- i. Notice **must** be received by the licensing authority, the police and environmental health
- ii. A personal licence holder **can issue 50** TENs per year, where the number of late TENs issued **does not exceed 10**
- iii. A non-personal licence holder can issue five TENs per year, where the number of late TENs issued **does not exceed two**
- iv. An event under a TEN **cannot** run for longer than 168 hours.

**Now complete activity 8 on page 69**

## **9. Exemptions to the Sale and Supply of Alcohol**

---

Alcohol can be sold or supplied on or from the following premises without a premises licence:

- i. An airplane on a journey
- ii. Ocean liner on a journey
- iii. A train on a journey
- iv. A ship/boat on an international journey
- v. A royal palace
- vi. Premises occupied by the military, e.g. army barracks, naval base or air force base.

Where alcohol is sold on these premises there is no need for a personal licence holder or a DPS.

### **Internet and mail-order sales**

---

Sales made over the internet, by telephone or by mail order do NOT require a premises licence for the premises where the sale takes place/from where the order is taken, provided that they are separately located from the premises from which the alcohol is dispatched (e.g. a call centre or order-processing office). However, the premises from where the alcohol is dispatched does require a premises licence and a Designated Premises Supervisor.

### **What you need to know**

#### **Exemptions to the Sale and Supply of Alcohol**

- i. Some premises are exempt from the requirement for a premises licence
- ii. Any orders which are not made in person (e.g. by phone, mail or internet) only need a premises licence for the site from where the alcohol is dispatched, not where the sale takes place / the order is taken if separately located.

# 10. Prohibitions to the Sale of Alcohol

---

## Moving vehicles

---

It is against the law to sell alcohol on a moving vehicle, such as a coach. It must be permanently or temporarily parked with the relevant authorisation to be able to sell alcohol.

The offence could result in a maximum penalty of:

**Three months in prison and/or an unlimited fine.**

## Power to prohibit the sale of alcohol on trains

---

If there is the possibility of disorder, a magistrates' court may, on application by a senior police officer (of the rank of inspector or above), make an order banning the sale of alcohol during a specific time on trains travelling within the court's area.

## Early morning alcohol restriction orders

---

A licensing authority may choose to make an Early Morning Alcohol Restriction Order (EMRO) to restrict sales of alcohol in either all or part of its area either for a limited or unlimited period between 00:00 and 06:00 if it believes such

an order to be appropriate to promote the licensing objectives. Any proposals to make an EMRO must be advertised and any representations must be considered before the order is made. No premises types are exempt from EMROs, except premises with overnight accommodation offering either mini-bar facilities or room service.

## Service areas and garages

---

Alcohol cannot, except under the specific circumstances outlined below, be sold at motorway service areas or at premises used primarily as a garage (sale of fuel or maintenance of motor vehicles).

The Licensing Act 2003 does not currently apply to privately owned motorway service areas and such premises may be granted premises licences permitting the sale of alcohol. Garages that also sell other goods (such as groceries) may be considered for a premises licence for the sale of alcohol, if they can prove that the premises is not solely used as a garage (normally shown by footfall or turnover of non-alcohol related products).

## **What you need to know**

### **Exemptions to the Sale and Supply of Alcohol**

- i. It is illegal to sell alcohol on a moving motor vehicle. It must be permanently or temporarily parked
- ii. Magistrates can, if asked by the police, ban the sale of alcohol on trains at certain times or between certain stations
- iii. Alcohol cannot, except under specific circumstances, be sold at motorway service areas or at any premises used mainly as a garage.

**Now complete activity 9 on page 70**

# 11. Unauthorised Licensable Activities and Due Diligence

It is against the law to carry out any licensable activity without the appropriate licence, or to knowingly allow it to happen. Any activities that take place on licensed premises must do so in accordance with the conditions on either the:

**Premises Licence**  
or the  
**Club Premises Certificate**  
or a  
**Temporary Event Notice**

An unauthorised licensable activity could be:

- i. An unlicensed 'drinking den'
- ii. Activities happening that are not covered by the terms of the premises licence, club premises certificate or Temporary Event Notice
- iii. Breaking the conditions of the premises licence, e.g. sales of alcohol that take place outside the hours that the premises licence permits, or providing regulated entertainment where only the sale of alcohol is authorised.

The offence could result in a maximum penalty of:

**Six months in prison and/or an unlimited fine**

If charged, a person may apply the defence of 'due diligence', which means that they have to prove that under the circumstances in which the law was broken:

What happened was a mistake

or

They were reliant on the actions of another person

or

These were circumstances beyond their control

AND

That all reasonable precautions were taken to avoid committing the offence

## **What you need to know**

### **Unauthorised licensable activities and due diligence**

- i. Any licensable activity must be covered by a premises licence, a club premises certificate or a TEN
- ii. The maximum penalty you can face for carrying out unauthorised licensable activities is an unlimited fine and/or six months in prison
- iii. The defence of due diligence can be used to show that all reasonable steps were taken to stop the law from being broken.

**Now complete activity 10 on page 71**

## 12. Rights of Entry and Inspection

Authorised personnel are considered to be:

- i. Police officer
- ii. Fire officer
- iii. Health and Safety officer
- iv. Environmental health officer
- v. Licensing officer.

Authorised personnel and immigration officers have a right to enter licensed premises at any reasonable time, to check the licensing objectives are not being broken. Authorised persons may also enter premises to which a current premises licence application relates. Premises under a provisional statement application or a TEN can also be assessed.

Police are the only authorised personnel who can access and

search, at any time, premises where they suspect that an offence against licensing law has been, is being or is about to be committed. They do not require a warrant.

An HM Revenue and Customs officer is allowed to enter licensed premises to remove goods 'liable to forfeiture'. An example could include smuggled goods and goods where the appropriate duty has not been paid. If they wanted to search premises at night time, they would need to be accompanied by a police officer. It is an offence to obstruct any of these officers.

If police officers need to enter licensed premises to investigate offences, they may use reasonable force if required to carry out their duties.

### What you need to know

#### Rights of Entry and Inspection

- i. Authorised personnel may inspect licensed premises to assess its effects on the licensing objectives
- ii. Police are allowed to inspect licensed premises at any time
- iii. It is an offence to obstruct any authorised person from entering licensed premises at a reasonable time to carry out their duties
- iv. It is an offence to obstruct the police at any time from entering licensed premises to carry out their duties.

Now complete activity 11 on page 72

## 13. Powers to Close Licensed Premises

---

A senior police officer (inspector or above), or the local authority, can issue a Closure Notice to individual premises if they believe that there has been, or likely to be, disorder near those premises which is associated with the use of the premises.

They can also issue a Closure Notice on the grounds that the use of a particular premises has resulted, or is likely to result in nuisance to members of the public. The Closure Notice can last for a maximum of 48 hours. A Closure Notice may be given in respect of premises operating under a Premises Licence, Club Premises Certificate or a Temporary Event Notice.

Unless a Closure Notice has been cancelled, then the police or local authority must apply to the Magistrate's Court for a Closure Order, and the application must be heard no later than 48 hours after the service of the Closure Notice.

A Magistrates' Court may make a Closure Order which can initially last up to three months.

Alternatively, a Magistrates Court can order that a Closure Notice continues in force for a further specified period of not more than 48 hours or,

alternatively, can adjourn the hearing of an application for a Closure Order for up to 14 days to enable the occupier of the premises to provide evidence why a Closure Order should not be made.

At any time before a Closure Order expires, an application can be made by the police or local authority to extend the Closure Order, it can be extended but cannot last for a total of more than six months.

At any time before the expiry of the Closure Order, an application can be made to have the Closure Order discharged.

An appeal can be brought against the decision to make or extend the Closure Order by appealing to the Crown Court within 21 days from the date of the decision in the Magistrates' Court.

A person who breaches a Closure Notice is liable to a fine, or imprisonment for up to three months or both, and any person who breaches a Closure Order is liable to a period of imprisonment not exceeding 51 weeks, or a fine, or both.

Following the making of a Closure Order, either by the Magistrates' Court or the Crown Court, the licensing authority must complete a review of the Premises Licence within 28 days of such order. If premises are closed voluntarily without the need for a Closure Order, then a review will not necessarily follow.

A senior police officer (Superintendent or above) may apply to a local magistrates' court for an order requiring all premises within a specified area to close for a period up to 24 hours where disorder is occurring or expected to occur.

The Closure Order will only apply to those premises within the specified area with the benefit of a Premises Licence or Temporary Event Notice (TEN).

It is an offence to knowingly allow premises subject to such a Closure Order to remain open, or allow them to remain open. The offence is subject to a fine.

## What you need to know

### Powers to Close Licensed Premises

- i. A Closure Notice can last for a maximum of 48 hours
- ii. Unless a Closure Notice has been cancelled then the police or local authority must apply to the Magistrates court for Closure Order - The Closure Order can initially last up to three months
- iii. A person who breaches a Closure Notice / Order is liable to a fine, imprisonment or both.

**Now complete activity 12 on page 73**

## 14. Protection of Children

It is a criminal offence for anyone to sell alcohol to a person who is under the age of 18. **There are no exceptions to this.**

All premises selling or supplying alcohol are required to have an age verification policy in place which will require staff to check the ID of anyone appearing to be under the age of 18 (or any such age specified in the policy) before being served alcohol. It is essential that if there is any doubt about the customer's age, ID is asked for and checked thoroughly. Schemes such as Challenge 21/25 can operate in conjunction with this policy.

Reliable proof-of-age documents are:

- i. A photo driving licence
- ii. A passport
- iii. A proof-of-age scheme card that carries the PASS hologram.

These forms of ID must have the person's name, date of birth and photo on them, and either a holographic mark or an ultraviolet feature. PASS scheme proof-of-age cards carry the PASS hologram and are backed by the Government and Trading Standards.

When proof of age is produced, it is advisable to take some or all of the following steps:

- a. Compare the photograph to the person's face. In particular look at the cheekbones, the forehead, nose, ears, and weight. Body composition can change, but inconsistencies can be a telling sign that the ID does not belong to the person who is using it
- b. Check that the eye colour of the person matches that in the photograph. Any difference would suggest that the ID did not belong to the person using it
- c. Check the date of birth to ensure that the person is over 18
- d. Look to see if the ID is current and valid. If a card, licence or passport has expired it is not valid ID
- e. Ask for the person's star sign. Most people know immediately whether they are a Scorpio or a Leo. If the person stumbles, it may



be a borrowed ID. Ask to see a second or third form of ID. Most people will carry debit cards that should back up the name on the ID that they are presenting. Finally, ask for a signature, and then compare it to the signature on the ID. Handwriting styles do change sometimes, but this can be an indicator that the ID is suspicious

- f. Check for tampering. Are there raised edges around the photo indicating that a picture has been added on top of the original?
- g. Look out for fake ID. Are any of the numbers or words fuzzy as this might indicate low quality printer ink? Any misspelling on the document should instantly make the ID very suspicious. Does the photo have red eye? Do the holograms flake off if you scratch them? Are there bubbles under the lamination? Swipe the magnetic strip if the card has one. Does the information on it not read properly? Any of these things can indicate a poorly made fake.

Remember – there is a thriving market for fake ID and many of the fakes available are of very high quality which makes them difficult to spot. Always take ID in your hands to check it, take your time looking at it and ask a colleague to support your decision as to whether or

not it is genuine. For up-to-date information on accepted ID documents see the 'Acceptable Forms of ID' section in the Home Office's document 'False ID Guidance' which can be found online at:  
[gov.uk/government/publications/false-id-guidance](https://www.gov.uk/government/publications/false-id-guidance)

### **When checking a driving licence, follow the five-point check below:**

1. Look for the letters 'DVLA'
2. Check that the surname and numbers are raised
3. Ensure that the card has a hologram
4. Check the driving licence words (the word 'permit' is an indicator of a fake)
5. Check the date of birth (remember a person can have a driving licence before they are aged 18!).

If proof of age is not provided or there are any doubts with the proof-of-age document provided, the sale of alcohol must be refused.

It is illegal for under-18s to consume alcohol in licensed premises. However, there is one exception. 16 and 17-year-olds are allowed to drink beer, wine or cider with a table meal, as long as the drink is bought by an adult and they are accompanied at the meal by an adult.

On licensed premises there may be conditions that refer to the admission of children. This information will be included in the Premises Licence. The law does state, however:

**Unaccompanied children under the age of 16 are not allowed in licensed premises:**

- i. at a time when the premises are open and exclusively or primarily supplying alcohol for consumption on the premises
- ii. between 00:00 and 05:00 when the premises are open and supplying alcohol for consumption on the premises.

**IT IS ILLEGAL**

to sell alcohol to anyone under the age of 18 or to knowingly allow the sale of alcohol to anyone under the age of 18

for anyone under the age of 18 to buy or attempt to buy alcohol

for anyone aged 18 or over to buy or attempt to buy alcohol for someone under the age of 18

If on two or more separate occasions in a period of three consecutive months, alcohol is unlawfully sold to a minor on the premises, an unlimited fine may be imposed on the premises licence holder upon conviction and alcohol sales may be suspended for up to three months. In addition, the person selling the alcohol may also be fined, receive a formal caution or be prosecuted.

Where a premises licence holder sells alcohol to a minor on two or more separate occasions in a period of three consecutive months, voluntary closure can be agreed with either the police or Trading Standards for a period of at least 48 hours but not more than 336 hours as an alternative to prosecution.

It is illegal for a member of staff to knowingly allow children under the age of 18 to consume alcohol (except as stated above).

It is an offence for someone working on licensed premises to knowingly deliver alcohol sold on the premises to someone under the age of 18. It is also an offence to knowingly send a person under the age of 18 to obtain alcohol that is sold for consumption on or off the premises.

It is illegal to allow a person under the age of 18 to sell alcohol unless each and every sale is specifically authorised by a responsible person, or the alcohol is sold or supplied with a table meal in a restaurant area.

It is also **illegal** to sell:

- i. Cigarettes or other tobacco products to a person under the age of 18
- ii. Solvent-based products to a person under the age of 18 if there is a belief that the product will be used for inhalation or intoxication
- iii. Gas lighter refills to a person under the age of 18
- iv. Fireworks to a person under the age of 18 (or under the age of 16 in the case of party poppers)
- v. Knives to a person under the age of 18.

## **Under the Gambling Act 2005, those running licensed premises need to be aware that:**

It is illegal for anyone under the age of 18 to use cash gaming machines with a maximum prize value more than £50 and a notice forbidding the use of such machines by under-18s must be clearly displayed. The machines must also be supervised to stop any underage play.

It is illegal for National Lottery products (including scratchcards) to be sold to anyone under the age of 18.

Test purchasing is where police and Weights and Measures inspectors are empowered to send persons under the age of 18 to attempt to buy alcohol. No offence is committed by the underage person in these circumstances.



| Offence  | Maximum Fine                   | Fixed penalty notice   |
|--|--------------------------------|------------------------|
| Purchase or attempted purchase of alcohol for consumption on relevant premises by a person under the age of 18 | Level 3                        | £1000<br>Fixed penalty |
| Purchase or attempted purchase of alcohol on behalf of a person under the age of 18                            | Level 5<br>(an unlimited fine) | £90                    |
| Sale of alcohol anywhere to a person under the age of 18   |                                |                        |
| Delivery of alcohol to a person under the age of 18 or allowing such delivery                                  |                                |                        |

A person who has been charged with selling alcohol to an individual who is underage might have a defence if they believed the person was over the age of 18 and either took all reasonable steps to establish the person's age, or if nobody could reasonably have suspected the individual was under 18.

The licensed retail industry can promote the responsible retailing of alcohol by taking all reasonable steps to stop those under the age of 18 from obtaining alcohol. It is a legal requirement for all premises licensed to sell alcohol to have an age verification policy which must be enforced by all staff at the premises (see pages 18 and 48 for more information).

---

Within licensed premises, you may encounter some of the crimes associated with child sexual exploitation. There are a number of signs that may be apparent, including:

- i. Children and young people in the company of older people or antisocial groups
- ii. Young people acting in an inappropriate and sexualised way with adults or older people
- iii. Children and young people arriving and departing a location with different adults on the same day or even over a period of time
- iv. Children and young people getting into and out of a number of different cars

- v. Groups of young people using hotels or bed and breakfasts with older people.

Children who are being sexually exploited may show changes in behaviour or start to look different. The changes include:

- i. Unexplained changes in behaviour such as chaotic, aggressive or sexual behaviour
- ii. Showing fear in, certain company
- iii. Having cuts and bruises
- iv. Having expensive new items such as phones or clothes
- v. Having expensive new habits such as smoking, drinking or drugs.

---

## What you need to know

### Protection of Children

- i. It is illegal to sell alcohol to any person who is under the age of 18
- ii. 16 or 17-year-olds can only drink wine, beer or cider with a table meal if the drink has been bought by an adult and if they are accompanied by an adult
- iii. Unaccompanied children under the age of 16 are not allowed in licensed premises used mainly to sell alcohol.

### Now complete activity 13 on page 74

# 15. Definition and Nature of Alcohol and How it Affects the Body

Alcohol means any spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any form).

Drinking alcohol changes...



Your physical state



Your mental state



Your emotional state

Therefore, alcohol is classed as a drug.

The strength of an alcoholic drink depends on how much alcohol there is in it. The amount of alcohol is expressed as percentage alcohol by volume, or abv for short. This can be shown on labels as alc.% vol or % vol and this means that if a beer, for example, is labelled as 4% vol. then 4% of its content is alcohol.

- i. Any drink which contains more than 0.5% abv is classed as alcohol according to licensing law
- ii. If a drink contains less than 0.05% abv, it is said to be alcohol-free
- iii. A drink which contains no more than 1.2% abv is defined as 'low alcohol'
- iv. Any drink with over 1.2% abv must have the abv labelled on the packaging
- v. The abv may vary from drink to drink.

**One unit of alcohol**

=

**8 grams or 10 millilitres of alcohol**

Below is a rough guideline as to how much abv common drinks typically contain:

### Spirits



**40%  
abv**

### Wine



**8-16%  
abv**

### Beer



**3-9%  
abv**

### Cider



**3-8.5%  
abv**

## Consequences of excessive consumption of alcohol

Chronic drinking/alcoholism is where an individual consumes excessive amounts of alcohol on a regular or daily basis, over a long period of time. The UK Chief Medical Officers advise that men and women are safest not drinking more than 14 units per week. Pregnant women are advised to not drink alcohol at all.

The UK Chief Medical Officers suggest that if you want to reduce your alcohol intake, a good way to do this is to have several drink-free days. If you are drinking on a single occasion, it is advised to limit the total amount of alcohol that may be consumed. Drinking more slowly, drinking with food and alternating with water are also recommended. If you do drink as much as 14 units per week, it is best to spread this evenly over three days or more and not "save up" your 14 units.

| Monday  | Tuesday | Wednesday   | Thursday | Friday | Saturday  | Sunday |
|---|---------|---|----------|--------|---|--------|
|  |         |  |          |        |  |        |

Note: 175ml 17% ABV wine / 3.6% ABV beer

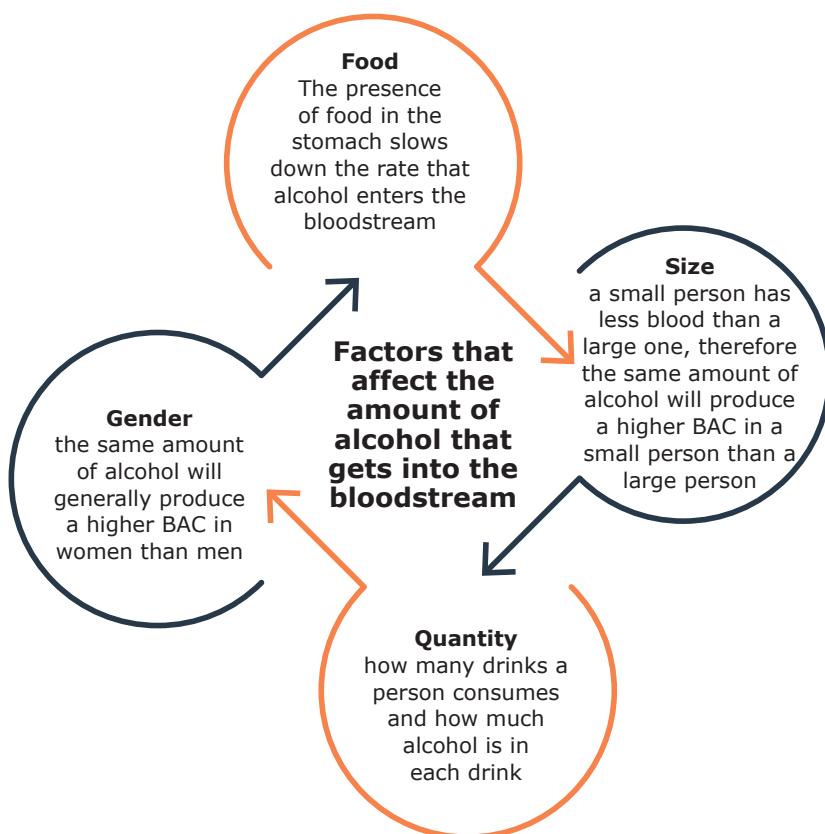
When alcohol is consumed it is absorbed into the bloodstream and reaches all parts of the body. A person becomes drunk because alcohol is a drug, the consumption of which has a temporary effect on the workings of the brain. If it is consumed faster than the body can remove it then the consumer becomes drunk.

Binge drinking is where an individual regularly consumes excessive alcohol in a single session, usually with the objective of getting drunk.

Blood alcohol concentration (BAC) is the amount of alcohol that is in the bloodstream at any given time. The BAC starts to fall, usually about 20 minutes after the last drink, and it takes approximately one hour to remove one unit of alcohol from the body.

In England, Wales and Northern Ireland, a BAC of 80mg of alcohol in 100ml of blood is the level above which it is an offence to drive. There is no simple way of knowing how much an individual can drink and stay within the legal limits for driving.

Most of the alcohol is removed by the liver, as the blood circulates through it, but some is also lost through the lungs and urine. If a person drinks more than moderate amounts of alcohol it is likely to cause damage to their health.



## What you need to know

### The Definition and Consequences of Alcohol

- i. Alcohol is classed as a drug
- ii. A drink with more than 0.5% abv is legally classed as alcohol
- iii. Men and women are advised it is safest not to drink more than 14 units per week.

**Now complete activity 14 on page 75**

# 16. Smoking, Drugs and Being a Responsible Retailer

Alcohol retailers are often in the limelight for irresponsible sales of alcohol. This could be anything from underage sales to serving alcohol to people who are drunk. The best way to be seen as a responsible retailer is to promote the licensing objectives wherever possible. This can be done in various ways, such as ensuring that all staff are appropriately trained, and using responsible drinks promotions.

Encouraging people to drink large amounts of alcohol is definitely an irresponsible sale of alcohol. You should make sure that the alcohol you sell is not aimed at children, and that you do not encourage binge drinking (by not offering irresponsible promotions, e.g. 2 for 1 drinks over a short period of time).

The Portman Group operates guidelines on the naming, packaging and merchandising of alcoholic drinks. The codes that are stated by the Portman Group say that you should be able to tell the difference between alcoholic drinks and those that do not contain alcohol.

It is against the law to sell alcohol to a person who is drunk or who appears to be drunk. A person who is drunk must be

## RESPONSIBLE Alcohol Retailing

refused alcohol at all times. If a member of staff asks a drunk person to leave the premises and they fail to do so, the person who is drunk commits an offence.

Under the Licensing Act 2003 there are a number of other offences that can be committed by the premises licence holder, the DPS for the premises, a personal licence holder or anyone else who works at the premises and has the authority to prevent the offence. These offences include:

- i. Allowing disorderly conduct to occur on licensed premises
- ii. Exposing alcohol for unauthorised sale
- iii. Keeping smuggled goods.

The penalty on conviction of selling alcohol to a person who is or appears to be drunk, allowing disorderly conduct on licensed

premises, keeping smuggled goods or obtaining alcohol for a person who is drunk is a fine not exceeding Level 3 (£1,000). In addition, a police officer who witnesses the sale of alcohol to a person who is or appears to be drunk, can issue a fixed penalty notice of £90.

PubWatch, ShopWatch and RetailWatch are crime prevention schemes similar to Neighbourhood Watch. They are organised locally by those who run licensed premises along with assistance from police. They provide a rapid 'ring-around' scheme to warn member premises of disorder or violence, so that entry can be denied or behaviour monitored if troublemakers move on.

To prevent and control violence in licensed premises it is important that there is a management strategy in place and that all staff know how to put this into practice. There are a number of methods that can be used to help avoid conflict situations in and around licensed premises including:

- a. Giving friendly efficient service
- b. Training staff in conflict management
- c. Developing good relationships with customers
- d. Trying to understand the other person's point of view which will ease communication
- e. Ensuring there are clear routes to all areas of the

premises to avoid unnecessary jostling between customers

- f. Walking around the premises and being vigilant
- g. Ensuring that premises are well lit.

Other policies and procedures that can be put in place to help reduce crime and violence in licensed premises include:

- a. Installing CCTV cameras. This can be useful in a number of ways. They can be used to assist in watching out for trouble in hard-to-reach areas of premises or during busy periods. They can also help identify troublemakers and provide evidence that can be used by the police
- b. Employing SIA-licensed door supervisors or security guards
- c. Working in partnership with the police.

If conflict does arise it is important to be aware of safe and effective methods of resolving this, including:

- a. Seeking assistance from relevant colleagues such as other personal licence holders, the Designated Premises Supervisor, door supervisors or security guards. If necessary call the police
- b. Ensuring that all staff and customers are as safe as possible

- c. Remaining calm as this helps others to stay calm too
- d. Not intervening as this should be left to someone who is appropriately trained.

## Responsible retailing and the mandatory conditions

There are a number of mandatory conditions as outlined on pages 18 to 20 which are aimed at encouraging responsible retailing and these apply to relevant premises licences authorising the sale or supply of alcohol. As a personal licence holder it is important that you are aware of these and that you ensure that all staff working in your premises are too.



### Smoking on licensed premises

In England, it is a requirement by law to display at least one easy-to-read 'No Smoking' sign in premises, although a premises may display more than one sign if the owner/manager feels that this is necessary.

In Wales, it is a requirement to display at least one 'No Smoking'

sign. There are no requirements on the location of the signs. The only requirement is that the sign contains a legible graphic representation of a burning cigarette enclosed in a circle which crosses the cigarette symbol.

Failure to display such signs can result in a fixed penalty fine of £200 (reduced to £150 if paid within 15 days from issue) or, in case of prosecution and conviction, a maximum fine of £1,000.

If you are the person in control of a premises and allow a person to smoke, you can be fined up to £2,500. Anyone smoking on smoke-free premises may have to pay a fixed penalty of £30 (rising to £50 if not paid within 15 days) or a fine of £200 in the case of prosecution and conviction.

Smoking shelters can be put up outside, but it is important to find out if you need planning permission before doing so. It is the responsibility of the premises licence holder to ensure that the licensing objectives are upheld and that no public nuisance is created by those using any smoking shelter provided. A smoking shelter must be no more than 50% enclosed.

## **Drugs on licensed premises**

Misuse of drugs is an incident which could occur on any type of premises. It is against the law to turn a 'blind eye' to drug activity.

If this activity is allowed to occur, the result may be a review of the premises licence and/or the forfeiture of the DPS's personal licence.

It is important that premises licence holders implement a zero-tolerance policy in relation to illegal drug activity. Staff should be aware of this policy and be trained to spot any

possible signs of drug taking or drug dealing so that they can report any suspicions that they may have. If a premises licence holder or DPS believes that their premises is being used for drug-related activity, they are strongly advised to seek advice from the police.

Under the Anti-Social Behaviour, Crime and Policing Act 2014, the police have the power to close down any licensed premises where dealing in or production of Class A drugs (such as heroin, cocaine and ecstasy) is taking place or where there is serious nuisance or disorder.

## **What you need to know**

### **Being a responsible retailer**

- i. It is important to not let anyone smoke in your premises, as they can be fined and so can you
- ii. You should not offer irresponsible alcohol promotions.

### **Now complete end of workbook activity on page 76**

# Sample Application Form

## Application for a personal licence

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

|   |           |    |
|---|-----------|----|
| <b>1. Your personal details</b>   |           |    |
| <b>TITLE Please tick</b>  |           |    |
| Mr Mrs Miss Ms Other (please state)   |           |    |
| Surname   |           |    |
| Forenames   |           |    |
| <b>PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.</b>     |           |    |
| <b>TITLE Please tick</b>  |           |    |
| Mr Mrs Miss Ms Other (please state)   |           |    |
| Surname   |           |    |
| Forenames   |           |    |
| Date of Birth   |           |    |
| Nationality   |           |    |
| I am 18 years old or over. Please tick  | Yes       | No |
| <b>ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).</b> |           |    |
| Post town   | Post code |    |
| <b>TELEPHONE NUMBERS</b>  |           |    |
| Daytime   |           |    |
| Evening   |           |    |
| Mobile  |           |    |
| FAX NUMBER  |           |    |

**E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)**

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 2 for information)

**Address for correspondence associated with this application (if different to the address above)**

|                  |                  |
|------------------|------------------|
| <b>Post town</b> | <b>Post code</b> |
|------------------|------------------|

**TELEPHONE NUMBERS**

Daytime

Evening

Mobile

**E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)****2. Your licensing qualifications**

Read Note 1

**Please tick yes**

Please indicate below which one of these statements applies to you:

1. I hold an accredited licensing qualification
2. I hold a certified qualification
3. I hold an equivalent qualification
4. I am a person of prescribed description

If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application.

If you have ticked statement 4, please provide evidence that you are a person of prescribed description.

**3. Previous or outstanding applications for a personal licence**

Note: You may only hold one personal licence at a time.

**Please tick**

Do you currently hold a personal licence?

Yes

No

Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?

Yes

No

|  |  |     |    |
|--|--|-----|----|
| Has any personal licence held by you been forfeited in the last 5 years? |  | Yes | No |
| Licensing Authority  |  |     |    |
| Licence number   |  |     |    |
| Date of issue  |  |     |    |
| Any further details  |  |     |    |

#### 4. CHECKLIST:

| I have  | Please tick yes          |
|---|--------------------------|
| • enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification | <input type="checkbox"/> |
| • enclosed any licensing qualification I hold or proof that I am a person of prescribed description   | <input type="checkbox"/> |
| • enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service              | <input type="checkbox"/> |
| • enclosed a completed disclosure of criminal convictions and declaration form (Schedule 2)   | <input type="checkbox"/> |
| • included a proof of my right to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (see note 2)  | <input type="checkbox"/> |
| • made or enclosed payment of the fee for the application   | <input type="checkbox"/> |

#### 5. Declaration

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

I am entitled to work in the UK and am not subject to a condition preventing me from doing work relating to the carrying on of a licensable activity. I understand that my licence will become invalid if I cease to be entitled to live and work in the UK. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

The information contained in this form is correct to the best of my knowledge and belief.

|           |  |      |  |
|-----------|--|------|--|
| SIGNATURE |  | DATE |  |
|-----------|--|------|--|

#### NOTES

Information on the Licensing Act 2003 is available on legislation.gov.uk or from your local licensing authority.

## **1. Licensing qualifications**

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

## **2. Right to work/immigration status**

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

### **Home Office online right to work checking service.**

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code, provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

# Sample Disclosure Form

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

## Disclosure of convictions and civil immigration penalties and declaration

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

### 1. Your personal details

TITLE Please tick ✓

Mr  Mrs  Miss  Ms  Other (please state)

Surname

Forenames

**PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.**

TITLE Please tick ✓

Mr  Mrs  Miss  Ms  Other (please state)

Surname

Forenames

### 2. Forfeiture by a court or revocation by a licensing authority of a personal licence in the last 5 years

Please tick ✓

Has any personal licence held by you been forfeited or revoked in the last 5 years?

Yes

No

If yes, please provide details below:

Name of court/licensing authority

Address of court

Date of forfeiture/revocation

Offence which resulted in the forfeiture/revocation

|   |                              |                             |                      |  |  |                              |                             |
|---|------------------------------|-----------------------------|----------------------|--|--|------------------------------|-----------------------------|
| Any additional details  |                              |                             |                      |  |  |                              |                             |
| <b>3. Relevant or foreign offences and civil immigration penalties</b>  |                              |                             |                      |  |  |                              |                             |
| <b>Read Note 1</b> <table style="float: right;"> <tr> <td colspan="2"><b>Please tick ✓</b></td> </tr> <tr> <td>Have you been convicted of any relevant offence or foreign offence or<br/>been required to pay a civil immigration penalty?</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table> |                              |                             | <b>Please tick ✓</b> |  | Have you been convicted of any relevant offence or foreign offence or<br>been required to pay a civil immigration penalty? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <b>Please tick ✓</b>  |                              |                             |                      |  |  |                              |                             |
| Have you been convicted of any relevant offence or foreign offence or<br>been required to pay a civil immigration penalty?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                      |  |  |                              |                             |
| <p>If you have been convicted of any relevant offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>              |                              |                             |                      |  |  |                              |                             |
| <p>If you have been convicted of any foreign offence you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>               |                              |                             |                      |  |  |                              |                             |
| <p>If you have received an immigration penalty you must provide details, including the reference, date and company name.</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>  |                              |                             |                      |  |  |                              |                             |

**4. Declaration**

I declare that I have not been convicted of any relevant offence or any foreign offence or been required to pay a civil immigration penalty

|           |  |      |  |
|-----------|--|------|--|
| SIGNATURE |  | DATE |  |
|-----------|--|------|--|

**5. Declaration**

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant of a personal licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine of any amount. It is an offence under section 24B of the Immigration Act 1971 to work illegally.

|           |  |      |  |
|-----------|--|------|--|
| SIGNATURE |  | DATE |  |
|-----------|--|------|--|

## **NOTES**

### **1. Relevant or foreign offences**

**Relevant offences** are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal licences) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale.

### **2. Civil immigration penalty**

An Immigration penalty means a penalty under either section 15 of the Immigration, Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.

# Specimen Questions

---

- 1. If a personal licence holder is charged with a relevant offence, they must:**
  - A. Give their licence to the court within 14 days
  - B. Give their licence to the police within 21 days
  - C. Notify the Magistrates' Court of their personal licence
  - D. Notify the local PubWatch scheme
- 2. A personal licence holder must produce their licence for inspection when requested by:**
  - A. A fire officer
  - B. A local resident
  - C. A police officer
  - D. A traffic warden
- 3. What is the minimum age at which a person can legally be sold alcohol on licensed premises?**

A. 16      B. 18      C. 20      D. 22
- 4. It is an offence to serve alcohol to a person who is:**
  - A. A local brewer
  - B. A local magistrate
  - C. Driving
  - D. Drunk
- 5. Which alcoholic drinks may a 16-year-old, accompanied by an adult, consume at a table meal on licensed premises?**
  - A. Beer, cider and spirits
  - B. Beer, wine and cider
  - C. Cider, spirits and wine
  - D. Spirits, beer and wine
- 6. A personal licence entitles the holder to:**
  - A. Provide Amusement with Prizes (AWP) machine
  - B. Provide large-scale public entertainment events
  - C. Sell hot food and hot drinks late at night
  - D. Sell or authorise the sale of alcohol
- 7. What could happen if a personal licence holder is convicted of driving with excess alcohol in their body?**
  - A. They will have to retrain in basic licensing law
  - B. Their personal licence can be forfeited
  - C. Their personal licence will be valid for a shorter period
  - D. The number of premises they can work in will be reduced
- 8. Under the Licensing Act 2003, a premises licence is required to authorise a premises to be used for:**
  - A. Any type of charitable activity
  - B. One or more licensable activities
  - C. Gaming activities not covered in other legislation
  - D. Events and activities associated with any political parties

# **Activities**

## Activity 1

Without referring to your notes, try to answer these questions about the **Licensing Act 2003**.

- 1. What are the two types of licence and what do they allow?**
  - 2. What are the four licensing objectives?**
  - 3. What are the minimum and maximum number of members a licensing committee must consist of?**
  - 4. List the four licensable activities.**
  - 5. Which licensable activity requires a personal licence holder and a Designated Premises Supervisor?**

## Activity 2

Without referring to your notes, try to answer these questions about **licensing policy**.

- 1. What is the purpose for licensing authorities to publish a Statement of Licensing Policy?**
  - 2. If a policy has not been created by a licensing authority what would the authority not be able to do?**
  - 3. How often does a licensing authority need to publish its licensing policy?**
  - 4. Name three of the relevant bodies the local authority consults with.**

## Activity 3

Without referring to your notes, try and answer the true or false questions about **personal licences**.

- 1. A personal licence authorises a person to sell or authorise the sale of alcohol.**

**True / False**

- 2. The grant of a personal licence requires a premises licence.**

**True / False**

- 3. A personal licence is valid for five years.**

**True / False**

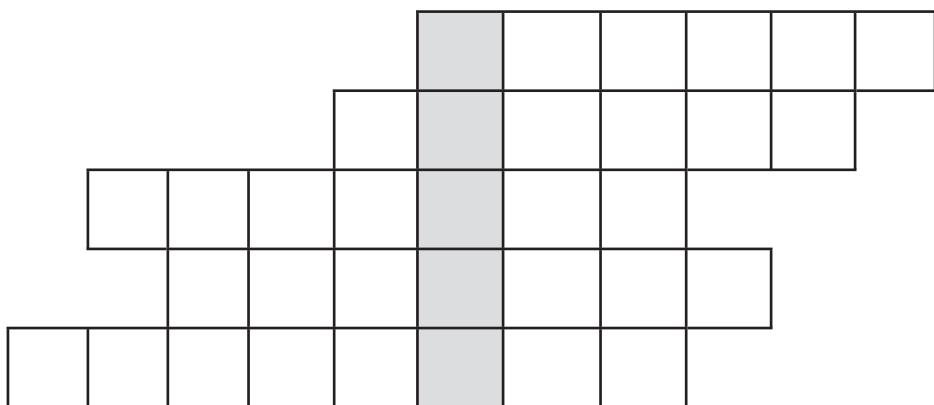
- 4. You must apply to the Crown Court to get a personal licence.**

**True / False**

- 5. The Chief Officer of Police can object to the grant of a personal licence.**

**True / False**

## Activity 4



Answer the clues below and fit the words into the grid. If the correct words have been put in place, a recognisable word will appear in the grey boxes reading down.

- 1. What must you notify to the licensing authority about your name or address? (6)**
- 2. Apart from authorised officers of the licensing authority, who can legally request to see a personal licence? (6)**
- 3. You must \_\_\_\_\_ your personal licence if an authorised officer asks to see your personal licence. (7)**
- 4. You must notify the court if you are \_\_\_\_\_ with a relevant offence. (7)**
- 5. For not informing the licensing authority of any difference to name or address, what penalty could you be subject to? (5 and 3).**

## Activity 5

Make the statements correct by selecting the correct ending.

- 1. Where a premises licence authorises the sale of alcohol, there must**
  - be a Designated Premises Supervisor appointed**
  - be at least two door supervisors on duty at all times**
  
- 2. An application for a premises licence which authorises the sale of alcohol should be submitted with**
  - details of the Designated Premises Supervisor and the appropriate fee**
  - a personal licence and the appropriate fee**
  
- 3. With regard to disputes, a hearing does not need to take place if the licensing authority deems that the representations are**
  - relevant, spiteful or frivolous**
  - irrelevant, frivolous or vexatious**
  
- 4. After being notified of the decision taken by the licensing authority, appeals must be made within**
  - 21 days**
  - 28 days**
  
- 5. A review of a premises licence ensures that**
  - all people working at the premises have a personal licence**
  - the licensing objectives are promoted**
  
- 6. The holder of a premises licence must make sure that the licence is displayed**
  - within the staff training handbook**
  - prominently at the premises**

## **Activity 6**

---

Bob is opening a pub and needs to complete the operating schedule in the application form. His pub is going to benefit from live music during the weekdays, and at weekends there will be a resident DJ. The pub is located in the middle of a residential area, and very close to the pub is a residential home.

**List at least one point for each licensing objective that Bob could put into his operating schedule to promote the licensing objectives.**

**Prevention of crime and disorder**

**Public safety**

**Prevention of public nuisance**

**Protection of children from harm**

## Activity 7

Make the following paragraph correct by highlighting or underlining the appropriate set of bold words.

Where a premises licence authorises the sale of alcohol as one of the licensable activities a nominated person, the **Designated Premises Supervisor/Designated Personal Superior**, provides a **rundown of all financial spending/single point of contact**. This means that the person who is responsible for the day-to-day management of the premises will be **easily identifiable/always on the premises**.

A condition of a person being the DPS is that they must hold **the premises licence/a personal licence**. There must be **only one/at least two DPS** per premises.

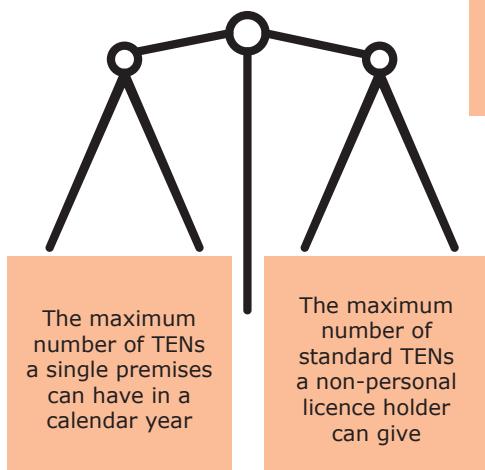
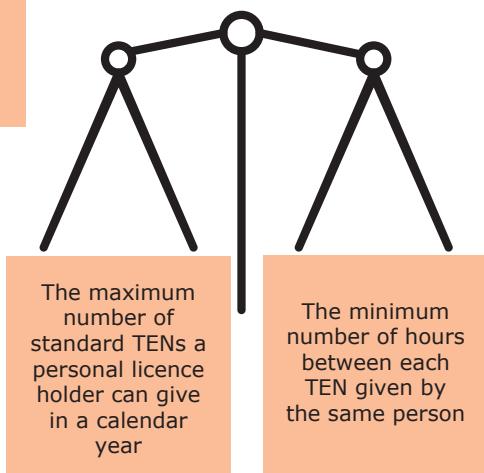
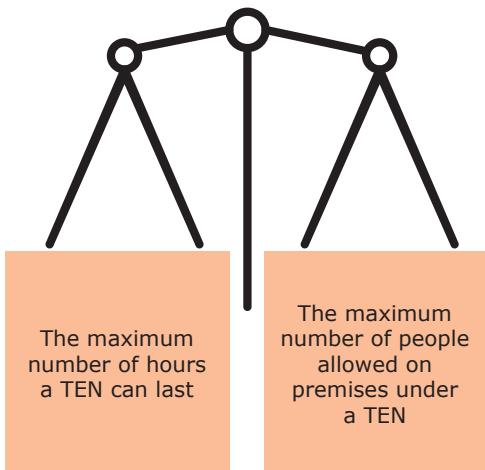
If it becomes necessary to change the DPS, the **premises licence holder/ premises owner** must make a formal application to vary the premises licence. The consent of the new DPS must accompany the application.

The police can object to the change of a DPS within **14/21 days** if they believe that granting the application would **undermine the crime prevention objective/cause an inconvenience to local businesses**.

If the DPS has left the premises immediately, the application can include a **variation/transfer** which will be given immediate effect. This is essential as it is illegal for alcohol to be sold from premises that do not have a current DPS.

## Activity 8

Without referring to your notes, complete the activity below. Each of the scales has a pair of statements on it, but which side has the larger number? (Disregard the temporary extensions in 2022 and 2023)



## Activity 9

Solve the clues by finding the words in the grid below. The last letter of the answer will be next to the first letter of the next, but beware as there may be more than one correct path! The letters which have not been used will spell out a word. The first one is done for you.

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| C | O | F | D | E | R | A | G |
| C | A | O | R | M | E | R | T |
| H | F | L | I | A | G | A | E |
| O | C | E | S | T | E | R | N |
| E | C | A | N | N | I | L | A |
| E | N | I | L | O | E | O | N |
| R | T | I | N | T | E | I | T |
| N | R | A | I | N | R | N | A |

1. A vehicle which must be temporary or permanently parked before it can sell alcohol (5)
2. A type of sea vessel that does not need a premises licence or a personal licence holder to sell alcohol. (10)
3. A form of transport which does not need a premises licence or personal licence holder. (5)
4. A type of journey a vessel can be doing without the need for a premises licence or personal licence holder to sell alcohol. (13)
5. A sale of alcohol, normally made on a computer, where the distribution venue of the alcohol only needs to be licensed. (8)
6. A venue selling fuel that would not normally be given a premises licence. (6)
7. A type of sale, normally made from a catalogue, where only the premises dispatching the alcohol will need a premises licence. (4 and 5)

## Activity 10

Without referring to your notes, mark the correct statements regarding unauthorised licensable activities and due diligence.

- 1. It is best practice to always ask for ID if you are unsure of the age of a customer who wants to buy alcohol.**

True / False

- 2. Due diligence is a good excuse for forgetting to ask a person for ID.**

True / False

- 3. Every sale or supply of alcohol must take place under a premises licence, a club premises certificate or a TEN.**

True / False

- 4. The sale of alcohol outside the hours permitted on the premises licence is allowed, as long as the people you serve alcohol to are not likely to stay for long.**

True / False

- 5. It is legal to offer regulated entertainment which is not covered by a premises licence or a TEN.**

True / False

- 6. The defence of due diligence can be used if you were reliant on someone else's actions.**

True / False

## Activity 11

Without referring to your notes, answer the questions below about rights of entry and inspection.

- 1. Who are authorised personnel?**
  - 2. If searching licensed premises, when do HM Revenue and Customs officers need to be accompanied by the police?**
  - 3. If an event is taking place under a TEN, do the police have a right to check if the activities taking place are licensed?**
  - 4. Why do HM Revenue and Customs have the right to enter licensed premises?**

## Activity 12

Without referring to your notes, try to answer these true or false questions about powers to close individual premises.

- A local magistrates' court can make a closure order which lasts for up to six months.**

**True / False**

- The application for the order must come from a fire officer where it is believed that disorder is taking place or is expected to take place in that locality.**

**True / False**

- A senior police officer cannot order the closure of a premises if they believe that there is disorder at the premises.**

**True / False**

- A DPS commits a criminal offence if they knowingly keep premises open when a closure order has been made.**

**True / False**

## Activity 13

Solve the clues by finding the words in the grid below. The next letter of the word will be touching the previous square, but not diagonally. The last letter of an answer will be next to the first letter of the next. The first one is done for you.

|   |   |   |   |           |       |   |
|---|---|---|---|-----------|-------|---|
| E | V | U | L | E         | T     | S |
| L | I | S | C | X         | H     | G |
| Y | D | E | R | M         | I     | I |
| C | I | A | L | P         | D     | N |
| A | P | B | A | → L       | N     | E |
| S | E | B | P | C → O → H |       |   |
| N | G | C | N | E         | L ← O |   |
| E | A | H | F | E         | E     | I |
| L | L | H | I | T         | H     | G |

1. ~~It is a criminal offence for a person under the age of 18 to attempt to purchase this.~~ (7)
2. What is the legal age at which people can buy cigarettes? (8)
3. Most licensed premises have adopted a \_\_\_\_\_ 21 policy. (9)
4. Which organisation produces posters for pubs that remind staff to check age? (4)
5. Which apple-based drink can a 16 or 17-year-old drink, providing it is with a meal, which has been purchased by an adult? (5)
6. From what time is it an offence to allow unaccompanied children under the age of 16 to be present on licensed premises? (8)
7. Unaccompanied children must not be present on licensed premises used \_\_\_\_\_ or primarily for the sale of alcohol. (11)

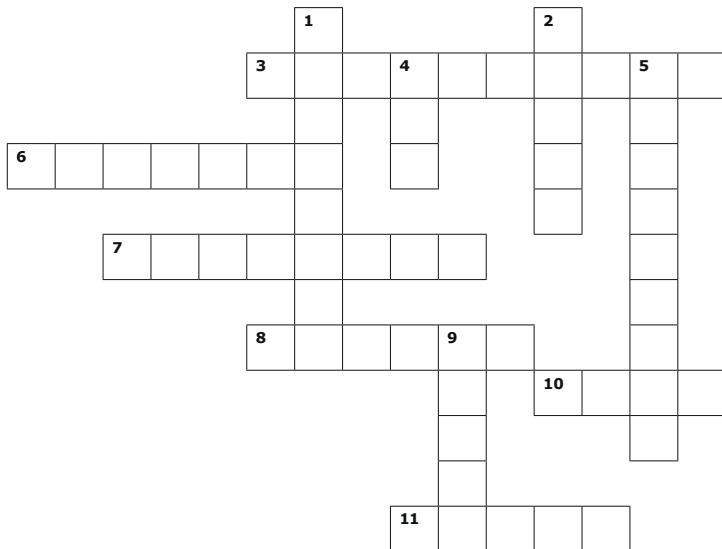
## Activity 14

Without referring to your notes, try to answer these questions about **alcohol and how it affects the body**.

- 1. If a drink contains more than 1.2% abv, what must it have on its labelling?**
  
- 2. What is meant by binge drinking?**
  
- 3. Explain briefly what is meant by chronic drinking/ alcoholism.**
  
- 4. How much alcohol must a drink contain to be legally classed as alcohol?**
  
- 5. What is the percentage of alcohol that most spirits contain?**

# End of workbook activity

Without referring to your notes, try to solve the crossword using the clues below.



## Across

3. A type of premises where you can eat food. (10)
6. A common Class A drug. (7)
7. The legal age to buy alcohol. (8)
8. Can enter licensed premises to ensure no licensing laws are being broken. (6)
10. The number of licensing objectives. (4)
11. A person you should not serve alcohol to. (5)

## Down

1. Maximum penalty for not telling the licensing authority of a change of name or address. (5,3)
2. A form of transport that does not need a premises licence or a personal licence holder to sell alcohol (5)
4. A notice that covers a licensable activity not covered by a premises licence (abbreviation). (3)
5. A type of premises which would normally be licensed for regulated entertainment. (9)
9. Apple-based alcoholic drink.(5)

# Answers

# Specimen Questions

---

**Q1 - C**

**Q2 - C**

**Q3 - B**

**Q4 - D**

**Q5 - B**

**Q6 - D**

**Q7 - B**

**Q8 - B**

## Activites

---

The correct answers to the activities are in **bold**.

### Activity 1

1. What are the two types of licence and what do they allow?
  - **Personal licence – allows the holder to sell or authorise the sale of alcohol**
  - **Premises licence – allows licensable activities to occur on premises**
2. What are the four licensing objectives?
  - **prevention of crime and disorder**
  - **public safety**
  - **prevention of public nuisance**
  - **protection of children from harm**
3. What is the minimum and maximum number of members a licensing committee must consist of?

**Minimum - 10**

**Maximum - 15**
4. List the four licensable activities:
  - **Sale of alcohol by retail**
  - **Supply of alcohol on club premises**
  - **late-night refreshment**
  - **provision of regulated entertainment**
5. Which licensable activity requires a personal licence holder and a Designated Premises Supervisor?

**Sale of alcohol by retail**

### Activity 2

1. Why do licensing authorities publish a Statement of Licensing Policy?

**To provide information on how they intend to promote the licensing objectives**
2. If a policy has not been created by a licensing authority, what would the authority not be able to do?

**They would not be able to issue any personal licences, premises licence, temporary event notice or club premises certificate**
3. How often does a licensing authority need to publish its licensing policy?

**every five years**
4. Name three of the relevant bodies the local authority consults with:
  - **Fire authority**
  - **Representatives of local premises licence holders**
  - **Representatives of local club premises certificate holders**
  - **Representatives of local personal licence holders**
  - **Representatives of business and residents in the local area**
  - **Chief Officer of Police for the relevant area**

### Activity 3

1. A personal licence authorises a person to sell or authorise the sale of alcohol  
**TRUE**
2. The grant of a personal licence requires a premises licence **FALSE**
3. A personal licence is valid for five years **FALSE**
4. You must apply to the Crown Court to get a personal licence **FALSE**
5. The Chief Officer of Police can object to the grant of a personal licence **TRUE**

### Activity 4

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
|   |   |   | C | H | A | N | G | E |
| P | R | O | D | U | I | C | E |   |
|   | C | H | A | R | G | E | D |   |
| L | E | V | E | L | T | W | O |   |
|   |   |   |   |   |   |   |   |   |

What must you notify to the licensing authority about your name or address?

#### CHANGE

Apart from authorised officers of the licensing authority, who can legally request to see a personal licence?

#### POLICE

You must **PRODUCE** your personal licence if an authorised officer asks to see your personal licence.

You must notify the court if you are **CHARGED** with a relevant offence.

For not informing the licensing authority of any difference to name or address, what penalty could you be subject to?

#### LEVEL TWO

### Activity 5

1. Where a premises licence authorises the sale of alcohol, there must be a **Designated Premises Supervisor appointed.**

2. An application for a premises licence should be submitted with **details of the Designated Premises Supervisor and the appropriate fee.**
3. With regard to disputes, a hearing does not need to take place if the licensing authority deems that the representations are **irrelevant, frivolous or vexatious.**
4. After being notified of the decision taken by the licensing authority, appeals must be made within **21 days.**
5. A review of a premises licence ensures that **the licensing objectives are promoted.**
6. The holder of a premises licence must make sure that the licence is displayed **prominently at the premises.**

### Activity 6

Prevention of crime and disorder

- **Making sure that there is adequate CCTV for the premises**
- **Making sure that there are enough door supervisors for the premises**

Public Safety

- **Making sure that there are enough door supervisors on the premises**
- **Making sure that glasses are collected regularly**

Prevention of public nuisance

- **Making sure that people are aware of taxis available to ensure a swift dispersion**
- **Making sure that customers who drink outside do not make too much noise**

Protection of children from harm

- **Making sure that all people who enter the premises are of legal age**
- **Making sure alcohol is not sold to those aged under the age of 18**

# Answers to activities (continued)

## Activity 7

Where a premises licence authorises the sale of alcohol as one of the licensable activities a nominated person, the **designated premises** provides a **single point of accountability**. This means that the person who is responsible for the day-to-day running of the premises will **be easily identifiable**.

A condition of a person being the DPS is that they must hold a personal licence. There must be **only one** DPS per premises.

If it becomes necessary to change the DPS, **the premises licence holder** must make a formal application. The consent of the new DPS must accompany the application.

The police can object to the change of a DPS within **14** days if they believe that granting the application would undermine **the crime prevention objective**.

If the DPS has left the premises immediately, the application can include a **variation** which will be given immediate effect. This is essential as it is illegal for alcohol to be sold from premises that do not have a current DPS.

## Activity 8

The maximum number of hours a TEN can last: **168**

The maximum number of people allowed on premises under a TEN: **499**

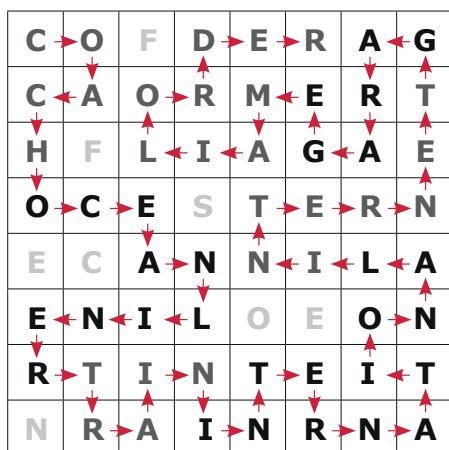
The maximum number of standard TENS a personal licence holder can run in a calendar year: **50**

The minimum number of hours between each TEN: **24**

The maximum number of TENS a single premises can have in a calendar year: **15**

The maximum number of standard TENS a non-personal licence holder can hold: **5**

## Activity 9



1. A vehicle which must be temporary permanently parked before it can sell alcohol: **Coach**
2. A type of sea vessel that does not need a premises licence or a personal licence holder to sell alcohol: **Ocean liner**
3. A form of transport which does not need a premises licence or personal licence holder: **Train**

4. A type of journey a vessel can be doing without the need for a premises licence or personal licence holder to sell alcohol: **International**
5. A sale of alcohol, normally made on a computer, where the distribution venue of the alcohol only needs to be licensed: **Internet**
6. A venue selling fuel that would not normally be given a premises licence: **garage**
7. A type of sale, normally made from a catalogue, where only the premises dispatching the alcohol will need a premises licence: **Mail order**

Letters left over spell out **OFFENCES**

### Activity 10

1. It is best practice to always ask for ID if you are unsure of the age of a customer. **TRUE**
2. Due diligence is a good excuse for forgetting to ask a person for ID. **FALSE**
3. Every sale or supply of alcohol must take place under a premises licence, a club premises certificate or a TEN. **TRUE**
4. The sale of alcohol outside the hours permitted on the premises licence is allowed, as long as the people you serve alcohol to are not likely to stay for long. **FALSE**
5. It is legal to offer regulated entertainment which is not covered by a premises licence or a TEN. **FALSE**
6. The defence of due diligence can be used if you were reliant on someone else's actions. **TRUE**

### Activity 11

1. Who are authorised personnel?
  - **Police**
  - **Local authority officers**
  - **Environmental health officers**
  - **Fire officers**
  - **Health and safety officers**
2. If searching licensed premises, when do HM Revenue and Customs officers need to be accompanied by the police? **At night time**
3. If an event is taking place under a TEN, do the police have a right to check if the activities taking place are licensed? **Yes, they can enter any premises that is covered by a temporary event notice, a premises licence or club premises certificate to check that licensable activities are taking place in accordance with the TEN/licence/certificate and that the licensing objectives are being met**
4. Why do HM Revenue and Customs have the right to enter licensed premises? **To remove goods liable to forfeiture**

### Activity 12

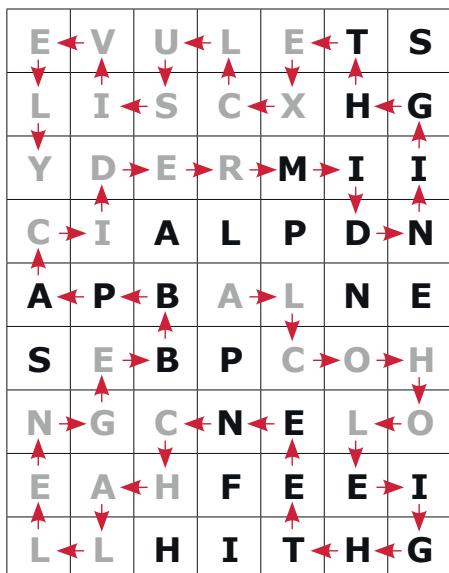
1. A local magistrates' court can make a closure order which lasts for up to six months. **FALSE**
2. The application for the order must come from a fire officer where it is believed that disorder is taking place or is expected to take place in that locality. **FALSE**
3. A senior police officer cannot order the closure of a premises if they believe that there is disorder at the premises. **FALSE**

# Answers to activites (continued)

4. A DPS commits a criminal offence if they knowingly keep premises open when a closure order has been made.

**TRUE**

## Activity 13



- It is a criminal offence for a person under the age of 18 to attempt to purchase this. **Alcohol**
- What is the legal age at which people can buy cigarettes? **Eighteen**
- Most premises have adopted **Challenge 21** policy
- Which company makes the posters for pubs that remind staff to check age? **BBPA**
- Which apple-based drink can a 16 or 17-year-old drink, providing it is with a meal, which has been purchased by an adult? **Cider**

- From what time is it an offence to allow unaccompanied children under the age of 16 to be present on licensed premises? **Midnight**
- Unaccompanied children must not be present on licensed premises used **exclusively** or primarily for the sale of alcohol.

## Activity 14

- If a drink contains more than 1.2% abv, what must it have on its labelling? **The % abv**
- What is meant by binge drinking?  
**Binge drinking is where an individual consumes excessive alcohol in a single session**
- Explain briefly what is meant by the term chronic drinking/alcoholism.  
**alcoholism is where an individual consumes excessive amounts of alcohol over a long period of time on a regular or daily basis**
- How much alcohol must a drink contain to be legally classed as alcohol? **0.5%**
- What is the percentage of alcohol that most spirits contain? **40%**

## **End of workbook activity**

### **Across**

3. A type of premises where you can eat food: **Restaurant**
6. A common Class A drug: **Cocaine**
7. The legal age to buy alcohol: **Eighteen**
8. Can enter licensed premises to ensure no licensing laws are being broken: **Police**
10. The number of licensing objectives: **Four**
11. A person you should not serve alcohol to: **Drunk**

### **Down**

1. Maximum penalty for not telling the licensing authority of a change of name or address: **Level Two**
2. A form of transport that does not need a premises licence or a personal licence holder to sell alcohol: **Train**
4. A notice that covers a licensable activity not covered by a premises licence (abbreviation): **TEN**
5. A type of premises which would normally be licensed for regulated entertainment: **Nightclub**
9. Apple-based alcoholic drink: **Cider**

## Glossary

**ABV** – Alcohol by volume, the percentage of alcohol that a drink contains

**Alcoholic drink** – A drink which contains more than 0.5% abv

**Binge drinking** – Drinking excessive amounts of alcohol in one sitting, normally with the intention of getting drunk

**Blood alcohol concentration** (also referred to as blood alcohol content) – The amount of alcohol in the bloodstream at any given time (BAC)

**Chronic drinking/alcoholism** – Excessive drinking on a regular basis, over a long period of time

**Community premises** – Premises which are licensed to sell alcohol but do not require a named Designated Premises Supervisor

**Designated Premises Supervisor** – A nominated personal licence holder who is in day-to-day control of a premises

**Due diligence** – A defence of taking all reasonable steps to prevent the law from being broken

**Late-night refreshment** – The supply of hot food or drinks between 23:00 and 05:00. A licensable activity

**Licensable activities** – Four activities for which a premises licence is required under the Licensing Act 2003

**Licensable objectives** – The four principles that underpin the Licensing Act 2003

**One unit** – 8 grams or 10 millilitres of alcohol

**Operating schedule** – A document which describes how the premises will operate

**PASS** – A government-backed scheme that gives young people a valid and accepted form of proof-of-age identification

**Personal licence** – A licence which allows a person to sell or authorise the sale of alcohol

**Premises licence** – A licence which allows 'licensable activities' to take place under the Licensing Act 2003

**Provisional statement** – A Provisional Statement is used for premises which are intended to become licensed, but which have not yet been built or converted

**Regulated entertainment** – Entertainment for an audience, spectator or participant. A licensable activity

**Responsible person (age restricted sales)** – A personal licence holder (PLH), Designated Premises Supervisor (DPS) or person over the age of 18 authorised to make a sale of alcohol by a PLH or DPS

**Sale of alcohol by retail** – Selling alcohol to a customer. A licensable activity

**SIA** – Security Industry Authority, responsible for the licensing of security operatives under the Private Security Industry Act 2001

**Spent conviction** – A period of time after which an offence is not counted against the person. The amount of time for rehabilitation depends on the sentence imposed

**Supply of alcohol on club premises** – Supplying alcohol to a club member. A licensable activity

**Temporary event** – An event which is not covered by a premises licence.

## **Useful Contacts**

**BII**

Sentinel House,  
Ancells Business Park,  
Harvest Crescent,  
Fleet, GU51 2UZ  
Tel.: 01276 684449

**British Beer and Pub Association**

Ground Floor,  
61 Queen Street,  
London,  
EC4R 1EB  
Tel.: 020 7627 9191  
Web: [beerandpub.com](http://beerandpub.com)

**The Portman Group**

Millbank Tower,  
London,  
SW1P 4QP  
Tel.: 07719 324 021

**Association of Convenience Stores**

Federation House,  
Farnborough Street,  
Farnborough, Hampshire  
GU14 8AG  
Tel.: 01252 515001

**Chartered Institute of Environmental Health**

Chadwick Court,  
15 Hatfields,  
London, SE1 8 DJ  
Tel.: 020 7827 5800

**Department of Health**

Richmond House,  
79 Whitehall London  
SW1A 2N  
Tel.: 020 7210 5952  
Web: dh.gov.uk

**Cardwatch**

Web: [cardwatch.org.uk](http://cardwatch.org.uk)

**Security Industry Authority**

PO Box 74957,  
London, E14 1UG  
Tel.: 0300 123 9298

**National Pubwatch**

PO Box 76958,  
London,  
N21 9FJ  
Web: [nationalpubwatch.org.uk/contact](http://nationalpubwatch.org.uk/contact)

**Equality and Human Rights Commission Correspondence Unit**

3rd Floor,  
Windsor House,  
50 Victoria Street,  
London, SW1H 0TL  
Tel.: 0808 800 0082

**The Retail of Alcohol Standards Group C/O The Wine and Spirit Trade Association**

39-45 Bermondsey Street,  
London, SE1 3XF  
Web: rasg.org.uk

**National Drugs Helpline  
Frank helpline**

Tel.: 0300 123 6600

**Health and Safety Executive Information Services**

Redgrave Court,  
Merton Road,  
Bootle, Merseyside,  
L20 7HS

**The Advertising Standards Authority (ASA)**

Castle House,  
37-45 Paul Street,  
London, EC2A 4LS  
Tel.: 020 7492 2222  
Web: [asa.org.uk](http://asa.org.uk)

# Candidates with special assessment needs

---

BIIAB Qualifications Limited approved centres which run the Level 2 Award for Personal Licence Holders are required to make provisions for those candidates with special assessment requirements, for example candidates with dyslexia and for whom English is an additional language. For further details on these provisions, please contact the centre contact at the approved centre administering the examination.

## Diversity and equal opportunities

---

BIIAB Qualifications Limited is committed to the equality of opportunity. We have in place a Diversity and Equal Opportunities policy which is available on our website, [biiab.co.uk](http://biiab.co.uk) and through approved centres.

If you are a candidate and wish to discuss an equal opportunities issue, please write to the centre contact at your approved centre. If you consider that there has been a problem getting access to assessment in your centre which you believe your centre has not dealt with properly, contact the Quality Assurance Manager at the address below.

If you are an approved centre and want to discuss an equal opportunities issue, please use the contact details below.

BIIAB Qualifications Limited  
Robins Wood House,  
Robins Wood Road,  
Nottingham,  
NG8 3NH

Or email: [customersupport@biiab.co.uk](mailto:customersupport@biiab.co.uk)

# Who are BIIAB Qualifications Limited?

---

## **BIIAB Qualifications Limited is:**

- An awarding body which is part of Skills and Education Group
- Proud to work in partnership with BII as the dedicated awarding body for the licensed retail sector
- Nationally regulated by Ofqual.

## **What qualifications are available?**

We offer a wide portfolio of sector-specific qualifications, to provide solutions to specific market requirements, delivering real business benefits, and supporting careers in licensed retail for every type of venue, including:

- Qualifications for Licensing
- Qualifications for Staff Development
- Qualifications for New Licensed Retail Managers
- Qualifications for Management Development.

One of the key aims of BIIAB Qualifications Limited is to offer training and qualifications solutions that are relevant and accessible to those operating in the licensed retail sector. The range of qualifications underpin either professional milestones or regulatory requirements.

# Notes

---

## **NOTICES**

This book does not purport to contain an authoritative or definitive statement of the law or practice on any subject appertaining to the operation of licensed premises and the publishers supply the information on the strict understanding that no legal or other liability attaches to them in respect of it. References to sources of further guidance or information have been made where appropriate.



BIIAB Qualifications Limited • A Private Limited Company: 10054831 (England and Wales)  
• Robins Wood House, Robins Wood Road, Nottingham, NG8 3NH • 0115 854 1620 • [biiab.co.uk](http://biiab.co.uk)