

Update table for the Licensing (Scotland) Act 2005

| Qualification handbook affected | Text to be added to the handbooks listed in the column on the left: | |
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| <p>BIIAB Level 5 National Certificate for Door Supervisors (Scotland)</p> <p>Edition 1 October 2006</p> | <p>Chapter 6</p> <p>Page 22</p> | <p>6. THE LAW IN RELATION TO LICENSING</p> <p>Aim: To discuss licensing law and the licence holder’s social responsibility</p> <p>Objective: By the end of this session candidates will be able to:</p> <ul style="list-style-type: none"> • State the 5 licensing objectives • State police powers of entry to licensed premises • State the law in relation to drunkenness, disorderly conduct and unlawful gambling <p>6.1 INTRODUCTION</p> <p>6.1.1 The Licensing Objectives</p> <p>The governing principles of the Licensing (Scotland) Act 2005 are called the licensing objectives. These are:</p> <ul style="list-style-type: none"> • Preventing crime and disorder • Securing public safety • Preventing public nuisance • Protecting children from harm • Protecting and improving public health <p>All 5 licensing objectives are of equal importance. All organisations and individuals involved in the licensing process must carry out their functions or run their business with a view to promoting these licensing objectives. Door stewards clearly have a role to play in promoting the licensing objectives.</p> <p>6.1.2 Licensing Boards and Licensing Standards Officers</p> <p>Licensing Boards have responsibility for the operation and administration of the licensing system whilst enforcement is undertaken by police and licensing standards officers.</p> <p>Licensing Standards Officers (LSOs) are appointed by each board area. LSOs are employed by the local councils and aim to provide advice and guidance, ensure compliance and offer mediation between licence holders and the local community.</p> <p>6.1.3 Licensing laws must not be broken</p> <p>The premises licence holder is the person to whom a premises</p> |

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| | <p>licence is granted. You should know who the premises licence holder is in your premises. In some cases the premises licence holder is a company rather than a person. You should also know who the premises manager is (see 6.1.4 below). The premises manager may also be premises licence holder or may be another person nominated by the premises licence holder.</p> <p>There are rules that those who operate your premises must obey in order to be allowed to carry on a licensed business. If these rules are broken the premises licence could be reviewed by the Licensing Board. It can also be revoked (taken away). This would mean the premises would close down.</p> <p>6.1.4 The Premises Manager</p> <p>Where alcohol is sold on licensed premises there must be a premises manager appointed for the premises. There can only be one premises manager for any one premises at any one time. The premises manager is in day to day control of the premises but does not have to be at the premises at all times that the premises are operating. You need to know who the premises manager is for each premises that you work at and also who is the manager on duty.</p> <p>6.1.5 Personal licences</p> <p>Individuals who sell or authorise the sale of alcohol must have a personal licence. It is a mandatory condition of a premises licence that authorises the sale of alcohol that all sales of alcohol must be made or authorised by a personal licence holder. There may be several personal licence holders on any premises.</p> <p>The personal licence lasts for 10 years.</p> <p>6.1.6 Occasional Licences</p> <p>It is possible to run events on premises that are not normally licensed, under the terms of an occasional licence. The application for an occasional licence must be made by either a premises or personal licence holder, or a representative of any voluntary organisation or members club.</p> <p>The person responsible for a temporary event is the person who submitted the temporary event notice to the local authority.</p> <p>6.1.7 Risk Assessment and Operating Plans</p> <p>In order to be granted a premises licence the premises licence</p> |

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| | <p>holder must conduct a risk assessment and submit an operating plan. The operating plan shows how the premises licence holder intends to support the licensing objectives. The premises licence will have conditions attached to it in accordance with the risk assessment. These conditions will vary from premises to premises but might include, for example the capacity limit, the use of CCTV cameras or the provision of drinking water. You need to know what the conditions are for the premises you work in.</p> <p>6.1.8 Licensed door stewards</p> <p>Anyone asked to perform door stewarding duties must be licensed by the SIA to do so.</p> <p>6.1.9 Conditions on maximum numbers</p> <p>One of the most important conditions on a premises licence is the maximum number of people allowed on the premises at any one time so you must know what this maximum occupancy figure is.</p> <p>If more than the maximum number of people are on the premises the premises licence holder and any member of the management team face severe penalties and the premises could be closed.</p> <p>6.1.10 Fire drill</p> <p>In most cases the agreed conditions of the premises licence will include the procedure for dealing with fire and arrangements for holding regular fire drills.</p> <p>6.1.11 Offences under the Licensing (Scotland) Act 2005</p> <p>The Licensing (Scotland) Act 2005 allows premises opportunities to operate according to market demands. Those working in licensed premises have an obligation to uphold the law. There are a number of offences that apply to the conduct of licensed premises:</p> <ul style="list-style-type: none"> • Allowing disorderly conduct on licensed premises • Failure to leave licensed premises • Selling or consuming alcohol outside the licensed hours • Selling alcohol to any person under the age of 18. <p>6.1.12 Review of the premises licence</p> |

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| | <p>Any person may apply to the appropriate Licensing Board for a review of the premises licence if the premises does not comply with the conditions of their licence, or the licensing objectives.</p> <p>The appropriate Licensing Board may then propose a review of a premises licence that will result in a hearing taking place.</p> <p>As a result of a review hearing the Licensing Board may take any of the following steps:</p> <ul style="list-style-type: none"> • Issue a written warning to the licence holder • Make a variation of the licence • Suspend the licence for such a period as may be determined, or • Revoke the licence <p>On making a variation the Board may specify that it is to apply for a defined period as determined by them.</p> <p>6.1.13 Closure of premises</p> <p>A Licensing Board may make a closure order on application by a senior police officer if they are satisfied it is necessary to do so in the interest of public safety, due to a likelihood of disorder on, or in the vicinity of the premises. A closure order requires the premises to be closed for a specified period.</p> <p>A senior police officer may make a closure order for the premises without prior application if they reasonably believe that there is, or is about to be imminent disorder or if it is in the interest of public safety. This is referred to as an emergency closure order. The period of closure specified in an emergency closure order should not exceed 24 hours. Emergency closure orders should be a last resort.</p> <p>An emergency closure order if caused by the action or inaction of the premises licence holder, premises manager or other person in charge, or by patrons on premises who have left the affected premises is likely to result in a review of the premises licence.</p> <p>Any responsible person who allows any licensed premises to remain open in breach of a closure order commits an offence.</p> <p>6.2 POWERS OF ENTRY</p> <p>A police constable may at any time enter and inspect premises, including members' clubs.</p> |

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| | <p>Licensing Standards Officers have the power of entry and inspection and can issue written warnings to individual premises.</p> <p>A person who intentionally obstructs them commits an offence. Police officers do not have to give reason for their entry.</p> <p>6.3 THE LAW ON DRUNKENNESS AND DISORDERLY CONDUCT</p> <p>Premises licence holders and those who act under their authority have a legal duty not to allow drunk and disorderly conduct on licensed premises. A customer who behaves in this way must be refused entry. If already inside the premises, the drunk or disorderly customer should be evicted.</p> <p>Under the Licensing (Scotland) Act 2005 it is an offence to serve alcohol to a person who is drunk. Police are considered to be expert witnesses in determining who is drunk.</p> <p>6.4 THE LAW ON GAMING</p> <p>6.4.1 Gaming</p> <p>Certain gambling activities are permitted with authorisation on premises licensed for the sale of alcohol for consumption on the premises (except restaurants which have a condition that alcohol is served only with food). These activities include equal chance games (with stakes limited to £5 per person, with the exception of dominoes and cribbage for which there is no limit to the stake), small incidental raffles or customer lotteries, and bingo. Poker and poker-style games are also permitted, with limits set at £100 for total money staked in a day. In addition, no player may win more than £100 on any one game.</p> <p>All operators of alcohol licensed premises are expected to comply with Codes of Practice on gambling and gaming machines published by the Gambling Commission. It is strongly recommended that premises licence holders and operators obtain specialist advice before allowing gaming to take place on the premises that was not covered by previous legislation.</p> <p>Door stewards need to check with the premises licence holder or the manager on duty as to what gambling activities are permitted on the premises.</p> |

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| | <p>Chapter 8</p> <p>Page 29</p> | <p>8.1 Under 18s cannot buy alcohol One of the licensing objectives is protecting children from harm. To protect children from the damage alcohol can do to them, the law strictly controls the sale of alcohol to under 18s. Under 18s are not allowed to buy alcohol under any circumstances.</p> <p>Under 18s are not allowed to drink alcohol on licensed premises. There is one exception to this which allows 16 and 17 year olds to drink beer, wine, cider or perry. They must be having a table meal and be accompanied by an adult. The adult must buy the alcohol for the 16 or 17 year olds – they cannot buy the alcohol themselves.</p> <p>8.2 Admission of unaccompanied Children An operating plan (as discussed in 6.1.7) should include:</p> <ul style="list-style-type: none"> • (For consumption of alcohol on the premises) A statement as to whether children or young persons are to be allowed entry to the premises • (Where children are allowed entry) A statement of the terms on which they are allowed entry including the age of the children, the times and the areas of the premises to which they are allowed entry. <p>It is important that as a door steward you know the details contained in the operating plan for the premises you are working for in with regard to the rules on admission of children and young people.</p> |
| | <p>Chapter 9</p> <p>Page 37</p> | <p>9.3.6 text to be deleted</p> <p>9.3.7 text to be deleted</p> |