

Changes to BIIAB qualifications required by the new Mandatory Conditions under the Licensing Act 2003

On 6 April 2010 a number of new mandatory conditions came into force applying to all licensed premises selling or supplying alcohol. On 1 October 2010, a further 2 will apply. This addendum details the changes required to BIIAB handbooks following this change.

Whilst every effort has been made by BIIAB to identify all affected areas of the handbooks, it is possible that some may have been missed. Should you identify any such areas, please notify BIIAB immediately at quals@bii.org

Where applicable, assessment will be affected from 1 June 2010.

Level 1 Award in Alcohol Awareness	Version 1 January 2010
<i>New Assessment Criteria:</i> 3.7 State the law regarding the measures in which alcohol must be available 12.3 State the law regarding age verification policies (existing 12.3 & 12.4 to be renumbered) <i>Amended Assessment Criterion:</i> 12.1 State the law regarding irresponsible promotions	
<i>New information to be added to the handbook:</i> New handbook section 3.8 to cover AC 3.7: There are mandatory conditions imposed on anywhere selling alcohol to be drunk on the premises, such as a club or pub, effective from 1 October 2010, which mean that alcohol also must be available to customers in the following measures: <ul style="list-style-type: none">▪ Beer and cider in ½ pints▪ Gin, rum, vodka and whisky in 25ml or 35ml shots▪ Wine served by the glass in 125 ml glasses (still wine only, not sparkling) Each premises also has to make sure customers are made aware that these measures are available. Amended handbook section 12.1 to cover AC 12.1: (Existing subsection to be completely replaced) The Licensing Act 2003 has been amended to include Mandatory Conditions applying to all licensed premises that sell alcohol. These conditions mean that any promotion carried out where alcohol is sold or supplied and drunk on the premises must not be one of the following activities, or like any of them, where the promotion is carried on in such a way that there is a significant risk that the premises could breach any of the licensing objectives: <ul style="list-style-type: none">▪ Drinking games where a quantity of alcohol is to be drunk within a time limit (apart from when 'time' has been called and customers can finish their drinks before they have to leave the premises) or as much alcohol as possible is to be drunk, even if a time limit is not given	

- Unlimited alcohol given free or for a fixed or discounted price , such as “all you can drink for £10” or “Half price drinks for students”, other than discounts given to those having alcohol with a table meal
- Giving free or discounted alcohol (or anything else, such as free concert tickets) as a prize if alcohol has to be bought and consumed in 24 hours or less
- Giving free or discounted alcohol linked to the outcome of a sporting event, such as heavily reduced drinks for 5 minutes after each try is scored in a rugby match
- Alcohol cannot be poured directly into someone’s mouth by someone else (unless the person receiving the drink cannot drink without help because of a disability)
- Posters must not be displayed in or around the premises that glamorise anti-social behaviour or drunkenness

There is also a mandatory condition for premises to provide free tap water to customers on request, where it is reasonably available.

Amended handbook section 12.4 to cover AC 12.3:

(Existing point a) to be replaced)

a) When you are old enough to buy alcohol (18 yrs) or to go into some licensed premises without an adult accompanying you, you may still be asked to prove your age. As from 1 October 2010, all premises selling alcohol will have to have an age verification policy, giving advice to their staff on when and how to ask for identification (ID), and what types of ID are acceptable. Retailers know that many young people are able to look older than they are.

**Level 2 Award in Assessment of Licensed Premises (Social Responsibility)
1st Edition April 2008**

New Assessment criteria:

2.5 State the mandatory conditions attached to a premises licence authorising the sale of alcohol

New information to be added to the handbook:

New section 3.10

3.10 Mandatory Conditions

- a) Where a premises licence authorises the sale or supply of alcohol, the licence will always be subject to the following conditions:
 - No sale or supply of alcohol can be made unless there is a designated premises supervisor named on the licence for that premises. The designated premises supervisor must hold a current personal licence
 - Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. This means that if an individual is not a personal licence holder, that person can only sell alcohol in licensed premises if permission to do so has been given by a personal licence holder

b) Schedule 4 of the Policing and Crime Bill has amended the Licensing Act 2003 and introduced additional mandatory conditions which now apply to all premises licences authorising the sale or supply of alcohol. These conditions are:

- The responsible person must take all reasonable steps to ensure that staff on licensed premises do not carry out, arrange or participate in any irresponsible promotions relating to the premises. Irresponsible promotions means any one or more of the following activities, or substantially similar activities that are carried on in such a way that there is significant risk of the premises being in breach of any of the licensing objectives:
 - 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
 - Unlimited or unspecified amounts of alcohol being given free or for a fixed fee to the public or a group defined by a particular characteristic, i.e. all you can drink for £10; women drink free; student discount nights etc (does not apply if offer is linked to the consumption of a table meal)
 - 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
 - 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 shots every time a try is scored
 - Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise anti-social behaviour
- 'Dentist chair' games where alcohol is dispensed by one person directly into the mouth of another. This does not apply if the person receiving the drink cannot do so otherwise due to disability
- Free tap water is to be provided to customers on request where it is reasonably available
- Each premises has to have an age verification policy in place, requiring all staff to check the identity of anyone appearing to be under the age of 18 years* (or any such older age as may be specified in the policy)
- Smaller measures of the following must be available, and customers made aware of their availability*:
 - Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25 ml or 35 ml
 - Wine by the glass (still): 125 ml
- Failure to comply with these conditions is a criminal offence, which could, on conviction, be punishable by a fine of up to £20,000 or up to six months imprisonment, or both.

* These conditions come into effect on 1 October 2010

Award in Customer and Drinks Service (Licensed Hospitality)
1st Edition October 2008

New/Amended assessment criteria:
None

New information to be added to the handbook:

Section 4.2

- c) As from 1 October 2010, each 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). It is essential that if you are in any doubt.....

Award in Customer Service Excellence (Licensed Hospitality)
1st Edition September 2009

New/Amended assessment criteria:
None

New information to be added to the handbook:

Add info to grey box in **Section 4.3** as new point:

Mandatory conditions now apply to all premises selling or supplying alcohol which prohibit any staff member carrying out, arranging or participating in any promotion that is considered to be irresponsible, for example encouraging customers to drink more or more quickly than they would normally.

Level 2 National Certificate for Designated Premises Supervisors
1st Edition June 2006

New Assessment criteria:

- 3.9 State the mandatory conditions attached to a premises licence which authorises the sale of alcohol
4.2 State the law regarding age verification policies

New information to be added to the handbook:

New section 3.12

3.12 The Licensing Act 2003 now contains mandatory conditions that apply to all licences authorising the sale of alcohol. These are:

- The responsible person must take all reasonable steps to ensure that staff on licensed premises do not carry out, arrange or participate in any irresponsible promotions relating to the premises. Irresponsible promotions means any

one or more of the following activities, or substantially similar activities that are carried on in such a way that there is significant risk of the premises being in breach of any of the licensing objectives:

- 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
- Unlimited or unspecified amounts of alcohol being given free or for a fixed fee to the public or a group defined by a particular characteristic, i.e. all you can drink for £10; women drink free; student discount nights etc (does not apply if offer is linked to the consumption of a table meal)
- 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
- 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 shots every time a try is scored
- Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise anti-social behaviour
- 'Dentist chair' games where alcohol is dispensed by one person directly into the mouth of another. This does not apply if the person receiving the drink cannot do so otherwise due to disability
- Free tap water is to be provided to customers on request where it is reasonably available
- Each premises has to have an age verification policy in place, requiring all staff to check the identity of anyone appearing to be under the age of 18 years (or any such older age as may be specified in the policy).*
- Smaller measures of the following must be available, and customers made aware of their availability*:
 - Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25 ml or 35 ml
 - Wine by the glass (still): 125 ml
- Failure to comply with these conditions is a criminal offence, which could, on conviction, be punishable by a fine of up to £20,000 or up to six months imprisonment, or both.

** These conditions come into effect on 1 October 2010*

Section 4.2 Add grey box at end of section, with the following text:

From 1 October 2010, each 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). It is essential that if there is any doubt, ID is asked for and checked thoroughly. Schemes such as Challenge 21/25 can still operate in conjunction with this policy.

New Assessment criteria:

9.4 State the mandatory conditions attached to a premises licence authorising the sale of alcohol

(Existing 9.4 & 9.5 to be renumbered to 9.5 & 9.6)

New information to be added to the handbook:

(Info added will also link to AC 10.1 & 10.2)

New 11.10 The Licensing Act 2003 now contains mandatory conditions that apply to all licences authorising the sale of alcohol. These are:

- The responsible person must take all reasonable steps to ensure that staff on licensed premises do not carry out, arrange or participate in any irresponsible promotions relating to the premises. Irresponsible promotions means any one or more of the following activities, or substantially similar activities that are carried on in such a way that there is significant risk of the premises being in breach of any of the licensing objectives:
 - 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
 - Unlimited or unspecified amounts of alcohol being given free or for a fixed fee to the public or a group defined by a particular characteristic, i.e. all you can drink for £10; women drink free; student discount nights etc (does not apply if offer is linked to the consumption of a table meal)
 - 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
 - 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 shots every time a try is scored
 - Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise anti-social behaviour
- 'Dentist chair' games where alcohol is dispensed by one person directly into the mouth of another. This does not apply if the person receiving the drink cannot do so otherwise due to disability
- Free tap water is to be provided to customers on request where it is reasonably available
- Each premises has to have an age verification policy in place, requiring all staff to check the identity of anyone appearing to be under the age of 18 years (or any such older age as may be specified in the policy). Schemes such as Challenge 21/25 can still operate in conjunction with this policy.*
- Smaller measures of the following must be available, and customers made aware of their availability*:
 - Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25 ml or 35 ml

- Wine by the glass (still): 125 ml
- Failure to comply with these conditions is a criminal offence, which could, on conviction, be punishable by a fine of up to £20,000 or up to six months imprisonment, or both.

** These conditions come into effect on 1 October 2010*

(Existing 11.10, 11.11 & 11.12 to be renumbered as 11.11, 11.12 & 11.13)

Level 2 National Certificate for Personal Licence Holders 10th Edition January 2008

New/Amended assessment criteria:

None

New information to be added to the existing handbook:

16.1 b) add text to end of sub point:

As from 1 October 2010, all premises selling or supplying alcohol will be required to have in place 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 that may be specified in the policy). It is essential that if you there is any doubt, then ID is asked for and checked thoroughly. Schemes such as Challenge 21/25 can still operate in conjunction with this policy.

(This new info cross references to ACs 14.1, 14.2, 14.3 & 14.4)

Section 7.5 a) to be replaced with:

- a) Where a premises licence authorises the sale or supply of alcohol, the licence will always be subject to the following conditions:
 - No sale or supply of alcohol can be made unless there is a designated premises supervisor named on the licence for that premises. The designated premises supervisor must hold a current personal licence (see section 9)
 - Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence. This means that if an individual is not a personal licence holder, that person can only sell alcohol in licensed premises if permission to do so has been given by a personal licence holder
- b) The responsible person must take all reasonable steps to ensure that staff on licensed premises do not carry out, arrange or participate in any irresponsible promotions relating to the premises. Irresponsible promotions means any one or more of the following activities, or substantially similar activities that are carried on in such a way that there is significant risk of the premises being in breach of any of the licensing objectives:
 - Games which require or encourage people to drink a quantity of alcohol within a time limit (other than to consume drinks already

<p>purchased before the premises closes), or to drink as much alcohol as possible, even without a time limit</p> <ul style="list-style-type: none"> ○ Unlimited or unspecified amounts of alcohol being given free or for a fixed fee to the public or a group defined by a particular characteristic, i.e. all you can drink for £10; women drink free; student discount nights etc (does not apply if offer is linked to the consumption of a table meal) ○ 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 ○ 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 shots every time a try is scored ○ Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise anti-social behaviour <ul style="list-style-type: none"> ▪ 'Dentist chair' games where alcohol is dispensed by one person directly into the mouth of another. This does not apply if the person receiving the drink cannot do so otherwise due to disability ▪ Free tap water is to be provided to customers on request where it is reasonably available ▪ Each premises has to have an age verification policy in place, requiring all staff to check the identity of anyone appearing to be under the age of 18 years (or any such older age as may be specified in the policy)* ▪ Smaller measures of the following must be available, and customers made aware of their availability*[*]: <ul style="list-style-type: none"> ○ Beer or cider: ½ pint ○ Gin, rum, vodka or whisky: 25 ml or 35 ml ○ Wine by the glass (still): 125 ml <p>* These conditions come into effect on 1 October 2010 (This new text maps to AC 6.7)</p>

Level 1 Award in Responsible Alcohol Retailing	7th Edition May 2009
<i>New Assessment criteria:</i>	
2.7	State the law regarding the measures in which alcohol must be available
4.4	State the law in relation to irresponsible promotions
<i>New information to be added to the existing handbook:</i>	
New subsection 2.7:	
2.7	<u>Alcohol measures</u>
a)	There are mandatory conditions imposed on anywhere selling alcohol to be drunk on the premises, such as a club or pub, effective as from 1 October 2010, which mean that alcohol also must be available to customers in the following measures:
	<ul style="list-style-type: none"> ○ Beer and cider in ½ pints ○ Gin, rum, vodka and whisky in 25ml or 35ml shots

- Wine served by the glass in 125 ml glasses (still wine only, not sparkling)
- b) Each premises has to make sure customers are made aware that these measures are available.

Add text to 3.2:

- b) As from 1 October 2010, each premises selling alcohol is 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).
- c) It is essential that if there is any doubt, then ID is asked for and checked thoroughly.

(Info in 3.2 supports ACs 3.2 & 3.3)

New Section 4.5

4.5 Mandatory Conditions

The Licensing Act 2003 has now been amended to include Mandatory Conditions applying to all licensed premises that sell or supply alcohol.

These conditions mean that any promotion carried out where alcohol is sold or supplied and drunk on the premises **must not be** one of the following activities, **or like** any of them, where the promotion is carried on in such a way that there is a significant risk that the premises could breach any of the licensing objectives:

- Drinking games where a quantity of alcohol is to be drunk within a time limit (apart from when 'time' has been called and customers can finish their drinks before they have to leave the premises) or as much alcohol as possible is to be drunk, even if a time limit is not given
- Unlimited alcohol given free or for a fixed or discounted price, such as "all you can drink for £10" or "Half price drinks for students", other than discounts given to those having alcohol with a table meal
- Giving 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
- Giving free or discounted alcohol linked to the outcome of a sporting event, such as heavily reduced drinks for 5 minutes after each try is scored in a rugby match
- Alcohol cannot be poured directly into someone's mouth by someone else (unless the person receiving the drink cannot drink without help because of a disability)
- Posters must not be displayed in or around the premises that glamorise anti-social behaviour or drunkenness

There is also a mandatory condition for premises to provide free tap water to customers on request, where it is reasonably available.

(information in 4.5 also cross references to 4.1 & 4.2)

New Assessment criteria:

None

*New information to be added to the existing handbook:***Add text to support AC 8.1, to section 8.1 (insert as new second paragraph):**

As from 1 October 2010, all premises selling or supplying alcohol will be required to have in place an age verification policy requiring staff to check the ID of anyone appearing to be under the age of 18 (or any such older age as may be specified in the policy). It is essential that if there is any doubt, then ID is asked for and checked thoroughly. Schemes such as Challenge 21/25 can still operate in conjunction with this policy.

Add text to support AC 9.2, to section 6.1.8, as new first paragraph:

The Licensing Act 2003 now includes mandatory conditions applying to all licensed premises that sell or supply alcohol.

These conditions also mean that any promotion carried out where alcohol is sold or supplied and drunk on the premises **must not be** one of the following activities, **or like** any of them, where the promotion is carried on in such a way that there is a significant risk that the premises could breach any of the licensing objectives:

- Drinking games where a quantity of alcohol is to be drunk within a time limit (apart from when 'time' has been called and customers can finish their drinks before they have to leave the premises) or as much alcohol as possible is to be drunk, even if a time limit is not given
- Unlimited alcohol given free or for a fixed or discounted price, such as "all you can drink for £10" or "Half price drinks for students", other than discounts given to those having alcohol with a table meal
- Giving 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
- Giving free or discounted alcohol linked to the outcome of a sporting event, such as heavily reduced drinks for 5 minutes after each try is scored in a rugby match
- Alcohol cannot be poured directly into someone's mouth by someone else (unless the person receiving the drink cannot drink without help because of a disability)
- Posters must not be displayed in or around the premises that glamorise anti-social behaviour or drunkenness

There is also a mandatory condition for premises to provide free tap water to customers on request, where it is reasonably available.

Amend existing first paragraph to become second paragraph and read:

Each licensed premises operates according to its premises licence conditions. This means that premises may open and close at different times and offer entertainment until varying times.

Amend existing third paragraph to read:

Where it is a condition of the premises licence that door supervisors are used, it is a mandatory condition that door supervisors must be licensed by the SIA. The unlicensed door supervisor, the premises licence holder, the designated premises supervisor (DPS), manager and the door supply company are all liable to prosecution where this condition is not followed.

Introduction to Licensed Retail Operations

Version 8 December 2009

New Assessment criteria:

None

New information to be added to the handbook:

Add new text to the end of section 3:

Mandatory Conditions

As from 1 October 2010, the Licensing Act 2003 now includes a mandatory condition applying to all premises licences authorising the sale or supply of alcohol, concerning the measures in which the following types of alcohol must be clearly available to customers:

- Beer or cider: ½ pint
- Gin, rum, vodka or whisky: 25 ml or 35 ml
- Wine by the glass (still wine): 125ml

Customers must be made aware that these smaller measures are available.

Failure to comply with any condition attached to a licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment, or both.

Level 2 National Certificate for Licensing Practitioners

4th Edition November 2008

New Assessment criteria:

None

New information to be added to the handbook:

Text to be added to section 4.8 as new subsection e):

- e) Schedule 4 of the Policing and Crime Bill has amended the Licensing Act 2003 and introduced additional mandatory conditions which now apply to all premises licences authorising the sale or supply of alcohol. These conditions are:
 - The responsible person must take all reasonable steps to ensure that staff on licensed premises do not carry out, arrange or participate in any

irresponsible promotions relating to the premises. Irresponsible promotions means any one or more of the following activities, or substantially similar activities that are carried on in such a way that there is significant risk of the premises being in breach of any of the licensing objectives:

- 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
- Unlimited or unspecified amounts of alcohol being given free or for a fixed fee to the public or a group defined by a particular characteristic, i.e. all you can drink for £10; women drink free; student discount nights etc (does not apply if offer is linked to the consumption of a table meal)
- 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
- 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 shots every time a try is scored
- Selling or supplying alcohol in association with promotional posters or flyers which condone or glamorise anti-social behaviour
- 'Dentist chair' games where alcohol is dispensed by one person directly into the mouth of another. This does not apply if the person receiving the drink cannot do so otherwise due to disability
- Free tap water is to be provided to customers on request where it is reasonably available
- Each premises has to have an age verification policy in place, requiring all staff to check the identity of anyone appearing to be under the age of 18 years (or any such older age as may be specified in the policy)*
- Smaller measures of the following must be available, and customers made aware of their availability*:
 - Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25 ml or 35 ml
 - Wine by the glass (still): 125 ml

* These conditions come into effect on 1 October 2010

Level 3 Profitable Business Portfolio Unit 6 Sales Promotions Version 4

Amended Learning Outcome

Add text to beginning of LO 1 :

Understand the law regarding promotions, define the term....

New Assessment criteria:

New AC 1.2

1.2 State the law regarding promotions

(existing 1.2, 1.3, 1.4 & 1.5 to be renumbered to 1.3, 1.4, 1.5 & 1.6)

New information to be added to the handbook:

Add text in box at end of Section 1, before Application and Review Questions:

Important points to note:

The Licensing Act 2003 has now been amended to include Mandatory Conditions applying to all licensed premises that sell alcohol.

These conditions also mean that any promotion carried out where alcohol is sold or supplied and drunk on the premises **must not be** one of the following activities, **or like** any of them, where the promotion is carried on in such a way that there is a significant risk that the premises could breach any of the licensing objectives:

- Drinking games where a quantity of alcohol is to be drunk within a time limit (apart from when 'time' has been called and customers can finish their drinks before they have to leave the premises) or as much alcohol as possible is to be drunk, even if a time limit is not given
- Unlimited alcohol given free or for a fixed or discounted price, such as "all you can drink for £10" or "Half price drinks for students", other than discounts given to those having alcohol with a table meal
- Giving 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
- Giving free or discounted alcohol linked to the outcome of a sporting event, such as heavily reduced drinks for 5 minutes after each try is scored in a rugby match
- Alcohol cannot be poured directly into someone's mouth by someone else (unless the person receiving the drink cannot drink without help because of a disability)
- Posters must not be displayed in or around the premises that glamorise anti-social behaviour or drunkenness

There is also a mandatory condition for premises to provide free tap water to customers on request, where it is reasonably available.