

# What Licence-holders need to know

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## **The Licensing (Scotland) Act 2005, Criminal Justice and Licensing (Scotland) Act 2010 and Alcohol Etc (Scotland) Act 2010 –**

The Licensing (Scotland) Act 2005 came into force on 1 September 2009. This has been supplemented by additional new legislation, which was recently implemented in 2011.

The 2005 Act and subsequent amendments introduced many new responsibilities for the holders of premises licences and personal licences. This bulletin alerts operators to their key obligations.

### **Premises Licence-holders must .....**

- Pay an annual fee based on the rateable value of the premises. Payments should be made by the 1st October each year. Failure to pay can lead to premises licence review and suspension or revocation of the licence.
- Display an A4 size notice in prescribed form at or near the entrance to the premises regarding the admission of persons under 18.
- Display an A4 notice at the point of sale to the effect that it is an offence for persons under the age of eighteen years to purchase or attempt to purchase alcohol and that it is also an offence for anyone to purchase or attempt to purchase alcohol for someone under 18 years.
- Provide all staff involved in the sale or supply of alcohol with a minimum of two hours training by a personal licence-holder or other suitably qualified person. The issues to be covered in the training are prescribed by regulation.
- Keep the licence or a certified copy at the premises. A summary or certified copy of the summary must also be prominently displayed.
- Ensure that drinks promotions are displayed in the correct place. Licence holders of premises primarily used for off consumption must ensure that drinks promotions can only take place in off sale areas authorised by the Board on the licence or in tasting rooms. In addition, promotions are banned within 200 metres of the premises.
- Must have an age verification policy in relation to the sale of alcohol on the premises. An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises if it appears to the person selling the alcohol that the customer may be less than 25 years of age.

### **Premises Licence-holders are required to .....**

- Advise the Licensing Board within 7 days of the manager leaving and apply for a minor variation to substitute a new premises manager, within a window of six weeks. It is important to note that without a designated premises manager, no alcohol can be sold.
- Notify the Licensing Board within one month if a premises licence-holder or “connected person” (director, major shareholder) is convicted of a relevant or foreign offence (the list is extensive and includes driving offences). This is of importance to national operators who, for example, might be convicted of an underage sale in England and Wales. In that event, they would be obliged to notify any convictions to all Scottish Licensing Boards where they had premises.
- Give notice to the Licensing Board of any change in the premises licence-holder’s name or address or any change in the name or address of the premises manager within a period of not less than one month. The licence must accompany notification.

- Notify the Licensing Board of any conviction for a relevant or foreign offence between the lodging of any new application and its determination.
- Notify the Court of the existence of a premises licence if charged with a relevant or foreign offence.

**Personal Licence-holders must .....**

- Renew their personal licence every ten years. Application is to be lodged between two and three months before the date of expiry.
- Produce to the Licensing Board which issued the licence, evidence of compliance with the training requirements no later than three months after the expiry of five years following the grant of a personal licence. This means that the personal licence-holder must undergo refresher training every five years.
- Produce the licence when requested by a Licensing Standards Officer.

**Personal Licence-holders are required to .....**

- Notify any change of address to the Licensing Board within one month of that change.
- Notify the Licensing Board of any conviction of a relevant or foreign offence, within one month.
- Notify the court of the existence of a personal licence if they are charged with a criminal offence.
- Notify the Licensing Board, and the Board for the area where the personal licence-holder is working if that is different, which issued the personal licence if they are convicted within one month.

Failure to comply with any one of these duties can give rise to criminal proceedings and the imposition of a fine or other sanctions such as suspension or revocation of the licence.

**If you need further clarification or information on licensing legislation you should contact your legal agent.**