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# Qualification Specification

## Highfield Level 2 Award for Personal Licence Holders (RQF)

Qualification Number: 603/2597/5

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## Highfield Level 2 Award for Personal Licence Holders (RQF)

### Introduction

This qualification specification is designed to outline all you need to know to offer this qualification at your centre. If you have any further questions, please contact your account manager.

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### Qualification regulation and support

The Highfield Level 2 Award for Personal Licence Holders (RQF) has been developed and is awarded by Highfield Qualifications and sits on the Regulated Qualifications Framework (RQF). The RQF is a qualification framework regulated by Ofqual. The qualification is also regulated by Qualifications Wales.

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### Key facts

<b>Qualification number:</b>	603/2597/5
<b>Learning aim reference:</b>	60325975
<b>Credit value:</b>	1
<b>Assessment method:</b>	Multiple-choice examination
<b>Guided learning hours (GLH):</b>	8
<b>Total qualification time (TQT):</b>	10

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### Qualification overview and objective

The objective of this qualification is to allow an individual to meet a requirement set by law to undertake a specific role.

The qualification is designed for those learners working in, or preparing to work in, any industry that involves the retail sale of alcohol. It is a prerequisite for anyone who wishes to hold a personal licence. Anyone wishing to sell or authorise the sale of alcohol by retail on licensed premises must hold a personal licence.

Learners gaining this qualification will understand the main requirements of the Licensing Act 2003, the importance of promoting the licensing objectives and the legal responsibilities of a personal licence holder.

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### Entry requirements

To register onto this qualification, learners are required to meet the following entry requirements:

#### Age Ranges

This qualification is approved for delivery to learners aged 16 or above. However, a Personal Licence cannot be applied for until the age of 18.

#### Language

It is advised that learners have a minimum of Level 1 in Literacy or numeracy or equivalent

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### Geographical coverage

This qualification is suitable for delivery in England and Wales.

### Guidance on delivery

The total qualification time for this qualification is 10 hours and of this 8 are recommended as guided learning hours.

TQT is an estimate of the total number of hours it would take an average learner to achieve and demonstrate the necessary level of attainment to be awarded with a qualification, both under direct supervision (forming guided learning hours) and without supervision (all other time). TQT and GLH values are advisory and assigned to a qualification as guidance.

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### Guidance on assessment

This qualification is assessed by a Multiple-Choice Question (MCQ) examination.

The examination for this qualification contains **40 questions** that must be completed within **one hour**. Successful learners will have to demonstrate knowledge and understanding across the qualification syllabus and achieve a minimum **pass mark of 70%**.

Centres must take all reasonable steps to avoid any part of the assessment of a learner (including any invigilation) being undertaken by any person who has a personal interest in the result of the assessment.

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### Tutor requirements

Highfield Qualifications requires nominated tutors for this qualification to meet the following:

- hold a relevant subject area qualification which could include any of the following:
  - Level 2 Award for Personal Licence Holders
  - Level 2 National Certificate for Personal Licence Holders
  - Level 3 Award for Designated Premises Supervisors
- hold a recognised teaching qualification which could include any of the following:
  - Level 3 or 4 PTLLS, or above
  - Level 3 or 4 Award/Certificate in Education and Training
  - Diploma or Certificate in Education
  - City and Guilds Teachers Certificate or equivalent
  - Level 3 or 4 NVQ in Training and/or development
  - Professional Trainers Certificate
  - Proof of at least 30 hours of training in any subject
- maintain appropriate continued professional development for the subject area

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### Reasonable adjustments and special considerations

Highfield Qualifications has measures in place for learners who require additional support. Please refer to Highfield Qualifications' Reasonable Adjustments Policy for further information/guidance.

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### ID requirements

It is the responsibility of the centre to have systems in place to ensure that the person taking an assessment is indeed the person they are claiming to be. All centres are therefore required to ensure that each learner's identification is checked before they undertake the assessment. Highfield Qualifications recommends the following as proof of a learner's identity:

- a valid passport (any nationality)
- a signed UK photocard driving licence
- a valid warrant card issued by HM forces or the police
- another photographic ID card, e.g. employee ID card, student ID card, travel card etc.

If a learner is unable to produce any of the forms of photographic identification listed above, a centre may accept another form of identification containing a signature, for example, a credit card. Identification by a third-party representative, such as a line manager, human resources manager or invigilator, will also be accepted.

**For more information on learner ID requirements, please refer to Highfield Qualifications' Core Manual.**

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### Progression opportunities

On successful completion of this qualification, learners may wish to continue their development by undertaking one of the following qualifications:

- NVQs and apprenticeships in the hospitality sector
- NVQs and apprenticeships in the retail sector

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### Useful websites

- <http://www.people1st.co.uk/>
- <https://www.gov.uk/alcohol-licensing>

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### Recommended training materials

The following resources have been reviewed by HABC and are recommended training materials for users of this qualification:

- Baylis, N. *Level 2 APLH Course Book* Highfield International Ltd
  - Baylis, N. *Level 2 APLH Licensing InteractivePlus Training Presentation* Highfield International
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## Appendix 1: Qualification structure

To complete the Highfield **Level 2 Award for Personal Licence Holders (RQF)**, learners must complete the following:

- **all units** contained within the mandatory group

### Mandatory group

Learners must achieve **all units** in this group

Unit reference	Unit title	Level	GLH	Credit
L/616/6762	Legal and Social Responsibilities of a Personal Licence Holder	2	8	1

## Appendix 2: Qualification content

### Unit 1: Legal and Social Responsibilities of a Personal Licence Holder

Unit number: L/616/6762

Credit: 1

GLH: 8

Level: 2

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
<p><b>1. Know the nature, purpose and period of validity of a personal licence</b></p>	<p>1.1 State the nature and purpose of a personal licence</p> <p>1.2 State the period of validity of a personal licence</p>
<p><b>2. Understand the application process and legal duties when applying for a personal licence</b></p>	<p>2.1 State how a personal licence application is made, including eligibility criteria</p> <p>2.2 Outline the licensing authority’s process for the grant or rejection of new personal licences</p> <p>2.3 Identify who may object to the grant of a personal licence</p> <p>2.4 Define the terms ‘relevant offences’ and ‘foreign offences’</p> <p>2.5 State the legal duty of an applicant to declare if they are convicted of any relevant or foreign offences during the application process</p> <p>2.6 State the penalty for failing to declare conviction of relevant or foreign offences during the application process</p>
<p><b>3. Understand the legal duties of a personal licence holder</b></p>	<p>3.1 State the legal duties of a personal licence holder if charged with a relevant or foreign offence</p> <p>3.2 State the legal duties of a personal licence holder if convicted of a relevant or foreign offence after the licence is granted</p> <p>3.3 State the legal duties of a personal licence holder if a personal licence is surrendered or revoked</p> <p>3.4 State the legal duties of a personal licence holder if a change of name and/or address occurs</p> <p>3.5 State the legal duties of a personal licence holder to produce their licence, when requested, including who may legally request this</p> <p>3.6 State the consequences for breaching the legal duties of a personal licence holder</p>

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
	3.7 State the consequences for a personal licence holder convicted of a drink driving offence
<b>4. Understand the roles, responsibilities and functions of licensing authorities</b>	4.1 State what licensing authorities are 4.2 Outline the roles and responsibilities of licensing authorities 4.3 Outline what a licensing policy is 4.4 Outline the purpose of a licensing hearing, including appeals
<b>5. Understand the licensing objectives and the importance of partnerships in promoting these objectives</b>	5.1 State the licensing objectives 5.2 State the importance of the licensing objectives 5.3 State what an operating schedule is 5.4 State what an operating schedule should include in order to promote the licensing objectives 5.5 Identify the importance of partnerships in supporting the licensing objectives 5.6 Identify the role of Community Safety Partnerships
<b>6. Understand the nature and strength of alcohol and the effect on the body</b>	6.1 State the legal definition of alcohol under licensing law 6.2 State how the strength of an alcoholic drink is measured 6.3 Define the terms 'alcohol-free' and 'low alcohol' 6.4 State the UK Government's sensible drinking advice 6.5 State the behavioural and psychological nature of alcohol consumption 6.6 Identify the effects alcohol has on the body
<b>7. Understand the law in relation to premises licences</b>	7.1 Explain what a premises licence is 7.2 State the procedures for a premises licence application 7.3 State the grounds for a hearing and an appeal in respect of a premises licence application 7.4 Explain the purposes of a premises licence review 7.5 State the mandatory conditions attached to premises licenced to sell alcohol for consumption on and/or off the premises 7.6 Identify the licensable activities defined by licensing legislation



Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
	7.7 State the law in relation to variations to premises licences 7.8 State the law in relation to what constitutes unauthorised licensable activities 7.9 Identify what a due diligence defence is and when it may be used 7.10 State penalties for breaching licensing conditions
<b>8. Know the role and legal responsibilities of the Designated Premises Supervisor (DPS)</b>	8.1 Outline the role of the DPS 8.2 State the legal responsibility of the DPS
<b>9. Understand the law in relation to Temporary Event Notices</b>	9.1 State what is meant by the term 'permitted temporary activities' 9.2 State what a TEN is 9.3 State the law in relation to the frequency of permitted temporary activities 9.4 State the circumstances under which the police or environmental health officers can object to a TEN
<b>10. Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises</b>	10.1. State the duty to refuse the sale of alcohol to a drunken person 10.2. Identify examples of irresponsible drinks promotions 10.3. Identify strategies licensed premises may adopt to prevent violence and reduce conflict 10.4. Identify the consequences of allowing illegal drug use and dealing on licensed premises 10.5. Identify who is legally responsible for preventing disorderly conduct on licensed premises 10.6. State the consequences for allowing drunk and disorderly conduct on licensed premises
<b>11. Know the law in relation to the protection of children on licensed premises</b>	11.1 State the law in relation to the sale of alcohol to children 11.2 State the law in relation to the purchase or attempted purchase of alcohol by or for children 11.3 State the law in relation to the unsupervised sale of alcohol by a child 11.4 Identify the types and features of acceptable proof of age documents

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
	11.5 Outline the importance of other legislation related to the protection of children 11.6 State the law in relation to the presence of children in licensed premises 11.7 State the law in relation to the consumption of alcohol by under 18s 11.8 State penalties for breaching the law in relation to the protection of under 18s on licensed premises
<b>12 Understand the powers of the police and other authorities in relation to licensed premises</b>	12.1 State the law in relation to the closure of identified licensed premises 12.2 State the law in relation to the closure of licensed premises covering a particular geographical area 12.3 Identify which authorities have a right of entry to licensed premises and when they can exercise these rights
<b>13 Understand prohibitions and exemptions in relation to licensable activities</b>	13.1 Identify the circumstances under which sales of alcohol are not considered to be a retail sale under licensing law 13.2 Identify which forms of entertainment are regulated and which are exempt 13.3 Identify which types of premises are prohibited from selling alcohol 13.4 State the law in relation to the sale of alcohol on moving vehicles

**Indicative content**

This section of the specification expands upon the assessment criteria defined in the above unit by providing centres with guidance on what a training course should cover to adequately prepare learners for the assessment.

**Learning Outcome 1. Know the nature, purpose and period of validity of a Personal Licence**

**1.1 State the nature and purpose of a personal licence**

A personal licence is granted to an individual by the relevant licensing authority, under the Licensing Act 2003. It allows the holder to make or authorise the sale of alcohol in accordance a premises licence.

A personal licence has two parts: a plastic card including a photograph of the holder and a paper section.

## 1.2 State the period of validity of a personal licence

The period of validity of a personal licence is indefinite. There is no requirement to renew a personal licence as once it is granted, it will remain valid unless revoked, surrendered, suspended or forfeited.

### Learning Outcome 2. Understand the application process and legal duties when applying for a Personal Licence

#### 2.1 State how a personal licence application is made, including eligibility criteria

The application for a personal licence is made to the relevant licensing authority, where the applicant lives, if resident in England or Wales. Applicants must be eligible to work in the UK, pay an application fee and meet all eligibility criteria:

- be 18 or over
- hold an accredited Level 2 Award for Personal Licence Holders (APLH) qualification
- no personal licence forfeited within the last 5 years
- no unspent convictions for relevant or foreign offences or requirement to pay an immigration penalty

Application documents include:

- a completed and signed personal licence application
- proof of right to work in the UK (e.g. a relevant passport)
- original certificate of qualification (or copy from Awarding Organisation)
- two passport-style photographs (one signed)
- recent (no more than 28 days) Disclosure Barring Service (DBS) check
- application fee

#### 2.2 Outline the licensing authority's process for the grant or rejection of new personal licences

The licensing authority's process for the grant or rejection of new personal licences application includes:

- checking the above eligibility criteria
- checking offence criteria
- notifying chief officer of police when offence criteria are not met (where unspent convictions for relevant or foreign offences are identified)
- notifying Home Office Immigration Enforcement of immigration offences and/or immigration penalties
- holding a hearing following police and/or Home Office objection to an application

The applicant, licence holder, chief officer of police and Home Office Immigration Enforcement have the right to appeal against the decision made by the licensing authority within 21 days of receipt of notification of the decision.

#### 2.3 Identify who may object to the grant of a personal licence

The following parties may object to the grant or renewal of a personal licence:

- The chief office of police may object within 14 days of notification where convictions for relevant or foreign offences are identified.

- The Secretary of State may object within 14 days of notification where appropriate for the prevention of illegal working on licensed premises
- Home Office Immigration Enforcement may object on the grounds of preventing illegal working if there is evidence of unspent immigration offences or immigration penalties – spent or unspent convictions.

#### **2.4 Define the terms ‘relevant offences’ and ‘foreign offences’**

Relevant offences are offences listed in Schedule 4 to the Licensing Act 2003. Some of the key offences include:

- any licensing offence since 1964
- certain Food Safety and Misuse of Drugs offences
- driving a vehicle when under the influence of drink or drugs
- violence, firearms, fraud, terrorism, and sexual offences

Foreign offences are similar to a relevant offence but committed under the law of any place outside of England and Wales.

#### **2.5 State the legal duty of an applicant to declare if they are convicted of any relevant or foreign offences during the application process**

The applicant has a legal duty to declare any relevant or foreign offences received during the application process, including immigration penalties, to the licensing authority.

#### **2.6 State the penalty for failing to declare conviction of relevant or foreign offences during the application process**

The penalty for failing to declare convictions during the application is a maximum level 4 on the standard scale (£2,500).

### **Learning Outcome 3. Understand the legal duties of a Personal Licence Holder**

#### **3.1 State the legal duties of a personal licence holder if charged with a relevant or foreign offence**

A personal licence holder charged with a relevant offence, has a legal duty to:

- inform the court by first court appearance they hold a personal licence
- produce their personal licence to the court

#### **3.2 State the legal duties of a personal licence holder if convicted of a relevant or foreign offence after the licence is granted**

A personal licence holder convicted with a relevant or foreign offence, has a legal duty to:

- notify the licensing authority of the conviction as soon as is reasonably practicable
- provide their personal licence with the notice to the licensing authority

Failure to comply is an offence subject to a maximum level 2 penalty (£500)

#### **3.3 State the legal duties of a personal licence holder if a personal licence is surrendered or revoked**

The legal duties of a personal licence holder if a personal licence is:

- surrendered to the licensing authority as no longer required – must return their personal licence with notice of surrender - no further authorisation of alcohol sales

- suspended for up to 6 months by a court or licensing authority– no authorisation of alcohol sales during suspension
- revoked by the licensing authority – no further authorisation of alcohol sales
- forfeited by the court – no further authorisation of alcohol sales and no personal licence application for 5 years

### **3.4 State the legal duties of a personal licence holder if a change of name and/or address occurs**

A personal licence holder has a legal duty to inform the relevant licensing authority of a:

- change of name
- change of home address

They must return their personal licence with the change notification. Failure to do either of the above is an offence subject to a maximum level 2 penalty (£500).

### **3.5 State the legal duties of a personal licence holder to produce their licence, when requested, including who may legally request this**

A personal licence holder must produce their personal licence, when on premises to make or authorise the sale of alcohol on licensed premises, on request by a police officer or an authorised person. For example: Licensing Authority Officers, Environmental Health Officers and Fire Officers.

Failure to produce a personal licence when requested is an offence subject to a maximum level 2 penalty (£500).

### **3.6 State the consequences for breaching the legal duties of a personal licence holder**

The consequences of breaching the legal duties of a personal licence holder include:

- failing to inform changes and produce personal licence when requested can result in a fine not exceeding the level 2 penalty on the standard scale (maximum of £500 fine)
- failing to declare convictions during the application stage can result in a penalty fine not exceeding the level 4 on the standard scale (£2,500).

### **3.7 State the consequences for a personal licence holder convicted of a drink driving offence**

The consequences for a personal licence holder if convicted of a drink driving or a drug driving offence include revocation, suspension of personal licence for up to 6 months or forfeiture of personal licence in addition to any punishment applied by the Court.

## **Learning Outcome 4. Understand the roles, responsibilities and functions of licensing authorities**

### **4.1 State what licensing authorities are**

A licensing authority is:

- a relevant council or other body in England and Wales as specified in the Licensing Act 2003
- responsible for the operation and administration of the Licensing Act 2003 in a particular area

### **4.2 Outline the roles and responsibilities of licensing authorities**

The roles and responsibilities of licensing authorities include:

- establishing a licensing committee of 10-15 elected members
- publishing a statement of licensing policy at least every 5 years
- administering the local licensing system

- issuing personal and premises license, club premises certificates and receiving temporary event notices (TENs)
- maintaining an updated register of applications, licences and certificates granted and notices received
- suspending or revoking a personal licence following conviction of a relevant or foreign offence or requirement to pay an immigration penalty
- making relevant representations in respect of premises licence or club premises certificate applications and variations
- instigating the review of a premises licence or club premises certificate
- holding hearings to consider contested applications or notices

#### **4.3 Outline what a licensing policy is**

A licensing policy:

- is published at least every 5 years
- states how the licensing authority will operate
- shows how it will promote the licensing objectives
- reflects guidance from the Secretary of State

#### **4.4 Outline the purpose of a licensing hearing, including appeals**

The purpose of a licensing hearing is to allow the licensing committee to make a decision following:

- relevant representations to a new premises licence application, club premises certificate application or variation
- objection to a temporary event notice
- objection to an application for a personal licence
- objection to the transfer of a premises licence
- objection to an interim authority notice
- the review of a premises licence or club premises certificate
- an application for the summary or fast track review or a premises licence

An appeal may be made by any party following the decision, to the magistrate's court within 21 days of receipt of notification of the decision.

### **Learning Outcome 5. Understand the Licensing Objectives and the importance of partnerships in promoting these objectives**

#### **5.1 State the licensing objectives**

The licensing objectives are:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

#### **5.2 State the importance of the licensing objectives**

The licensing objectives are important to the licensing system because they:

- are the fundamental principles underpinning the system

- must be promoted at all times by licensing authorities, licence holders and staff selling alcohol
- form the basis of all licensing decisions

### 5.3 State what an operating schedule is

An operating schedule is a written description in an application of how the licensed premises will be operated and how it will promote the licensing objectives.

### 5.4 State what an operating schedule should include in order to promote the licensing objectives

The operating schedule will include:

- a description of the premises
- the licensable activities and times when these are offered
- opening and closing times of the premises
- any measures that may be put in place to promote the licensing objectives

### 5.5 Identify the importance of partnerships in supporting the licensing objectives

The importance of partnership working helps support and promote the licensing objectives. Sharing best practice and lessons learned, in addition to local intelligence from feedback of the partners will enable the licence holder to avoid undermining the licensing objectives.

Partners include:

- police
- local authorities
- local residents
- local businesses
- town centre managers
- fire authorities

### 5.6 Identify the role of Community Safety Partnerships

The role of Community Safety Partnerships is to support the licensing objectives and establish strategies for the reduction of crime in a local area. These partnerships typically share intelligence and current information of individuals or groups who have potential to create crime, disorder or safety concerns for businesses. For example, 'pub-watch' or 'safer' communities.

## Learning Outcome 6. Understand the nature and strength of alcohol and the effect on the body

### 6.1 State the legal definition of alcohol under licensing law

The definition of alcohol under the Licensing Act 2003 means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor (in any state) where the alcohol by volume (abv) is of a strength above 0.5% of the total volume at the time of sale or supply in question.

### 6.2 State how the strength of an alcoholic drink is measured

The strength of an alcoholic drink is measured as a percentage (%) of alcohol by volume (abv) but can be converted into 'units' for simplicity.

Strength (abv) x volume (ml) ÷ 1000 = units of alcohol.

### **6.3 Define the terms 'alcohol-free' and 'low alcohol'**

The term 'alcohol-free' is a drink that must contain no more than 0.05% abv.

The term 'low alcohol' is a drink that must contain no more than 1.2% abv.

### **6.4 State the UK Government's sensible drinking advice**

The UK Government's sensible drinking advice:

- Up to 14 units per week for both men and women
- Spread the 14 units evenly over 3 days or more
- Have several drink-free days each week
- Limit the total amount of alcohol on any single occasion
- No level of alcohol is safe to drink during pregnancy

### **6.5 State the behavioural and psychological effect of alcohol consumption**

The behavioural and psychological nature of alcohol consumption may result in a range of effects and changes, including:

- increased irritability, anger and aggression
- loss of inhibition and self-control
- impaired ability to make decisions
- reduced concentration
- addiction

### **6.6 Identify the effects alcohol has on the body**

The effects of alcohol on the body include:

- liver damage
- high blood pressure
- cancers
- increased likelihood of accidents and injury

The above effects depend on several factors, including:

- quantity and strength of alcohol consumed
- rate of consumption and pattern of drinking behaviour
- size and gender of the person
- recent ingestion of food and amount eaten
- the possibility that drinks may have been unknowingly tampered with i.e. spiked

## **Learning Outcome 7. Understand the law in relation to premises licences**

### **7.1 Explain what a premises licence is**

A premises licence allows one or more licensable activities to take place and is required for the sale of alcohol on and/or away from the premises.

- It is granted by the licensing authority for the area where premises are situated
- It is unique to the premises

### **7.2 State the procedures for a premises licence application**

The procedures for a premises application include:

- submitting a completed application to the licensing authority



- the operation schedule, a premises plan and, if relevant, DPS details and consent form
- paying the fee
- advertising the application correctly (local paper and outside of intended premises)
- sending copies of the application to the responsible authorities
- sending an electronic application to the licensing authority only

The licensing authority must:

- send electronic applications to the responsible authorities
- receive representations (if any) from responsible authorities and any other persons
- objectively consider each application on its own merits
- hold a hearing following receipt of relevant representations

### **7.3 State the grounds for a hearing and an appeal in respect of a premises licence application**

Following receipt of relevant representations to a new premises licence or variation of an existing licence, the licensing authority must hold a hearing (unless all parties agree otherwise). Following a hearing, an appeal can be made by any party dissatisfied with the decision of the licensing authority. An appeal to the magistrates may be made against the decision of the licensing committee within 21 days.

The outcomes of a licensing hearing will be one of the following:

- Refuse the application
- Refuse the DPS
- Grant the licence
- Grant the licence with changes or conditions

### **7.4 Explain the purposes of a premises licence review**

The purpose of a licence review is to re-appraise a licence following a:

- review application by a responsible authority or any other person
- closure order
- compliance order to prevent illegal working
- summary review that may take place where police believe licensed premises are associated with serious crime or disorder

A premises licence review may result in:

- the premises licence or any authorised activities being suspended for up to 3 months
- changing or adding new conditions
- removing licensable activities
- revoking the licence
- removing the DPS

### **7.5 State the mandatory conditions attached to premises licensed to sell alcohol for consumption on and/or off the premises**

The mandatory conditions attached to premises licences include:

- there must be a DPS appointed who must hold a personal licence
- each and every sale of alcohol must be made or authorised by a personal licence holder
- having an age verification policy in place

- no below permitted cost sales of alcohol
- no irresponsible alcohol promotions
- free water available for customers
- availability, and display, of smaller measures
- any door supervisors employed as a condition of the licence must hold a licence granted under the Private Security Act 2001

#### **7.6 Identify the licensable activities defined by licensing legislation**

The four licensable activities defined by licensing legislation are:

- Sale of alcohol by retail
- Supply of alcohol by or on behalf of a club member or to the order of a member of the club
- Provision of regulated entertainment
- Provision of late-night refreshment

#### **7.7 State the law in relation to variations to premises licences**

Any changes to an existing premises licence will require either a full or minor variation application.

- Minor variation - a small change not having an adverse impact upon the licensing objectives, including a change of DPS.
- Full variation – permanent changes to hours, additional licensable activities, extension or change to premises.

#### **7.8 State the law in relation to what constitutes unauthorised licensable activities**

Unauthorised licensable activities include:

- providing licensable activities without a premises licence or other authorisation
- selling alcohol outside permitted hours
- using unlicensed door supervisors
- not operating in accordance with mandatory or specific licence conditions

Maximum penalty is an unlimited fine and/or 6 months in prison. It is also possible that the licensing authority may suspend or revoke a premises licence (if held) as an addition to the penalties imposed by a magistrate's court.

#### **7.9 Identify what a due diligence defence is and when it may be used**

Due diligence is a defence against conviction for an unauthorised licensable activity where all reasonable steps were taken to avoid committing the offence and it was due to:

- a genuine mistake and 'one off' incident
- relying on someone else
- an event out of their control

A due diligence defence may be used when prosecuted for the provision of unauthorised licensable activities

#### **7.10 State penalties for breaching licensing conditions**

The penalty for breaching licensing conditions on a premises licence is an unlimited fine and/or 6 months in prison.

## **Learning Outcome 8. Know the role and legal responsibilities of the Designated Premises**

### **Supervisor (DPS)**

#### **8.1 Outline the job role of the DPS**

- The DPS is a personal licence holder appointed by the premises licence holder (if not the same person) and named on the premises licence
- The DPS must hold a valid personal licence and may authorise alcohol sales
- They must implement measures to promote the licensing objectives and carry out risk assessments to promote the licensing objectives

#### **8.2 State the legal responsibility of the DPS**

The responsibilities of the Designated Premises Supervisor (DPS) include:

- having day to day responsibility for licensed premises
- ensuring premises operate legally and in accordance with mandatory and specific conditions on the premises licence
- ensuring the age verification policy for the premises is adopted and implemented by staff
- being the main point of accountability and contact for police and other authorities

Only one DPS may be appointed and named on a premises licence at any one time.

## **Learning Outcome 9. Understand the law in relation to Temporary Event Notices (TENs)**

### **9.1 State what is meant by the term 'permitted temporary activities'**

A 'permitted temporary activity' is:

- a proposed one-off event involving one or more licensable activities
- operated within certain limitations
- an activity not otherwise authorised by a premises licence or club premises certificate taking place on un-licensed premises or licensed premises

### **9.2 State what a TEN is**

A Temporary Event Notice (TEN) is a notification of an intention to provide licensable activities and must be given by the premises user to the licensing authority electronically or in writing. Copies must be sent to:

- Licensing authority (x2 copies)
- Police
- Environmental health department

There are two types of TEN:

- Standard TEN – received by the licensing authority at least 10 clear working days before the event
- Late TEN – received by the licensing authority no earlier than 9 clear working days and no later than 5 clear working days prior to the event

### **9.3 State the law in relation to the frequency of permitted temporary activities**

The limitations of frequency of TENs are:

- no more than 499 people, including staff and performers, may attend the event at any one time. If there are 500 people or more, it will be necessary for a Premises Licence to be obtained, even if it is for a one-off event
- the same premises cannot be used under a TEN on more than 20 (increased from 15 in 2022) occasions in a calendar year. Two different rooms in the same building could be used as two separate premises - allowing 40 events
- there must be at least 24 hours between each event at any one premises where the “user” of the TEN is the same person or an “associated” person
- although each TEN can last for a period of up to seven days, no more than 26 days (increased from 21 in 2022) can be covered for the premises in question within a calendar year. If an event starts on one day and finishes the next morning this is two days out of the limit of 26 per year
- only an individual may give a TEN
- if the individual holds a personal licence he can give up to 50 Temporary Event Notices per calendar year, assuming they are held at different premises, including a maximum of 10 ‘Late TENS’ per calendar year
- if the applicant does not hold a personal licence they are limited to five per calendar year, including a maximum of 2 ‘Late TENS’ per calendar year

The premises user must display the TEN or ensure it is available for inspection at the event by police or an officer of the licensing authority.

**Learning Outcome 10. Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises**

**10.1 State the duty to refuse the sale of alcohol to a drunken person**

- It is an offence to sell or permit the sale of alcohol to a person who is drunk.
- Everyone selling or serving alcohol has a legal duty to refuse the sale to a drunken person.

**10.2 Identify examples of irresponsible drinks promotions**

Irresponsible alcohol promotions must never take place on licensed premises. Examples of irresponsible promotions include:

- drinking games
- unlimited or unspecified free alcohol
- alcohol for a fixed or discounted fee such as all you can drink for £10
- offers or incentives for specific groups – women, students
- free or discounted alcohol when things happen at sporting events
- promotional signs or posters encouraging drunkenness or anti-social behaviour
- dispensing alcohol directly into the mouth of another person

**10.3 Identify strategies licensed premises may adopt to prevent violence and reduce conflict**

Strategies to prevent violence and reduce conflict on licensed premises include:

- staff and management vigilance, monitoring and regular checks in all areas
- developing good customer relationships
- depersonalising refusals

- encouraging a social mix and providing soft drinks and beverages
- providing efficient service to avoid queues

Conflict reduction strategies:

- positive communications – politeness, fairness, consistency, awareness of religious and cultural needs, building rapport, empathy
- managing customer expectations – clear rules, providing information, procedures for resolution
- risk assessment – assess threat, evaluate options, respond appropriately, monitor, recognise early warning signs of aggression
- conflict management training - training updates, proactive service delivery, access controls, supervision, monitoring, CCTV, alarms

#### **10.4 Identify the consequences of allowing illegal drug use and dealing on licensed premises**

The consequences of allowing illegal drug use and dealing on licensed premises include:

- prosecution for allowing drug activity
- an increase in illegal drug activity
- a potential loss of customers and profit
- an increase in thefts and other criminal behaviour in and around the premises
- review of a premises licence

#### **10.5 Identify who is legally responsible for preventing disorderly conduct on licensed premises**

The persons legally responsible for preventing disorderly conduct on licensed premises are:

- the premises licence holder
- the DPS
- personal licence holders
- the premises user (under a TEN)
- all responsible persons working on licensed premises, whether paid or unpaid

#### **10.6 State the consequences for allowing drunk and disorderly conduct on licensed premises**

The maximum penalty for allowing drunk and disorderly conduct on licensed premises is a level 3 penalty (maximum fine £1,000) on the standard scale.

### **Learning Outcome 11. Know the law in relation to the protection of children on licensed premises**

#### **11.1 State the law in relation to the sale of alcohol to children**

It is an offence for any person connected to the Premises Licence to:

- sell or allow the sale of alcohol to those who are under the age of 18
- allow the consumption of alcohol on licensed premises by under 18's (unless conditions identified at 11.7 are applied)
- deliver or allow the delivery of alcohol to an under-18 (unless part of work duties or delivered to the home)
- send an under 18 to obtain alcohol (offence committed by any adult, not necessarily connected to the premises)

**11.2 State the law in relation to the purchase or attempted purchase of alcohol by or for children**

It is a direct violation of the Licensing Act (2003) to purchase or attempt to purchase alcohol on behalf of an under 18-year-old; this can result in criminal charges.

**11.3 State the law in relation to the unsupervised sale of alcohol by a child**

A responsible person commits an offence if, on any relevant premises, he knowingly allows an individual aged under 18 to make on the premises:

- any sale of alcohol

The above does not apply where:

- the alcohol is sold or supplied for consumption with a table meal
- it is sold or supplied in premises which are being used for the service of table meals (or in a part of any premises which is being so used)
- the premises are (or the part is) not used for the sale or supply of alcohol otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal.

Responsible persons able to authorise under 18's to sell alcohol on licensed premises are:

- the DPS
- the premises licence holder
- a person aged 18 or over who is authorised by the above

**11.4 State the types and features of acceptable proof of age documents**

A due diligence defence may be available when prosecuted for selling alcohol to someone aged under 18 where the person charged:

- believed the buyer was 18 or over: and
- took reasonable steps to establish the person's age, or
- the buyer appeared to be 18 or over

Types of acceptable proof of age documents include:

- a valid passport
- a valid photocard driving licence
- a valid photographic identity card bearing the national Proof of Age Standard Scheme (PASS) hologram

Features of acceptable proof of age documents:

- date of birth shows the person to be aged 18 or over
- photograph is a good likeness of the person
- no sign of tampering or alterations
- no evidence of forgery
- hologram or ultraviolet feature is present
- valid and in date

Premises must have an age verification policy in place. Many premises operate a challenge 21 or 25 policy whereby those who appear to be under 21 or 25 are asked to provide valid, photographic proof they are at least 18 before a sale of alcohol takes place. Those who are challenged but are unable to provide sufficient evidence must be refused.

**11.5 Outline the importance of other legislation related to the protection of children**

Other legislation related to the protection of children include those in place to restrict the sale or supply of harmful products to children. Legislation includes:

- Children and Young Persons Act (1933)
- Children and Young Persons (Protection from Tobacco) Act 1991
- The Children and Young Persons (Sale of Tobacco etc.) Order (2007)
- Gambling Act (2005)
- National Lottery (Amendment) Regulations (2020)
- Management of Health and Safety at Work Regulations (1999)
- Pyrotechnic Articles (Safety) Regulations (2015)
- Fireworks Regulations (2004)
- Offensive Weapons Act (2019)

**11.6 State the law in relation to the presence of children in licensed premises**

- no unaccompanied under 16s on premises used mostly or solely for the sale of alcohol (on licenced premises)
- no unaccompanied under 16s on licensed premises between midnight and 5am

**11.7 State the law in relation to the consumption of alcohol by under 18s**

It is an offence to allow the consumption of alcohol by an under 18-year-old on licensed premises unless all of the following apply:

- it is beer, wine or cider
- it is consumed with a table meal
- it is by a 16 or 17-year-old
- when accompanied by an adult
- where the alcohol has been purchased by an adult

It should also be observed that the management of the premises can reserve the right to refuse the sale of alcohol even if the above conditions are met, if they believe it is putting the child at risk of harm, likewise they are required to limit the quantity of purchases made to avoid the child becoming drunk.

**11.8 State penalties for breaching the law in relation to the protection of under 18s on licensed premises**

Penalties for breaching the law in relation to the protection of children:

- conviction by a Court
- suspension/revocation of personal licence
- suspension/revocation of premises licence
- failing a test purchase can result in:
  - fixed penalty notice (£90) issued to a person who made the illegal sale
  - an unlimited fine if prosecuted
- an unlimited fine if prosecuted for offence of allowing the sale of alcohol to under 18's
- offence of persistently selling alcohol to under 18's may be committed when premises are caught selling alcohol to under 18's twice in a 3-month period – the maximum penalty is an

unlimited fine and suspension of the premises licence for up to 3 months or voluntary closure for between 48 and 336 hours.

**Learning Outcome 12. Understand the powers of the police and other authorities in relation to licensed premises**

**12.1 State the law in relation to the closure of identified licensed premises**

Closure of individual licensed premises where serious nuisance or risk of disorder has occurred or is likely to occur:

- Police inspector or local council may issue closure notice for up to 24 hours
- Police or council must apply to the magistrates' court for a closure order within 48 hours
- Magistrates' court may make a closure order for up to 3 months
- Closure order may be extended for further 3 months
- Licensing authority must review the premises licence
- An offence to remain on or enter premises in breach of a closure notice or order.
- An offence to obstruct police or local council officer

**12.2 State the law in relation to the closure of licensed premises covering a particular geographical area**

The Police may apply to a Magistrate's Court for an order to close a number of Licensed Premises in a particular area for a maximum period of 24 hours (request must be from Superintendent or higher). The purposes of these orders are to prevent disorder if, for example, they had reasonable evidence that a large incident is about to occur in the area.

**12.3 Identify which authorities have a right of entry to licensed premises and when they can exercise these rights**

Police and authorised persons, have a right to enter premises at any reasonable time to assess applications relating to:

- premises licences
- club premises certificates
- temporary event notices

Police and authorised persons having a right of entry to licensed premises to investigate licensable activities and check premises are operating legally include:

- police – may enter and search without a warrant
- authorised officer of the licensing authority
- fire safety inspector
- health and safety inspector
- environmental health officer

It is an offence to obstruct or prevent a police officer or authorised person from exercising their rights of entry. They may use reasonable force to enter and carry out their duties.

Other authorities with the right to enter licensed premises:

- HM revenue and customs may search for and seize smuggled goods. If entry is required at night, they must be accompanied by a police officer.



- Immigration officers have the right of entry to investigate possible breaches of immigration law and illegal working

**Learning Outcome 13. Understand prohibitions and exemptions in relation to licensable activities**

**13.1 Identify the circumstances under which sales of alcohol are not considered to be a retail sale under licensing law**

Circumstances where sales of alcohol are not considered to be retail sales under licensing law are where the sales are not made directly to the public. Such sales include:

- Trade or 'business to business' sales
- Sales to the premises user
- 'Cash and carry' sales to persons with a relevant authorisation

Retail sales are sales directly to a person for their own consumption and/or for consumption by family and friends.

**13.2 Identify which forms of entertainment are regulated and which are exempt**

Regulated entertainment is entertainment for which a licence is required when provided for an audience or spectators or with an intention to make a profit. Regulated entertainment may include:

- performance of a play
- exhibition of a film (excluding the not for profit exhibition of films in community premises)
- indoor sporting
- boxing or wrestling
- live music
- performance of dance
- playing recorded music
- entertainment similar to a performance of live music, recorded music or a performance of dance

Forms of entertainment which are exempt include:

- video advertising
- educational films in schools
- pub games
- church or religious services
- private parties
- TV or radio broadcasts
- garden fetes
- spontaneous events
- incidental music or film
- morris dancing
- stand-up comedy
- teaching students to perform music or dance
- performance to a private audience where no charge is made

#### Deregulated entertainment

Some smaller entertainment events taking place between 8am and 11pm have been deregulated including live and recorded music, performance of plays, indoor sporting events and dancing.

Examples of deregulated entertainment includes:

- unamplified live music between 8am and 11pm in any place
- regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own premises is exempt between 8am and 11pm with no audience limit.
- the performance of live amplified music in relevant alcohol licensed premises or in a workplace between 8am and 11pm for audiences of up to 500.
- any playing of recorded music in relevant alcohol licensed premises when it takes place between 8am and 11pm for audiences of up to 500.
- local authorities, health care providers and schools are exempt from entertainment licensing when making their own premises available to third parties for live and recorded music between 8am and 11pm for audiences of up to 500
- community premises not licensed to supply alcohol are exempt from entertainment licensing requirements for live and recorded music between 8am and 11pm for audiences of up to 500.
- travelling circuses are exempt from entertainment licensing where the entertainment (excluding films and boxing or wrestling) takes place between 8am and 11pm on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling between 8am and 11pm for audiences of up to 1000 people.
- indoor sporting events between 8am and 11pm for audiences of up to 1000 people.

#### **13.3 Identify which types of premises are prohibited from selling alcohol**

Premises prohibited from selling alcohol include:

- motorway services not located on private land
- garages used primarily for sale or repair of vehicles
- petrol stations used primarily for sale of fuel
- on a train when subject to a prohibition order

#### **13.4 State the law in relation to the sale of alcohol on moving vehicles**

The law in relation to the sale of alcohol on moving vehicles covers:

- trains on a journey are exempt from the need to have a premises licence
- no alcohol sales on a vehicle unless permanently or temporarily parked

The maximum penalty for selling alcohol whilst a vehicle is moving is an unlimited fine and/or 3 months in prison.

## Appendix 3: Sample assessment material

### Sample Questions:

1. A personal licence is:
  - a) a record of a person's alcohol licensing experience
  - b) granted to an individual by the relevant licensing authority
  - c) issued to an individual by local magistrates
  - d) an assessment of a person's ability to operate licensed premises
2. What does a personal licence allow the holder to do?
  - a) Authorise the sale of hot food and drink after 11pm
  - b) Consume alcohol whilst on duty in a public house
  - c) Sell or authorise the sale of alcohol in accordance with a premises licence
  - d) Sell or authorise the sale of alcohol at any time, anywhere in England and Wales
3. What will cause an application for a personal licence to be **rejected** by the licensing authority?
  - a) Where the applicant is under 18 years old
  - b) When an accredited licensing qualification certificate is included
  - c) Where the applicant has convictions for speeding
  - d) When the applicant has no experience of alcohol retailing
4. During a period of suspension, a personal licence holder must:
  - a) only authorise alcohol sales on licensed premises between 10am and 10pm
  - b) never serve alcohol on licensed premises
  - c) not authorise the sale of alcohol on licensed premises
  - d) not work on any licensed premises in England or Wales
5. What may be the consequence for a personal licence holder convicted of a drink-driving offence?
  - a) Suspension of their personal licence for 12 months
  - b) Being banned from working on licensed premises
  - c) Forfeiture of their personal licence
  - d) Loss of right to enter licensed premises for 6 months
6. Who is responsible for the administration of the licensing system?
  - a) Police
  - b) Magistrates' courts
  - c) Licensing authorities
  - d) Health and Safety Executive (HSE)
7. Which is the **best** way to define an operating schedule?
  - a) A policy document detailing minimum staffing levels at busy times
  - b) A diagram of the premises showing the location of all customer facilities
  - c) An important part of the risk assessment against the licensing objectives
  - d) Part of the premises licence showing how the premises will support the licensing objectives
8. A low alcohol drink must contain no more than:
  - a) 0.5%abv
  - b) 1.2%abv
  - c) 5%abv
  - d) 0.2%abv

9. Which is an unauthorised licensable activity?
  - a) Employing door supervisors holding a licence issued under the Private Security Act 2001
  - b) Having only one personal licence holder employed on the premises
  - c) Implementing all mandatory and imposed conditions
  - d) Selling alcohol outside of the permitted hours
  
10. Which form of entertainment is most likely to be regulated?
  - a) Live unamplified music at a fete
  - b) Customers playing darts in a public house
  - c) Showing of educational films in a school
  - d) Amplified music on licensed premises after 11pm