

INTRODUCTION

The licenced retail trade has been subject to various laws and complex legislations over the years, with additional alternative legislations being introduced on a regular basis.

When we consider the increased number and variety of activities that take place in many different types of licenced premises today – covering legislations from Weights and Measures, Employment Laws, Protection of Children from harm and new Disability Laws, the list is endless. It very quickly becomes clear that modern licensees have to operate within a much more complex set of guidelines than their predecessors ever had to.

The aim of this training manual is to try and simplify the new and sometimes complex legislation. We have also tried to make it user friendly without missing out any important key points required to gain knowledge and understanding of the licensing act (2003).

With the introduction of the new Licensing Act 2003, licensees and their operating staff alike will have to demonstrate their knowledge and understanding of relevant legislation and social responsibilities as part of the licensing procedures.



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STATUTORY REQUIREMENT

The Licensing Act 2003 introduces a single integrated system throughout England and Wales to regulate the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshments.

Under the Act there is a statutory requirement that retail sales of alcohol can only be made from premises that have been granted a premises licence.

In addition; all premises licensed for the sale of alcohol must have a designated premises supervisor (DPS) appointed who must also be a personal licence holder.

Sales of alcohol can only be made or authorised by a personal licence holder.



what's your poison ?

PREMISES LICENCE

Premises licence is the licence required by a business to allow it to carry out any of the licensable activities mentioned. The premises licence will usually be held in the name of the owner of the business or the operator and can be a Company or an individual person or persons.

PERSONAL LICENCE

Personal licence is the licence that is required to be held by an individual for the sale of alcohol from premises that holds a premises licence, it allows the sale of alcohol and to authorise others who do not hold a personal licence to do so.

DESIGNATED PREMISES SUPERVISOR

The designated premises supervisor (DPS) is usually the person in day to day control of the premises licence and the person responsible for the sale of alcohol at the premises. A person must hold a personal licence to hold this position. There can only be one named DPS for each site.

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LICENSING OBJECTIVES

The licensing objectives are the governing principles of licensing law in England and Wales. Everyone involved in licensable activities must actively promote these objectives at work.

The four licensing objectives are as follows:

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

LICENSABLE ACTIVITIES

Any business that wishes to carry out any licensable activity requires a premises license.

The four licensing activities are as follows:

- Retail sale of alcohol
- Regulated entertainment
- Late night refreshments (11pm to 5am)
- The supply of alcohol by the qualifying club premises

REGULATED ENTERTAINMENT

You must have a premises licence specifying the entertainment you are providing.

LATE NIGHT REFRESHMENTS

You must have a premises licence specifying the selling of late night refreshments, as a licensing activity, if you sell hot food and drink between the hours of 11pm to 5am.

You are committing a criminal offence if you sell hot food and drink on your premises between the hours of 11pm to 5am on any day without the grant of this provision on a current premises licence.

The only authority to sell hot food and drink after 11pm to 5am comes from the premises licence and it is only valid if applied for under the provision of the Licensing Act 2003.



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PUBLIC ENTERTAINMENT

You are committing a criminal offence if you provide public entertainment on your premises at any time of the day and night without the grant of this provision within your premises licence. This applies whether you sell alcohol or not and whether you provide food and beverages in any form at any time.

Public entertainment activities are listed below:

- Performance of a play
- Exhibition of a film
- Indoor sporting events
- Boxing or wrestling entertainment
- Performance of live music
- Playing of recorded music (not necessary for Incidental background music)
- Provision of facilities for dancing
- Performance of dance

All theatres, cinemas, concert halls and night clubs are now required to have this provision on their licence as well as restaurants, members, clubs and pubs where the above mentioned licensing activities occur.

PERMITTED HOURS

The concept of permitted hours no longer applies under the Licensing Act 2003.

Each premises licence is issued individually based on the licensing activities applied for and the hours that activities may be carried out.

The detail of what activity is licensed and when is to be found on the licence summary, which must be displayed at the premises so that the public can inspect it at all times.

CONSUMPTION ON OR OFF THE PREMISES

The licensing activity here is the sale of alcohol with a licence on condition that it may or may not be consumed on the premises.

It is an offence to allow consumption of alcohol by anyone under the age of 18, with the exception of 16 and 17 year olds when having a table meal, accompanied by a responsible adult who orders and pays for the drink. The responsible adult may only order beer, wine and cider for the 16/17 year old when a condition only allows for consumption on the premises.

It is the responsibility of staff to ensure that no person attempts to drink on the premises. If the licence allows consumption on the premises it does not necessarily follow that a sale for consumption off the premises is allowed.

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REFUSAL TO SERVE CUSTOMERS

Other than age issues, customers must also be refused service if they either appear drunk, are violent or quarrelsome and disorderly.

If the customer refuses to leave, then the police should be called, staff should not get involved with associated arguments or brawls.

All refusals of sales must be entered in a refusal book. The refusal book should be kept so that it is readily available to all members of staff.

SHOPLIFTING

Ensure vigilance, staff can be the biggest deterrent.

Look out for suspicious behavior and use eye contact to let customers know that they have been seen, ensure CCTV is functioning correctly.

It is recommended that spirits should be kept behind the counter.

Ensure that high value items are in secure storage.

STAFFING LEVELS

Under normal circumstances staffing levels are not dealt with by the licensing act 2003. However, conditions are often attached to the premises licence specifying staffing levels in order to satisfy the licensing objectives.

RIGHT OF ENTRY TO THE PREMISES

The police, HM revenue and customs and local authority licensing officers have the right of entry to any premises to carry out their enforcement duties.

HM revenue and customs may enter in order to check that the required tax on goods has been paid.

REVIEWS

The review provisions in the act were added to ensure an element of balance so as to allow residents, other businesses and the regulatory authorities to voice concerns subsequent to the grant of a premises licence if they feel that there are relevant problems being generated at or by the premises.

The review application can be made at any time by residents, other businesses and regulatory authorities.

At the review hearing the authority may take any of the following steps listed below that they consider necessary in order to promote the Licensing Objectives.

- Take no action
- Modify the conditions of the licence
- Exclude a licensable activity from the scope of the licence
- Remove the DPS
- Suspend the licence for a period not exceeding six months
- Revoke the licence

Following the review, any party may appeal the decision of the authority.

The review decision does not have effect until the time for bringing an appeal has expired, or, if an appeal is lodged, until it has been determined.

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PROSECUTION AND DEFENCE

- If alcohol is sold to a person under the age of 18 the premises is liable to receive a fixed penalty notice, substantial fines or a complete review of the premises licence
- Enforcement authorities will conduct test purchases using Under age Children
- In cases of underage sales the only evidence needed for prosecution is that an actual sale was made and that buyer was under 18
- The person selling the alcohol has a limited defense; either he/she had taken all steps to establish the buyer's age or nobody could reasonably have suspected from the customer's appearance that they were under 18



DISPLAYING NOTICES

Notices endorsed by the home office should also be displayed throughout the premises. Examples are shown below.

Many licensing authorities require that other notices are displayed on the premises. It is advisable to check with your local authority to ensure compliance.

These may include:

- Their own notices
- Hours for licensable activities
- Staff notices and reminders

Additionally the licence holder must display an A3 notice indicating it is illegal to sell tobacco to anyone under the age of 18. This notice must be displayed at the point of sale to ensure compliance.

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DISPLAYING PREMISES LICENCE

The Licensing Act 2003 requires the licence holder to prominently display the part B summary of the premises licence on the premises at all times. The reason for display is to allow members of the public to inspect the licence at any time.

The Act also requires the premises licence itself (Part A) be available for inspection by licensing officers of the local authority or a police constable at any time upon demand.

The licence holder must ensure that staff has access to the premises licence in his or her absence.

WYCOMBE DISTRICT COUNCIL		Licensing Act 2003 Premises Licence		
ENVIRONMENT SERVICE	Reference Number	13/00953/LAPREV		
	Premises Licence Number	0222/PREM		
	Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code			
	Wycombe Wines 20 Crendon Street High Wycombe Buckinghamshire HP13 6LS			
	Telephone number	01494 437228		
	Licensable activities authorised by the licence			
	Sale by Retail of Alcohol			
	Times the licence authorises the carrying out of licensable activities			
Sale by Retail of Alcohol			Monday - Sunday	09:00 - 23:00
			Christmas Day	12:00 - 15:00
			Christmas Day	19:00 - 22:30
The opening hours of the premises				
Every Day			09:00 - 23:00	
Where the licence authorises supplies of alcohol whether these are on and / or off supplies				
The licence authorises the supply of alcohol for consumption off the premises only				

NOTICE

BUSINESS NAME

PLEASE LEAVE QUIETLY CONSIDER OUR NEIGHBOURS



**Personal Licence Courses
UK LTD**

Personal Licence Courses UK LTD, Infotree House, Newport Road, Hayes, UB4 8JX TEL: 07952990536/020 8606 0558

e-mail: info@personallicencecourses.com

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BUSINESS NAME

SALE OF ALCOHOL

MONDAY - SUNDAY 07:00 - 00:00 HRS

WE DO NOT SELL ALCOHOL BEFORE OR AFTER THESE HOURS

OPENING HOURS

MONDAY - SUNDAY 07:00 - 00:00 HRS



Personal Licence Courses
UK LTD

Personal Licence Courses UK Ltd, Infotree House, Newport Road, Hayes, UB4 8JX, TEL: 07952990536/020 8606 0558

CHALLENGE



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www.personallicencecourses.com

IF You Look Under The Age Of
25 You Will Be Asked to prove
That

OVER 18

Acceptable Form Of ID

Driving Licence Passport Citizen ID Card



Any Identification displaying the



logo

INDIVIDUAL ALCOHOL TRAINING

TRAINING

Without adequate training both the licence holder and staff risk prosecution for making unauthorised sales.

All on site staff must be adequately trained initially. Refresher training must be undertaken regularly before staff are re-authorised to sell alcohol. Ideally all staff should sit the APLH Level 2 national certificate for personal license holder's exam which provides a thorough grounding in the legal and legislative requirements of the Licensing Act 2003.

All staff training must be recorded as well as individual staff authorisations to sell alcohol. The licence holder should complete both the alcohol training record sheet and the authorisation sheet.

Under the terms of the premises licence it an offence to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder.

- It is an offence to sell alcohol to anybody from premises without a premises licence and or without a named designated premises supervisor who is in possession of a personal licence.
- It is an offence to sell alcohol to anyone under the age of 18, or for anyone to attempt to buy alcohol on behalf of someone who is under 18.
- It is an offence for any persons under the age of 18 to buy or attempt to buy alcohol.
- It is an offence for anybody under 18 to sell alcohol to anybody, unless authorised to do so by a personal licence holder and only then with each sale supervised by an authorised member of staff who is over 18.

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The sale of alcohol is a licensable activity controlled by law and carrying penalties that reflect the important social responsibilities that apply to people who sell it.

A person is only allowed to sell alcohol when they have been authorised to do so by the DPS or another personal licence holder on site. It is a criminal offence for any person to sell alcohol to a person under the age of 18. There are no exceptions.

- It is an offence to sell alcohol to anyone under the age of 18
- It is an offence to deliver alcohol to a person under 18
- It is an offence for anyone under 18 to purchase or attempt to purchase alcohol
- It is an offence to obtain alcohol for someone under 18
- It is an offence to sell alcohol if you are under 18, unless you are authorised to do so, and the individual sale is supervised by somebody over 18 who is also authorized
- You must not sell alcohol to someone who you believe to be buying for a person under 18
- It is an offence to allow another person to sell alcohol to an under 18 where the sale could have been prevented

CHALLENGE 25

If a customer looks under 25 they must be challenged to prove that they are over 18 by producing photographic proof of age which must include the full date of birth of the customer.

The only forms of proof of age that are acceptable are listed below:

- Passport
- Photographic new style driving license
- A pass accredited proof of age ID card such as the Portman group prove it card and the citizen card

Do not accept any other forms of id under any circumstances

If the licence holder or another member of staff refuse a sale of alcohol or other age restricted products they must enter the details in the refusal book. This helps the premises maintain evidence that under age sales are being refused.



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Product Group	Minimum age purchase
Liqueur confectionery	16
Lottery tickets	16
Cigarettes, tobacco and tobacco products	18
Knives and blades	18
Lighter fluids, butane, refills and solvents	18
Alcohol products	18
Adult Magazines	18
Fireworks	18
DVDs / Videos	Dependent on classification

**IT IS ILLEGAL TO
SELL TOBACCO
PRODUCTS TO
ANYONE UNDER
THE AGE OF 18**

PRODUCT KNOWLEDGE

All members of staff should have a basic understanding of how alcoholic drinks are classified and labeled according to their strength.

DRINK STRENGTH

- The strength of an alcohol drink is measured by its percentage, alcohol by volume (ABV)
- An alcohol free drink is one with an ABV of no more than 0.5%
- An intoxicating drink is one that contains more than 0.5% ABV
- A low alcohol drink is one that contains no more than 1.2% ABV

EFFECT OF ALCOHOL

- It takes about 1 hour for 1 unit of alcohol (10 milliliters) to be lost from the body
- The speed of absorbed alcohol in the body is effected by different factors such as how much a person drinks, weight, sex and food consumed
- The effect of alcohol on a person depends on how much alcohol they have in their blood

 Standard glass of wine (175ml) 11.5% ABV 2 units	 Large glass of wine (250ml) 12% ABV 3 units	 Bottle of wine (750ml) 12% ABV 9 units
 Pint of strong lager or beer 5.3% ABV 3 units	 Pint of normal strength lager or beer 3.5% ABV 2 units	 Can of normal strength lager (500ml) 4% ABV 2 units
 Spirits double (50ml) 40% ABV 2 Units	 Alcopop bottle (275ml) 5% ABV 1.4 units	 Spirits single (25ml) 40% ABV 1 unit

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HOW TO READ A WINE LABEL

Country of origin: Country of origin must appear on the label. Only wines from the EEC may be blends of more than one country, such a blend must have a label, in English, "a blend of wines from different countries of the EEC", the name and address - by law, in case of complaint, the name and address at which the bottler can be contacted must appear on the label; unless the wine is bottled outside the EEC the name of importer should be shown on the label.

Table wine: Refers to light wine produced within the EEC must be labeled as such, but if produced outside the EEC, it can be labeled only as wine.

Quality wines: stringent labeling requirements; must show place of production as well as country. No blending is allowed. The text "quality wine" or equivalent must be shown.

- FRENCH: VDQS. AC.AOC
- ITALIAN: DOC.DOCG
- GERMAN: QB. QMP
- SPANISH: DO

Alcohol strengths is measured by volume.

Less than 0.5% ABV

Alcohol free. Personal and premises licence not required to sell this

Above 0.5% ABV

Alcoholic. A licence must be held to retail

Less than 1.2% ABV

Low alcohol. A licence must be held to retail

Above 1.2% ABV

ABV must be stated on the label or displayed at point sale

1 unit of alcohol

8 grams or 10 millilitres of alcohol

SPIRITS

Cognac: Cognac is a type of brandy which comes from the Cognac region of France. It is produced by rewinning, a lengthy distillation and aging process which yields a very distinct spirit.

Bourbon: Bourbon is a type of American whiskey. To be classified as bourbon it must be produced in the USA.

Brandy: Brandy is produced by distilling wine.

Rum: Rum is made from sugarcane by products such as molasses or directly from sugarcane juice.

Whisky or **whiskey** is a type of distilled alcoholic beverage made from fermented grainmash. Different grains are used for different varieties, including barley, malted barley, rye, malted rye, wheat, and corn. Whisky is typically aged in wooden casks, made generally of charred white oak.

Whisky is a strictly regulated spirit worldwide with many classes and types. The typical unifying characteristics of the different classes and types are the fermentation of grains, distillation, and aging in wooden barrels.

Gin: Gin is a spirit which derives its predominant flavor from juniper berries.

Vodka: Vodka is a distilled drink made in Russia, Poland and Czechoslovakia.

LATE NIGHT REFRESHMENTS

You are committing a criminal offence if you sell hot food and drink on your premises between the hours of 11pm to 5am on any day without the grant of this provision on a current premises licence.

The only authority to sell hot food and drink after 11pm to 5am comes from the premises licence and it is only valid if applied for under the provision of the Licensing Act 2003.

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TRAINING STATEMENT SAMPLE

Premises Name:

Premises Address:

I am over 18 years of age and confirm that I have been trained in the sale of alcohol and alcohol products. I am fully conversant with my obligations in the sale of these products and the penalties that will apply if I serve a customer illegally. These can range from instant dismissal from work, a fixed penalty notice of £90 to a criminal conviction with a unlimited fine and/or 6 months imprisonment.

I warrant that:

- Once authorised I can only sell alcohol during the hours specified on the premises licence
- I will not sell alcohol to anybody under the age of 18
- I will challenge anybody attempting to purchase alcohol who appears to be under the age of 25 to prove that they are over 18 by producing acceptable photographic identification
- I will not sell alcohol to someone I believe to be purchasing it for someone else who may be under the age of 18
- I will not sell alcohol to anybody to who is, or appears drunk
- I will not sell alcohol to someone I believe to be purchasing it for someone else who is or appears drunk
- I will record all incidents of refusals in the refusal book, noting the date/ time and name of the person known together with a description of the refusal and product refused
- I will advise my supervisor of the refusal as soon as it is practically possible to do so
- I acknowledge that I am not authorised to sell alcohol unless I comply with all of the above at times.

Staff Name:

Signature:

DPS Name:

Signature:

Date:

AUTHORISATION FOR STAFF TO SELL ALCOHOL SAMPLE

As the premises supervisor I confirm that the following staff has been fully trained in the sale of alcohol and alcohol products and that in my opinion, they have demonstrated their understanding of their legal requirements in this regard. I therefore authorise by delegated authority the following staff to sell alcohol from these premises.

Staff Name	Staff Signature	DPS Signature	Date

STAFF TRAINING REGISTER

As the premises Supervisor I confirm that the following staff has been issued with their own copy of "Pocket Guide To Selling Alcohol Training Manual".

Staff Name	Staff Signature	DPS Signature	Date

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LIABILITY

CRIMINAL LIABILITY

In many cases the licensee is liable for the acts of his/her employees.

Examples might be in respect of offences regarding out of hours trading, credit sales, sale of liquor to a drunken person, under aged sales etc. Similarly if a licensee leaves the control of his premises to an employee, he/she will generally be liable for any breach of the licensing law by such employees.

CIVIL LIABILITY

An employer may be liable to a civil action by third parties for the acts of his employees. If the employee makes a contract authorised, subsequently ratified by the employer, or when the employee's authority to make a contract is to be implied from the nature of his/her employment, or from the conduct of the employer.

An employer will be similarly liable for wrongful acts of an employee carried out within the scope of the employee's authority and in the course of his/her employment.

OCCUPIER LIABILITY ACT

The occupier of the premises has a general duty under the Occupiers Liability Act. This is a duty to all visitors to the premises to take reasonable care and see that visitors will be reasonably safe in using the premises for the purpose of which they are invited or allowed to be there.

Visitors for this purpose include not only someone specifically invited but also customers and persons having business on the premises in any way.

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EMPLOYERS LIABILITY ACT (Compulsory Insurance)

This act prescribes that all employers must insure against liability for personal injury and disease sustained by their employees and arising out of, or in the course of their employment in Great Britain.

The insurance must be made under one or more approved policies with an authorised insurer.

A certificate of insurance is issued and copies of this must be displayed at each place of work.

DISCLAIMER NOTICE

These are used to disclaim responsibility for loss or damage to cars in pub car parks, and property brought on to the premises by any one (including staff). These notices are only valid in so far as they are reasonable and fair in the circumstances. Disclaimers are invalid if they are used to avoid liability due to negligence.

CONSUMER PROTECTION/TRADING DESCRIPTION

The Trades Description Act and the Consumer Protection Act 1987 deals respectively with false statements about services, products and misleading indication of prices. More recently The Food Safety Act has also legislated against misrepresentation.

To avoid contravening these Acts, the description of food and drinks must be written with care. Prices must be accurate and not misleading. The licensee must make every effort to ensure that "passing off" is avoided. "Passing off" is the action of replacing the requested brand with another brand without the customers consent, or misleading displaying a branded item e.g. placing a Bells Whiskey bottle on a grant optic display.

LICENSING ACT 2003 QUESTIONS
AND ANSWERS SAMPLE

1 All members of staff should have a basic understanding of

- A. How alcoholic drinks are classified and labeled according to their strength
- B. Food and Hygiene
- C. Getting involved in arguments, brawls
- D. Views of the customers

2 If a drink is alcohol free, it must contain no more than

- A. 0.05% ABV
- B. 0.5% ABV
- C. 1.5% ABV
- D. 2% ABV

3 What factors are most likely to affect a person's blood alcohol concentration level?

- A. Their age, height, weight and race
- B. Amount consumed size of person, gender and if food has been consumed
- C. Drinking quickly, not eating and staying out late
- D. Height, gender, nationality and amount consumed

4 Customers must also be refused service if they...

- A. Are accompanied by children
- B. An off duty policeman
- C. Appear drunk
- D. Not a regular customer

5 Late night refreshment licence covers the following hours for the sale of hot food and drink

- A. Midnight to 06:00
- B. 11pm to 5am
- C. 8pm to Midnight
- D. 7pm to 7am

6 What must be prominently displayed on the premises?

- A. Part A of the premises licence
- B. Personal licenses
- C. Fire risk assessment
- D. Part B of the premises licence (Summary Licence) and notices endorsed by the home office

7 Who does not have right of entry to your premises?

- A. Police
- B. Local authority licensing officers
- C. Local councilors
- D. HM revenue and customs

8 It is an offence to sell alcohol unless...

- A. You are over the age of 18
- B. Been cleared by the licensing authority
- C. You know the customer
- D. Authorised to do so by a personal licence holder

9 When may alcohol be sold to a person under the age of 18?

- A. If the alcohol is for an adult
- B. With written permission from the police
- C. Under no circumstances at all
- D. With permission when accompanied by parents

10 How many units of alcohol does the Department of Health recommend is safe for a man to drink in a day?

- A. 3 - 4 Units
- B. 6 - 7 Units
- C. 8 - 9 Units
- D. 10 - 11 Units

ANSWERS

Question 1 **A**

Question 2 **A**

Question 3 **B**

Question 4 **C**

Question 5 **B**

Question 6 **D**

Question 7 **C**

Question 8 **D**

Question 9 **C**

Question 10 **A**

Notes



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