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## Qualification Specification

### Scottish Certificate for Personal Licence Holders at SCQF Level 6

Qualification Number: R354 04

Version 2.2 February 2019

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## Scottish Certificate for Personal Licence Holders at SCQF Level 6

### 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 Scottish Certificate for Personal Licence Holders at SCQF Level 6 has been developed and is awarded by Highfield Qualifications and sits on the Scottish Credit and Qualifications Framework (SCQF). The SCQF is a Scottish qualification framework regulated by SQA Accreditation.

It is supported by People 1<sup>st</sup>, the Sector Skills Council for hospitality and catering.

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### Key facts

<b>Qualification number:</b>	R354 04
<b>Credit value:</b>	1
<b>Assessment method:</b>	Multiple-choice examination
<b>Notional learning hours (NLH)*:</b>	10

\*Notional hours include time spent with a tutor in a classroom-based environment, time spent completing work agreed with tutors and time spent preparing for the course. The training delivery of this qualification should take a minimum of **6 hours**.

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### Qualification overview and objective

These are Scotland's standards, based on the training framework drawn up by the National Licensing Forum and amended in 2013. The qualifications are for those involved in the sale of alcohol in both on-sales and off-sales environments. They have been developed to make sure that licence holders comply with current alcohol legislation in Scotland.

These standards are necessary because of changes in the law which makes them part of the licensed trade's responsibility – i.e. a regulatory requirement – to help keep Scotland safer and healthier.

The key areas are:

- Introduction to licensing
- Responsible operation of licensed premises
- Effect of irresponsible operation on society and health

Employers will look for the relevant qualifications when they are appointing new staff for the licensed trade. They also expect their existing staff to have these qualifications.

Understanding and applying skills in these key areas are important because they help learners to work effectively in their present jobs and also prepare for jobs within the sector which they may do in future. Developing knowledge of licensing legislation helps them to deal with today's rapidly changing world and improve their career prospects.

Learners will need a qualification to support an application for a personal licence. This qualification is about showing learners understand how the licensing process works in Scotland, how people employed within the licensed trade can work responsibly and the consequences of this if they don't.

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## Entry requirements

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

- Be 18 years of age or above

It is advised that candidates have a level of literacy and English that enables them to communicate effectively. This should be established during initial assessment.

Learners should also be able to show that they have some knowledge and/or experience of the licensed on-sales or off-sales trade in Scotland - for example, by working or through prior study.

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## Geographical coverage

This qualification is suitable for learners wishing to hold the qualification and apply for a licence in Scotland.

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## Centre approval requirements for SQA

SQA regulations state that Awarding Organisations conduct a centre approval visit prior to approval to offer SQA accredited qualifications.

A Highfield representative will contact you to arrange this visit when you apply to offer this qualification.

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## Guidance on delivery

Courses leading to this qualification might involve:

- Pre-course study
- Attendance at a one day (minimum 6 hour) training course or completion of an online training programme approved by Highfield

A Training Delivery and Assessment Strategy document has been created to standardise and improve delivery of Scottish Personal Licence Holders courses. Centres **must** make themselves familiar with its content and abide by the stipulations it contains. A summary is listed below but for full details please refer to the Training Delivery and Assessment Strategy document which is available to download from the Highfield website.

### Course Length

The training delivery of this qualification should take a minimum of 6 hours by a tutor-led course or Highfield-approved e-learning package. Self-directed study is **not** permitted.

### Training Materials

The use of a relevant handbook is a mandatory requirement for the delivery and assessment of this qualification and learners should have access to the handbook a minimum of **two days before the course commences** to allow prior study of the material. Highfield recommends learners receive the handbook seven days in advance of the course to provide adequate study time.

Where centres do not use the Highfield training materials (such as PowerPoints) for the delivery of this qualification, tutor materials are subject to review by Highfield External Quality Support (EQS) staff.

### Class Size

Centres should be advised that courses delivered should be participative and interactive and as such class size is specified at **2 learners (minimum) and 18 learners (maximum)**.

### Delivery

Centres should, where practicable, contextualise delivery to suit the learners' place of employment. Best practice examples such as drawing out learner experiences, sharing of positive working practices, discussion and interactive exercises are encouraged. Tutors must be familiar with course content and should, wherever possible, draw on their own experiences as an aid to learning. Tutor guidance training materials are permissible; however, it is **not** acceptable for the tutor to read from a prepared script.

Delivery of training is subject to review by EQS.

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### Guidance on assessment

This qualification is assessed by a **40-question** multiple-choice question examination. The duration of the examination is **1 hour**. Successful learners must achieve a score of at least 28 out of 40.

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

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### Tutor requirements

For full details on tutor requirements for the Scottish Certificate for Personal Licence Holders please refer to the Training Delivery and Assessment Strategy document which is available to download from the Highfield website.

To prove suitable expertise, nominated tutors must:

- Have relevant occupational expertise and knowledge at the appropriate level of the area they are tutoring **OR** have relevant legal expertise at the appropriate level of the area they are tutoring.
- Hold the Scottish Certificate for Personal Licence Holders (SCPLH) qualification.
- Maintain their occupational expertise and industry knowledge in the areas being assessed and verified through planned Continuous Professional Development (see below).

To prove suitable teaching or training expertise, nominated tutors must:

- Hold a recognised qualification in teaching or training, which could include any of the following:
  - SVQ 3 Learning and Development at SCQF Level 8
  - SVQ 4 Learning and Development at SCQF Level 9
  - Servewise Trainers Qualification
  - F81Y 33 Planning and Delivering Learning Sessions to Groups
  - Level 3 or 4 PTLLS, or above
  - Level 3 or 4 Award/Certificate in Education and Training
  - Diploma or Certificate in Education
  - Bachelors or Masters Degree in Education
  - Level 3 or 4 NVQ in Training and/or Development

OR have a role within the licensed trade where training is an integral part of the job.

### **Continuous Professional Development (CPD)**

To maintain high standards of quality and standardisation in training and assessment and achieve best practice, it is a requirement that all nominated tutors maintain a record of their continuous professional development. Records of CPD will be reviewed by the EQS.

For full information on CPD requirements, please refer to the Training Delivery and Assessment Strategy document.

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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**

All learners must be instructed to bring photographic identification to the assessment to be checked by the invigilator/assessor. This instruction should be given ahead of the course/assessment when the learner registers and/or with any pre-course materials.

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 photographic identification is checked before they undertake the assessment. Highfield Qualifications recommends the following as proof of a learner's identity:

- Signed UK photo card driving licence with paper counterpart
- Valid passport (any nationality)
- Valid identity card from within the EU
- Valid warrant card issued by HM Forces, Police
- Security Industry Authority card
- A Personal Licence, issued by a Scottish Licensing Board
- Other photographic ID card, e.g. employee ID card (must be current employer), student ID card, Young Scot card.

**For more information on learner ID requirements, please refer to Highfield Qualifications' Core Manual and the Training Delivery and Assessment Strategy for Scottish Licensing Qualifications document.**

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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:

- further study towards Level 3 S/NVQ in Hospitality Supervision
- a Higher National Certificate or Diploma
- or an appropriate degree course

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### **Useful websites**

<http://www.people1st.co.uk/>

### Recommended training materials

Baylis. N (SCPLH) Licensing Course Book Highfield.co.uk Ltd

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## Appendix 1: Qualification Structure

To complete the **Scottish Certificate for Personal Licence Holders at SCQF Level 6**, learners must complete all units contained within the mandatory group:

### Mandatory group

Unit reference	Unit title	SCQF Level	NLH	SCQF Credit
R354 04	Licensing for Personal Licence Holders	6	10	1

## Appendix 2: Scottish Certificate for Personal Licence Holders (SCPLH) Unit Specification

### Guidance for tutors

This unit is supported by a comprehensive handbook for candidates, which should be issued with guidance on prior study before they attend a course.

The headings below outline the broad content that should be covered in the course leading to the SCPLH qualification.

Contained in the pages after this are the training standards, where each heading is expanded upon to outline the precise content which should be covered during the course. Learners will be assessed on questions relating to a variety of topics covered in the training standards.

Where there are topics that are not assessed, these have been indicated in the list below.

### Section 1: Introduction to Licensing

*This section does **not** form part of the summative assessment.*

### Section 2: The Responsible Operation of Licensed Premises

Learners will be assessed on the topics outlined below:

#### Overview of the licensing function

- Understanding the 5 licensing Objectives (Topic 2.1)
- The meaning of “alcohol” (Topic 2.2)
- Broad understanding of the Licensing (Scotland) Act 2005, Alcohol etc (Scotland) 2010 (Topic 2.3) *This should take no more than 10 minutes to deliver as all areas are covered in further detail later within the specification*

#### Key roles

- General understanding of boards, applications and policy (Topic 2.4)
- General understanding of the functions Licensing Standards Officers (Topic 2.5)
- Basic understanding of statutory bodies (Topic 2.6)
- Understanding of the Local Licensing Forums (Topic 2.7)

#### Licensing and operating conditions

- Understanding of the types of Licences (Topic 2.8)
- Understanding of various roles within Licensing (Topic 2.9)
- Licensing Hours (Topic 2.10)
- Relationship between Risk assessments and the Operating Plan (Topic 2.11)
- Detailed understanding of mandatory and discretionary conditions (Topic 2.12)
- Understanding of operating conditions of members clubs (Topic 2.13)
- Understanding of Relevant Offences (Topic 2.14)
- Detailed knowledge of Personal Licence application processes (Topic 2.15)
- Understanding of the Premises Licence application process (Topic 2.16)

- Understanding of variation and transfer of Premises Licences (Topic 2.17)
- Understanding the duties of a Personal Licence Holder (Topic 2.18)
- The rights of objectors (Topic 2.19)
- Understanding the relationship between operating plans and licenses (Topic 2.20)

#### Protecting children from harm

- Understanding the law relating to sale and service to those under 18 (Topic 2.21)
- Understanding “Proof of Age” (Topic 2.22)
- Understanding the application of test purchasing (Topic 2.23)

#### Control of order

- Understanding the law related to drunkenness and disorderly conduct (Topic 2.24)
- Understanding the law related to irresponsible promotions (Topic 2.25)
- Understanding of exclusion orders, closure orders and endorsements and suspension of personal licences (Topic 2.26)
- Understanding powers of entry and rights of inspection (Topic 2.27)
- Understanding the social responsibility levy (Topic 2.28)

#### Training

- Understanding the legal requirements for training (Topic 2.29)
- Understanding the importance of record keeping (Topic 2.30)

#### Associated law

- Understanding relevant associated law (Topic 2.31)

### Section 3: The Effect of Irresponsible Operation on Society and Health

Learners will be assessed on the topics outlined below:

#### Alcohol

- Understanding minimum pricing of alcohol (Topic 3.1) *This does **not** form part of the summative assessment. This relates to minimum price of alcohol per unit and as such this section is optional until such time as legislation is implemented.*
- Understanding alcohol units and the strengths of alcohol (Topic 3.2)
- Understanding the effects of alcohol (Topic 3.3)
- Understanding low drinking limits (Topic 3.4)
- Understanding alcohol myths, blood alcohol level, consequences of excessive drinking and patterns of alcohol consumption in Scotland (Topics 3.5 – 3.8)

#### Illegal drugs

- Understanding illegal drugs (Topic 3.9)

Social Responsibility

- Best practice in service, managing conflict, security and low risk guidelines (Topic 3.10 – 3.13)

Community links

- Understanding the importance of community links (Topic 3.14)

### Appendix 3: Training Standards

Note: References are intended as **guidance** for where relevant information can be found. Not all information in the reference will be fully relevant to every subject.

All references are to the Licensing (Scotland) Act 2005 and as amended by subsequent legislation<sup>1</sup>.

Section 1: Introduction		
Topic		Reference
<b>1</b>	<b>Introduction</b>	
1.1	Training must outline the reason for, and importance of, the Licensing (Scotland) Act 2005 including the relationship between licensing and health	Understanding of key parts of the current Scottish Government’s Alcohol Policy <sup>2</sup> .

<sup>1</sup> At the time of writing this includes: Regulations, Scottish Statutory Instruments, the Criminal Justice and Licensing (Scotland) Act 2010, the Alcohol etc. (Scotland) Act 2010

<sup>2</sup> Reduce alcohol consumption; supporting families and communities; positive public attitudes, positive choices; improved treatment and support. At the time of writing this is *Changing Scotland’s Relationship with Alcohol: A Framework for Action*, published 2009.

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
<b>Overview of the licensing function</b>		
2.1	Understand the importance of the 5 Licensing Objectives	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.4 The Licensing objectives</p> <p>The 5 objectives:</p> <ul style="list-style-type: none"> <li>• preventing crime and disorder</li> <li>• securing public safety</li> <li>• preventing public nuisance</li> <li>• protecting and improving public health</li> <li>• protecting children from harm</li> </ul> <p><b>Each of the licensing objectives has equal weighting</b></p>
2.2	Understand the meaning of “alcohol”	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.2 meaning of alcohol</p> <p>i.e. spirits, wine, beer, cider, or any other fermented, distilled or spirituous liquor, but does not include alcohol with a strength of 0.5% or less at the time of its sale.</p>
2.3	Have a <b>broad</b> understanding of the main content of the Licensing (Scotland) Act 2005, the Alcohol etc. (Scotland) Act 2010, subsequent relevant legislation and how they apply to the post <sup>3</sup>	<p>Identify the <b>main</b> content of alcohol legislation i.e.</p> <p><b>Licensing (Scotland) Act 2005</b></p> <p>Part 1 – Core provisions</p> <p>Part 2 – Licensing Bodies and Officers</p> <p>Part 3 – Premises Licences</p> <p>Part 4 – Occasional Licences</p>

<sup>3</sup> This section should take no more than 10 minutes to deliver as all areas are covered in further detail later within the specification.

**Section 2: Responsible Operation of Licensed Premises**

Topic	Reference
	<p>Part 5 – Licensed Hours                      Part 6 – Personal Licences                      Part 7 – Control of Order                      Part 8 – Offences                      Part 9 - Miscellaneous and General</p> <p>Schedule 2 – Local Licensing Forums                      Schedules 3 and 4 – Premises licences: mandatory conditions and occasional licences: mandatory conditions</p> <p><b>Alcohol etc. (Scotland) Act 2010 Sections 2 to 6 and Sections 9 and 10 i.e.</b>                      S.2 Minimum price of packages containing more than one alcoholic product                      S.3 Off-sales: variation of pricing of alcoholic drinks                      S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at reduced price                      S.5 Off-sales: location of drinks promotions                      S.6 Requirement for age verification policy                      S.9 Presumption against prohibition on off-sales to under 21s                      S.10 Premises licences: variation of conditions</p> <p><b>The Sale of Alcohol to Children and Young Persons (Scotland) Regulation 2007</b>  <b>The Licensing (Training of Staff) (Scotland) Regulations 2007</b>  <b>Criminal Justice and Licensing (Scotland) Act 2010 Section 195</b></p>

**Section 2: Responsible Operation of Licensed Premises**

Topic	Reference
<b>Key Roles</b>	
<p>2.4 Understand the role of the Licensing Boards in:</p> <ul style="list-style-type: none"> <li>• granting applications;                             <ul style="list-style-type: none"> <li>○ administration of the licensing system</li> </ul> </li> <li>• regulating standards in licensing premises;                             <ul style="list-style-type: none"> <li>○ what a Licensing Board is and who sits on them e.g. number of members</li> <li>○ key roles, responsibilities and powers</li> <li>○ consequences of attempting to influence licensing board member decisions</li> </ul> </li> <li>• their duties to set out licensing policy                             <ul style="list-style-type: none"> <li>○ how often a licensing policy should be published</li> <li>○ that the health board should be consulted</li> <li>○ main content of licensing policy</li> <li>○ assessment of over-provision</li> </ul> </li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>Paragraphs 38-56 Policy memorandum</p> <p>Part 2 Licensing bodies and officers</p> <p><b>Alcohol etc. (Scotland) Act 2010</b></p> <p>S.9 Presumption against prohibition of off-sales to under 21s</p> <p>S.10 Premises Licences: variation of conditions</p> <p>S.11 Consultation etc. of health boards</p>
<p>2.5 Understand the function of Licensing Standards Officers, including:</p> <ul style="list-style-type: none"> <li>• their monitoring and advisory role; and</li> <li>• how this relates to licensing boards and the local authority</li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.13 Licensing Standards Officers</p> <p>S.14 General Functions of Licensing Standards Officers</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
	<ul style="list-style-type: none"> <li>the consequences of obstructing an LSO</li> </ul>	S.15 Powers of Entry and Inspection (and seizure) (as amended - section 197 Criminal Justice and Licensing (Scotland) Act 2010) S.16 Training of Licensing Standards Officers
2.6	Understand the key roles and powers of other statutory bodies involved in the licensing process	<b>Licensing (Scotland) Act 2005</b> S.50 Certificates as to planning, building standards and food hygiene (as amended - section 186 Criminal Justice and Licensing (Scotland) Act 2010) S.138 Police powers of entry S.186 (Criminal Justice and Licensing (Scotland) Act 2010) - Premises licence applications: food hygiene certificates
2.7	Understand the make-up and role of Local Licensing Forums	<b>Licensing (Scotland) Act 2005</b> S.10 Local Licensing Forums S.11 General functions of Local Licensing Forums Schedule 2 – Local Licensing Forums
<b>Licensing and Operating Conditions</b>		
2.8	Understand the different types of licence: <ul style="list-style-type: none"> <li>Premises                             <ul style="list-style-type: none"> <li>What a premises licence is</li> <li>The term ‘premises’ in licensing law</li> <li>What can affect validity of a premises</li> <li>Details included on the premises licence</li> </ul> </li> <li>Personal</li> </ul>	<b>Licensing (Scotland) Act 2005</b> S.17 Premises licence S.56 Occasional licence subs 1) 2) (amended by section 13 of the Alcohol etc. (Scotland) Act 2010) S.71 Personal licence

**Section 2: Responsible Operation of Licensed Premises**

Section 2: Responsible Operation of Licensed Premises	
Topic	Reference
<ul style="list-style-type: none"> <li>○ Purpose of personal licence</li> <li>● Occasional                             <ul style="list-style-type: none"> <li>○ What an occasional licence is for</li> <li>○ Who can apply for one</li> <li>○ Issued by the Licensing Board for the area in which the premises is situated</li> <li>○ Rules relating to charity or fundraising events, special functions and community events</li> <li>○ Limitations that can be imposed</li> <li>○ Application process</li> </ul> </li> </ul>	
<p>2.9 Understand the difference between a Premises Licence Holder, a Premises Manager and a Personal Licence Holder:</p> <ul style="list-style-type: none"> <li>○ The legal duties a Premises Licence Holder has</li> <li>○ Every sale of alcohol must be authorised by a Personal Licence Holder</li> <li>○ Premises Manager is named on the premises licence and responsible for the day to day running of the premises</li> <li>○ Mandatory condition to have one named Premises Manager otherwise alcohol cannot be sold on the premises</li> <li>○ Premises Manager responsibilities:</li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.19 Premises Manager</p> <p>S.20 Application for premises licence sub 1) (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.24 Applicant’s duty to notify Licensing Board of convictions</p> <p>S.41 Duty to notify court of premises licence</p> <p>S.43 Licence holder’s duty to notify Licensing Board of convictions</p> <p>S.52 Duty to keep, display and produce premises licence</p> <p>S.54 Dismissal, resignation, death etc. of premises manager</p> <p>S.72 Application for personal licence</p> <p>S.74 Determination of a personal licence application (amended by section 192 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
	<ul style="list-style-type: none"> <li>○ to ensure premises are operated in accordance with premises licence                             <ul style="list-style-type: none"> <li>~ training of staff</li> <li>~ the licensing objectives</li> </ul> </li> <li>○ Premises Manager must have a valid personal licence</li> <li>○ Premises Manager does not need to be present all of the time</li> <li>○ Stipulations related to late premises that must have a PLH present if open after 1am</li> </ul>	<p>S.75 Applicant’s duty to notify Licensing Board of convictions</p> <p>S.80 Duty to notify court of personal licence</p> <p>S.82 Licence holder’s duty to notify Licensing Board of convictions</p> <p>S.87 Licence holder’s duty to undertake training<sup>4</sup></p> <p>S.93 Licence holder’s duty to produce a licence</p>
2.10	<p>Understand the law relating to licensed hours, including:</p> <ul style="list-style-type: none"> <li>● Licensed hours are those specified in the operating plan</li> <li>● It is an offence to sell, allow the sale of alcohol, allow the consumption of alcohol or allow alcohol to be taken away from licensed premises outside of licensed hours</li> <li>● ‘Drinking up time’ of up to 15 minutes or (30 minutes at restaurants) is permitted after the end of licensed hours</li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.62 Licensed hours</p> <p>S.63 Prohibition of sale, consumption and taking away of alcohol outwith licensed hours (amended by section 188 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.64 24 hour licences to be granted only in exceptional circumstances</p> <p>S.65 Licensed hours: off-sales</p> <p>S.66 Effect of start and end of British summer time</p> <p>S.67 Power of Licensing Board to grant general extensions of licensed hours</p> <p>S.68 Extended hours applications</p> <p>S.69 Notification of extended hours application (amended by section 190 of the Criminal Justice and Licensing (Scotland) Act 2010)</p>

<sup>4</sup> Including information on statutory training requirements for Personal Licence Holders, i.e. pre application - full SCPLH training, 5 years after Personal Licence issued, SCPLH (Refresher) training, 10 years after Personal Licence issued, full SCPLH training

**Section 2: Responsible Operation of Licensed Premises**

Topic	Reference
<ul style="list-style-type: none"> <li>• An application for the 24-hour sale of alcohol will be refused unless there are exceptional circumstances</li> <li>• Definitions of on-sales and off-sales hours</li> <li>• Sales of alcohol for consumption off the premises are limited to between 10.00am and 10.00pm on any day</li> <li>• The above relates to maximum hours for off-sales and the actual hours granted may be less</li> <li>• The effect of British Summer Time</li> <li>• Occasional extensions are for one-off special situations, such as weddings</li> <li>• If extended hours are required on a regular basis these should be included in the operating plan</li> <li>• The application process for extended hours including the occasional need for a hearing</li> <li>• Extensions can only last for one month and cannot be extended</li> <li>• The police and licence holders affected by the general extension must be informed</li> </ul>	<p>S.70 Determination of extended hours application (amended by section 191 of the Criminal Justice and Licensing (Scotland) Act 2010)</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
2.11	Understand the relationship of risk assessment and best practice policies to the operating plan	<p>To include understanding of basic procedure of making a risk assessment and best practice policies as relevant for different types of premises<sup>5</sup> and that the risk assessment must be carried out against the licensing objectives.</p> <p>The layout plan must show:</p> <ul style="list-style-type: none"> <li>• Where alcohol will be sold</li> <li>• Customer facilities</li> <li>• Location of fire exits</li> <li>• Areas for children and young people</li> </ul>
2.12	Understand the mandatory and discretionary national and local conditions and the reasons for them	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S. 27 Conditions of premises licence</p> <p>Schedule 3 – Premises licences: mandatory conditions (including late night mandatory and discretionary conditions)</p> <p>Schedule 4 – Occasional Licences: mandatory conditions</p> <p><b>The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007</b></p> <p><b>Alcohol Etc (Scotland) Act 2010</b></p> <p>S.2 Minimum price of packages containing more than one alcoholic product</p> <p>S.3 Off-sales: variation of pricing of alcohol drinks</p> <p>S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price</p> <p>S.5 Off-sales: location of drinks promotions</p> <p>S.6 Requirement for age verification policy</p> <p>S.10 Premises licences: variation of conditions</p>

<sup>5</sup> best practice polices could include; house rules; closing time procedure; dispersal policy; age related sales; promotions; refusals of service-practice and record keeping; communication within a premises; plan for managing conflict, disorder or drunkenness; noise control and management of smokers

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
2.13	<p>Understand the operating conditions of members' clubs including:</p> <ul style="list-style-type: none"> <li>no requirement for a premises licence or personal licence holder</li> <li>that members' clubs are not assessed for over-provision</li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.125 – Special provision for certain clubs</p>
2.14	<p>Understand the law relating to relevant offences as specified in the Licensing (Scotland) Act 2005 and Criminal Justice and Licensing (Scotland) Act 2010</p>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.102 Sale of alcohol to a child or young person</p> <p>S.103 Allowing the sale of alcohol to a child or young person</p> <p>S.104 Sale of liqueur confectionary to a child</p> <p>S.105 Purchase of alcohol by or for a child or young person</p> <p>S.106 Consumption of alcohol by a child or young person</p> <p>S.107 Unsupervised sale of alcohol to a child or young person</p> <p>S.108 Delivery of alcohol to a child or young person</p> <p>S.109 Sending a child or young person to obtain alcohol</p> <p>S.110 Duty to display notice</p> <p>S.111 Drunk persons entering or in premises on which alcohol is sold</p> <p>S.112 Obtaining alcohol by or for a drunk person</p> <p>S.113 Sale of alcohol to a drunk person</p> <p>S.114 Premises manager, staff etc. not to be drunk</p> <p>S.115 Disorderly conduct</p>

**Section 2: Responsible Operation of Licensed Premises**

Section 2: Responsible Operation of Licensed Premises	
Topic	Reference
	<p>S.116 Refusal to leave premises</p> <p>S.117 Offences relating to the sale of alcohol to trade (amended by section 188 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.118 Prohibition of unauthorised sale of alcohol on moving vehicles (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.119 Delivery of alcohol from vehicles etc.</p> <p>S.120 Prohibition of late night deliveries of alcohol (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.121 Keeping of smuggled goods (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.122 Interpretation of Part 8</p> <p>S.141 (a) Defence of due diligence for certain offences (as amended by section 195 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.141 (b) Vicarious liability of premises licence holders and interested parties (amended by section 195 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p>
2.15	<p>Know the application and renewal process for a <b>personal licence</b>, including:</p> <ul style="list-style-type: none"> <li>• how a personal licence is applied for and who is eligible</li> <li>• How long it is valid for</li> <li>• the role of the chief constable and Licensing Board</li> <li>• which Licensing Board an application must be made</li> </ul> <p><b>Licensing (Scotland) Act 2005</b></p> <p>S.71 Personal licence</p> <p>S.72. Application for personal licence</p> <p>S.73 Notification of application to chief constable</p> <p>S.74 Determination of personal licence application (amended by section 192 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.75 Applicant’s duty to notify Licensing Board of convictions</p>

**Section 2: Responsible Operation of Licensed Premises**

Section 2: Responsible Operation of Licensed Premises	
Topic	Reference
<ul style="list-style-type: none"> <li>• who can refuse the grant of a personal licence</li> <li>• the types of offences which are 'relevant' for a personal licence application</li> <li>• the difference between spent and unspent convictions</li> <li>• the time period in which a renewal must be made</li> <li>• the requirement to return the licence when renewing or provide suitable explanation if unable to do so</li> </ul>	<p>S.76 Issue of licence (amended by section 192 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.77 Period of effect of personal licence</p> <p>S.78 Renewal of personal licence</p> <p>S.79 Notification of determination</p>
<p>2.16 Know the application process for a <b>premises licence</b> including police powers</p> <ul style="list-style-type: none"> <li>• how a premises licence is applied for , who is eligible and the documents that must be supplied</li> <li>• who must be informed of a premises licence application</li> <li>• the information that must be supplied to the chief constable and the Licensing Board e.g. convictions/antisocial behaviour in the area</li> <li>• the factors that are assessed when determining the outcome of a premises licence application including how the licensing objectives will be promoted</li> </ul>	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.20 Application for premises licence (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.21 Notification of application (amended by section 180 Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.22 Objections and representations (amended by section 183 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.23 Determination of premises licence application (amended by section 181 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.24 Applicant's duty to notify Licensing Board of convictions (amended by section 183 (3) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.25 Further application after refusal of premises licence application</p> <p>S.26 Issue of licence and summary (amended by section 187 of the Criminal Justice and Licensing (Scotland) Act 2010)</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
	<ul style="list-style-type: none"> <li>the grounds on which a Licensing Board may refuse a premises licence application</li> <li>appeals process</li> <li>the requirement to keep the premises licence or certified copy on the premises and which must be available for inspection by a police officer or LSO</li> <li>the need to display the summary of the premises licence on the premises in question</li> </ul>	
2.17	Understand the process relating to variation and transfer of premises licences	<b>Licensing (Scotland) Act 2005</b> S.29 Application to vary premises licence S.30 Determination of application for variation S.31 Variation to substitute new premises manager S.32 Further application after refusal of application for variation S.33 Transfer on application of licence holder S.34 Transfer on application of person other than licence holder S.35 Variation on transfer
2.18	Understand the duties of a personal licence holder	<b>Licensing (Scotland) Act 2005</b> S.80 Duty to notify court of personal licence S.82 Licence holder’s duty to notify Licensing Board of convictions S.87 Licence holder’s duty to undertake training

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
2.19	Know the rights of objectors including who can object and the meaning of frivolous and vexatious objections	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.22 Objections and representations (amended by section 183 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.36 Application for review of premises licence</p>
2.20	Understand the relationship between the operating plan and the premises licence, including variations	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.20 Application for premises licence (amended by section 179 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.29 Application to vary premises licence</p> <p>S.30 Determination of application for variation</p> <p>S.31 Variation to substitute new premises manager</p> <p>S.32 Further application after refusal of application for variation</p>
<b>Protecting children from harm</b>		
2.21	Understand the law relating to the sale, purchase, consumption of alcohol and supervised sales by under 18s	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.102 Sale of alcohol to a child or young person (as amended by The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007)</p> <p>S.103 Allowing the sale of alcohol to a child or young person (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.104 Sale of liqueur confectionary to a child</p> <p>S.105 Purchase of alcohol by or for a child or young person</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
		<p>S.106 Consumption of alcohol to a child or young person (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.107 Unsupervised sale of alcohol by a child or young person (amended by section 195 (2) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.108 Delivery of alcohol to a child or young person (as amended by The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007)</p> <p>S.109 Sending a child or young person to obtain alcohol</p> <p>S.110 Duty to display notice</p> <p><b>Alcohol etc. (Scotland) Act 2010</b></p> <p>S.6 Requirement for age verification policy</p>
2.22	Understand the purpose and application of a “proof of age” policy, including the documents that will be accepted as proof of age	<p><b>The Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007</b></p> <p><b>Alcohol etc. (Scotland) Act 2010</b></p> <p>S.6 Requirement for age verification policy</p> <p><b>Smoking, Health and Social Care (Scotland) Act 2005</b></p>
2.23	Understand the purpose of test purchasing	<p>Understanding clear duties and responsibilities with regard to determining someone’s age</p> <p>Clear understanding of purpose of test purchasing</p>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
<b>Control of Order</b>		
2.24	Understand the law in relation to drunkenness and disorderly conduct	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.111 Drunk persons entering or in premises on which alcohol is sold</p> <p>S.112 Obtaining of alcohol by or for a drunk person</p> <p>S.113 Sale of alcohol to a drunk person</p> <p>S.114 Premises manager, staff etc. not to be drunk</p> <p>S.115 Disorderly conduct</p> <p>S.116 Refusal to leave premises</p>
2.25	Understand the law with regard to irresponsible promotions and the potential consequences of involvement in irresponsible drinks promotions	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.27 Conditions of premises licence (amended by section 7 of the Alcohol etc. (Scotland) Act 2010)</p> <p>Schedule 3 – Premises licences mandatory conditions</p> <p>Schedule 4 – Occasional licences: mandatory conditions</p> <p><b>Alcohol Etc (Scotland) Act 2010</b></p> <p>S.2 Minimum price of packages containing more than one alcoholic product</p> <p>S.3 Off-sales: variation of pricing of alcohol drinks</p> <p>S.4 Off-sales: restriction on supply of alcoholic drinks free of charge or at a reduced price</p> <p>S.5 Off-sales: location of drinks promotions</p> <p>S.10 Premises licences: variation of conditions</p>
2.26	Understand the law relating to:	<b>Licensing (Scotland) Act 2005</b>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
	<ul style="list-style-type: none"> <li>• exclusion orders</li> <li>• review of <b>premises licence</b> and sanctions available to the Licensing Board</li> <li>• premises licences and closure orders;</li> <li>• review of <b>personal licences</b> and sanctions available to the Licensing Board</li> </ul>	<p>S.36 -40 – Review of premises licence</p> <p>S.83 Procedure where Licensing Board receives notification of convictions</p> <p>S.84 Conduct inconsistent with licensing objectives (amended by Schedule 6 (16) of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.85 Expiry of endorsements</p> <p>S.86 Suspension of licence after multiple endorsements</p> <p>S.94 Exclusion orders</p> <p>S.95 Breach of exclusion order</p> <p>S.96 Exclusion orders: supplementary provision</p> <p>S.97 Closure orders (amended by section 193 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.98 Termination of closure orders</p> <p>S.99 Extension of emergency closure orders</p> <p>S.100 Regulations as to closure orders</p> <p>S.101 Interpretation of sections 97-100</p>
2.27	Understand the powers of entry and rights to inspection relating to licensing including the police and licensing standards officers	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.15 Powers of entry and inspection (and seizure) (amended by section 197 of the Criminal Justice and Licensing (Scotland) Act 2010)</p> <p>S.138 – Police powers of entry</p>
2.28	Understand the social responsibility levy and how this impacts licence holders	<b>S.14 Alcohol etc. (Scotland) Act 2010</b>

**Section 2: Responsible Operation of Licensed Premises**

Topic		Reference
		A statutory instrument which makes provision for the imposition on licence-holders, charges for furtherance of the licensing objectives, and which the authority considers necessary to mitigate any adverse impact attributable to the operation of the businesses licence holders in the authority's area.
<b>Training</b>		
2.29	Understand the legal requirement of the licence holder and staff to undertake training and to hold relevant qualifications, including the requirement to undertake mandatory training every 5 years	<p><b>Licensing (Scotland) Act 2005</b></p> <p>S.87 Licence holder's duty to undertake training</p> <p>Schedule 3 Premises licence: mandatory conditions</p> <p><b>The Licensing (Training of Staff) (Scotland) Regulations 2007</b></p>
2.30	Know appropriate record keeping procedures	Schedule 3 - Section 6 - Form of training record specified in The Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007)
<b>Associated Law</b>		
2.31	Understand relevant associated law <sup>6</sup> to licensed premises	<p><b>Weights and Measures Act 1985</b></p> <p>For example: information on standard measures, free pouring, beer/cider/lager head size, glass lines and pre-packed alcohol service</p> <p><b>The Consumer Protection from Unfair Trading Regulations 2008</b></p> <p>For example: information on misleading actions, omissions and aggressive practices</p>

<sup>6</sup> In addition Personal Licence Holders require to have a basic understanding of the relevant sections and best practice in conforming with the requirements of Food Hygiene legislation, Health and Safety legislation, Noise Regulations, and advertising requirements and the duty of the premises licence holder to carry out a risk assessment

**Section 2: Responsible Operation of Licensed Premises**

Topic	Reference
	<p><b>Private Security Industry Act 2001</b> For example: Sections 3 - 6 of that Act</p> <p><b>Smoking, Health and Social Care (Scotland) Act (2005)</b> For example: how the business manages its smoking policy (if applicable)</p> <p><b>Gambling Act 2005</b> For example: the 3 Gambling Objectives</p> <p><b>Equalities Act 2010</b> For example: Protected Characteristics with regard to employment and services</p> <p><b>Phonographic Performance Limited (PPL) and Performing Right Society (PRS)</b> For example: information on live and pre-recorded music and the licenses required</p> <p><b>Misuse of Drugs Act (1971)</b> Common patterns of drug consumption in licensed premises and associated offences</p>

**Section 3: The Effect of Irresponsible Operation on Society and Health**

Topic		Reference
<b>Alcohol<sup>7</sup></b>		
3.1	Know the minimum price of alcohol per unit <sup>8</sup>	<b>Alcohol (Minimum Pricing) (Scotland) Act 2012</b> <ul style="list-style-type: none"> <li>• Knowledge of minimum price per unit<sup>9</sup></li> <li>• Basic understanding of the arguments for introduction</li> </ul>
3.2	Know units of alcohol and strengths of alcoholic drinks	<ul style="list-style-type: none"> <li>• Knowledge of British standard units</li> <li>• Knowledge of how to calculate the units per drink from a range of common drinks</li> </ul>
3.3	Understand the physical and psychological effects of alcohol	<ul style="list-style-type: none"> <li>• The effects on the brain<sup>10</sup></li> <li>• The general effects on behaviour<sup>11</sup></li> </ul>
3.4	Know low drinking limits	<ul style="list-style-type: none"> <li>• Definitions of low risk, hazardous and harmful drinking<sup>12</sup></li> </ul>
3.5	Understand myths about alcohol	<ul style="list-style-type: none"> <li>• Key facts about alcohol<sup>13</sup></li> <li>• Common myths about alcohol<sup>14</sup></li> <li>• Government guidelines for the safe daily and weekly number of alcoholic units consumption</li> </ul>
3.6	Understand the difference between blood alcohol level and drunkenness	<ul style="list-style-type: none"> <li>• The difference between blood alcohol level and drunkenness<sup>15</sup></li> </ul>

<sup>7</sup> Information should come from a reputable, up to date source, such as Alcohol Statistics Scotland, published biennially by NHS National Services Scotland or the Scottish Government's InfoScotland website (Healthier Scotland – alcohol)

<sup>8</sup> This section is optional until such time as legislation is implemented and is not currently assessed

<sup>9</sup> This section is optional until such time as legislation is implemented and is not currently assessed

<sup>10</sup> Including the consequent graduated physical effects observed and the danger of acute alcohol poisoning

<sup>11</sup> Including loss of inhibition and impairment of reasoning and decision making

<sup>12</sup> Current edition of Alcohol Statistics Scotland, published biennially by NHS National Services Scotland

<sup>13</sup> Including the effects of gender, tolerance, food, age, general size, general health, time

<sup>14</sup> Including coffee and/or other substances/practices as “sobering agents”, alcohol as a “warmer agent”, “health”, properties of other drinks

<sup>15</sup> BAC as an objective measure used in drink driving offences, compared to drunkenness, a subjective measure of behaviour, as used in licensing legislation

		<ul style="list-style-type: none"> <li>• Drink-driving limits in Scotland<sup>16</sup></li> <li>• Drink driving limits in England, Wales and Northern Ireland</li> </ul>
3.7	Know the consequences to the individual, to the business and to society of excessive drinking	<ul style="list-style-type: none"> <li>• The key consequences of excessive drinking for the individual including:                             <ul style="list-style-type: none"> <li>~ short term dangers<sup>17</sup></li> <li>~ health and social problems<sup>18</sup></li> </ul> </li> <li>• The key consequences of excessive drinking for the business<sup>19</sup></li> <li>• The key consequences of excessive drinking for society<sup>20</sup></li> </ul>
3.8	Know common patterns of alcohol consumption and misuse in Scotland <sup>21</sup>	<ul style="list-style-type: none"> <li>• The patterns of problem drinking and binge drinking</li> <li>• Basic understanding of the level and trend in underage drinking and drunkenness<sup>22</sup></li> <li>• Basic understanding of the level and trends in various types of alcohol related illness and death</li> </ul>
<b>Illegal Drugs</b>		
3.9	Know common patterns of drug consumption in licensed premises	<ul style="list-style-type: none"> <li>▪ Signs to look for - drug dealing</li> <li>▪ Drugs prevention policy</li> <li>▪ The importance of seeking advice from the police with regards to drug dealing in licensed premises</li> </ul>
<b>Social Responsibility</b>		

<sup>16</sup> No PLH or staff member should attempt to calculate alcohol units or sobriety as a method for determining if it is “safe” to drive - best and safest advice remains “don’t drink alcohol and drive”.

<sup>17</sup> Including the increased risk of accidents, becoming a victim of crime or being involved in crime, increase in other socially related risks/problems e.g. sexual diseases or pregnancy from unplanned sex

<sup>18</sup> Both short and long term: including hangover, increased blood pressure, birth defects, heart disease, liver disease and various cancers; employment problems, relationship problems and financial problems

<sup>19</sup> Including increased difficulty in dealing with drunken customers, ultimately affecting reputation and business viability (such as increased cost of replacing fixtures and fittings, staff turnover, liability and loss of licence)

<sup>20</sup> Including the current trend for high rates of alcohol related crime and disorder; the trend of increasing alcohol related problems including impact on persons other than the drinker especially children, underage drinking, drunkenness, alcohol related disease; economic impact including the impact on productivity in the workplace [Information Services Division, NHS National Services Scotland] and associated costs to society

<sup>21</sup> Current edition of Alcohol Statistics Scotland, published biennially by NHS National Services Scotland; current edition of Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS), published biennially by NHS Scotland

<sup>22</sup> Current edition of Alcohol Statistics Scotland, published biennially by NHS National Services Scotland; current edition of Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS), published biennially by NHS Scotland

3.10	Understand best practice in setting and maintaining good standards of service and environment	<ul style="list-style-type: none"> <li>• The importance of high and consistent standards throughout a premises<sup>23</sup></li> <li>• The potential for the environment to affect drinking and behaviour</li> <li>• The importance of good service practice<sup>24</sup></li> <li>• Responsibilities to staff and customers</li> </ul>
3.11	Know common causes of conflict, how to prevent conflict and how to manage conflict situations	<ul style="list-style-type: none"> <li>• Typical scenarios leading to conflict and how these might be prevented or managed</li> <li>• Signs of potential conflict</li> <li>• Conflict resolution procedures</li> </ul>
3.12	Know security procedures and policies in relation to crime and counter terrorism	<ul style="list-style-type: none"> <li>• Threat procedures<sup>25</sup></li> <li>• Training of staff to look out for left packages/luggage etc</li> </ul>
3.13	Understand how to promote recommended low risk guidelines	<ul style="list-style-type: none"> <li>• Ways in which low risk drinking behaviour can be promoted</li> <li>• Awareness of the increasing importance of social responsibility and the need for low risk drinking<sup>26</sup></li> </ul>
<b>Community Links</b>		
3.14	Understand the roles and links to local community initiatives, such as: <ul style="list-style-type: none"> <li>• Alcohol and Drugs Partnerships (ADPs)</li> <li>• Community Safety Partnerships</li> <li>• Pub Watch</li> <li>• Retail Watch</li> <li>• City Centre Safe</li> </ul>	<ul style="list-style-type: none"> <li>• General awareness of the existence of such schemes</li> <li>• The benefits of such schemes</li> </ul>

<sup>23</sup> Should include need for cleanliness, tidiness, good state of repair

<sup>24</sup> Should include being polite to customers, knowledge of products, customer awareness and managing busy situations

<sup>25</sup> Should include how to record threat information, management reporting, emergency service contact procedure and evacuation procedures

<sup>26</sup> For further information go to [www.drinksarter.org](http://www.drinksarter.org) or [www.drinkaware.co.uk](http://www.drinkaware.co.uk)