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# Qualification Specification

## HABC Level 2 Award for Personal Licence Holders (QCF)

Qualification Number: 500/9974/7

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## HABC Level 2 Award for Personal Licence Holders (QCF)

### Introduction

This qualification specification is designed to outline all you need to know in order to offer this qualification at your Centre. If you have any further questions, please contact your HABC Account Manager.

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### Qualification Details

The HABC Level 2 Award for Personal Licence Holders has been accredited by the regulators of England and Wales (Ofqual and Qualifications Wales) and is part of the Qualifications and Credit Framework (QCF).

It is supported by People1st, the Sector Skills Council for hospitality and catering.

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### Key Facts

<b>Qualification Number:</b>	500/9974/7
<b>Learning Aim Reference:</b>	50099747
<b>Credit Value:</b>	1
<b>Assessment Method:</b>	Multiple-choice examination
<b>Guided Learning Hours (GLH):</b>	8

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### Qualification Overview and Objective

This 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.

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

Persons 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

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

- 18 years of age or above
  - It is advised that learners have a minimum of Level 1 in literacy or numeracy or equivalent
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### Qualification Structure

In order to achieve the qualification, learners must achieve one mandatory unit.

Full details relating to the Rules of Combination for this qualification can be found in Appendix 1 of this specification. The unit is contained in Appendix 2.

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### Delivery/Assessment Ratios

In order to effectively deliver this qualification, Centres are recommended not to exceed the ratio of 1 qualified tutor to 14 learners in any one instance. If Centres wish to increase this ratio, they must first request approval from HABC.

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### Guidance on Delivery

It is recommended that the qualification is delivered over a one day period in the classroom or via an approved e-learning package. This delivery programme may be adjusted in accordance with learners' needs and/or local circumstances.

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### Guidance on Assessment

The qualification is assessed through Multiple-Choice Question (MCQ) examination.

This method of assessment is an end of course exam and must follow the HABC Examination and Invigilation Guidelines. During the exam learners are required to choose one of the prescribed options to answer each set examination question.

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%**. Completed examination papers should be returned to HABC for marking and results will then be provided to the Centre afterwards.

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### Centre Requirements

In order to effectively deliver this qualification, Centres must have the following resources in place:

- classroom with suitable seating and desks
  - Projector, if using presentation slides
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### Geographical Coverage

These qualifications are suitable for learners in England and Wales.

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### Tutor Requirements

HABC require nominated tutors for this qualification to meet the following requirements:

- hold a relevant subject area qualification:
    - Level 2 Award for Personal Licence Holders
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- 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
    - Bachelors or Masters Degree 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

HABC have measures in place for learners who require additional support. Please refer to the HABC 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. HABC recommend the following as proof of a learner's identity:

- valid passport (any nationality);
- signed UK photo card driving licence;
- valid warrant card issued by HM Forces, Police; or
- other photographic ID card, e.g. employee ID card, student ID card, travel card.

In the event that a learner is unable to produce any of the forms of photographic identification listed above, a Centre may accept another form of identity containing a signature, for example a credit card or a third-party representative, such as a Line Manager, Human Resources Manager or Invigilator, will be accepted.

For more information on learner ID requirements, please refer to the HABC Core Manual.

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### Progression

Upon successful completion of this qualification, learners may wish to continue their development via the completion of any of the following signposted qualifications/training:

- 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

## Appendix 1: Rules of Combination

In order to complete the **HABC Level 2 Award for Personal Licence Holders (QCF)** learners must achieve a minimum of **1 credits** overall:

- **all units** in the mandatory group totaling **1 credit**

### Mandatory Group

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

Unit reference	Unit Title	Level	Credit
H/601/7631	Legal and Social Responsibilities of a Personal Licence Holder	2	1

## Appendix 2: All Units

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

Unit number: H/601/7631

Credit: 1

GLH: 8

Level: 2

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
<p><b>1. Understand the nature, purpose and period of validity of a personal licence</b></p>	<p>1.1 State what a personal licence is</p> <p>1.2 State what a personal licence entitles the holder to do</p> <p>1.3 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 the procedures for applying for a personal licence including eligibility criteria for a new personal licence</p> <p>2.2 Outline the licensing authorities process for the grant or rejection of new personal licences and renewals</p> <p>2.3 Identify who may object to the grant or renewal of a personal licence</p> <p>2.4 Define the terms 'relevant offences' and 'foreign offences'</p> <p>2.5 State the duty of an applicant to declare if they are convicted of any relevant or foreign criminal 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 duties of a Personal Licence Holder if charged with a relevant or foreign offence</p> <p>3.2 State the duties of a Personal Licence Holder if convicted with a relevant or foreign offence after the licence is granted</p> <p>3.3 State the duties of a Personal Licence Holder if a personal licence is renewed, surrendered or revoked</p> <p>3.4 State the duties of a Personal Licence Holder if a change of name and/or address occurs</p> <p>3.5 State the duties of a Personal Licence Holder if asked to produce the licence by an authorised</p>



Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
	<p>person</p> <p>3.6 State the penalties for breaching any of the legal duties of a Personal Licence</p> <p>3.7 State the consequences for a personal licence holder if convicted of a drink driving offence.</p>
<b>4. Understand the roles, responsibilities and functions of licensing authorities</b>	<p>4.1 State what licensing authorities are</p> <p>4.2 Outline the roles and responsibilities of licensing authorities</p> <p>4.3 Outline what a licensing policy is</p> <p>4.4 Outline the purpose of a licensing hearing including appeals</p>
<b>5. Understand the licensing objectives and the importance of partnerships in promoting these objectives</b>	<p>5.1 Identify the Licensing Objectives and their importance to the licensing system</p> <p>5.2 State what an operating schedule is</p> <p>5.3 State what an operating schedule should include in order to promote the licensing objectives</p> <p>5.4 Identify the importance of partnerships in supporting the licensing objectives</p> <p>5.5 Identify the role of Crime and Disorder Reduction Partnerships</p>
<b>6. Understand the nature and strength of alcohol and the effect on the body</b>	<p>6.1 State the legal definition of alcohol in the Licensing Act 2003</p> <p>6.2 State what 'supply of alcohol' means</p> <p>6.3 State how the strength of an alcoholic drink is measured</p> <p>6.4 Define the terms 'alcohol-free' and 'low alcohol'</p> <p>6.5 State the UK Government's sensible drinking advice</p> <p>6.6 State the intoxicating nature of alcohol</p> <p>6.7 Identify the effects of alcohol on the body</p>
<b>7. Understand the law in relation to premises licences</b>	<p>7.1 Explain what a premises licence is</p> <p>7.2 State the procedures for a premises licence application</p> <p>7.3 State the grounds for a hearing and an appeal in respect of a premises licence application</p> <p>7.4 Explain the purposes of a premises licence review</p>

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
	<p>7.5 State the mandatory conditions attached to all premises licences that authorises the sale of alcohol</p> <p>7.6 Identify the four licensable activities defined by the Licensing Act 2003</p> <p>7.7 State the law in relation to variations to premises licences</p> <p>7.8 State the law in relation to what constitutes unauthorised licensable activities</p> <p>7.9 Identify what a due diligence defence is and when it may be used</p> <p>7.10 State penalties for breaching conditions on a premises licence</p>
<b>8. Understand the role and responsibilities of the Designated Premises Supervisor (DPS)</b>	<p>8.1 Outline the job role of the DPS</p> <p>8.2 State the responsibility of the DPS to carry out a risk assessment in order to promote the licensing objectives</p>
<b>9. Understand the law in relation to Temporary Event Notices</b>	<p>9.1 State what is meant by the term 'permitted temporary activities'</p> <p>9.2 State what a Temporary Event Notice (TEN) is</p> <p>9.3 State the law in relation to the frequency of permitted temporary activities</p> <p>9.4 State the circumstances under which the police and environmental health officers can object to a TEN</p>
<b>10. Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises</b>	<p>10.1. State the duty to refuse the sale of alcohol to a drunken person</p> <p>10.2. State the law and industry guidelines on irresponsible drinks promotions</p> <p>10.3. Identify anti-violence strategies that can be adopted on licensed premises</p> <p>10.4. Identify the consequences of allowing illegal drug use and dealing on licensed premises</p> <p>10.5. Identify who is legally responsible for preventing disorderly conduct on licensed premises</p> <p>10.6. State penalties for allowing drunk and disorderly conduct on licensed premises</p>
<b>11. Understand the law in relation to the protection of children</b>	<p>11.1 State the law in relation to the sale of alcohol</p>

Learning Outcomes	Assessment Criteria
<i>The learner will</i>	<i>The learner can</i>
<p>on licensed premises</p>	<p>to children</p> <p>11.2 State the law in relation to the purchase or attempted purchase of alcohol by or for children</p> <p>11.3 State the law in relation to the unsupervised sale of alcohol by a child</p> <p>11.4 Identify the types and features of acceptable proof of age documents</p> <p>11.5 Outline the importance of other legislation related to the protection of children</p> <p>11.6 State the law in relation to the presence of children in licensed premises</p> <p>11.7 State the law in relation to the consumption of alcohol by children</p> <p>11.8 State penalties for breaching the law in relation to the protection of children on licensed premises</p>
<p><b>12 Understand the powers of the police and other authorities in relation to licensed premises</b></p>	<p>12.1 State the powers of the police to close identified licensed premises in respect of disorder or nuisance</p> <p>12.2 State the powers of police to apply for a closure order covering a particular geographical area</p> <p>12.3 State the powers of an Environmental Health Officer to close identified licensed premises in relation to noise nuisance</p> <p>12.4 Identify which authorities have a right of entry to licensed premises and when they can exercise these rights</p>
<p><b>13 Understand prohibitions and exemptions in relation to licensable activities</b></p>	<p>13.1 Identify the difference between retail sale and wholesale of alcohol</p> <p>13.2 Identify which forms of entertainment are regulated and which are exempt</p> <p>13.3 Identify which types of premises are prohibited from selling alcohol</p> <p>13.4 State the law in relation to the sale of alcohol on moving vehicles</p>

### Additional Assessment Guidance/Requirements

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 in order to adequately prepare learners for the assessment.

#### LO1: Understand the nature, purpose and period of validity of a Personal Licence

- A personal licence is a licence granted to an individual by the relevant licensing authority.
- A personal licence has two parts: a plastic card including a photograph of the holder and a paper section.
- A personal licence allows the holder to sell or authorise the sale of alcohol in accordance with an appropriate premises licence.
- There is no requirement to renew a personal licence as once granted it will remain valid indefinitely unless surrendered or forfeited.

#### LO2: Understand the application process and legal duties when applying for a Personal Licence

- Applications for a personal licence to the relevant licensing authority – the one where the applicant normally lives.
- Applicants to return a completed and signed personal licence application and a disclosure of convictions and declaration form to licensing authority along with the following:
  - Original certificate of qualification (or authorised copy);
  - Two passport-style photographs (one signed);
  - Recent (no more than one month) basic disclosure; and
  - Application fee.
- Eligibility criteria to apply for a new personal licence:
  - Age – must be at least 18
  - Qualified – hold an accredited APLH qualification
  - No licence forfeited within the last 5 years
  - Offence criteria for a personal licence application – whether or not the applicant has unspent conviction for relevant or foreign offences
- Licensing authority process for a new personal licence application:
  - Check eligibility criteria are met
  - Check offence criteria are met
  - Inform chief officer of police when offence criteria are not met (where unspent convictions for relevant or foreign offences are identified)
  - Hold a hearing following police objection to an application
  - Grant and issue personal licences

- The chief officer police may raise an objection to a personal licence application within 14 days where convictions for relevant or foreign offences are identified, if it is believed the prevention of crime and disorder objective would be undermined.
  - Spent convictions
  - Unspent convictions
  - Both the personal licence applicant and the police have the right to appeal to magistrates against the decision made by the licensing committee at a hearing. This must be done within 21 days.
  
- Relevant offences are:
  - Types of offences listed in the Licensing Act 2003. Some broad categories include:
    - any licensing offence since 1964;
    - drink-driving or driving whilst under the influence of drink or drugs;
    - trading standards and food hygiene offences;
    - production of supply of drugs offences;
    - theft, robbery, deception, forgery or evasion of duty;
    - failure to cooperate with a test in relation to alcohol or drugs; and
    - attempting and conspiracy to commit and relevant offence
  
  - Foreign offences are similar to a relevant offence but committed outside England and Wales

***N.B. There is no requirement for candidates to know specific offences.***

- Duty of the personal licence applicant to declare convictions for relevant or foreign offences to the licensing authority during the application process.
- Penalty for failing to declare convictions is a maximum level 4 on the standard scale (£2,500).

### **LO 3: Understand the legal duties of a Personal Licence Holder**

- A Personal Licence Holder, when charged with a relevant offence, has a legal duty to:
  - inform the court by first court appearance they hold a personal licence; or
  - produce their personal licence to the court.
  
- When a Personal Licence Holder is convicted with a relevant offence:
  - the court must inform licensing authority of conviction and sentence imposed;
  - if the court is unaware of the personal licence or conviction for a foreign offence, the personal licence holder must inform licensing authority as soon as reasonably practicable;
  - the licensing authority may request personal licence is produced within 14 days for

endorsement.

- Failure to produce licence within 14 days is an offence subject to a maximum level 2 penalty on the standard scale (£500).
- Duties of a personal licence holder if a personal licence is:
  - no longer required - surrender to relevant licensing authority;
  - suspended for up to 6 months by a court following conviction for a relevant offence – during the period of suspension no authorisation of alcohol sales; or
  - forfeited by the court – no authorisation of alcohol sales and no further personal licence application for 5 years
- Duty to inform relevant licensing authority of:
  - a change of name; and
  - a change of home address.
  - Offence if failure to do either of the above subject to a maximum level 2 penalty (£500).
- Duty to produce personal licence when authorising the sale of alcohol on licensed premises when requested by:
  - a police officer; or
  - an officer of the licensing authority.
  - failure to produce licence when requested is an offence subject to a maximum level 2 penalty (£500).
- Consequences for a personal licence holder convicted of a drink driving offence, such as:
  - suspension of personal licence for up to 6 months; or
  - forfeiture of personal licence.

#### **LO 4: Understand the roles, responsibilities and functions of licensing authorities**

- A licensing authority is:
  - A local body, part of a District, Metropolitan, County or Borough council in England and Wales; and
  - responsible for the operation and administration of the licensing system
- The roles and responsibilities of licensing authorities include:
  - establishing a licensing committee;
  - publishing a statement of licensing policy at least every 5 years;
  - dealing with administration of the system;
  - issuing personal and premises licences, club premises certificates and temporary event notices;

- keeping a register of applications, licenses granted and notices served; and
- performing the role of a responsible authority by:
  - making relevant representations to new premises licence applications and variations; and
  - making applications for the review of a premises licence.
- A licensing policy is a statement which:
  - states how the licensing authority will operate;
  - shows how it will promote the licensing objectives; and
  - has regard to guidance issued by the Secretary of State.
- The licensing committee:
  - is responsible for the licensing function;
  - comprises between 10 and 15 elected members;
  - must make decisions on issues arising; and
  - will delegate day-to-day functions to officers of the licensing authority.
- 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;
  - objections to a temporary event notice;
  - objections to the granting or renewal of a personal licence;
  - a call for the review of a premises licence; or
  - a closure order.
- An appeal may be made to the magistrate's court within 21 days by those involved in or affected by a decision made by the licensing committee.

**LO 5: Understand the Licensing Objectives and the importance of partnerships in promoting these objectives**

- The Licensing Objectives are:
  - Prevention of crime and disorder;
  - Public safety;
  - Prevention of public nuisance; and
  - Protection of children from harm.
- 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; and
  - form the basis of all licensing decisions.



- An operating schedule is a key part of a premises licence describing how the premises must be operated and how it will promote the licensing objectives.
- The operating schedule will include:
  - a description of the premises;
  - the licensable activities and times when these are offered;
  - times when premises are open; and
  - measures which promote the licensing objectives.
- Partnership working helps to support and promote the licensing objectives. Partners may include:
  - Police;
  - local authorities;
  - residents;
  - other businesses – pub watch or shop watch;
  - town centre managers; or
  - fire authorities.
- Community Safety Partnerships (previously Crime and Disorder Reduction Partnerships) establish strategies for the reduction of crime in a local area and support the licensing objectives. They may be referred to as ‘Safer (an area)’, such as ‘Safer Lancashire’.

#### **LO 6: Understand the nature and strength of alcohol and the effect on the body**

- The legal definition of alcohol in the Licensing Act 2003 – alcohol content above 0.5% of the total volume.
- The ‘supply of alcohol’ means:
  - the sale or service of alcohol by retail; and/or
  - providing alcohol to club members and their guests.
- The strength of an alcoholic drink is measured as a percentage (%) of alcohol by volume or abv:
  - Alcohol-free – must contain no more than 0.05% abv
  - Low alcohol – must contain no more than 1.2% abv
- The UK Chief Medical Officers' lower risk drinking guidelines are:
  - 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
  
- The intoxicating nature of alcohol may result in:
  - changes in emotional, physical and mental state;
  - addiction (a drug); or
  - loss of concentration and self-control.
  
- The effects on the body include:
  - liver damage;
  - high blood pressure;
  - cancers; and
  - accidents and injury.
  
- The effects depend upon factors such as:
  - quantity and strength consumed;
  - rate of consumption;
  - size and gender of the person;
  - food eaten; and
  - type of drinking – binge drinking, chronic drinking.

#### **LO 7: Understand the law in relation to premises licences**

- A premises licence:
  - is granted by the licensing authority (the one for the area where premises are situated);
  - is unique to the premises;
  - allows one or more licensable activity to take place; and
  - must be followed at all times.
  
- The procedures for a premises licence application.
  - Submit completed application to licensing authority – include operating schedule, premises plan, DPS details and consent, and fee.
  - Advertise application – publish and display summary.
  - Send copies of the application (if in hard copy) to responsible authorities. An electronic application to licensing authority only.
  - Receive representations (if any) from responsible authorities and any other persons.
  - Licensing authority to assess (determine) each application on its own merits.
  - Licensing authority to hold a hearing following relevant representations from responsible authorities or other persons.
  - Licensing committee may refuse application, refuse the DPS, grant licence as application or grant licence with changes or conditions added.

- Grounds for a hearing – following relevant representations to a new premises licence or the variation of an existing licence.
- An appeal to the magistrates may be made against the decision of the licensing committee within 21 days by the parties involved.
- The purpose of a premises licence review hearing is to re-appraise a licence following:
  - a review request by a responsible authority or any other person; or
  - a closure order.
- Premises licence review may result in:
  - the premises licence being suspended for up to 3 months;
  - changing or adding new conditions;
  - removing certain licensable activities;
  - revoking the licence; or
  - removing the DPS.
- The mandatory conditions attached to premises licences including:
  - 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;
  - There must be an age verification policy in place;
  - No below cost sales of alcohol;
  - No irresponsible alcohol promotions;
  - Free potable water for customers;
  - Availability, and display, of small measure; and
  - Door supervisors employed as a condition of the licence must hold a licence granted under the Private Security Act 2001.
- The four licensable activities:
  - 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; and
  - Provision of late-night refreshment.
- Any changes to an existing premises licence will require either a full or minor variation.
  - 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.
- Unauthorised licensable activities.

- Operating outside of the premises licence operating schedule
  - Operating 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 -an unlimited fine and/or 6 months in prison
- Due diligence defence if all reasonable steps were taken to avoid offence. In addition, may claim it is due to:
    - a mistake;
    - relying on someone else; or
    - an event out of their control.
  - Due diligence defence may be used when:
    - prosecuted for unauthorised licensable activities; or
    - prosecuted for offences relating to the sale of alcohol to under 18's (but not for persistent sales offence).
  - Penalty for breaching conditions on a premises licence – an unlimited fine and/or 6 months.

**LO 8: Understand the role and responsibilities of the Designated Premises Supervisor (DPS)**

- The DPS is a personal licence holder appointed by the premises licence holder 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 against the licensing objectives
- The responsibilities of the Designated Premises Supervisor (DPS) include:
  - Having day to day responsibility for licenced 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, per premise at any one time

**LO 9: Understand the law in relation to Temporary Event Notices**

- A 'permitted temporary activity' is:
  - a proposed one-off event involving one or more licensable activities;
  - operated within certain limitations; and
  - an activity not otherwise covered by a premises licence taking place on un-licensed

premises or licensed premises.

- A Temporary Event Notice (TEN) is an intention to undertake licensable activities and must be submitted by the premises user to the licensing authority electronically or in writing.
- TEN submitted in writing – two copies to the licensing authority and one each to the police and environmental health.
- Two types of TEN:
  - Standard TEN – received by the licensing authority at least 10 working days before the event.
  - Late TEN – received by the licensing authority no earlier than 9 working days and no later than 5 working days prior to the event.
- The limitations of a permitted temporary activity are:
  - Maximum of 15 temporary events per premises, per calendar year
  - Maximum number of days per premises, per calendar year during which temporary events may take place is 21 days;
  - The period of time for each temporary event must not exceed 168 hours (7 days);
  - The maximum number attending the event at any one time must be less than 500 people (up to 499 including staff);
  - There must be a minimum period of 24 hours between events at premises and by the same premises user;
  - A personal licence holder may give up to 50 TEN's per calendar year, including 10 late TEN's; and
  - A non-personal licence holder (aged 18 or over) may give up to 5 TEN's per calendar year, including 2 late TEN's.
- The premises user must display the TEN or ensure it is available for inspection at the event by police or officer of the licensing authority.
- A 'relevant person' – (the chief officer of police or the local authority environmental health) may object to a TEN on the grounds of any of the licensing objectives.
  - Objection to a standard TEN - may need a hearing
  - Objection to a late TEN – a counter notice at least 24 hours before event

**LO 10: Understand the rights and legal duties of the responsible persons in relation to operation of licensed premises**

- Legal duty of everyone selling or serving alcohol to refuse the sale to a drunken person.
- No irresponsible alcohol promotions, such as:
  - 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; and
- Promotional signs or posters encouraging drunkenness or anti-social behaviour
- Dispensing alcohol directly into the mouth of another person.
  
- Anti-violence strategies on licensed premises.
  - Vigilance, monitoring and regular checks in all areas
  - Developing good customer relationships
  - Depersonalise refusals
  - Encouraging a social mix and providing soft drinks and beverages
  - Providing efficient service
  
- Consequences of allowing illegal drug use and dealing on licensed premises.
  - Criminal offence to allow drug activity and to turn a ‘blind eye’
  - Increase in drug activity and loss of custom
  - Increase in thefts and other criminal behaviour
  
- Those legally responsible for preventing disorderly conduct on licensed premises.
  - Premises licence holder
  - DPS
  - Personal licence holders
  - Premises user
  - All responsible persons working on licensed premises, whether paid or unpaid
  
- Maximum penalty for allowing drunk and disorderly conduct on licensed premises – level 3 fine (£1,000) on the standard scale.

**LO 11: Understand the law in relation to the protection of children on licensed premises**

- It is an offence for an adult 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 beer, wine or cider consumed with a table meal when accompanied by an adult;
  - 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;
  - purchase or attempt to purchase alcohol on behalf of an under 18 year old; or
  - allow the sale of alcohol by an unsupervised under-18 – unless each and every sale is specifically authorised by a responsible person or alcohol is for consumption with a table meal
  
- Responsible persons able to authorise under 18’s to sell alcohol are:

- the DPS;
- the premises licence holder; or
- a person aged 18 or over who is authorised by the above.
  
- The offence for an under-18 to purchase or attempt to purchase alcohol.
  
- Types of acceptable proof of age documents.
  - A valid passport
  - A valid EU 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 in place an age verification policy.
  - 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.
  
- Other legislation related to the protection of children:
  - Age restricted products such as:
    - Cigarettes (18);
    - Videos/DVD's (12,15,18);
    - Knives/blades (18);
    - Fireworks (18);
    - Lighter refills (18);
    - Solvents (18); and
    - Party poppers (16).
  
- 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-licensed premises); and
  - no unaccompanied under 16s on licensed premises between midnight and 5am.
  
- Penalties for breaching the law in relation to the protection of children.

- Following a failed test purchase:
  - Fixed penalty notice (£90) issued to a person who had 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, suspension of premises licence for up to 3 months or voluntary closure for between 48 and 336 hours. There is no due diligence defence.

**LO 12: Understand the powers of the police and other authorities in relation to licensed premises**

- Closure of all licensed premises in a specific area where public disorder expected by police superintendent – application to magistrates for up to 24 hours
- 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 superintendent or council chief executive may issue closure notice for up to 48 hours
  - Application to magistrates for a closure order for up to 3 months
  - Licensing authority to review the premises licence
  - Closure order may be extended for further 3 months
  - An offence to remain on or enter premises in breach of a closure notice or order.
  - An offence to obstruct police or local council employee
- Police, licensing authority and responsible authorities have right to enter premises at any reasonable time to assess a:
  - premises licence application; or a
  - temporary event notice
- Authorities having a right of entry to licensed premises to investigate licensable activities and check premise are operating legally are:
  - police – may enter and search without a warrant
  - authorised officer of the licensing authority – investigate licensable activities
  - fire safety inspector
  - health and safety inspector
  - environmental health officer of the local authority
  - It is an offence to obstruct or prevent a police officer or authorised person from entering licensed premises. They may use reasonable force to enter and carry out their duties.
  - HM revenue and customs – may enter licensed premises at any time to search for and seize smuggled goods. If entry is required at night they must be accompanied



by a police officer.

**LO 13: Understand prohibitions and exemptions in relation to licensable activities**

- The difference between retail sale and wholesale of alcohol:
  - Wholesale includes:
    - Trade or 'business to business' sales
    - Sales to the premises user
    - 'Cash and carry' sales to retail
  - Retail sales are sales directly to a person for their own consumption and/or for consumption by family and friends.
  
- Regulated entertainment is entertainment for which a licence is required when provided for an audience or spectators and with an intention to make a profit.
  - Performance of a play
  - Exhibition of a film (excluding the not for profit exhibition of films in community premises)
  - Indoor sporting
  - Boxing or wrestling
  - Some live music
  - Performance of dance
  - Playing recorded music
  - A contest exhibition or display which combines boxing or wrestling with one or more martial arts

N.B. Due to ongoing changes being made to regulated entertainment, tutors **must** familiarise themselves with the current situation.

- Forms of entertainment which are exempt include:
  - video advertising;
  - educational films in schools;
  - pub games;
  - church or religious services;
  - private parties;
  - TV broadcasts;
  - garden fetes;
  - spontaneous events;
  - incidental music;
  - Morris dancing;
  - Stand-up comedy;
  - Teaching students to perform music or dance; and
  - Performance to a private audience where no charge is made.




- Deregulated entertainment

Some smaller entertainment events taking place between 8 am and 11 pm have been deregulated including some live music, performance of plays, sporting events and dancing. Unamplified live music between 8 am and 11 pm in any place is deregulated.

- Regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own premises is exempt between 8 am and 11 pm with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 8 am and 11 pm is 500.
  - Any playing of recorded music in relevant alcohol licensed premises is deregulated (on a conditional basis) when it takes place between 8 am and 11 pm 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 8 am and 11 pm 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 8 am and 11 pm for audiences of up to 500.
  - Travelling circuses exempt from entertainment licensing where the entertainment or sport takes place between 8 am and 11 pm on the same day, with no audience limit.
  - GrecoRoman and freestyle wrestling between 8 am and 11 pm for audiences of up to 1000 people.
- Premises prohibited from selling alcohol:
    - Most motorway services;
    - Garages used primarily for sale or repair of vehicles;
    - Petrol stations used primarily for sale of fuel; and
    - On a train when subject to a prohibition order.
  - The law in relation to the sale of alcohol on moving vehicles.
    - Trains on a journey are exempt from needing a premises licence.
    - No alcohol sales on a moving vehicle (road).
    - Penalty for selling alcohol whilst a vehicle is moving – an unlimited fine and/or 3 months in prison.

## Appendix 3: Sample Assessment Material

HABC EXAMINATION 

Paper Code: \_\_\_\_\_

**HABC Level 2 Award for Personal Licence Holders (QCF)** **Level 2**

**Information for registered centres**  
The seal on this examination paper must only be broken by the candidate at the time of the examination. Under no circumstances should a candidate use an unsealed examination paper.

**Information for candidates**  
Under no circumstances should you the candidate use an unsealed examination paper. This examination consists of 40 multiple-choice questions. The minimum pass mark is 28 correct answers. The duration of this examination is 1 hour. You are NOT allowed any assistance to complete the answers. You must use a pencil to complete the answer sheet - pens must NOT be used. When completed, please leave the Examination Answer Sheet (EAS) on the desk.

**EXAMINATION ANSWER SHEET (EAS) INSTRUCTIONS:**  
For each question, fill in ONE answer ONLY. If you make a mistake ensure you erase it thoroughly. You must mark your choice of answer by shading in ONE answer circle only. Please mark each choice like this:

01     **ANSWER COMPLETED CORRECTLY**

**Examples of how NOT to mark your Examination Answer Sheet (EAS). These will not be recorded.**

01     **DO NOT partially shade the answer circle ANSWER COMPLETED INCORRECTLY**

01     **DO NOT use ticks or crosses ANSWER COMPLETED INCORRECTLY**

01     **DO NOT use circle ANSWER COMPLETED INCORRECTLY**

01     **DO NOT shade over more than one answer circle ANSWER COMPLETED INCORRECTLY**

All candidates: **MUST** sign the Examination Answer Sheet (EAS) in the bottom right-hand corner of the page before leaving the examination room.

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The awarding body that Listens

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### Sample Questions:

1. The **main** purpose of a personal licence is to:
  - a) manage premises effectively
  - b) allow the holder to sell or authorise the sale of alcohol
  - c) allow the holder to consume alcohol on the premises
  - d) make a profit for the business
  
2. Which of the following is **one** of the four licensing objectives?
  - a) Prevention of violence
  - b) Prevention of crime and disorder
  - c) Prevention of public enjoyment
  - d) Prosecution of drug dealers
  
3. If a drink is to be classified as 'alcohol free', it must contain no more than:
  - a) 0.05% abv
  - b) 0.5% abv
  - c) 1.5% abv

- d) 2% abv
4. Before carrying out a licensable activity, which type of licence may be required?
- a) Operating licence
  - b) Premises licence
  - c) Entertainment licence
  - d) TV licence
5. What is the **best** approach to illegal drugs activity on licensed premises?
- a) Seek advice from licensing officers
  - b) Zero tolerance and contact police
  - c) Ignore it if it does not affect sales
  - d) Wait to be contacted by the police