

Due Diligence Basic Guide

1. Documents - required to be kept on site

2.

a. Staff Training - are staff training certificates for all staff available on site - staff to have received 2 hours statutory training before start work [some Licensing Standards Officers LSOs require to see letter to all staff members authorising staff to sell alcohol]

b. Personal licences - are original personal licences on site

c. Premises licence- is premises licence summary premises licence, operating plan, layout plan, mandatory and local condition is original premises licence or solicitor certified true copy available on site

Tip - keep copies of these documents in a folder behind bar or servery - make sure all staff know where it is kept; keep originals in office or safe

2. Documents - to be displayed on premises

a. Summary premises licence - all parts in deep frame with easily removable back - display on wall of premises where it can be easily seen by public, police and LSOs

b. S110 Notice - needs to be displayed at all till points

c. Access by Under 18s [or not] - needs to be displayed at doors of premises so as to be able to be read before customers enter the building

d. No Smoking signage - needs to be displayed at doors of premises so as to be able to be read before customers enter the building

e. Challenge 25 signage

3. Personal Licences

a. Original needs to be kept on the premises [can keep copy in folder behind bar]

b. Make sure refresher training done in advance of 5 years anniversary of grant and renewal and that licensing board notified [page 2 will show this has occurred] - need to send in original personal licence with refresher training pass certificate

c. Advise managers and staff to keep electronic diary for personal licence refresher and renewal dates

d. Make sure personal licence holder names and addresses correct and advise appropriate licensing board - [board that issued the licence] - need to send in original personal licence if name or address change need to be made within one month of date of change

Note the period for renewing 1 September 2009 personal licences runs from 1st September

2018 - 31 May 2019 - full SCPLH training MUST be done in advance and application made to the licensing boards which issued the personal licence by 31 May 2019 [approx 40,000 personal licences across Scotland]

Need to advise licensing board which issued personal licence and where they work [if different] within one month of date of any criminal conviction [made by a judge in court not a fixed penalty]

4. Premises Managers

a. Can only be premises manager for one premises and only one premises manager per premises

b. Responsible for day to day running of the premises and authorisation of stay sale of alcohol

c. Need personal licence current and to be refreshed /renewed on time

d. If premises manager dies; becomes incapable; leaves; is dismissed or has personal licence revoked or suspended need to advise the licensing board for area in which premises situated within 7 days of the event and need to replace premises manager within 6 weeks of the date of the event.

Tip - check to ensure more than one personal licence holder on any one premises so that immediate substitution can be made should one of the events occur

5. Staff training, reminders, due diligence, record keeping

a. 2 hours mandatory staff training before staff start work — records to be kept on premises

b. Make sure staff aware of terms of operating plan - failure to comply with its terms can lead to review, potential loss/suspension/variation of premises licence - undertake regular reminders of details for staff - record this done

c. Opening/closing times/challenge 25/no service to under 18s/no service to drunks - daily reminders at start of all staff shift - keep records to be in position to prove due diligence

d. Record challenge 25 requests and refusals

e. Keep false/forged or tampered with ID and offer to police

6. Late night premises

a. Usually after 1 a.m. premises require stewarding one per access is minimum - premises

Janet Hood Training & Consulting Ltd. and Janet Hood LLB Dip LP NP

Accredited as a Specialist in Liquor Licensing by the Law Society of Scotland

E:janethood@me.com O:01356648966 M: 07718882837 W: www.janethoodconsulting.co.uk

licence may set higher number or set earlier time for stewards to be in attendance - check and ensure premises manager/key staff aware

- b. Need first aider after 1 a.m.
- c. May need personal licence holder after 1 a.m. for premises with capacity of more than 250; dance; adult entertainment; more customers standing than seated
- d. Premises manager hold nightly briefing sessions with staff and stewards - keep records
- e. Make sure have written drugs and evacuation policies
- f. Staff members to regularly check toilets - record

7. General going home time

- a. Closure policy - times; actions to be taken drinking up time [15 minutes for bar/30 with meal in restaurant]
- b. Put bottles in bottle bank at reasonable hour
- c. Have good dispersal policies - make staff aware - consideration for neighbours etc
- d. List taxi numbers; bus stop etc info make sure staff aware
- e. Check premises for lost property - have handbag checking regime policy contact owner or police if possible — remove vapes or electronic cigarettes and place in fire proof bin - record what done

8. Empower and support staff

- a. Train and reinforce training
- b. Record all actions
- c. Support refusals
- d. Keep incident reports
- e. Download CCTV and retain with incident book

9. Annual fees

- a. These are usually issued by Boards in August - they must be paid by 1 October
- b. Some Boards send reminders direct to premises others to premises licence holders others

to premises managers

c. Check to see whether premises management have received them; instruct to pay immediately and ask to see receipt

d. Failure to pay on time [even if late payment made] can lead to a review application which can cost considerably more than the annual fee

10. Disabled Facilities

Although existing premises do not have to prepare a disabled facilities statement [this is a requirement for new premises] it is worth while carrying these out. Make sure disabled toilets are not blocked with cleaning equipment, spare chairs and tables; ensure entry doors are able to be opened; ensure clear path to lower counter areas; if you have hearing loops etc check they work; check emergency cord in disabled toilet make sure it sounds / flashes as per its design - make sure staff know what it sounds like and what they have to do to get access to disabled toilet in event of emergency; have large print menus and price lists; ensure staff are trained to assist people who require help; have knowledge of eg phone reading apps for blind customers.

11. Premises Checks

Imperative to re-enforce these basics to be sure that you can prove due diligence in the event that something goes wrong. This is more the case where you are the premises licence holder but even when tenants hold the premises licence it is worth while taking the time to carry out checks as the loss of the premises licence will affect your business.

The cost of a new premises licence is high - not only for the premises licence application but you may be required to bring premises up to current building standards and fire safety levels - this can be very expensive

In the world of overprovision there is no guarantee that is a premises licence is lost that it will be granted as of new