

## Licensing (Scotland) Act 2005

### Mandatory Conditions for both On and Off Sales

#### Both On and Off Sales

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
6. The annual or other recurring fee to be paid by virtue of regulations made under section 136(1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.

#### On Sales Only

Conditions 1 to 6 above and the following:

7. No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned hereunder unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

That is a capacity (whether paid or unpaid) which involves the person:-

- a) making sales of alcohol, or
- b) serving such alcohol, to any person.

At any time when a person (other than a person who holds a personal licence) is working in the premises in that capacity, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

8. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- f) is based on the strength of any alcohol,
- g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

- 9. Tap water fit for drinking must be provided free of charge on request.
- 10. Other non-alcoholic drinks must be available for purchase at a reasonable price.
- 11. There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which states that persons under the age of 18 are not permitted on the premises; or that such persons are permitted on the premises; or that such persons are permitted on such parts of the premises as are specified on the sign.
- 12. There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender. This condition applies only in the case of premises to which children under the age of 5 are to be admitted and which are not a vehicle; a vessel; a moveable structure; or used wholly or mainly for the purposes referred to in Section 125 (1) of the Licensing (Scotland) Act 2005.

### **Off Sales Only**

Conditions 1 to 6 above and the following:

- 13. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

- 14. Irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- c) is based on the strength of any alcohol,
- d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

15. Alcohol which is sold for consumption off the premises may be displayed only in one or both of the following:-
- a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
  - b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.