

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Schedule 3

314. This schedule establishes the national mandatory licence conditions for premises licences issued under the Act, ensuring national consistency on those issues provided for.
315. *Paragraphs 2 and 3* ensure compliance with the operating plan which accompanies the premises licence application under section 19(2) of this Act. They also clarify the relationship between the opening times set out in the operating plan or occasional licence and the exemptions outlined in section 63(2) of the Act relating to the sale, consumption and taking away of alcohol outwith licensed hours.
316. *Paragraph 4* ensure that each licensed premises has a premises manager who holds a valid personal licence. *Paragraph 5* ensures that sales of alcohol are overseen by the premises manager or someone else holding a personal licence.
317. *Paragraph 6* establishes that it is a mandatory requirement for all persons who are involved in the sale or serving of alcohol to undertake the required training. This paragraph also provides a power for the Scottish Ministers to make regulations prescribing the mandatory training.
318. *Paragraph 7* applies to both on-sales and off-sales and makes it a mandatory requirement that the prices of alcohol would have to be fixed for at least 72 hours. This precludes “happy hours”.
319. *Paragraph 8* establishes national licence conditions prohibiting irresponsible drinks promotions for licensed premises. Sub-paragraphs (b) to (d) do not apply to off sales. These conditions are aimed at reducing the problems of binge drinking and under-age drinking. A power is provided for the Scottish Ministers to add to or modify the list of proscribed promotions.
320. *Paragraph 9* applies only to on-sales and requires non-alcoholic drinks to be made available.
321. *Paragraph 10* ensures that annual fees are paid. Non-payment of fees will accordingly be a breach of licence conditions.