

FALKIRK COUNCIL

MINUTE of MEETING of the FALKIRK LOCAL LICENSING FORUM held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 23 JANUARY 2014 at 2.30 p.m.

FORUM MEMBERS

PRESENT:

Gordon Emslie (Personal Licence Holder); David Gibson (Social Work); Aileen Holliday (NHS Forth Valley); Madelene Hunt (Person resident in Forum Area); Nash Lalli (Personal Licence Holder); Ian Lovie (Scottish Grocers Federation); Warren Luke (Person resident in Forum Area); Bruce Rennie (District Bowling Association); Thomas Ross (Licensing Standards Officer), and Chief Inspector Alan Waddell (Area Commander, Police Scotland).

APOLOGIES:

Jill Bennet (Person resident in Forum Area); Lorraine Fisher (Education); Caird Forsyth (Falkirk Alcohol and Drug Partnership); Charles Gillespie (Person resident in Forum Area), and Kate Smith (Young Person).

CHAIR:

Gordon Emslie.

COUNCIL OFFICERS

PRESENT:

Alison Barr (Consumer Protection Manager); Andrew Cassells (Graduate Trainee), and Arlene Fraser, Committee Services Officer.

1. APPOINTMENT OF CONVENER

Nominations for the post of Convener were sought.

AGREED to appoint Gordon Emslie as Convener of Falkirk Local Licensing Forum for 2014.

2. MINUTES

The Forum **approved** the following:

- (a) minute of meeting held on 24 October 2013, subject to "... are **no** identified hot spot" being amended to "... are **any** identified hot spot" which occurs in the second paragraph of Item 4 – Chief Constable's Report for April 2012 to March 2013, and
- (b) minute of meeting held on 19 December 2013.

3. MATTERS ARISING FROM THE MINUTES

Minute of 24 October 2013

3.1 Draft Policy Statement - Update

Alison advised that she would liaise with Rose Mary in relation to identifying a date when the draft policy statement would be considered by the Licensing Board.

After discussion, **agreed** that Gordon would email the Clerk seeking any proposed timescale and an update on the draft policy statement.

3.2 Chief Constable's Report for April 2012 to March 2013

Clarification was sought on the proposed timescale for the publication of the annual report for 2013/14.

Chief Inspector Waddell advised that the publication timescale would likely be similar to this year's, however he would seek clarification and report back.

Minute of 9 December 2013

3.3 Dates of Licensing Forum Meetings

Arlene advised that she was currently liaising with the Convener of the Licensing Board to identify a date in early June for the joint meeting and would notify members, once a date had been agreed.

4. PERSONAL LICENCE – REFERESHER TRAINING

Gordon advised that he and Iain would give a presentation on the process and legal responsibilities to personal licence holders in undertaking mandatory training requirements.

Gordon gave a presentation which focused on the following:

Training Background

- under the Licensing (Scotland) Act 2005 any person who sells or serves alcohol in a licensed premises must receive training
- this training consists of 2 hour mandatory training and can be delivered by a personal licence holder or qualified training person
- all training undertaken must be recorded and evidence of such training held on the premises
- the mandatory training must meet the specified 16 matters

Personal Licences

- any person wishing to be a premises manager must hold a personal licence
- to apply for a personal licence, a person must hold a recognised qualification
- the qualification must be accredited by the Scottish Qualification Authority (SQA)
- a personal licence is valid for 10 years from the date of issue by the licensing authority
- after 5 years of the personal licence being issued, mandatory refresher training is required to be undertaken by every personal licence holder

Personal Licence Training

- in August 2013 the new updated personal licence qualification was launched
- there are now 3 national standards, namely:
 - Personal Licence Holders
 - Personal Licence Holders – Refresher
 - Staff Training

- only one qualification for SCPLH (no separate off-sale or on-sale course)
- more challenging for those working in the off-sales trade as they will have more knowledge than they will ever use in their line of work
- personal licence course is delivered within a minimum of 6 hours and pre-course material reading is essential
- applicants sit a 40 question multiple choice examination paper

Personal Licence Training – Refresher

- section 87 of the Licensing (Scotland) Act 2005 requires that personal licence holders must complete additional mandatory training 5 years after their personal licence was issued
- any person who holds a personal licence dated August 2009 or earlier is now required to undertake refresher training
- this training must be completed by August 2014, although many licensing boards are granting a 3 month extension to this i.e. 30 November 2014
- each person must submit training qualification evidence to the licensing board that issued the personal licence
- the undernoted Scottish Certificate for Personal Licence Holders (Refresher) at SCQF Level 6 awarding organisation codes will be acceptable to licensing boards, namely:
 - *British Institute for Inn Keeping R351 04*
 - *City and Guilds R353 04*
 - *Edexcel – **not approved***
 - *Highfield R355 04*
 - *Scottish Qualifications Authority (Awards) GG7N 46*
- Falkirk licensing board will be checking to ensure that only a certificate with one of the above reference numbers is accepted
- if a personal licence holder fails to complete their refresher training and does not provide evidence of an acceptable qualification their personal licence will lapse, and they will require to wait 5 years before they can reapply
- refresher training lasts 3 hours plus one hour for the examination
- again the exam consists of a 40 multiple choice question paper with the pass mark being 70%
- only 80% of the exam comes from the course delivery with the additional 20% coming from the essential pre course reading material
- the refresher course covers the following:
 - *issues with alcohol*
 - *people in licensing*
 - *operating plans and hours*
 - *children and licensing*
 - *control of order on licensed premises*
 - *offences and other laws*
 - *irresponsible drinks promotion*
 - *training and your obligations*

Gordon concluded his presentation by reiterating the following points -

- if you have a personal licence issued within the last 5 years then you **MUST** be retrained
- failure to renew your personal licence could mean waiting 5 years before re-applying
- plan to success and achieve training before August 2014
- being in control of your own destiny is key

Ian Lovie then gave a short presentation on the implications to the licensed trade in ensuring that mandatory refresher training is undertaken and the steps carried out to ensure compliance.

Ian highlighted the following:-

Who needs refresher training?

- legislation states that personal licence holders must complete refresher training within 5 years of the date of issue
- this means that anyone who has a personal licence which expires on 31 August 2019 must pass the refresher training qualification by 31 August 2014
- in some cases, a 3 month extension to submit the training certificate and existing personal licence to the licensing board has been applied, however, this is NOT a 3 month extension to complete the course

What this means for Scotmid

- in 2008 Scotmid took the decision to have a minimum of 4 personal licence holders per store, however some stores have more than this
- this decision was made to help protect the business, empower their staff and to encourage staff retention
- in addition, a number of staff completed the personal licence holders qualification but are not personal licence holders
- over the last 6 years, Scotmid have trained over 2,000 staff to personal licence holder qualification (PLHQ) level and processed over 1,600 personal licence applications

Steps required to be taken

- the expiry date for all licence holders requires to be identified
- arrange training courses accordingly which cost in the region of £75 to £100 per person
- ensure that licence holders name/address details are up to date
- once training certificate has been issued send this, together with the existing personal licence to the relevant licensing authority
- once amended licence has been received, this is copied and returned to the appropriate store to be made available for inspection by Police Scotland/Licensing Standards Officer

Risks involved

- if the above steps are not completed on time and the licensing authority does not receive the application within 5 years and 3 months of the licence being issued then the personal licence “must be revoked”
- if a personal licence is revoked, the holder cannot apply for another licence for 5 years
- if the person named as the Designated Premises Manager (DPM) on the premises licence has their licence revoked then another DPM must be named or the premises must stop selling alcohol
- if a staff member has their licence revoked then this could restrict their promotion opportunities in future

Other implications

- if a personal licence has been returned to the licensing authority for amendment then it will not be available on the premises for inspection by Police Scotland or LSOs

- a person may have completed the full day personal licence holder qualification as recently as August 2013 but this will not be accepted for a new personal licence application

Ian summarised his presentation and reiterated the following points:

- the cost to business for both training and administration
- risk of licences being lost due to administrative errors/paperwork going missing
- extra workload for licensing authority staff
- there is no requirement for refresher training in England and likely to be no requirement to reapply after 10 years

The Forum went on to discuss various issues arising from the presentations with further discussion taking place on the following:-

- the varying timescales which licensing authorities process and issue personal licences which could have an impact on applicants
- the preparatory work which Falkirk Licensing Section are undertaking at present to ensure that all challenges are met and addressed at an early stage in the process
- problems with personal licence holders who have changed their home address but not informed the licensing authority
- clarification in relation to which authority applicants apply for personal licences i.e. the Licensing Board in which you reside **not** where you work
- personal licence holders can only be a DPM within one premise and the problems encountered when the same DPM is named on more than one premises licence either within or out-with our licensing authority area
- the benefits which a national database for personal licence holders could have for licensing authorities
- through their day to day work, LSOs are bringing this to the attention of DPMs and PLHs
- the value of having a culture of continuous training
- the changes to the legislation since its introduction in 2009

5. ANY OTHER COMPETENT BUSINESS

Variation Application – Layout Plan

Nash Lalli sought clarification on a recent variation application which he had submitted. He advised that the regulations and guidance sets out the dimension requirements for layout plans. However, when lodging the application and layout plan he was advised by the licensing section that the layout plan required a further measurement i.e. breadth which was in line with Falkirk Licensing requirements.

Thomas advised that our licensing authority required all off-sale premise layout plans to be submitted in m³.

Discussion took place on the possibility of this requirement being referred to in the licensing policy and/or guidance note in order that applicants were aware of this.