

AGENDA ITEM 5

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
Personal Licences – Mandatory Refresher Training Update
Meeting: Licensing Board
Date: 22 October 2014
Author: Consumer Protection Manager

1. INTRODUCTION

- 1.1 Members will recall a report which was considered at the March meeting of the Licensing Board advising of the Members of the process being undertaken by the Licensing Section resulting from the requirement for personal licenceholders to undertake refresher training in accordance with section 87 of the Licensing (Scotland) Act 2005. A copy of the report is attached as Appendix 1.
- 1.2 This report provides an update on the number of personal licenceholders whose licences expired on 31 August 2019 who were to have undertaken refresher training on or before 31 August 2014. The licenceholders must then notify the Licensing Board that issued the licence no later than 1 December 2014 and provide evidence, normally in the form of a training certificate. The report also advises members of the current situation with the Designated Premises Managers specified in the premise licence relating to licensed premises in the Falkirk Council area.

2. CURRENT DATA

- 2.1 The Board is under an obligation to give each person to whom it has issued a personal licence not less than 3 months' notice of the compliance deadline. All personal licenceholders whose licences were due to expire on 31 August 2019 were sent a notification of this requirement at the start of April 2014. At the time of writing this report, of the 678 notifications sent, 351 (52%) personal licence holders have submitted their refresher training certificates or surrendered their licence, which leaves 327 (48%) still to be received. Refresher training certificates are being received daily.

3. DESIGNATED PREMISES MANAGERS

3.1 As members are aware, each licensed premises will have a premises manager who will be specified in the premises licence. A Designated Premises Manager must hold a personal licence. Section 19(2) of the Licensing (Scotland) Act 2005 states that an individual may not, at any one time, be the premises manager at more than one licensed premises. At the time of writing this report, there are 337 Designated Premises Managers specified in the premises licence relating to licensed premises in the Falkirk Council area; 70% (238) of which were issued with a personal licence by Falkirk Council. The breakdown of Licensing Authorities granting personal licences to the Designated Premises Managers for Falkirk premises is in the table below:

Issuing Licensing Authority	Number
Falkirk Council	238
Clackmannanshire Council	4
East Dunbartonshire Council	1
East Renfrewshire Council	1
Edinburgh Council	14
Fife Council	7
Glasgow Council	16
Highland Council	1
North Ayrshire Council	1
North Lanarkshire Council	22
Renfrewshire Council	2
Scottish Borders Council	1
Stirling Council	15
South Lanarkshire Council	2
West Lothian Council	11

- 3.2 At the time of writing this report, 18 of the Designated Premises Managers who have a personal licence issued by Falkirk Council and who required to undertake mandatory refresher training before 1 September 2014 have, to date, **not** notified the Licensing Board that they have undertaken the training. Officers are aware that in a small number of cases, the Designated Premises Manager has failed to undertake the training and in these cases, an application to change the Designated Premises Manager is expected to be lodged before 1 December 2014 to allow premises to continue to trade.
- 3.3 From the data held in relation to premises licences, it has been ascertained that 50 of the 99 Designated Premises Managers who hold personal licences issued by a licensing authority other than Falkirk Council are required to undertake mandatory refresher training before 1 September 2014 and notify the issuing authority before 1 December 2014. The Licensing Standards Officers are currently contacting these Designated Premises Managers to determine where or not the refresher training has been undertaken and the issuing authority notified. Again, where the Designated Premises Manager has failed to undertake the training and notify the issuing authority, an application to change the Designated Premises Manager is expected to be lodged before 1 December 2014 to allow premises to continue to trade.

4. RECOMMENDATION

4.1 For information

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Clerk to the Licensing Board

Date: 3 October 2014

Contact Officer: Alison Barr, Consumer Protection Manager ext. 1265

APPENDICES

Appendix 1 – Report dated 4 March 2014

BACKGROUND PAPERS

Nil