

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
Personal Licences – Requirement to undertake Refresher Training
Meeting: Licensing Board
Date: 4 March 2014
Author: Consumer Protection Manager

1. BACKGROUND

- 1.1 This report is to advise Members of the process currently 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.
- 1.2 An application for a personal licence is submitted in terms of section 72 of the Licensing (Scotland) Act 2005 and the Personal Licence (Scotland) Regulations 2007. Applicants must submit in support of their application evidence that they have an accredited qualification. Personal licences are granted for a period of 10 years. The fee for a personal licence is prescribed and it is currently £50.
- 1.3 The Licensing Section started to process applications for personal licences during the transitional period; however licences issued during that period only came into effect at the same time as the commencement of the 2005 Act, namely 1 September 2009. The first date, therefore, that licences are due to expire is 31 August 2019.

2. PERSONAL LICENCEHOLDER'S DUTY TO UNDERTAKE REFRESHER TRAINING

- 2.1 Section 87 of the Act requires all personal licenceholders to undertake training every 5 years and to produce to the Licensing Board that issued their licence evidence that they have done so within three months of the expiry of that period. The Board **must** revoke the personal licence should the licenceholder fail to comply with this requirement. 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.
- 2.2 All personal licenceholders whose licences are due to expire on 31 August 2019 must undertake refresher training by 31 August 2014. They 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.

- 2.3 To date, the Licensing Board has issued 1,461 personal licences and of these, 690 are due to expire on 31 August 2019. The processing of refresher training will now form part of the general maintenance of licences which currently includes, change of name and/or address, notification of convictions, requests for review. The notification letters to licenceholders whose licence is due to expire on 31 August 2019 require to be issued no later than 30 May 2014. It is the intention of officers to issue the letters during March 2014 to allow licenceholders a longer period to organise their refresher training.

3 FINANCIAL IMPLICATIONS

- 3.1 There is no fee set in the Act or regulations for the re-issuing of amended personal licences following notification of refresher training. The charging of a fee would be at the discretion of the Board; however, officers are not aware of any other Licensing Board charging a fee. We are, however, charging our regular fee of £25 to process an application to amend a personal licence following a change of name or address or to supply a replacement licence.
- 3.2 This will be an on-going expense for the Board, but it will decline over time as the number of applications made per month since 1 September 2009 decreased sharply. In 2013, there was an average of 11 applications per month. The cost of this process are primarily staff time plus the cost of recorded delivery postage for the notification letters, which in relation to the licences due to expire on 31 August 2019 will be circa £1090, stationery, printing costs etc. The biggest impact on the budget, therefore, will be in 2014/15.

4. RECOMMENDATION

4.1 For information.

pp. Clerk to the Licensing Board

Date: 21 February 2014

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

LIST OF BACKGROUND PAPERS

Nil