

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing Board Annual Report 2015
Meeting: Joint Meeting between Falkirk Council Licensing Board and the Licensing Forum
Date: 24 November 2015
Author: Clerk to the Licensing Board

1. BACKGROUND

- 1.1 The purpose of this report is to give an outline of the work carried out by the Licensing Board from June 2014 to date in relation to activity under the Licensing (Scotland) Act 2005.

2. BUDGETARY INFORMATION

- 2.1 The financial year runs from 1 April to 31 March the following year. In terms of the Licensing (Scotland) Act 2005, however, the annual retention fee is payable midway through the financial year on 1 October for all Premises Licences in effect or suspended on that date or, in any other case, 30 days after the date on which the licence takes effect. The income generated from the annual retention fees is therefore split equally between consecutive financial years; the income received from the annual retention fees in October 2014 being added to 50% of the retention fee income from October 2013. The remaining 50% of the October 2014 retention income was carried forward at the end of March 2015 into the 2015/16 budget.
- 2.2 The collection of both the 2014 and 2015 annual retention fees were again carried out in conjunction with Falkirk Council's Sundry Accounts Team who will issue invoices, a reminder and a final reminder. All invoices were issued timeously to give licenceholders 30 days' notice as required by the Act. The annual fee income gathered in respect of Premises Licences in effect or suspended on 1 October 2014 was circa £123,780 which is a slight increase in the annual fee income gathered in 2013 (£121,760). The annual fee income for 2015 is expected to be in the region of £123,000.
- 2.3 At the meeting of the Licensing Board on 15 June 2015, members approved the 2015/16 annual fee. There was no reduction in the fee level from the maximum prescribed, which has been the case since the 2005 Act came into force.
- 2.4 Reference was made in the report to the review of alcohol fees undertaken on behalf of the Scottish Government in 2013, the recommendation made in relation to an increase in the fees for an occasional licence and the changes made by the Air Weapons & Licensing Act 2015 to place a duty on Boards to report their income and expenditure. A copy of the fees report is attached as Appendix 1.

3. CURRENT LICENCES

- 3.1 The table below shows the total number of licences in force on 31 October 2015:

TYPE OF LICENCE	NUMBER
Licensing (Scotland) Act 2005:	
Premises Licence	367
Personal Licences	1277

This is a reduction in Premises Licences of two since 1 June 2014.

4. NEW PREMISES LICENCES

- 4.1 Since 1 June 2014, three applications for new premises licences have been granted by the Board, these being Pantry & Deli Bakery, 50 Cow Wynd, Falkirk; Polmont Convenience Store, 11 Main Street, Polmont; and Keystore Express & Post Office, 7 Duke Street, Denny.
- 4.2 In addition, six applications for provisional premises licences have been granted by the Board, these being Coffee on Wooer Street, 2-4 Wooer Street, Falkirk; Canton Coli Euganei, 25 Cockburn Street, Falkirk; David's Kitchen, 50 Dalderse Avenue, Falkirk; Home Bargains, Redbrae Road, Camelon; The Helix Visitor Centre, Helix Park, Falkirk; One Stop, Unit 2, Bellsdyke Road, Larbert.
- 4.3 The premises licences in respect of David's Kitchen, Home Bargains, The Helix Visitor Centre and One Stop are not yet in force as the confirmation applications have not yet been submitted.
- 4.4 The provisional premises licence application for Coffee on Wooer Street was granted on 13 August 2014 and confirmed on 22 August 2014 and the provisional premises licence for Canton Coli Euganei was granted on 23 September 2015 and confirmed on 19 October 2015. Both premises are now operating.
- 4.5 The provisional premises licence granted by the Board on 16 April 2014 for Day Today, Braeview, Stenhousemuir and reported to the last joint meeting on 6 June 2014 has not yet been confirmed.

5. VARIATIONS TO PREMISES LICENCES

- 5.1 42 applications for non minor variations to premises licences have been received since 1 June 2014. This type of application requires to be determined by the Licensing Board. Of these 42 applications, 36 have been granted by the Board, one has been withdrawn, and six are being processed.

- 5.2 Since 1 June 2014, 51 applications to make a minor variation to a premises licence have been received. These were for different types of changes including updating personal details, a decrease in the capacity (alcohol display area), change of store layout, request for a copy licence etc. Two applications are still being processed. In addition, 134 applications to change the Designated Premises Manager were received. All minor variations were granted under delegated powers.
- 5.3 35 applications to transfer premises licences have been received since 1 June 2014. Of these, 30 have been granted, four are still being processed and one premises licence was revoked before the transfer was granted.

6. PREMISES LICENCE REVIEWS

- 6.1 Two applications to review premises licences have been received since 1 June 2014, as follows:-
- Castleton Mini Market, Grangemouth – review requested by the Licensing Standards Officer and the Licensing Board on 15 June 2015 found that there were no grounds established to hold a review.
 - Day to Day, Stenhousemuir – review requested by the Licensing Standards Officer and the Licensing Board revoked the Premises Licence on 26 May 2015.

7. OCCASIONAL LICENCES

- 7.1 The table below shows the analysis of the types of applicant for occasional licences since 1 June 2014. 19 of these applications fell or were withdrawn.

Applicant Type	Number
Club	84
Premises Licenceholder	80
Personal Licenceholder	119
Voluntary Organisation	91
TOTAL	373

- 7.2 Appendix 2 gives details of these applications by type of applicant, venue and event.
- 7.3 One application for an occasional licence required to be determined by the Board. The application was by Bo'ness Chemical Workers Social Club for hospitality for the band at Bo'ness Fair Day. The application was granted with conditions.

8. EXTENDED HOURS APPLICATIONS

- 8.1 The table below show the applications received for extended hours since 1 June 2014 by month together with the numbers granted, withdrawn, refused or fallen. The increase in applications in March is due to Bank Holidays which fall in the following month(s) namely Easter and May Day. These Bank Holidays are recognised in the Board's current Statement of Licensing Policy and licenceholders take advantage of the extra hour by applying for extended hours.

	Applications Received	Disposal			Granted
		Refused	Withdrawn	Fell	
2014					
June	1	0	0	0	1
July	3	0	0	0	3
August	2	0	0	0	2
Sept	2	0	0	0	2
Oct	17	0	0	0	17
Nov	46	0	1	1	44
Dec	18	0	0	0	18
2015					
Jan	1	0	0	0	1
Feb	1	0	0	0	1
March	13	0	2	0	11
April	2	0	0	0	2
May	7	0	2	0	7
June	1	0	0	0	1
July	2	0	0	0	2
August	8	0	0	0	7
Sept	9	0	0	0	9
Oct	29*		1		5
Totals	162				
*23 still being processed.					

- 8.2 Of the 162 applications for extended hours received, 41 required to be determined by the Board as they were outwith policy; 36 of them seeking more than the one extra hour currently allowed in the Licensing Board's Statement of Licensing Policy over the Festive Period or hours for festive functions outwith the festive period detailed in the policy. Information on the outcome of the other applications for extended hours is noted below:

PREMISES	EVENT/FUNCTION	EXTENSION	OUTCOME
Café Westfield	Football Supporters Bus	10 am until 11 am on Saturday 11 May 2015	Granted
City Nightclub	May Bank Holiday	2 am until 3 am on Monday 25 May 2015	Granted
The Three Kings	Wedding Celebration	Midnight on Sunday 29 until 1 am on Monday 30 June 2014	Granted
Falkirk Golf Club	50 th Birthday party	11 pm on Sunday 27 until 12.30 am on Monday 28 December 2015	Granted
The Auld Vic	50 th Birthday party	1 am until 2 am on Saturday 12 December 2015	Granted

9. APPLICATIONS FOR PERSONAL LICENCES

- 9.1 Since 1 June 2014, 235 applications for personal licences were received; 110 of the applicants were male and 125 female.
- 9.2 Four applications for a personal licence required to be determined by the Licensing Board. The applications had revealed that the applicants had convictions for a relevant offence(s) recorded against them. The Board granted three of the applications following a hearing in which the circumstances of the convictions were explored within the context of the licensing objectives. One is still to be determined and is on the agenda for the December Board.

10. PERSONAL LICENCE REVIEWS

- 10.1 There have been no applications to review personal licences submitted since 1 June 2014.

11. PERSONAL LICENCE REVOCATIONS

- 11.1 The report considered by members of the Licensing Board and the Local Licensing Forum on 6 June 2014 outlined the provisions in relation to the requirement for Personal Licenceholders to undertake refresher training. A copy of the report from the Clerk in March 2014 is attached. The Board was kept apprised of the situation in relation to this requirement in reports from the Clerk that were considered at meetings on 22 October 2014 and 10 December 2014. A copy of these reports, plus a copy of the report considered in March 2014, is attached as appendices 3.
- 11.2 To date, 396 personal licences have been revoked since 1 December 2014.

- 11.3 Section 87 of the Licensing (Scotland) 2005 Act provides that if a personal licenceholder fails to comply with the duty to undertake training and notify the appropriate Licensing Board within the statutory timescale, then the issuing Board *must* revoke the licence. The original provision was that the applicant cannot apply for another personal licence for a period of five years; however this has now been amended by the Air Weapons & Licensing Act 2015 which allows an application to be lodged for a new personal licence by a person whose licence has been revoked. It is important to note that this relaxation only applies where the licence has been revoked for failure to comply with Section 87.

12. AIR WEAPONS & LICENSING ACT 2015

- 12.1 The Air Weapons & Licensing Bill was enacted on 24 June 2015 and royal assent was granted on 4 August 2015. The new Act makes significant changes to the Licensing (Scotland) Act 2005, although much of it is not yet in force.
- 12.2 The Board considered a report outlining the main changes at its meeting on 12 August 2015. A copy of the report dated 29 July 2015 is attached as appendix 4

13 RECOMMENDATION

- 13.1 For information.

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pp Clerk to the Licensing Board

Date: 18 November 2015

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

APPENDICES

Appendix 1 – Fees report dated 1 June 2015

Appendix 2 - Occasional Licence statistics 1 June 2014 to 31 October 2015

Appendix 3 – Personal Licence Mandatory Refresher Training Update reports dated 21 February 2014, 3 October 2014 and 19 November 2014

Appendix 4 - Air Weapons & Licensing Act 2015 report dated 29 July 2015

LIST OF BACKGROUND PAPERS

Nil

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
The Licensing (Fees) (Scotland) Regulations
2007 Premises Licences - Annual Fees
Meeting: Licensing Board
Date: 15 June 2015
Author: Clerk to the Licensing Board

1. BACKGROUND

- 1.1 In accordance with the Licensing (Fees)(Scotland) Regulations 2007, the Board is required to set an annual fee for payment by holders of premises licences. Payment then requires to be made by licence holders not later than 1 October in that year.
- 1.2 While the level of fee is within the discretion of the Board up to a prescribed amount (as set out in further detail below), the Regulations require the Board to have regard to the desirability of ensuring that the total fees payable are likely to be broadly equivalent to the expenses incurred by the Board.
- 1.3 The annual fee for 2015/16 is due on 1 October 2015 for all Premises Licences in effect or suspended on that date or, in any other case, 30 days after the date on which the licence takes effect.
- 1.4 The annual fee payable under regulation 7 of the Licensing (Fees) (Scotland) Regulations 2007, requires to be determined by the Board in accordance with regulation 8. There are six categories of premises referred to in this regulation, determined according to the premises' rateable value. For each category there is a maximum fee that may be set, varying from £180 to £900. The maximum fee levels have remained unchanged since their introduction in 2009.
- 1.5 Should the Board decide to set a fee level lower than the maximum, it must:
 - determine different fees for the six different categories, and
 - set those fees by reducing each of the fees by an identical percentage

2. BUDGETARY INFORMATION

- 2.1 The financial year runs from 1 April to 31 March the following year. In terms of the Licensing (Scotland) Act 2005, however, the annual retention fee is payable midway through the financial year on 1 October. The income generated from the annual retention fees is therefore split equally between consecutive financial years; the income received from the annual retention fees in October 2014 being added to 50% of the retention fee income from October 2013. The remaining 50% of the October 2014 retention income is carried forward at the end of March 2015 into the 2015/16 budget.

- 2.2 Following the successful pilot scheme in 2012, the gathering of annual retention fees continued to be undertaken by Falkirk Council's Sundry Accounts Team in 2014. The Licensing Team provided details of the all current premises licenceholders to the Sundry Accounts Team, who issued invoices and the statutory notification, a reminder and a final reminder. Details of those fees which remained unpaid were then sent to the Licensing Team for appropriate action to be taken. One Section 14 Notice was served by the Licensing Standards Officers. The licenceholder of Day to Day in Stenhousemuir failed to comply with the notice and, following a hearing at the May meeting of the Licensing Board, the licence was revoked. The premises licence for M&A Newsagents in Polmont was surrendered before a Section 14 Notice was served.

3. 2014/15 BUDGET DETAILS

- 3.1 The Licensing Board income is made up of the annual retention fee for premises licences issued under the Licensing (Scotland) Act 2005 and the Gambling Act 2005 plus additional fee income from applications received during the financial year. The following table shows the income generated by applications made during 2014/15.

Licensing (Scotland) Act 2005 Application Type	Income (£)
Personal Licence	8200
New Premises Licence	1900
Provisional Premises Licence	200
Confirmation of Provisional Premises	2400
Non minor Variation	3680
Minor Variation	3466
Transfer	825
Extended Hours	1130
Occasional Licence	2890
<i>Sub Total:</i>	<i>24,691</i>
Gambling Act 2005 Application Type	
Small Lottery	480
Club Gaming Permit	200
Club Machine Permit	600
Notification of Gaming Machine	1150
<i>Sub Total:</i>	<i>2,430</i>
TOTAL:	27,121

- 3.2 Licensing Board income from the annual retention fees and application fees during the 2014/15 financial year amounted to £179,508, made up of £157,593 for liquor and £21,915 for gambling. This is a slight increase on the previous year's income of £178,412.
- 3.3 Income generated by the Board contributed to the gross budget for administering it, but Falkirk Council still subsidises the licensing function. The level of subsidy has reduced following management actions taken over the last two years (enabling us to underspend our actual budget this year), but the cost of administering the service still substantially exceeds the income generated from fees.
- 3.4 In these circumstances, it is recommended that the Board maintains the same level of annual fees as has been charged during the last five financial years.

4. REVIEW OF ALCOHOL FEES

- 4.1 Since the fees regime came into effect, in 2009, a number of concerns have been raised by stakeholders who feel that the regime should be made fairer and that smaller businesses currently pay disproportionately large fees.
- 4.2 Members will recall from last years' report that The Scottish Government's Justice Analytical Services, on behalf of the Criminal Law and Licensing Division, conducted a review of alcohol licensing fees. The review did not come to a firm conclusion. The researchers were not able to obtain sufficient material from Licensing Boards to strongly evidence changes to the fees regime.
- 4.3 That said, the report contained a number of relevant recommendations, one of which was that Boards should be placed under a duty to report on their income and expenditure and this was added to the Air Weapons and Licensing (Scotland) Bill which is currently before the Scottish Parliament. It is expected that with better information on income and expenditure it will be possible for a proper review of fee levels.
- 4.4 The review also recommended that there be an increase to the fee for an occasional licence; this is set within secondary legislation so it would be possible for this to be increased at any time. A Scottish Government representative has advised that there is an intention to review and increase the fee for an occasional licence once the work on the current Bill has been concluded. Members will recall instructing officers to write to the Scottish Government in 2010 to raise its concerns regarding the prescribed fee of £10 for an occasional licence not accurate reflecting the resources required to process such an application.

5. **CONCLUSIONS**

- 5.1 It is recommended that the annual fees in relation to premises licences are retained at the existing level for 2015/16 as detailed in appendix 1 to this report. The basis for the recommendation is twofold. Firstly, to maintain and support the necessary resources and staffing levels to ensure that all the issues and requirements which have been highlighted by the Board as requiring to be addressed continue for the coming year, and secondly, to await action by the Scottish Government in relation to the prescribed fee for occasional licences detailed in paragraph 4.
- 5.2 The Regulations allow scope for the annual fee to be paid by instalments. This would be at the discretion of the Board. The instalments may be paid in 4 or 12 equal payments over the course of the year following the date on which the fee would otherwise be due. In 2014, a very small number of licenceholders opted to pay by instalment.

6. **RECOMMENDATION**

- 6.1 It is recommended that the Board agrees to adopt the Premises Licences Annual Fee levels proposed in the Appendix with effect from 1 October 2015.

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Pp Clerk to the Licensing Board

Date: 1 June 2015

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

Appendix - Fee Table

LIST OF BACKGROUND PAPERS

Appendix 1

LICENSING (SCOTLAND) ACT 2005
The Licensing (Fees) Scotland Regulations 2007
PREMISES LICENCES- FEE TABLE

Category	Rateable Value	New Application Fees	*Annual Renewal Fees 1 October 2015
1	Not entered on the valuation roll or a nil value is shown	£200	£180
2	£1 and £11,500	£800	£220
3	£11,501 and £35,000	£1,100	£28
4	£35,001 and £140,000	£1,300	£50
5	£70,001 and £140,000	£1,700	£70
6	Over £140,000	£2,000	£90

*Please Note: The figures in Bold print are the proposed Premises Licences Annual Fees from 1 October 2015, referred to in the Members consideration

2014

Applicant Details	Category	Venue	Reason
Grangemouth Rugby Club	Club	Grangemouth Rugby Club	50th Birthday Party
North Broomage Social Club	Club	North Broomage Social Club	Wedding Reception
Blackness Bowling Club	Club	Blackness Bowling Club	Linlithgow Marches
The Grangemouth Railway Club	Club	the grangemouth railway club	Wedding Reception
The Grangemouth Railway Club	Club	the grangemouth railway club	golden Wedding
Falkirk Bowling Club	Club	Falkirk Bowling Club	opening day event
Falkirk Bowling Club	Club	Falkirk Bowling Club	opening day event
bonnybridge bowling club	Club	bonnybridge Bowling Club	70th birthday party
bonnybridge bowling club	Club	bonnybridge Bowling Club	Charity Event
North Broomage Social Club	Club	North Broomage Social Club	30th Birthday Party
burnhead bowling club	Club	burnhead bowling club	50th Birthday Party
Redding and Westquarter	Club	Redding and westquarter	90 birthday party
Redding and Westquarter	Club	Redding and westquarter	Dance
Bainsford Bowling Club	Club	Bainsford Bowling Club	70th Birthday Party
lodge dolphin	Club	lodge dolphin	sportsmans dinner
Burnhead bowling Club	Club	burnhead bowling club	engagement party
Stenhousemuir Cricket Club	Club	Stenhousemuir Cricket Club	Larbert High School Fundraising Quiz
bonnybridge bowling club	Club	bonnybridge bowling club	Fundraising Event
Redding & Westquarter Unity Club	Club	Redding & Westquarter Unity Club	Christmas dinner fundraiser
Grangemouth Rugby Club	Club	Grangemouth Rugby Club	Family Party
Burnhead Bowling Club	Club	Burnhead Bowling Club	50th Birthday Party
Lodge Dolphin No 911	Club	lodge dolphin No911	hogmanay party
Lodge St John Falkirk No16	Club	Lodge St John Falkirk No 16	Burns Supper
Falkirk Tryst G C	Club	Falkirk Tryst G C	retirement party
Falkirk Golf Club	Club	Dobbie Hall	Juniour Prizegiving
Burnhead Bowling club	Club	Burnhead bowling club	Birthday Party
Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Fundraiser
bo'ness bowling club	Club	bo'ness bowling club	Quiz Night
bo'ness bowling club	Club	bo'ness bowling club	Social Dance
Stenhousemuir Cricket Club	Club	Stenhousemuir cricket club	50th Birthday
Lodge Dolphin	Club	Lodge Dolphin Masonic Club	Christmas Buffet Supper

Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Race Night
Falkirk Tryst G C	PLH	Falkirk Tryst G C	50th Birthday party
Stenhousemuir Football Club	PLH	Dobbie Hall	Sportsmans Dinner
Brian Flynn	PLH	Market Stall	Sale of Ales
andrew mckay	PLH	crypt hall	
andrew mckay	PLH	crypt hall	Chistening
andrew mckay	PLH	crypt hall	
Brian Flynn	PLH	Market Stall	Sale of Ales
gail fairholm	PLH	bo'ness town hall	wedding reception
ANGELA PANTON	PLH	WOW	Birthday event
Andrew McKay	PLH	crypt hall	40th birthday
Andrew McKay	PLH	crypt hall	40th birthday
Andrew McKay	PLH	crypt hall	denny pipe band annual dance
Joseph Harkins	PLH	Marquee at Kings Barn	Hospitality at show
Bruce Rennie	PLH	Falkirk Bowling Club	Open Competition
Rachel Ranklin	PLH	dobbie hall	Thai Boxing Event
Michael McCafferty	PLH	dobbie hall	50th Birthday Party
Andrew McKay	PLH	crypt hall	50th Birthday Party
Andrew McKay	PLH	crypt hall	Halloween party
Rachel Rankine	PLH	Dobbie Hall	Muay Thai Boxing Event
Isa McMinn	PLH	Bo'ness Town Hall	Wedding
Bruce Rennie	PLH	falkirk golf club	reunion
Tracey Glegg	PLH	Shieldhill welfare hall	Fundraising Event
Sharon Marshall	PLH	WOW	Taste and sale of alochol
Tracey Glennon	PLH	Bo'ness Town Hall	halloween party
hayley McGonigal	PLH	11 Main Street, Polmont	to able them to sell drink in shop
hayley McGonigal	PLH	11 Main Street, Polmont	to able them to sell drink in shop
hayley McGonigal	PLH	11 Main Street, Polmont	to able them to sell drink in shop
Nicola Russel	PLH	Shieldhill welfare hall	ladies night
Brian Flynn	PLH	Steeple Area, High Street, Falkirk	Sale of Steeple 200 Ale gift packs
Andrew McKay	PLH	Crypt Hall	Fund raising dance
ANGELA PANTON	PLH	WOW	xmas event

Shaun Niven	PLH	The Horsebox, Kelpies	Christmas Shopping event
Stephanie McGeachie	PLH	Camelon Memorial Hall	Funeral
Colin Anderson	PLH	Bo'ness Town Hall	Theatre Performance
kenneth mchugh	PLH	bo'ness town hall	Wedding Reception
janette halkett	PLH	Kingsbarn equestrian centre	horse show
David Lang	PLH	Dobbie Hall	Leaving Party
gemma cruickshank	PLH	Dobbie Hall	comedy club
gemma cruickshank	PLH	grangemouth town hall	comedy club
Tracy Fyfe	PLH	Shieldhill Welfare Hall	Dance
Graeme McNie	PLH	high street bistro	Christmas Party events
Graeme McNie	PLH	high street bistro	Christmas Party events
Sharon Burden	PLH	Bo'ness Academy	Works Annual Xmas dance
Brian Flynn	PLH	Market Stall	Sale of Steeple 200 Ale
falkirk rugby club	Prem	marquee	biker rally
falkirk rugby club	Prem	marquee	biker rally
airth castle hotel	Prem	parsonage	Wedding
airth castle hotel	Prem	parsonage	wedding
airth castle hotel	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	festive party
airth castle	Prem	parsonage	festive party
airth castle	Prem	parsonage	festive party
airth castle	Prem	parsonage	festive party
airth castle	Prem	parsonage	team building
airth castle	Prem	Parsonage	Team Building
Burnhead Bowling Club	Prem	Burnhead Bowling Club	50th Birthday Party
Falkirk Tryst Golf Club	Prem	Falkirk Tryst Golf Club	Ruby Wedding Anniversary Party
Unity Club	Prem	Unity Club	Cabaret
Douglas Dodge	Prem	Douglas Lodge	30th birthday party
Dominic Ward	Prem	Grangemouth Rugby Club	30th Birthday Party
Lodge Dolphin Masonic Club	Prem	Lodge Dolphin Masonic Club	Fundraising cabaret evening

The Orchard Hotel	Prem	22-26 Princes Street, Falkirk	
The Orchard Hotel	Prem	22-26 Princes Street, Falkirk	
Douglas Lodge	Prem	Bo'ness Town Hall	Annual Ball
Burnhead Bowling Club	Prem	Burnhead Bowling Club	60th birthday party
airth castle hotel	Prem	parsonage	Private Dinner(in the House)
airth castle	Prem	parsonage	ryders cup
airth castle	Prem	parsonage	ryders cup
airth castle	Prem	parsonage	ryders cup
airth castle	Prem	parsonage	ryders cup
airth castle	Prem	parsonage	ryders cup
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
gillespie true blues	VO	shieldhill welfare hall	2 day fundraiser
Lord Mountbatten Memorial	VO	Laurieston Community Centre	Post march Meal and Social Evening
Denny true Blues	VO	Denny orange hall	FundraisingnEvent
slamannan lol 227	VO	slamannan Community hall	Harmony
Laurieston Loyalist Flute Band	VO	Laurieston Community Centre	Race night
Friends of Airth Highland Games	VO	North Greens Park	Airth Highland Games Beer Tent
california footbal club	VO	shieldhill welfare hall	Fundraising Event
St Joseph's Church Hall	VO	st josephs church	fundraising quiz night
shieldhill flute band	VO	Shieldhill Welfare Hall	Fundraising Event
Falkirk District 36	VO	Dobbie hall	Social Function Dance
Larbert Operatic	VO	dobbie hall	fundraiser quiz/cabaret
Larbert Operatic	VO	dobbie hall	annual panto
Slamannan Bible & Crown Def	VO	LimeriggCommunity Centre	Social Afternoon/Evening
laurieston loyalist flute band	VO	laurieston community centre	fundraising
laurieston loyalist flute band	VO	laurieston community centre	fundraising
Bo'ness Real Ale Appreciation Society	VO	Bo'ness Town Hall	Real Ale Society
Linda Clyne	VO	Bo'ness Town Hall	Sportsmans' dinner
Camelon Purple Guard LOL 317	VO	Camelon Memorial Hall	Fundraising Event
Tryst Theatre	VO	Dobbie Hall	Play - Bouncers

Gillespie true blues	VO	Shieldhill Welfare Hall	Fundraising Event
sensory centre	VO	sensory centre	Ladies Night Fundraiser
Bo'ness operatic society	VO	Bo'ness Town Hall	Annual production
Camelon Loylist flute band	VO	Dobbie Hall	Fundraising Event
Linlithgow Thistle AFC	VO	Bo'ness Town Hall	Sportsman's Dinner
Bo'ness & Carriden Band	VO	Bo'ness Town Hall	Band Concert
Scottish National Party	VO	Banknock Community Centre	St Andrews Dinner
Camelon Purple Guards	VO	Camelon Memorial Hall	Fund raising event
Camelon Purple Guards	VO	Camelon Memorial Hall	Fund raising Xmas party
Denny true Blues	VO	Denny Orange Hall	Cabaret/Disco
Barony Players	VO	Barony Theatre	Theatre performance
Barony Players	VO	Barony Theatre	Theatre performance
Shieldhill Flute Band	VO	Shieldhill Welfare Hall	Fund raising
16th Forth Valley Scout Group	VO	Scout Hall, Spinkhill	Quiz Night
Gillespies True Blues	VO	Shieldhill Welfare Hall	Fundraiser
Sir William Wallace Grand Lodge Of Scotland	VO	Shieldhill Welfare Hall	Burns Supper
SNP	VO	Dawson Centre	Burns Supper
SNP	VO	Westfield Communtiy Centre	Burns Supper
Larbert Amateur Operatic Society	VO	Dobbie Hall	Cabaret fundraiser evening
Royal Society of Chemistry	VO	St Anthony's Church	Whisky Tasting
Bonnybridge Sons of William	VO	Archibald Russell Centre	Dance
James Kerr	VO	shieldhill welfare hall	Fund Raising Disco
Scottish National Party	VO	Dobbie Hall	Christmas Ceilidh

2015

Applicant Details	Category	Venue	Reason
north broomage social club	Club	north broomage social club	30 Birthday Party
north broomage	Club	north broomage	engagement party
Falkirk Trtsy Golf Club	Club	Falkirk Tryst Golf Club	21st Birthday Party
Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Bo'ness Fair Day
Polmont Bowling Club	Club	Polmont Bowling Club	Retirment Party
Stenhousemuir cricket club	Club	stenhousemuir cricket club	Christening Party
Stenhousemuir cricket club	Club	stenhousemuir cricket club	40th Birthday party
Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Engagement party
Lodge Dolphin No 911	Club	lodge dophin no 911	Fundraiser youth football team
Lodge Dolphin No 911	Club	lodge dophin no 911	Fundraiser youth football team
Douglas Lodge	Club	Douglas lodge	Bo'ness Fair Day
Stenhousemuir cricket club	Club	stenhousemuir cricket club	10th Wedding Anniversary
Polmont Bowling Club	Club	polmont Bowling Club	Race Night
Carron and carronshore	Club	Carron and carronshore	Prize giving under 14 football club
Carron and carronshore	Club	Carron and carronshore	Football Bus been Run from Club
Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Engagement Party
Bo'ness Chemical Workers	Club	Bo'ness Chemical Workers	Fundraiser for Queens Arch
Carronshore social club	Club	carronshore social club	bands
Carronshore Social Club	Club	carronshore social club	21 Birthday Party
Carronshore Social Club	Club	carronshore social club	Charity Night
Carronshore Social Club	Club	carronshore social club	21 Birthday Party
Falkirk Rugby Club	Club	Marquee at Falkirk Rugby Club	Annual Biker Ralley
Falkirk Rugby Club	Club	Marquee at Falkirk Rugby Club	Annual Biker Ralley
Stenhousemuir Cricket Club	Club	Stenhousemuir Cricket Club and Grounds	Family 40th Birthday Party
Carronshore Social Club	Club	Carronshore Social Club	Wedding Reception
Carronshore Social Club	Club	Carronshore Social Club	50th Birthday Party
Carronshore Social Club	Club	Carronshore Social Club	25th Wedding Anniversay
Carronshore Social Club	Club	Carronshore Social Club	70th Birthday Party
Redding and westquarter	Club	redding and westquarter	Free Colliers Parade Meal
Lodge Dolphin Masonic Club	Club	Lodge Dolphin Masonic Club	Fundraising Event
Camelon Junior's Social Club	Club	Camelon Junior's Social Club	Fundraising Event

Camelon Junior's Social Club	Club	Camelon Junior's Social Club	funeral
Lodge Dolphin Masonic Club	Club	Lodge Dolphin Masonic Club	40th birthday
redding and westquarter	Club	redding and westquarter	21st birthday party
douglas lodge	Club	Douglas lodge	wedding service / reception
bo'ness chemical workers	Club	bo'ness chemical workers	band concert
bo'ness chemical workers	Club	bo'ness chemical workers	fundraising event
Burnhead Bowling Club	Club	Burnhead Bowling Club	10th birthday Party
Stenhousemuir Cricket Club	Club	Stenhousemuir cricket club	Family Quiz Night
BO'NESS CHEMICAL WORKERS	Club	BONESS CHEM WORKERS	40th birthday Party
Bainsford Bowling Club	Club	Bainsford Bowling Club	50th Birthday Party
stenhousemuir c c	Club	stenhousemuir cricket club	Annual General Meeting
north broomage	Club	north broomage	40th birthday
north broomage	Club	north broomage	50th Birthday Party
carronshore social club	Club	carronshore social club	Charity Ladies Night
polmont bowling club	Club	polmont bowling club	funeral
douglas lodge	Club	Douglas lodge	30th Birthday party
douglas lodge	Club	Douglas lodge	Charity Night
bruce rennie	Club	falkirk bowing club	open bowling event
bruce rennie	Club	falkirk bowling club	Retirement Function
Lodge Dolphin	Club	lodge dolphin	psychic night
Lodge Dolphin	Club	lodge dolphin	cabaret evening
Bruce Rennie	PLH	falkirk bowling club	burns supper
Tracey Jane Glegg	PLH	Laurieston Community Hall	fundraiser
Kenneth McHugh	PLH	Bo'ness Town Hall	celebration party
rachel rankine	PLH	dobbie hall	Martial Arts
Stephen Gauld	PLH	Bo'nes town hall	wedding reception
Andrew McKay	PLH	Crypt Hall	Fundraising
Andrew McKay	PLH	Crypt Hall	wedding reception
Andrew McKay	PLH	Crypt Hall	wedding reception
Daniel James Stirling	PLH	Kinneil House	British Gas Event
Linda Clyne	PLH	Douglas Park	Fundraiser
Vincent Coyle	PLH	Westfield Farm	Dance and Harness Racing

Thomas Don	PLH	dobbie hall	Fundraising Dance
Nicol Scobbie	PLH	Grangemouth Town Hall	Celebration Dinner
bruce rennie	PLH	falkirk bowling club	open event
airth castle hotel	PLH	parsonage	wedding reception
airth castle hotel	PLH	parsonage	wedding reception
airth castle hotel	PLH	parsonage	wedding reception
airth castle hotel	PLH	parsonage	wedding reception
airth castle hotel	PLH	parsonage	wedding reception
Ian west	PLH	Falkirk Stadium	concert
David Burns	PLH	Greenbank Farm	Wedding Reception
Ian West	PLH	Falkirk Stadium	Tom Jones Concert
Harpreet Singh	PLH	lifestyle express	to sell off-sales
Harpreet Singh	PLH	lifestyle express	to sell off-sales
Harpreet Singh	PLH	lifestyle express	to sell off-sales
Gail Fairholm	PLH	Bo'ness Town hall	Retirement Party
duncan lieshman	PLH	Bowling Club	30th Birthday party
Andrew Mckay	PLH	Crypt Hall	Wedding Reception
Gaui Goodwin	PLH	Bo'ness Town Hall	boness real ale festival
HARPREET SINGH	PLH	LIFESTYLE EXPRESS	to sell off sales
HARPREET SINGH	PLH	LIFESTYLE EXPRESS	to sell off sales
HARPREET SINGH	PLH	LIFESTYLE EXPRESS	to sell off sales
TRACEY GLEGG	PLH	Laurieston community hall	Fundraising Event
TRACEY GLEGG	PLH	Laurieston community hall	fundraising Event
rachel rankine	PLH	Dobbie Hall (main Hall)	Martial Arts Competition
JAMES KERR	PLH	Shieldhill Welfare	30th Birthday party
David Love	PLH	keystore	sale of off sales
David Love	PLH	keystore	sale of off sales
David Love	PLH	keystore	sale of off sales
david Love	PLH	keystore	sale of off sales
bruce rennie	PLH	falkirk bowling club	open bowling event
Kenneth McHugh	PLH	Bo'ness town Hall	Wedding Reception
Andrew McKay	PLH	crypt hall	Christening
Colin green	PLH	grangemouth sports complex	thai boxing

Angela Panton	PLH	wow café	Xmas preview evening
Ronald Jenkins	PLH	Dobbie hall	Fundraising evening Cabaret
Diane Greenough	PLH	Davids Kitchen	off sales in shop
Diane Greenough	PLH	Davids Kitchen	off sales in shop
Melanie West1900 to	PLH	Mattysteel buildings	Christmas Light Switch on
Diane Greenough	PLH	Davids Kitchen	off sales in shop
Angela Panton	PLH	wow - gift shop	shops birthday
Angela Panton	PLH	wow - Café & Gift shop	Sale of hampers and gifts
Andrew McKay	PLH	Crypt Hall	Charity Dance
Andrew McKay	PLH	Crypt Hall	40th Birthday Party
Andrew McKay	PLH	Crypt Hall	70th Birthday Party
Stephen Barr	PLH	Dobbie Hall	Fund raising Darts Night
WOW	PLH	WOW Gift Shop	Vodka Tasting
Tracey Glegg	PLH	Laurieston community centre	Fundraising
William Comrie	PLH	dobbie hall	real ale festival
Linda Clyne	PLH	Bo'ness Town Hall	Fundraising Dance
Gail Fairholm	PLH	Bo'ness Town Hall	Speakeasy
Andrew McKay	PLH	Crypt Hall	Fundraising Dance for Girls Football Team
Andrew McKay	PLH	crypt Hall	50th birthday party
Tracey Glegg	PLH	Laurieston community centre	Fundraising event
william gibson	PLH	Bo'ness Town Hall	50th birthday party
isa Mcminn	PLH	Bo'ness Town hall	Dart exhibition
Tracey Glegg	PLH	Laurieston comm centre	fundraiser
Colin Green	PLH	Grangemouth sports Complex	Martial arts
Harpreet Singh	PLH	lifestyle express	off sales in shop
Harpreet Singh	PLH	lifestyle express	off sales in shop
Rachel Rankine	PLH	Dobbie Hall, Larbert	Kickboxing tournament
Bruce Rennie	PLH	Falkirk Bowling Club	Open event
Bruce Rennie	PLH	Falkirk Bowling Green	Open event
Alexander B Polson	PLH	Bainsford Bowling Club	Disco with Buffet
Andrew McKay	PLH	crypt hall	30 Birthday Party
Andrew McKay	PLH	crypt hall	Christening
Harpreet singh	PLH	Lifestyle express	sales of off-Sales

North Broomage Social Club	Prem	North Broomage Social Club	50th Birthday Party
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
Airth Castle	Prem	PARSONAGE	Wedding reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
airth castle	Prem	parsonage	Wedding Reception
Blackness Boat Club	Prem	Blackness Boat Club	Birthday Party
Stenhousemuir F C	Prem	dobbie hall	Sportsmans dinner
Bonnybridge Bowling Club	Prem	Bonnybridge Bowling	60th birthday party
Orchard Hotel	Prem	Extension	Eating and drinking
Orchard Hotel	Prem	Extension	Eating and drinking
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	wedding reception
Airth castle	Prem	parsonage	40th Birthday Party
Falkirk Rugby Club	Prem	Falkirk Rugby Club	Premiership National 1 Play Off
Bainsford Bowling Club	Prem	Bainsford Bowling Club	40th Birthday Party

North Broomage Social Club	Prem	North Broomage Social Club	21st birthday party
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
airth castle	Prem	parsonage	wedding
Bonnybridge Bowling Club	Prem	Bonnybridge Bowling Club	30th Birthday Party
Bonnybridge Bowling Club	Prem	Bonnybridge Bowling Club	30th Birthday Party
Bonnybridge Bowling Club	Prem	Bonnybridge Bowling Club	50th Wedding Anniversary
Bainsford Bowling Club	Prem	Bainsford Bowling Club	30th Birthday Party
Stenhousemuir Football Club	Prem	Stenhousemuir Football Club	Family Funday
Cheerz	Prem	High street	Football Bus been Run from Pub
St Anthony's Parish Council	VO	Parsh Hall	Annual 200 Club Dance
camelon bible & crown Defenders	VO	dobbie hall	Fundraiser
denny true blues	VO	denny orange hall	Fundraiser
Slamannan Bible & Crown Def	VO	Shieldhill Welfare Hall	Meeting, Disco and Buffet
Carronshore LOL 200	VO	Carronshore Community Centre	Fundraising
Denny's Chosen Few LOL 203	VO	Archibald Russell Centre	Fundraising Dance
snp	VO	dobbie hall	meeting and social evening
Larbert Ameture	VO	dobbie hall	annuual musical
Gillespie True Blues	VO	shieldhill welfare hall	fund raiser
The Barony players	VO	The Barony Theatre	butterfly kiss
The Barony players	VO	The Barony Theatre	from clton to catalonia
The Barony players	VO	The Barony Theatre	crucible
Camelon Purple Guards	VO	Camelon Memorial Hall	Fund raising
Camelon Bible & Crown Defenders	VO	Camelon Memorial Hall	Fundraising

Camelon Purple Guards	VO	Camelon Memorial Hall	Fundraising
Slamannan Bible and crown	VO	Sheildhill welfare hall	Fundraiser
Kinneil Band	VO	kinneil Band hall	Fundraiser
Shieldhill Flute Band	VO	Shieldhill Welfare Hall	Fundraiser
Shieldhill Flute Band	VO	Shieldhill Welfare Hall	Fundraiser
Bonnybridge Sons of William	VO	Archibald Russ Cent	Dedication and fundraising
Redding and Westquarter Flute Band	VO	Sheildhill welfare hall	Fundraising event
Slamannan Bible and Crown defenders	VO	Shieldhil Welfare Hall	race night
Wallacestone and district pipe band	VO	green park community	Ceilidh
Kenniel Band	VO	Bo'ness Town hall	Band Concert
Friend of airth highland games	VO	north green park	airth highland games
Camelon Purple Guards LOL 317	VO	Camelon Memorial Hall	Disco, singer & flute band
Camelon Purple Guards LOL 317	VO	Camelon Memorial Hall	Singer
Dennyloanhead Youth Club	VO	Dennyloanhead Community Hall	Fundraising cabaret
Bonnybridge Sons of William	VO	Archibald Russell Centre	Charity and Fundraising Dance
Larbert Amatuer operatic society	VO	Dobbie Hall, Larbert	Panto - Sleeping Beauty
Bo'ness Amatuer Operatic Society	VO	Bo'ness Town Hall	Annual Musical Production
Falkirk Trinity Church	VO	Falkirk Trinity Church	Poetry/spoken word event
Larbert Amatuer operatic society	VO	Dobbie hall (main hall)	Annual Company Fundraiser
camelon purple guards	VO	Camelon Mem Hall	fundraising event
shieldhill flute band	VO	Shieldhill Welfare	fundraising event
Scottish Greens Party (Falkirk Branch)	VO	Dobbie Hall (main Hall)	fundraising event
Wallacestone and district	VO	Greenpark centre	Fancy Dress Disco
Dennyloanhead Community Hall Ltd	VO	Archibald Russell Centre	Fundraising Dance
Gillespies true blue	VO	Shieldhill Welfare Hall	Halloween Fundraising Dance
pride o grange volunteers flute band	VO	dobbie hall	fundraising annual dance
SNP	VO	BANKNOCK COMMUNITY	St andrews Dinner
Comely Park School pta	VO	comely park school	wine tasting
The Barony Players	VO	Barony Theatre	The Complete works of Shakespeare
Camelon Bible and crown defenders	VO	Brian Clark Memorial Hall	Fundraising Halloween Disco
Denny true blues	VO	denny organge hall	cabaret
Bonnybridge Sons of William	VO	Archibald Russell	fundraising event
Laurieston Loyalish F B	VO	Thornhill Community Centre	fundraising event

Kerse united Football Club	VO	Green park community	Quiz Night
camelon purple guards	VO	Brian Clark Memorial Hall	fundraising night
camelon purple guards	VO	Brian Clark Memorial Hall	fundraising night
camelon purple guards	VO	Brian Clark Memorial Hall	fundraising night

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
Personal Licences – Mandatory Refresher Training Update
Meeting: Licensing Board
Date: 10 December 2014
Author: Consumer Protection Manager

1. INTRODUCTION

- 1.1 Members will recall reports which were considered at the March and October meetings of the Licensing Board updating 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. Copies of the reports are 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. There is a requirement on the licenceholders to notify the Licensing Board that issued the licence no later than 1 December 2014 and to 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 premises licences relating to licensed premises in the Falkirk Council area.

2. REVOCATION OF PERSONAL LICENCES

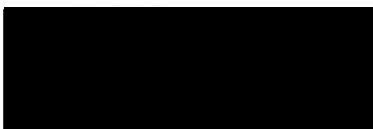
- 2.1 As members are aware, Section 87 of the Act requires all personal licenceholders to undertake training every 5 years and to produce to the Licensing Board that issued their licence evidence that they have done so within three months of the expiry of that period. The Board **must** revoke the personal licence should the licenceholder fail to comply with this requirement. Of the 650 personal licenceholders whose licences were due to expire on 31 August 2019, 237 (36%) were revoked in terms of Section 87 of the Act on 1 December 2014. 23 of the recorded delivery statutory notifications issued were returned to the Licensing Section marked "addressee gone away" and 35 were returned marked "not called for". In the latter circumstances, the notification was sent out again by Royal Mail. 178 of the recorded delivery statutory notifications were not returned to the Licensing Section and therefore it is assumed that they were delivered to the intended recipient. 2 personal licenceholders indicated verbally that they wanted to surrender their personal licence and were advised to do this in writing, but they failed to do so.

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. 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. In a small number of cases where the current designated premises manager had failed to carry out the mandatory refresher training, an application has been received to change the Designated Premises Manager. In 2 cases, The Corner Pocket in Falkirk and the Omar Khayyam in Denny, the premises licenceholder has notified the Board in terms of section 54(2)(d) of the Licensing (Scotland) Act 2005, that the personal licence held by the Designated Premises Manager has been revoked. An application to nominate a new Designated Premises Manager must be submitted within 6 weeks. The premises can continue to sell alcohol during this period.
- 3.2 From the data held in relation to premises licences, it has been ascertained that 48 of the Designated Premises Managers who hold personal licences issued by a licensing authority other than Falkirk Council were required to undertake mandatory refresher training before 1 September 2014 and notify their issuing authority before 1 December 2014. The Licensing Section has contacted these authorities to confirm that the refresher training has been undertaken and the issuing authority notified. The personal licence of 45 of the Designated Premises Managers remain in force; in 2 cases, ASDA in Stenhousemuir and Mariner Street Post Office in Camelon, the premises licenceholder has notified the Board in terms of section 54(2)(d) of the Licensing (Scotland) Act 2005, that the personal licence held by the Designated Premises Manager has been revoked. An application to nominate a new Designated Premises Manager must be submitted within 6 weeks. The premises can continue to sell alcohol during this period.

5. RECOMMENDATION

5.1 For information.



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pp Clerk to the Licensing Board

Date: 19 November 2014

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

APPENDICES

Appendix 1 – Report dated 22 October 2014

BACKGROUND PAPERS

Nil

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

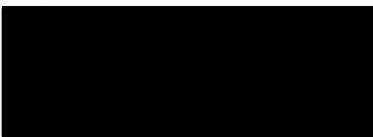
- 3.1 As members are aware, each licensed premises will have a premises manager who will be specified in the premises licence. A Designated Premises Manager must hold a personal licence. Section 19(2) of the Licensing (Scotland) Act 2005 states that an individual may not, at any one time, be the premises 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

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

FALKIRK COUNCIL LICENSING BOARD

Subject: Licensing (Scotland) Act 2005
Air Weapons and Licensing Act 2015
Meeting: Licensing Board
Date: 12 August 2015
Author: Consumer Protection Manager

1. INTRODUCTION

- 1.1 This report is to advise Members of the numerous and significant changes to the Licensing (Scotland) Act 2005 that will take effect following the enactment of the Air Weapons and Licensing Bill on 24 June 2015. Royal assent was granted on 4 August 2015.

2. BACKGROUND

- 2.1 On 14 May 2014, the former Justice Secretary, Kenny MacAskill, introduced a Government Bill to make provision for the licensing and regulation of air weapons; to amend the Licensing (Scotland) Act 2005; and to amend and extend the licensing provisions of the Civic Government (Scotland) Act 1982. In terms of liquor licensing, the main changes to the 2005 Act are in relation to:

- Statements of Policy and annual reports
- reintroduction of a “fit and proper person” test
- transfers of premises licences
- personal licences
- creation of new offences

- 2.2 The date(s) on which the amendments to the 2005 Act will come into force is as yet unknown as Scottish Ministers have not made any Commencement Orders. However, in relation to the removal of the requirement to refuse a personal licence application if the applicant has had a previous personal licence revoked in the last five years because of failure to adhere to refresher training requirement, this will come into effect on the day after Royal Assent.

3. STATEMENTS OF POLICY AND ANNUAL REPORTS

- 3.1 Section 6 of the 2005 Act states that a Licensing Board must publish a statement of their policy every 3 years. This timescale is amended to change the period for statements of licensing policy which will now run from 18 months after the next Council election (which is in May 2017) to 18 months after the following Council election. Boards are permitted to decide that the currency of their next policy statement will begin earlier, so can stick with 1 December 2016 for introduction of the next one if so desired.

- 3.2 As Members are aware, an assessment of overprovision is contained within the Board's Statement of Licensing Policy. The current legislation states that it is for Boards to determine the "localities" within their area for the purposes of overprovision assessment. This is amended to allow the Board to treat the whole of its area as a "locality" and to allow (but not require) the Board to have regard not only to the number and capacity of licensed premises in the locality but also such other matters as the Board thinks fit including the licensed hours of premises in the locality.
- 3.3 The new Act introduces a requirement for Licensing Boards to prepare and publish an annual functions report by no later than 3 months after the end of each financial year. The report must:
- state how, in the exercise of their functions under the Act during the financial year, the Board has had regard to the licensing objectives and their licensing policy statement, including any supplementary policy statement and the Board's overprovision statement, and
 - summarise the decisions made by or on behalf of the Board during the financial year and state the number of licences held under the Act in the Board's area, including the number of occasional licences issued during the year.
- 3.4 The Board may include any other such information in the report about the exercise of their functions under the Act as it considers appropriate. Scottish Ministers may make regulations detailing the form and content of the report and the publication thereof.
- 3.5 In addition to the requirement detailed in section 3.3, the Board must prepare and publish an annual financial report within the same timescale. This report must include a statement of relevant income received by the Board during the financial year and the amount of relevant expenditure incurred in the year. An explanation of how the amounts were calculated must be included. Relevant income and relevant expenditure include fees brought in and costs incurred under the 2005 Act and also income received and costs incurred in relation to the social responsibility levy from premises licenceholders and occasional licenceholders. However, no regulations have as yet been made under s14 of the Alcohol etc Act 2010 bringing the social responsibility levy into play. Again, Scottish Ministers may make regulations detailing the form and content of the report and the publication thereof.

4. FIT AND PROPER PERSON

- 4.1 Members will be aware that the previous alcohol licensing regime, the Licensing (Scotland) Act 1976, included a "fit and proper" test to assess the suitability applicants, but that this was not carried through to the 2005 Act. There was a view, particularly from Police Scotland, that the lack of such a test limited the breadth of information that could be presented to Boards when considering applications. The test has now been reintroduced and will allow Boards to consider if an applicant, or those connected with an organisation, are "fit and proper" persons to hold an alcohol licence. The Bill's Policy Memorandum

envisaged that that would allow Boards to take into account a wider range of information about an applicant's character when reaching a decision, including police intelligence. It would also allow consideration of spent convictions.

- 4.2 Under the 2015 Act, there is now an additional ground of refusal in relation to determination of premises licence applications, personal licence applications and applications to transfer a premises licence where the Board “*consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence*”. It is worth noting that no “fit and proper” test has been added for variations.
- 4.3 The “fit and proper test” has also been introduced as an additional ground of review both in relation to requests for reviews submitted by any person and on the Board's initiative. The Board must revoke the licence if, at the review hearing, they are satisfied that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence. However, there is also a requirement for the Board to recall such a revocation if, within 28 days, either a transfer application is received and granted or a variation application is received which seeks a variation of the licence that the Board considers would remove the ground on which the licence was revoked, and the Board grants the application

5. TRANSFERS OF PREMISES LICENCES

- 5.1 Currently an application to transfer a premises licence can be made by the current licenceholder under section 33 of the 2005 Act or, in certain prescribed circumstances eg sale of the business or death of the licenceholder, by a person other than the premises licenceholder under section 34. These current provisions of section 34 are complex particularly where circumstances arise that are not provided for. An example of this is where the existing premises licenceholder is the tenant of the property and at the end of the lease he refuses to transfer the licence to the owner of the property.
- 5.2 The new Act repeals section 34 in its entirety. Section 33 is renamed “**Application for transfer of premises licence**” and becomes the only method of transfer of a premises licence. Its terms are amended as follows:
- The application must specify the date on which the transfer is to take effect and must be accompanied by the premises licence (or a statement of reasons for failure to produce the licence) and a written statement signed by the current premises licence holder consenting to the transfer of the licence to the transferee (the “consent statement”) or a statement of reasons for failure to obtain the licence holder's signed consent.
 - The Board must refuse the application if it is not accompanied by the current premises licence holder's signed consent statement unless the Board dispenses with the requirement for a consent statement

- The Board must give notice of the application, and a copy of the application, to the Police (which is a requirement of the 2005 Act), unless refusing the application because of the lack of a consent statement.
- Within 21 days of receipt of the notice of application, the Police may, in addition to giving notice of whether or not the transferee or any connected person has been convicted of a relevant or foreign offence, give notice of any other information about the transferee, any connected person or any interested party which the Police consider relevant to consideration of the application.
- The Board must grant the application if the Police notice confirms no convictions, if no recommendation to refuse is made by them and if they provide no additional information about the transferee, connected persons interested parties. Otherwise the Board must hold a hearing.
- The grounds of refusal of transfers are changed from “*if satisfied that it is necessary to do so for the purposes of any of the licensing objectives*” to “*(a) having regard to the licensing objectives, the transferee is not a fit and proper person to be the holder of a premises licence*” or “*(b) it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives*”.

5.3 The new Act introduces a new section 33A which contains further provisions on section 33 transfers as follows:

- The Board must take all reasonable steps to give notice of the s33 application to the current premises licence holder. This duty exists even where a signed consent statement from the licence holder has been submitted with the application.
- If the transferee has not submitted a consent statement from the licence holder, the Board may dispense with the requirement for a consent statement if satisfied that the transferee has taken all reasonable steps to contact the licence holder to obtain consent but has received no response. There is no power to dispense with the requirement for a consent statement if the current licence holder is simply refusing to consent to the transfer.
- If the Board dispenses with the requirement for a consent statement, the Board must hold a hearing before determining the application.
- If the Board decides not to dispense with the requirement for a consent statement, the Board must give notice of the decision to the transferee and give reasons for the decision.

5.4 The applicant for the transfer has the right to appeal a decision not to dispense with the requirement for a consent statement, as well as a right to appeal a decision to refuse the application. Similarly, a licenceholder from whom the licence is transferred has the right to appeal the decision to transfer the licence or a decision to refuse a transfer application.

6. PERSONAL LICENCES

- 6.1 Members are aware of the requirement for personal licenceholders to undertake mandatory refresher training and to advise the Board that they had complied with this requirement within the statutory timescales. The Board **must** revoke the personal licence should the licenceholder fail to comply with this requirement and the licenceholder cannot reapply for a new personal licence for 5 years. To date, 379 personal licences have been revoked by the Falkirk Board.
- 6.2 The Act has been amended so that revocation of a personal licence for failure to undertake training requirements does not result in a 5 year ban for applying for a personal licence. This will not be backdated to include those persons who have had their licence revoked since 1 December 2014. The statutory timescales for notifying licenceholders in relation to renewal are increased.
- 6.3 The 2005 Act is also amended to require personal licence applications to also be notified to Licensing Standards Officers, **who may comment on the application within 21 days of receipt** providing any information about the applicant they consider relevant. The provision of relevant information about the applicant is also extended to the Chief Constable who can now include it in his notice confirming convictions or lack of convictions. The determination of personal licence applications is amended accordingly.
- 6.4 The new legislation introduces power to the Licensing Standards Officer (LSO) to report to the Board any conduct by a personal licence holder which is inconsistent with the licensing objectives. Where an LSO makes a report to the Board under new section 84B, the Board may hold a hearing.

7. CREATION OF NEW OFFENCES

- 7.1 New sections are added creating offences of buying or attempting to buy alcohol on behalf of or for a child or young person or giving alcohol (or otherwise making it available) to a child or young person. In relation to young persons, the offence is qualified in that the person must have acted “knowingly” – which presumably means they acted in the knowledge that the young person was under 18. For both offences, exceptions are made for supply for consumption other than in a public place and for the purposes of religious worship. For young persons, a further exception is made if they are supplied beer, wine, cider or perry along with a table meal. The “agent sales” offence in the 2005 Act are to be repealed.

8. MISCELLANEOUS CHANGES

- 8.1 There are also a number of procedural changes to the 2005 Act. A duty is now placed on the Licensing Board to acknowledge certain applications. If an application does not meet the required standards, the Board must give notice to the applicant stating that they are treating the application as incomplete and not having been made and stating their reason for treating it so. The process currently in place in the Falkirk Licensing Section for all applications is to send written acknowledgement to the licenceholder where an application is competent.

In those cases where the application is incomplete, a letter detailing the omissions and errors is sent to the applicant with the application form. This amendment will therefore not be an additional burden to the Licensing Section.

8.2 In light of the new legislation, Licensing Boards must now determine relevant applications meeting prescribed requirements within 9 months. Failure to do so means the application is deemed granted (with no conditions permitted to be added).

8.3 Other changes to the 2005 Act include:

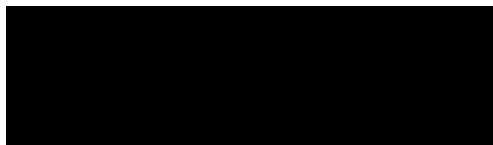
- extending the protecting children from harm licensing objective include reference to young persons;
- consideration can be given to spent convictions for relevant offence or foreign offences. However, before spent convictions can lawfully be taken into account, additional legislation to exclude the application of the Rehabilitation of Offenders Act 1974 in relation to proceedings in respect of liquor licensing applications will be required);
- inclusion of angostura bitters as alcoholic products;
- repeal of reference to 'interested parties'; and
- simplifying the wording of the ground of refusal for premises licence applications and variation applications relating to overprovision by removing the requirement to have regard to the number and capacity of premises in the locality

9. FINANCIAL IMPLICATIONS

9.1 No material financial implications in relation to the implementation of the new Act have been identified to date as there are no proposed changes to any of the application fees; most of which are prescribed. It is not anticipated that the amendments will have an impact on the number of applications received.

10. RECOMMENDATION

10.1 For information.



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Clerk to the Licensing Board

Date: 29 July 2015

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

LIST OF BACKGROUND PAPERS

Nil