

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

16 December 2014

Subject: Personal Licence Holders

1. Purpose

- 1.1 To inform the Licensing Board of the Personal Licence Holders who have not shown evidence of retraining as required by Section 87 of the Licensing (Scotland) Act 2005.

2. Recommendations

- 2.1 It is recommended:-

- (a) that the Licensing Board revoke all Personal Licences where the holder has not shown evidence of retraining by the relevant due date; and
- (b) that the Licensing Board delegate authority to the Clerk to the Board to revoke any future Personal Licences where the Act requires such a revocation in response to a failure by the licence holder to show evidence of retraining within the prescribed period.

3. Background

- 3.1 In terms of Section 87 of the Licensing (Scotland) Act 2005 (see appendix) the holder of a Personal Licence must, within the period of five years of their Personal Licence being issued, and each subsequent period of five years during which the licence has effect, undertake a course of training accredited by the Scottish Ministers. The Personal Licence holder must, no later than three months after the expiry of the five year period (1 December 2014 for those issued 1 September 2009), produce to the Licensing Board which issued the licence, evidence that such training has been undertaken.

4. Main Issues

- 4.1 To minimise the number of unintended revocations West Dunbartonshire Licensing Team sent reminder letters required by legislation 3 months prior to 1 September 2014. It has also been a regular issue discussed at Pubwatch meetings and the West Dunbartonshire Licensing Forum by officers for at least 18 months prior to the effective date. A further reminder was released by the Licensing Team via social media in early August 2014. During October/

November 2014, Licensing Officers visited premises that have had issues with their Designated Premises Managers having not shown proof of refresher training, to troubleshoot the issue prior to the 1 December 2014 deadline.

- 4.2 There has been a steady flow of refresher certificates being presented however approximately 50% were unable to, or chose not to show proof of retraining by 1 December 2014. There may be a number of explanations for this, in particular, the transient nature of the licensing trade workforce and therefore a significant amount of personal licence holders may have moved to different careers and may have no wish to refresh their licences.
- 4.3 It is anticipated that similar percentages of revocations will be needed in future to keep pace with the rolling nature of Personal Licences that have been issued since 1 September 2009. It is recommended that for the purposes of Section 87 of the Licensing (Scotland) Act 2005 that the Board considers the merits of delegating authority for Officers to revoke Personal Licences in these circumstances to prevent the Board's time being used on matters where the Act provides no flexibility.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There are no significant risks for the Licensing Board or Council attached to this report/decision.

8. Equalities Impact Assessment (EIA)

- 8.1 N/A

9. Consultation

- 9.1 Officers have consulted counterparts in other authorities, the licensed trade and the legal profession to ensure that the best practice was followed to minimise the unintended revocation of personal licences.

10. Strategic Assessment

- 10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community.

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Clerk to the Licensing Board

Date: 1/12/2014

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Appendix: Section 87 Licence Holder's Duty to Undertake Training

Background Papers: N/A

Wards Affected: All