

**ANGUS LICENSING BOARD – 30 JUNE 2020**

**PERSONAL LICENCE REFRESHER TRAINING - EXTENSION**

**REPORT BY THE CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this report is to request the Board, in light of the Coronavirus pandemic, to determine whether to grant an extension to the period of time for which a Personal Licence holder has to undertake refresher training and provide evidence of this training to the Board, as set out in Section 87 of the Licensing (Scotland) Act 2005 (“the 2005 Act”).

**1. RECOMMENDATION**

It is recommended that the Board: -

- i) extend the period of time the licence holder detailed in **APPENDIX 1** has to carry out their refresher training and submit evidence to the Board until 31<sup>st</sup> December 2020, if satisfied it is appropriate to do so for reasons related to the Coronavirus; and
- ii) delegate authority to the Clerk to grant any future requests for extensions to the period of time licence holders have to carry out their refresher training and submit evidence to the Board upon being satisfied that the normal timescales could not be met for reasons relating to the Coronavirus.

**2. BACKGROUND**

Section 87 of the 2005 Act provides that refresher training must normally be undertaken no later than 5 years after the date of the Personal Licence being granted. The Coronavirus (Scotland) Act 2020 came into force during April 2020 and this contains provision for Licensing Boards to extend the period for which a Personal Licence Holder has to undertake their refresher training, if so satisfied it is appropriate to do so for reasons related to the Coronavirus. This was done in response to some licence holders being unable to access the training required as a result of courses being cancelled due to the Coronavirus.

The Clerk has received a request for an extension from a licence holder. The reasons for this request being made, together with details of the licence holder, are contained at **Appendix 1**.

It is not anticipated that there will be numerous requests of this kind on the basis that many providers have started to provide online training since the lockdown restrictions have been in place. The Board are being asked to agree that the Clerk can act through delegated authority to grant any further requests for extensions of this nature if satisfied that the normal timescales cannot be met for reasons relating to the Coronavirus.

**3. LEGAL**

3.1 Under section 87 of the 2005 Act a personal Licence Holder must, no later than 3 months after the expiry of –

- (a) the period of 5 years beginning with the date on which the licence holder’s licence was issued, and
- (b) each subsequent period of 5 years during which the licence has effect,

produce to the Licensing Board which issued the licence evidence in the prescribed form of the licence holder’s having complied, during that period, with such requirements as to the training of personal licence holders as may be prescribed.

If a personal licence holder fails to comply with the above, the Licensing Board which issued the licence held by the licence holder must revoke the licence.

3.2 The Coronavirus (Scotland) Act 2020 provides that the Licensing (Scotland) Act 2005 is to be read as if there were inserted the following:

(a) A personal licence holder who fails to comply with 3.1 above for a reason related to the coronavirus is to be treated as having complied with 3.1 if:

i) the Licensing Board which issued the licence extends the period within which the licence holder is to:

- a) comply with any training requirements mentioned in 3.1 above and
- b) produce evidence of having so complied and

ii) the licence holder complies with such requirements and produces evidence of having so complied within that extended period

(b) For the purposes of the above, the Board may extend the period on more than one occasion if this is necessary for a reason relating to the coronavirus.

#### **4. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **5. HUMAN RIGHTS IMPLICATIONS**

In dealing with this report, the Board will have regard to any human rights issues in relation to the licence holder.

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**MARTIN HODGENS: PERSONAL LICENCE NUMBER AN/1157**

The clerk has received a request for an extension to the time period allowed for the licence holder to complete their refresher training and submit evidence of this to the Board.

The licence holder's employer sent an email dated 18 June 2020 stating the following:

*“Due to the current COVID-19 situation, we have not been able to run the usual refresher training courses that we run in-house for our employees.*

*Mr Hodgens was scheduled to attend a course on 9th April, but this was subsequently cancelled due to lockdown.*

*Mr Hodgens is due to have sat his 5 Year Renewal by 15th August 2020.*

*We are awaiting guidance from our Head Office as to when we can resume our courses again. We are hoping that courses will restart early September.*

*Due to social distancing, we aim to carry out two courses per week, with a maximum number of 10 delegates per course, we would normally have 25 per course.*

*Are you able to confirm whether we are able to submit his refresher training late? or will we need to surrender his licence?”*