

ANGUS LICENSING BOARD – 13 AUGUST 2020

PERSONAL LICENCE – LATE RENEWAL

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 which a Personal Licence holder has to renew their licence, as set out in Section 78 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 apply to renew their Personal Licence until 16 August 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 make an application to renew their Personal Licence upon being satisfied that the normal timescales could not be met for reasons relating to the Coronavirus.

2. BACKGROUND

Section 78 of the 2005 Act provides that Personal Licence Holders must submit applications to renew their Personal Licence three months prior to its expiry. 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 submit their renewal application. The Act provides that if the Board are satisfied that the reason for the late renewal relates to the Coronavirus then the Board can determine to accept the late application up until the date prior to the expiry of the licence.

The Clerk has received a late renewal application from a licence holder together with a request that this be accepted by the Board. The reasons for this request being made, together with details of the licence holder, are contained at **Appendix 1**.

The Board, at their meeting on 30 June 2020, agreed to extend the period of time a Personal Licence holder had to submit evidence of refresher training being completed. This is a similar decision for the Board but different in that it relates to the submission of the renewal application, rather than just the evidence for refresher training.

Similarly, the Board are also being asked to agree that the Clerk can act through delegated authority to accept any further late renewal applications for Personal Licences if satisfied that the normal timescales could not be met for reasons relating to the Coronavirus.

3. LEGAL

- 3.1 Under section 78 of the 2005 Act a Personal Licence holder may, within the period of nine months beginning 12 months before the expiry date of the licence, apply for renewal of the Personal Licence i.e. the application for renewal of the Personal Licence should be submitted no later than three months before the expiry of the licence.

The Coronavirus (Scotland) Act 2020 amended this section to include at section 78(2)(b) a new time period for renewal, namely:

“if the Licensing Board is satisfied that, for a reason relating to coronavirus, the holder of the personal licence is unable to apply within the period mentioned in paragraph (a), the period which begins 12 months before the expiry date of the licence and ends on the day before the expiry of the licence”.

This means that Boards can, upon being satisfied that the normal timescale could not be met because of a reason relating to the Coronavirus, decide to accept a renewal application up until one day prior to the licence expiry date.

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.

REPORT AUTHOR: Nannette Page, Team Leader

E-MAIL: LEGDEM@angus.gov.uk

JAMES COSGROVE: PERSONAL LICENCE NUMBER AN/717

The clerk has received a late renewal application for a Personal Licence together with a request to the Board to accept this as a late renewal on the basis that the application could not be completed in the normal timescale as a result of the coronavirus. The current Personal Licence is due to expire on 17 August 2020.

Mr Cosgrove has also submitted email evidence from training providers which verify his email account below.

The licence holder sent an email dated 3 July:

“Hi. As my licence was due to expire on 17th August, I applied to sit my refresher course in mid March. As the Covid 19 situation was upon us I was unable to book a course as all course venues were going into lockdown. I then informed the licensing board of the situation. At the start of April, I enquired about taking the course online. I then sat and passed the exam on the 15th April. I was then informed by email on the 2nd June that they that given me the wrong course. (6 weeks after date of exam) I then had re-book the exam. I sat and passed the exam on 2nd June. I received my certificate through the post on the 20th June. On the 22nd June i handed in my application form and certificate to Angus Council. As you can see from taking my first exam to receiving my certificate has taking 9 weeks. Hope this explains the details you are looking for.

Thanks

J. Cosgrove.”