

**Personal Licence Holder –
Modification to Guidance Document –
Licensing (Scotland) Act 2005:
*Guidance for Licensing Boards and
Local Authorities***

**Personal Licence Holder - Modification to Guidance
Document - *Licensing (Scotland) Act 2005 : Guidance
for Licensing Boards and Local Authorities***

Laid before the Scottish Parliament by the Scottish
Ministers

February 2013

SG/2013/21

Refresher training requirements for personal licence holders - modification to guidance - background

Introduction

The modification to the guidance has been produced to assist Licensing Boards and clerks with the administration of the requirement for personal licence holders to evidence that they have undertaken refresher training, particularly in relation to those personal licences issued in the transition period between 01 March 2008 and 01 September 2009.

Background to personal licence holder refresher training

When selling alcohol on licensed premises, the sale must be authorised generally or specifically by a personal licence holder. The designated premises manager must possess a personal licence. In many premises, other members of staff also attain personal licences so that they can also authorise sales, conduct staff training, and as a matter of general best practice.

The holder of a personal licence must undergo refresher training to ensure their licence remains valid. They must produce evidence that they have passed this refresher course, to the licensing board which granted their personal licence, within 5 years of the date of issue of their personal licence (with a three month grace period).

Consequences of failure to renew personal licence

If personal licence holders do not refresh their personal licence holder training within the specified period, the Board must revoke the personal licence. The consequences of the revocation of a personal licence could include the sale of alcohol no longer being permitted in their premises, unless appropriate steps are taken to name an alternative personal licence holder as the designated premises manager. In addition, personal licence holders, who have their licences revoked will no longer be allowed to authorise sales of alcohol or conduct the mandatory staff training.

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Modification to Guidance Document - *Licensing (Scotland) Act 2005 : Guidance for Licensing Boards and Local Authorities*

The guidance document issued by the Scottish Ministers titled *Licensing (Scotland) Act 2005 : Guidance for Licensing Boards and Local Authorities* - on 4 April 2007 is amended as follows.

After paragraph 176 in *Licensing (Scotland) Act 2005 - Guidance for Licensing Boards and Local Authorities* insert-

"176A - All personal licences issued in the transition period 01 March 2008 - 31 August 2009, will be treated as being issued on 01 September 2009.

Therefore, all those who were issued a personal licence between 01 March 2008 and 01 Sept 2009, must undergo refresher training, and submit evidence of this to the relevant licensing board before 01 December 2014.

Holders of personal licences issued after 01 September 2009 will have until 5 years (and 3 months) of this later date e.g. if a personal licence is issued on, for example 01 June 2012, then the proof that the refresher training has been carried out must be submitted to the same licensing board before 01 September 2017."



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