

## Frequently Asked Questions

### **1. What happens if I do not submit EITHER my personal licence application OR refresher training award certificate on time?**

Your personal licence will cease to have effect.

### **2. What happens if my personal licence ceases to have effect?**

You will not be able to:

- Train staff
- Authorise alcohol sales
- Apply for occasional licences
- Be named as a premises manager (DPM)

### **3. I am a Personal Licence Holder and also named as a premises manager (DPM) on a premises licence. What happens if my personal licence ceases to have effect?**

Only a person who holds a valid personal licence can be named as a DPM. If your personal licence ceases to have effect, then your name is also taken off the premises licence. A notification of this must be given by the premises licence holder to the Licensing Board within 7 days or alcohol sales must cease. A minor variation application naming a new manager (who must hold a valid personal licence) must be lodged within 6 weeks of the premises manager losing their personal licence.

If this affects you, you are advised to seek independent legal advice.

### **4. My personal licence was issued before 1 September 2009. When should I do my refresher training and apply to renew my licence?**

Many Personal Licence Holders undertook training, and secured a personal licence well in advance of 1 September 2009 when the 2005 Act came into force. The relevant date here is not the date that you undertook the qualification but the date of the issue of the personal licence. Any personal licences issued prior to 1 September 2009 are to be treated as being issued on 1 September 2009. Therefore, you should apply now to renew your personal licence and then apply to do your refresher training.

**The absolute deadline for submitting personal licence renewals for licences which expire on 1 September 2019 is 31 May 2019.**

### **5. My personal licence was issued after 1 September 2009. When should I do my refresher training and apply to renew my licence?**

Any personal licences issued after 1 September 2009 will have their own 10 year deadline to work to based on the date the licence was granted.

For example if your personal licence was issued on 1 October 2009, then add one month to the dates provided at the top of this document. You can apply for renewal as early as 12 months before the expiry

date so with some forward planning around training dates, there should be plenty of time to complete the process. **You must apply for renewal no later than 3 months before the expiry of your personal licence** but you are advised to apply long before this date to ensure that your application can be processed.

#### **6. What happens if you apply for renewal of your personal licence in the three months before expiry?**

You will have left it too late, and the Licensing Board will not be able to renew your licence.

#### **7. What should I do after I have passed the refresher course?**

You should complete a personal licence renewal application and send details of your personal licence, together with the refresher training certificate, a certified photo and the fee, to the Licensing Board which issued your licence. It is recommended that you send it recorded delivery. If you apply for renewal of your personal licence in the three months before expiry – you will have left it too late, and the Licensing Board will not be able to renew your licence.

The application form for renewal can be downloaded from The Moray Council website.

[http://www.moray.gov.uk/moray\\_standard/page\\_88465.html](http://www.moray.gov.uk/moray_standard/page_88465.html)

#### **8. Which Licensing Board should I send it to?**

It does not matter if you work in a different Licensing Board area since the licence was first issued – you should send it to the Board which issued the licence.

If you have moved home since the personal licence was issued and the address is out of date, you have a legal obligation to inform the Licensing Board which issued the licence. If you have moved since 1 September 2009, update the Licensing Board **NOW**.

#### **9. What if I can't find my personal licence?**

If you cannot submit the original copy of your licence because it has been lost, stolen or destroyed, you should report it to Police Scotland and obtain a reference number. You should include that reference number in your application AND pay an extra £25 fee (£75 in total) for a replacement licence.

#### **10. Should I wait for the Licensing Board to remind me about this?**

No. Licensing Boards have a legal obligation to write to Personal Licence Holders prior to the renewal/refresher deadline. However, as a Personal Licence Holder it is entirely up to you to ensure you submit the renewal application and do the training.

Not receiving the Licensing Board's letter will not be accepted as a valid excuse.

### **11. What checks will the Licensing Board undertake?**

An applicant for a personal licence or renewal must be aged 18 or over, possess a licensing qualification, and not have had a personal licence revoked (except for failure to submit evidence of refresher training) in the previous five years. The Licensing Board will check with the Chief Constable, and the Licensing Standards Officer as part of their consideration and where concerns have been raised may undertake a hearing to determine whether to grant the licence.

### **12. What does refresher training involve?**

The course takes three hours to complete, and covers a range of subjects such as:

- The licensing objectives
- The responsibilities and duties of a Personal Licence Holder
- The law relating to alcohol sales for anyone aged under 18
- Proof of age schemes
- Irresponsible promotions
- Licensing hours
- The Licensing (Scotland) Act 2005 as amended
- Offences under Licensing legislation.

At the end of the training, you will take a 1-hour examination that you must pass. The exams consist of 40 multiple choice questions and you must correctly answer at least 28 to pass. Further details on the nature of the course will be provided to you by the training centre you book up with.

### **13. What is the personal licence renewal fee?**

The personal licence renewal fee is £50.

### **14. When can I apply to renew my personal licence?**

The nine month window to apply to renew your personal licence runs from twelve months before your personal licence expires, to three months before expiry. Boards have no choice, they cannot grant renewal applications received in the three months before expiry.

For personal licences issued on or before 1 September 2009 the relevant dates are at the top of this document.

### **15. What happens if I have taken the full day course by mistake?**

The full day personal licence holder course is acceptable evidence for both the refresher and renewal process.

## **16. What options do I have if I cannot get onto a refresher training course?**

Courses are run across Scotland, and you should take steps to get booked onto a suitable course as soon as possible.

## **17. My personal licence is coming up for five years old. What do I need to do?**

You don't need to worry about the renewal process as that doesn't kick in until ten years. You do however need to sit and pass your five year refresher course and send the certificate to the Licensing Board within the relevant timescales. The course must be passed prior to the five year anniversary of the grant of your licence, and the certificate sent to the Board no later than 3 months after that anniversary. If your refresher date is approaching then make sure you book a course in plenty of time.

## **18. My personal licence was issued shortly after 1 September 2009 what should I do?**

Similar deadlines and pressures will apply, and it is suggested that you ensure that you apply for refresher training and submit your application in good time, to ensure that you can get onto a suitable training course and the Board has the necessary time to process your application.

Any personal licences issued after 1 September 2009 will have their own 10 year deadline to work to based on the date the licence was granted. For example if your personal licence was issued on 1 October 2009, then add one month to the dates provided at the top of this document.

## **19. Should I take independent legal advice?**

You may wish to take independent legal advice on completing the application. If you are a designated premises manager and have held your personal licence since 1 September 2009 or before, you may also find it useful to seek independent legal advice.

Premises licence holders will want to check whether the designated premises manager is likely to be affected by these requirements, and to ensure that necessary action is taken. Failure to take action places the premises licence at real risk of loss.

## **20. Who should I contact if I have further questions?**

In the first instance, you should consult the **Moray Council's website** for guidance and then contact the Licensing Standards Officer at [LiqStandardsOfficers@moray.gov.uk](mailto:LiqStandardsOfficers@moray.gov.uk) thereafter if you have any additional questions about the personal licence renewal process.

## **21. Where can I find out details of training providers?**

Local training providers include Highfield Training - contact Linda Davidson on 07736 676 533 or [Davidsontraining@yahoo.co.uk](mailto:Davidsontraining@yahoo.co.uk) - and Moray College, who run courses when they have enough for a class. For Moray College courses contact Carol Wood on 07843 111 200.

The Scottish Government website also provides a list of training providers:

<https://www.gov.scot/Topics/Justice/policies/drugs-alcohol/alcohol-licensing>

## **22. Can I apply to renew without refresher training?**

Should I delay submitting my renewal application until I get my refresher done? Not if it is close to deadline. If the courses fill up then submit the renewal based on your original qualification and then submit the refresher when the certificate is available.

## **23. What happens if a Conviction is Flagged on Consultation?**

Then the renewal application will need to be heard by the board.

## **24. I have heard that immigration checks are going to be introduced?**

According to the latest information from the Government these checks will not be introduced before the end of August deadline. However if the Government chooses to change that timescale and immigration checks are introduced for alcohol licence applicants then the additional burden of checks will slow down processing and increase the risks of running out of time. The earlier licence holders apply, the better chance they have of avoiding such a problem.