

Advice and guidance for current licence holders and new applicants on changes to our Licensing service

This guidance is for current licence holders and anyone planning to apply for a new licence. It explains the changes we are making to our Licensing services to help minimise the disruption caused to licence holders by Covid-19.

Everyone has a role to play in limiting the spread of Covid-19. Licence holders, including taxi and private hire car drivers, are reminded to follow Government advice including advice on isolation if you have symptoms.

General Guidelines on Changes to our Licensing Service

Committee and Board Meetings

All planned meetings of the Licensing Committee and the Licensing Board have been postponed. If you are scheduled to attend a future meeting, **please do not attend**.

We will contact you directly about alternative arrangements - where possible decisions will be taken without the need for you to attend a meeting. Should you have to contact the Committee or Board in regard to a meeting please do so by email

Licensing Committee contact address – civildicensing@pkc.gov.uk

Licensing Board contact address – liquorlicensing@pkc.gov.uk

Guidance for Existing Licence Holders

Personal Licence Holder - Training

Personal Licence holders are required to undergo refresher training every five years and to provide a copy of their training certificate to the Licensing Board.

If you are unable to take a refresher training course as a result of:

- no courses running because of Covid-19;
- you or a family member have Covid-19 and you are self-isolating; or
- you are worried about attending a course because of Covid-19

please be assured that your Personal Licence will **remain in effect**.

You will be given an automatic **three month extension** on the timescales to undertake your training and to submit your training certificate. (For the avoidance of doubt the 3 month extension period would commence from the final date that the proof of training was due to be submitted to the Licensing Board e.g. if the certificate was due to be provided 31 March 2020, you will have until 30 June 2020).

If you need to submit your training certificate, please email this to the Licensing Department at liquorlicensing@pkc.gov.uk.

Premises Licence

Operating Plans

On sales should not be taking place due to the lockdown conditions. The only permitted sales are off sales and these should be only by delivery. You may not sell food or drink to persons for consumption on the premises and this includes beer gardens and other outdoor seating areas.

If food is sold on the premises, but the operating plan contained in the licence for the premises does not contain an express term to allow food to be taken away, or delivered, from the premises for consumption off the premises, a term to that effect will be implied into the operating plan while lockdown is in place.

Should the business wish to continue providing this service in the long term (i.e. after lockdown finishes), an application for a major variation to the premises licence would be needed.

Closure

At the moment, licensed premises are closed due to the lockdown. Normally, if a premises ceases to be used for the sale of alcohol then the premises licence will cease to have effect.

The Scottish Government have agreed, through legislation, that if the premises ceases to be used for the sale of alcohol for a temporary period for a reason relating to COVID-19, that a premises licence will not cease to have effect.

Transfer

A person other than the licence holder can apply for a transfer of a premises licence under s.34 of the Licensing (Scotland) Act 2005 in certain circumstances, i.e. where the premises licence holder has died, is incapacitated, insolvent or of the business has transferred. This application can usually only be made within 28 days of the event triggering the transfer. However, the Coronavirus (Scotland) Act 2020 has made provision so that if a person is unable to apply to the Board within the 28 day period for a reason related to COVID-19, the Board may accept an application after the usual 28 days.

Provisional Licences

Holders of provisional premises licences may apply to the Licensing Board for an extension of the duration of the provisional premises licence for six months. The Board must grant a first extension of six months only if the Board is satisfied that:

- the construction or conversion of the premises has been delayed and that this has been caused by factors outwith the premises licence holder's control
- the reason for the delay is a reason related to COVID-19

Deadlines

The deadline for notification to the Board of any of the following events has been extended from the usual 7 days, to 28 days notice. These events are:

- where the premises manager no longer works at the premises
- if the premises manager becomes incapable for any reason
- if the premises manager dies
- if the personal licence held by the premises manager is revoked or suspended

Minor Variations

Following on from notification, the deadline to submit a minor variation to substitute a new premises manager is extended from 6 weeks from the event to 3 months. The Board also has flexibility if there is a request from an applicant, due to a reason related to COVID-19, to extend that period if necessary.

Guidance for Public Entertainment Licence Holders

Rescheduled Events

If you have already lodged a Public Entertainment Licence and wish to re-schedule your event to another date(s), please email civlicensing@pkc.gov.uk with the heading Public Entertainment Licence - (name of event).

If you do wish to have your event on another date you will not be charged for the change of date. The Licensing Department will require from you updated permission to use the land for the new dates, up to date Public Liability Insurance and you may be required to display a site notice with the new dates. **PLEASE INFORM US IF YOU WISH TO CANCEL YOUR EVENT OR POSTPONE YOUR EVENT AND NO DATE IS SET YET** at civlicensing@pkc.gov.uk

Occasional Licences

If your event has been cancelled please notify the Licensing Department at liquorlicensing@pkc.gov.uk. We ask that you re-apply once you have an anticipated date for your event. **Please ensure to follow up to date guidance issued by the Government for events before you apply.**