

Perth and Kinross Licensing Board

Licensing (Scotland) Act 2005

Emergency Scheme of Delegation

In terms of the Licensing (Scotland) Act 2005, Schedule 1, Paragraph 10 and taking into account the Coronavirus (Scotland) Act 2020, Perth and Kinross Licensing Board has delegated the following functions under the Licensing (Scotland) Act 2005: -

Clerk or Officials

The Clerk to the Board or any member of staff appointed by the Clerk may determine: -

1. Whether to accept a late application for transfer of a premises licence under Section 34(1A).

Reason: A licensing board may accept an application for transfer of a premises licence from someone other than the premises licence holder where that application is late, i.e. more than 28 days after the specified event, provided it is late for a reason relating to coronavirus.

2. Whether the Licensing Board is satisfied to extend the period of a provisional premises licence under Section 45(7A).

Reason: Before extending the period of a provisional premises licence on the first occasion, a licensing board must be satisfied whether (i) the construction or conversion of the premises has been delayed due to factors outwith the premises licence holder's control, and (ii) the reason for the delay relates to coronavirus.

3. Whether to extend the period for submission of a premises licence variation application so as to substitute a new premises manager and for what period under Section 54(4)(b)(ii).

Reason: A premises manager may no longer be the designated premises manager at a licensed premise. If a premises licence holder is not able to submit a premises licence variation application within 3 months of that event to substitute a new designated premises manager, a licensing board may, for a reason relating to coronavirus, extend the period to apply.

4. Whether the Board is satisfied that a personal licence holder has been unable to apply for renewal of their personal licence within the required period under Section 78(2)(b).

Reason: A personal licence holder must apply for renewal of their personal licence within a period of 9 months beginning 1 year before the expiry of their licence. If a licensing board is satisfied for a reason relating to coronavirus, the personal licence holder may apply up to the day before the personal licence expires.

5. Whether to extend the periods for a personal licence holder to (i) comply with refresher training requirements, and (ii) producing evidence of having so complied, and for what period or periods under Section 87(3A) and (3B).

Reason: A personal licence holder must (i) undertake refresher training within 5 years of the issue of the personal licence, and (ii) produce evidence to the issuing board of complying with that requirement no later than 3 months after that period of 5 years. If a personal licence holder fails to comply with those requirements by reason of coronavirus, a licensing board may extend the periods for the personal licence holder to comply and on more than one occasion.

Although an application or decision may fall within the above categories, the Clerk to the Board or any member of staff appointed by the Clerk may decline to exercise delegated powers where it is considered appropriate in the circumstances to remit a particular matter to the Licensing Board.

This emergency scheme of delegation is in addition to the existing scheme of delegation and only applies for so long as the emergency provisions of the Coronavirus (Scotland) Act 2020 relating to alcohol licensing have effect.

Approved: 2 July 2020