

Item: 4

Orkney Islands Area Licensing Board: 6 December 2018.

Mandatory Revocation of Personal Licences.

Report by Clerk to the Board.

1. Purpose of Report

To provide details of personal licences which have been revoked where licence holders have failed to comply with mandatory refresher training requirements.

2. Recommendations

The Board is invited to note:

2.1.

The personal licences, detailed in Appendix 1 to this report, which have been revoked, in terms of delegated powers, as the licence holders have failed to comply with mandatory refresher training requirements.

3. Revocations

3.1.

At its meeting on 22 January 2015, the Board resolved that powers be delegated to the Clerk to the Board to revoke personal licences where licence holders have failed to comply with mandatory refresher training requirements.

3.2.

This report relates to 30 personal licences issued by the Board from 4 October 2012 to 10 July 2013 inclusive.

3.3.

The relevant licence holders required to pass refresher training by deadlines between 3 October 2017 and 9 July 2018 inclusive. The relevant deadline for each licence holder related to the date on which their personal licence was issued.

3.4.

The relevant licence holders were required to submit appropriate evidence of training to the Board by deadlines between 3 January and 9 October 2018 inclusive. Again, the relevant deadline for submission of appropriate evidence for each licence holder related to the date on which their personal licence was issued.

3.5.

Of the 30 relevant personal licences, 5 licence holders surrendered their licences, 15 licence holders submitted appropriate evidence of refresher training and 10 licence holders did not submit appropriate evidence of refresher training.

3.6.

Personal licence holders who have failed to comply with the requirements for refresher training and whose licences have been revoked by the Clerk are detailed in Appendix 1 to this report. The information provided reflects information contained within public registers as required by the legislation and published at <http://www.orkney.gov.uk/Service-Directory/C/Current-Register-of-Premises.htm>.

4. Personal Licences

4.1.

At the date of preparation of this report, statistics regarding personal licences issued by the Board were as follows:

- Issued – 549.
- Revoked – 147.
- Surrendered – 53.
- Deceased – 8.

4.2.

Accordingly, the number of personal licences issued by the Board and currently in effect is 341.

5. Financial Implications

There are no financial implications arising from the recommendations of this report.

6. Legal Aspects

6.1.

Requirements relating to personal licences are contained within Part 6 of the Licensing (Scotland) Act 2005 (the Act).

6.2.

Section 87(1) of the Act states:

“The holder of a personal licence must, no later than 3 months after the expiry of:

(a) the period of 5 years beginning with the date on which the licence holder’s licence was issued, and

(b) each subsequent period of 5 years during which the licence has effect,

produce to the licensing board which issued the licence evidence in the prescribed form of the licence holder's having complied, during that period, with such requirements as to the training of personal licence holders as may be prescribed."

6.3.

Section 87(3) of the Act states "if a personal licence holder fails to comply with subsection (1), the licensing board which issued the licence held by the licence holder must revoke the licence."

7. Contact Officers

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8. Appendix

Appendix 1: Personal licences revoked in terms of section 87(3) of the Act by the Clerk to the Board.

Appendix 1.

List of Personal Licences Revoked by Clerk

Personal licence number.	Name.	Expiry date.
OI/363.	Rae-Shortland Isobel Gladys.	3 October 2022.
OI/374.	Linklater Stewart.	6 December 2022.
OI/378.	Scollie Andrew.	9 January 2023.
OI/382.	Anderson Colin Henry.	21 May 2023.
OI/383.	Dart Anne Louise.	21 May 2023.
OI/384.	Harrison Jacqueline Anne Alexandra.	21 May 2023.
OI/386.	Ross Ingrid Jane.	21 May 2023.
OI/387.	Scott Christopher Charles.	21 May 2023.
OI/391.	Woodgate Claire Michelle.	9 July 2023.
OI/392.	Woodgate Matthew Lloyd James.	9 July 2023.