

CHANGES TO ALCOHOL LICENSING DUE TO THE CORONAVIRUS (SCOTLAND) ACT 2020

Due to the Coronavirus pandemic, the Scottish Government has introduced some changes to the licensing process which mainly relate to the extension of timescales. The attention of licence holders and applicants is drawn to these changes which are set out below. If you have any queries, please do not hesitate to contact the licensing section either by e-mail at licensing@argyll-bute.gov.uk or by phone on 01546 604128.

PREMISES LICENCES

A licensed premises does not cease to be used for the sale of alcohol if it is closed for a temporary period due to the ongoing coronavirus situation.

Transfer of Licences

Any applications for transfer of a premises licence will be accepted by the Board later than the required 28 day period for such applications to be made if the applicant has been unable to comply for a reason relating to coronavirus.

Applications by provisional premises licence holders

Any applications made by a provisional premises licence holder for the first time to extend that licence by 6 months shall be granted by the Board where satisfied that the reason for delay in completion/conversion of the premises is outwith the licence holder's control and relates to coronavirus.

Premises manager

The deadline for notifying the Board of any individual ceasing to be premises manager has been extended from 7 to 28 days. Also the period for making a follow-up variation application to substitute the premises manager is extended from 6 weeks to 3 months, or where such an application can't be made within that period due to a reason relating to coronavirus, that period may be extended by the Board on a request from the applicant.

Sale of Food and Drink Operating plan

If food is sold on the licensed premises, off-sales of alcohol are permitted, but the operating plan does not expressly authorise food and drink to be taken away or delivered for consumption off the premises, a term to that effect is to be implied into the operating plan. However, following the end of the emergency period, if a premises wishes to continue this arrangement on a permanent basis, an application must be made to vary the licence to that effect.

PERSONAL LICENCES

Renewal of licence

Where a personal licence renewal application has been made and not yet determined by the Board before the expiry date of the licence, the licence shall continue to have effect for a period of 6 months beginning on the expiry date of the licence.

Where an application for renewal of a personal licence cannot be made within the required period (the period of 9 months beginning 12 months before the expiry of the licence) for a reason relating to coronavirus, the renewal application can be made up until the day before the expiry date of the licence. The Board will also take into account any failures to undertake the prescribed training requirements on a case-by-case basis and consider extending the periods to undertake said training where this is considered necessary for a reason relating to coronavirus.