

## **Phase 2 of easing lockdown – Guidance**

Angus Council wishes to support the reopening of all shops and businesses when it is appropriate to do so. This must be delivered in a way that minimises health risks in terms of limiting further transmission of coronavirus (COVID-19).

As such, it is likely that physical distancing will be required for the foreseeable future. The purpose of this guidance is to provide support to licenced premises likely to experience an upsurge in visitor numbers as lockdown restrictions are eased. It outlines the steps that both you and the Council are likely to have to make to ensure the safe re-opening of your premises.

The Scottish Government's Route Map for coming out of lockdown provides phases for easing the lockdown restrictions. Phase 2 of the restrictions provide that pubs and restaurants can open **outdoor spaces** with **physical distancing** and **increased hygiene routines**.

### **An Already Licenced Area**

If alcohol is to be sold in an outdoor area, then it must be licensed for on-sale consumption. If the outdoor area already forms part of a Premises Licence, then the area can be utilised under the current terms of that Premises Licence. In those cases, however, licence holders should have written policies and procedures regarding physical distancing and hygiene measures that can be demonstrated to Police Scotland or Licensing Standards Officers if necessary.

### **Non-Licensed Area**

If the outdoor area is not currently part of a Premises Licence, then the Licensing Board will permit the use of Occasional Licences as a temporary measure

An outdoor space can include gardens and car parks. Please include within the "Risk Assessment and Procedure Document in relation to the COVID – 19 and safe operation of your premises what the impact on the closure of that outdoor space for its usual purpose will be. For example, if it is a car park, is there sufficient parking elsewhere?

Please also be aware, that you may require other permissions from the Council, such as consent to use pavements or temporary planning permission. Applications submitted for occasional licences will be shared with other council services such as planning, environmental health, roads, and building standards. This is not part of the statutory process but will ensure that you receive advice on all aspects of your plans. Should any of these departments raise issues with your application, our Licensing Standards Officer will discuss this with you. He will also visit your premises in order to form his report on your application. If all matters can be settled, your application will be granted under delegated authority.

If you wish to make any changes a permanent addition to your premises licence you will require to submit a major variation application, however the Board will permit you to apply for occasional licences to trade in the interim.

### **Application Process**

The Licensing Team, and our consultees, are committed to turning around applications as quickly as we possibly can, however, we cannot guarantee that we will be able to process applications for a specific date, particularly with very short notice. That said, we really do appreciate how difficult it is for businesses to apply in advance given the current situation.

With that in mind, during this phase of moving out of lockdown and into phase 2 only, the usual timescales for submission of occasional licences will be relaxed for those applications for outdoor drinking areas for premises only. Please give us as much notice as possible as the more time we have to deal with the applications the better.

Much of our ability to turn applications around quickly will depend both on how we receive applications and the volume of applications that we receive. Paper applications will take longer to process as our teams are not working in physical offices. Please do not hand in a paper application if possible. The best methods are:

- 1) Using the Gov.uk website application process [here](#), then following up your application by sending supporting documents to [LawLicensing@angus.gov.uk](mailto:LawLicensing@angus.gov.uk)
- 2) Emailing your application and supporting documents to [LawLicensing@angus.gov.uk](mailto:LawLicensing@angus.gov.uk)

**Please make sure that you attach a detailed site plan showing the outdoor area you wish to licence to your application, and make sure that you complete all of the information as fully as possible. Also attach a “Risk Assessment and Procedure in relation to the COVID – 19 Pandemic and safe operation of your premises” document. A Guidance Document will be provided by the LSO to assist you to complete this document. This will ensure that we have all the information that we need to process your application swiftly without possibly requiring clarification and causing delay.**

We would also recommend that you familiarise yourself with the mandatory conditions of an Occasional Licence and the additional Local Conditions. There will also be additional “COVID-19 Conditions” that may be applied to your licence. These conditions will be shown to you by our Licensing Standards Officer when he visits.

Any licence that is granted will also be subject to a condition that the licence holder will comply with any government guidance related to the coronavirus including social distancing and whether opening is permitted.

### **Scenarios**

**I have a premises licence for a bar. I also have a beer garden that is detailed on my operating plan and layout plan.**

In this situation, the advice would be that unless there are any changes that you would want to make, you are able to use the licence that you have already in the areas that you already have licensed. It is your responsibility as licence holder to make sure that you comply with physical distancing rules as set out by the Scottish Government. It is recommended that you complete a “Risk Assessment and Procedure in relation to the COVID – 19 Pandemic and safe operation of your premises” document for the safe operation of your premises taking Scottish Government Guidance into account. It would also be worth considering the training of staff in COVID-19 related procedures.

For the avoidance of doubt, you cannot operate until the Scottish Government announce we have entered Phase 2.

**I have a premises licence for a restaurant. I have an outdoor space or garden that I can put tables and chairs into. I do not have outdoor drinking in my operating plan nor is it in the layout plan.**

In this situation, the guidance would be that if you wish to open the outdoor space, you would need to apply for an occasional licence. An Occasional licence can only be applied for areas that are not covered by a premises licence. It is recommended that you also complete a Risk Assessment and Procedure in relation to the COVID – 19 Pandemic and safe operation of your premises” document for the safe operation of your premises taking Scottish Government Guidance into account.

If you wish to make the outdoor area a permanent fixture of your premises licence, you will need to apply for a Major Variation. It is strongly advised you consult a solicitor if you wish to do this. The Angus Licensing Board is currently meeting on an ad-hoc basis by virtual means, and your application would need to be determined by the Board.

**I have a premises licence and I have a licensed outdoor area. I want to extend the licensed area so that it is bigger.**

You can apply for an occasional licence for the additional outdoor space. An Occasional licence can only be applied for areas that are not covered by a premises licence. It is recommended that you also complete a “Risk Assessment and Procedure in relation to the COVID – 19 Pandemic and safe operation of your premises” document for the safe operation of your premises taking Scottish Government Guidance into account.

If you wish to make the additional outdoor area a permanent fixture of your premises licence, you will need to apply for a Major Variation. It is strongly advised you consult a solicitor if you wish to do this. The Angus Licensing Board is currently meeting on an ad-hoc basis by virtual means, and your application would need to be determined by the Board.

**Contact Details**

If you have any further questions or queries, our **Licensing Standards Officer Daniel Coleman** can be contacted at [ColemanD@angus.gov.uk](mailto:ColemanD@angus.gov.uk).