

CIVIC LICENSING COMMITTEE – 17 SEPTEMBER 2020

COVID-19

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

**ABSTRACT**

The purpose of this Report is to update Committee Members of work undertaken remotely by officers as a result of the COVID-19 Pandemic and to outline the legislative changes and resultant impact on Committee business brought about by the Coronavirus (Scotland) Act 2020.

**1. RECOMMENDATION**

It is recommended that the Committee: -

- i) note the work undertaken remotely by officers since March 2020; and
- ii) note the legislative changes and resultant impact on Committee business brought about by the introduction of the Coronavirus (Scotland) Act 2020.

**2. BACKGROUND**

Angus Council issued guidance on 17 March 2020 that if an employee was able to work from home, they were to do so with immediate effect and until further notice. From 18<sup>th</sup> March 2020, officers have been working remotely and will continue to do so until such time a return to the office is possible.

There have been challenges in carrying on business as normal. As far as was possible, Legal Officers and the Licensing Standards Officer (LSO) continued to receive applications for new grants and renewals. These applications have been received digitally with payments largely being received over the telephone. No applications were formally suspended, but it was not possible to process applications such as Taxi Driver or Taxi Operator due to the requirements for knowledge tests, medicals and vehicle tests not being able to be met. However, this has resumed in August 2020 by digital means in terms of a knowledge test and immigration check.

A significant volume of work has been undertaken in respect of legal research, proving legal advice, drafting guidance documents, updating websites and sending communications for the public to use and read online, as well as handling enquiries from licence holders, applicants, Councillors and internal departments. This has then been the case going forward as matters change and we progress through the Route Map phases as set by the Scottish Government.

There have been a number of legislative changes which have increased workload for Legal Officers and the LSO, and examples of work that has been completed and challenges faced are outlined below.

**3. IMMEDIATE IMPACT**

Legal Officers and the LSO faced a number of enquiries in respect of civic licensing matters particularly in relation to taxi and private hire drivers seeking clarification regarding operating during the lockdown period. Advice and guidance was given in response to queries with social media being used to communicate updates.

The Civic Licensing Committee scheduled for April 2020 was cancelled and several reports and applications were delayed. Officers carried out a review exercise to ensure that applications did not miss deadlines or run the risk of deemed grants. As part of the review, it was considered necessary to use emergency powers to extend the period of some licences and further information regarding this is noted in section 5 of the Report.

#### **4. CANCELLATION OF EVENTS**

As more guidance became available from the Scottish Government, Legal Officers and the LSO tackled events which had applications granted or pending in relation to them. This included contacting the holders and applicants of several Public Entertainment Licences and liaising with them to ensure their event would not go ahead in contravention to Government guidance. This was a challenge for officers as we had no way of knowing how long the situation would continue for.

It was determined that where an event was postponed as a result of COVID-19, the applicant would be able to re-apply for no charge if the exact same event was taking place again the following year.

#### **5. EXTENSION OF LICENCES EXPIRING 31<sup>ST</sup> MARCH 2020**

The UK Government placed the country into lockdown mid March 2020. Angus Council licences normally operate in a quarterly basis, with several licences due to expire on 31<sup>st</sup> March 2020. We received several enquiries from worried licence holders who were concerned about being able to renew their licence on time. The Chief Executive, under emergency powers, extended all civic licences due to expire on 31<sup>st</sup> March 2020 by three months. This was done prior to emergency legislation being introduced by the Scottish Parliament which now, going forward, allows additional time for renewal applications to be submitted on good cause shown.

In addition, there are some licences the Council hold which do not expire in the uniform quarterly basis. These were chiefly Animal Boarding and Dog Breeding. These licence holders were not able to have vet inspections carried out. We permitted them to apply without the inspection and determined the application once the inspection was carried out..

#### **6 VIRTUAL COMMITTEE**

The Civic Licensing Committee has met once virtually. The Coronavirus (Scotland) Act 2020 has permitted the Committee to meet by virtual means. The organising of virtual committees has presented challenges for officers, particularly those in Committee Services and IT. These have included arranging and facilitating IT equipment and platforms, ensuring GDPR compliance and working with applicants and agents to make sure they could access the digital forum.

#### **7. LEGAL**

The Coronavirus (Scotland) Act 2020 has made temporary changes in respect of the 1982 Act and relevant statutory instruments. The main changes of the 2020 Act can be summarised as follows:

- a) the licensing authority has an additional three months to consider an application before an application for a licence will be deemed to have been granted, renewed or varied;
- b) provision for extending to three months the time period within which a licensing authority can accept, on good cause being shown, late applications for renewal of a licence;
- c) flexibility for the licensing authority to decide that if it cannot hold a hearing in person due to coronavirus, then the authority may give the person who would have been heard at a hearing the opportunity to be heard either by telephone, in written communication or by video conference; and
- d) provision is also made to ensure that any relevant procedural requirements are classed as being adhered to notwithstanding a hearing in person has not taken place.

#### **8. FINANCIAL IMPLICATIONS**

There has been a decrease in fee income given some reduction overall in the number of applications being received in relation to civic and miscellaneous licensing, particularly in respect of Public Entertainment Licences.