

CIVIC LICENSING COMMITTEE – 18 FEBRUARY 2021

COVID-19 UPDATE

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

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

1. RECOMMENDATION

It is recommended that the Board:

- i) note the work undertaken remotely by officers since the last update in report no [233/20](#); and;
- ii) note the legislative changes and resultant impact on Committee Business since report no 233/20.

2. BACKGROUND

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

Report 233/20 outlined the immediate impact on the work of the Committee and Department. There had been a substantial increase in terms of enquiries from licence holders and the public, and a change in legislation which posed its own challenges for the Department.

The April and May 2020 meetings of the Committee were cancelled. Virtual meetings of the committee took place in August 2020.

Since report no 233/20, there have been significant alterations in the Scottish Government approach to dealing with COVID-19 and further challenges for the licensing department and legal officers to tackle.

3. ON-GOING IMPACT

There has been an on-going impact of the pandemic on the work of the Department and Legal Officers. The frequently changing landscape of the pandemic has seen an increased number of enquiries lodged with the Department. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 came into force on 2 November 2020 and have been amended on several occasions.

Guidance notes were produced by Legal Officers and the LSO and placed on the Angus Council website for the licence holders and members of the public to refer to. 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 been the case going forward as matters frequently change under the Regulations.

4. LATE RENEWAL PROCEDURE

The Coronavirus (Scotland) Act 2020 permitted licence holders to apply up to three months after the expiry of their licence on cause shown. The licence remained valid in that extended three month period where licence holders were still able to carry on their business.

This has meant applications for renewal have come in later than the expiry date of the licence. The Department have taken a pragmatic approach to permitting licence holders to renew late on cause shown. The renewal date of the subsequent licence, however, is not affected.

5. VIRTUAL COMMITTEES

Since the previous report, the committee has met virtually twice. It has considered:

1. 1 Public Procession application
2. Response to call for views from the finance and constitution committee of the Scottish Parliament - Travelling Funfairs (Licensing) (Scotland) Bill
3. 1 Variation of a Public Entertainment Licence
4. 1 application for Dog Breeding Establishment
5. 1 application for renewal of Private Hire Licence

6. TAXI GRANT SUPPORT

The Scottish Government announced in December 2020 that a support package would be made available to Taxi and Private Hire Drivers. It was announced week commencing 18th January 2021 that this would be a £1,500 non-repayable grant, to be administered by each Local Authority.

On Wednesday 20th January 2021, the criteria for obtaining the grant was confirmed as:

- Must have been licensed for the period 9 October 2020 to at least 31 January 2021; this excludes all drivers whose licenses were suspended on or before 31 December 2020, and that remains current and valid.

The applicant must confirm (self-declaration) that up to 31 December 2020:

- they have experienced loss of income as a taxi or private hire driver (50% of turnover, compared with 2019) and incurred overhead costs and expenses;
- they are or have been working or available for work as a taxi or private hire driver;
- must not have breached wider COVID regulations/requirements prior to local restrictions.
- must not have connections to tax havens, as set out in the Coronavirus (Scotland) (No.2) Act 2020.

An online form was created by the IT Department so that applicants could provide this information online. A link to this form was sent to all drivers who were licenced period 9 October 2020 to 31 January 2021 by the Licensing Standards Officer on Monday 25 January 2021.

Business Support for licensing have been responsible for assessing each application and determining if sufficient information has been submitted to grant it. If insufficient information was provided, the application was declined. As at 28/1/21, the department have received 34 applications and 18 have been granted.

The department have also worked with other Local Authorities to ensure as far as possible, that no applicant claims this grant twice.

7. LEGAL

There have been no substantial changes to the Coronavirus (Scotland) Act 2020 since the previous report.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 have been the basis for frequent changes to COVID rules.

8. FINANCIAL IMPLICATIONS

When comparing March 2020-January 2021 to the period March 2019-January 2020, there has been a decrease in applications and a decrease in fees.

There were 413 applications during this period in 2020/21 compared to 648 in 2019/20, representing a 36% decrease.

£97,730 of fees were collected during this period in 2020/21 compared to £154,036 in the same period of 2019/20, representing a 37% decrease.

During the whole of 2019/20 the department received 715 applications and collected £169,408 in fees. During 2020/21 thus far there have been 413 applications and £97,730 of fees collected.

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