

ANGUS LICENSING BOARD – 18 FEBRUARY 2021

COVID-19 UPDATE

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to update Board 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 [LB58/20](#) and;
- ii) note the legislative changes and resultant impact on Board Business since report LB58/20

2. BACKGROUND

Angus Council issued guidance to employees on 17 March 2020 informing them that if they were 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 from home and will continue to do so until such time a return to the office is possible.

Report LB 58/20 outlined the immediate impact on the work of the Board and licensing department. It was noted there had been a substantial increase in terms of enquiries from licence holders and the public and a drastic change in legislation which posed its own challenges for the department.

The April and May 2020 meetings of the Board were cancelled but in June 2020, virtual meetings of the Board were made possible and the Board subsequently met four times virtually.

During June and July 2020, there was a phased re-opening of licensed premises across Scotland, with outdoor areas opening prior to indoor areas. Several Occasional Licence applications were received and required to be granted within a much shorter time scale than normal. There was an increased workload for officers. The re-opening of licensed premises was an on-going issue for the LSO and legal officers, with notifications and queries still being received in respect of COVID-19 breaches and various licensing issues.

There had been legislative changes in respect of Personal Licence holders, with regards the time in which they had to undertake refresher training, or time in which to submit a renewal application being extended if the reason they could not meet the normal time scale was in relation to the coronavirus. The LSO required to contact each licence holder to ascertain if they met this criteria.

Since report LB 58/20, 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 deal with and manage accordingly.

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 by regulation on several occasions.

Guidance notes were produced by Legal officers and the LSO and placed on the Angus Council website for the trade, licence holders, and members of the public to refer to. Reports of premises operating contrary to the regulations were also received, which required the Licensing Standards Officer to contact licence holders and premises managers. Licensing Standards Officer visits were again suspended from 7 January 2021 after Scotland entered a full lockdown.

4. PERSONAL LICENCES

Emergency legislation permitted deadlines in relation to Personal Licence renewal applications and refresher training. The Board delegated authority to the clerk to permit these extensions where the reason for requesting any extension was in relation to the Coronavirus. The Clerk has authorised the following:

- 1) Requests to extend period to undertake refresher training: 20
- 2) Requests to extend date for renewal: 4

The Licensing Standards Officer has attempted to contact each Personal Licence Holder to ascertain if the licence holder wished to apply for an extension and if their reason was in relation to the Coronavirus. This has helped the Department determine which licence holders would be eligible for an extension and which no longer require their licence and were happy for it to be revoked.

5. VIRTUAL BOARDS

Since Report LB58/20, the Board has met a further three times by virtual means: 29 October 2020, 26 November 2020 and 14 January 2021. The Board have considered and determined the following:

Provisional Premises Licence Applications: 2
Major Variation of a Premises Licence: 7
New Personal Licence Applications: 1
Premises Licence Review: 1
Personal Licence Review: 1

The Board has also considered a review of the local Angus Byelaws and the responses of the Working Group. The Board accepted the recommendation of the Working Group that no alterations be made to the Byelaws and this recommendation, by way of Report, will be placed before full Council in early course.

6. TIERED COVID APPROACH AND CLOSURE OF PREMISES

During June and July 2020, there was a phased re-opening of premises across Scotland, with outdoor areas opening prior to indoor areas. Indoor areas then opened under Phase 3 of the Scottish Government's route map to lifting lockdown. In September 2020, the Scottish Government introduced a 10pm curfew for licenced premises. All licensed premises were to close by 10pm and did not include drinking up time.

During October 2020, The Scottish Government replaced its route map with a Strategic Framework which is a five-level plan to vary rules for rapid but proportionate response to COVID-19. This placed each Local Authority into different COVID-19 protection levels.

Angus was placed into Level 2. For licensed premises, this meant that last entry to an indoor area was 19:00 with closure at 20:00, and last entry to an outdoor area 21:30 and closure at 22:30 (although the rule for many Angus premises is 21:00 for outdoor areas). In relation to indoor premises, alcohol could only be sold alongside a substantial meal. Both the Licensing Standards Officer and Environmental Health Officers helped police this matter. Under Level 2, outdoor premises were able to open for consumption of alcohol without the need to take a meal, so long as the premises were licensed for both outdoor drinking and had the facilities available to provide food indoors.

On 10 November 2020 it was announced that the Angus area was to be placed into Level 3 restrictions. For licenced premises this meant that all sales of alcohol were prohibited, whether indoor or outdoor. Premises that served food were able to open their premises for consumption of food and non-alcoholic drinks. Last entry was 17:00 and all venues were to close and have customers off the premises by 18:00.

On 11 December 2020, Angus re-entered Level 2 which meant premises were once again able to sell alcohol under the heavy restrictions. On 26 December 2020, the entire mainland of Scotland entered Level 4, which has closed all licenced premises since, except for takeaway and home delivery sales (for which premises must be licenced for off-sales).

The introduction of the multi-level approach and frequent changes to them led to an increased number of enquiries for the licensing department. The department produced extensive guidance for licenced premises which was placed on the Angus Council website.

On 13 January 2021, additional regulations prohibiting customers from entering a premises to collect takeaway orders were announced.

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 frequent changes to COVID rules.

8. FINANCIAL IMPLICATIONS

There has been a decrease in fee income given the reduction overall in the number of applications being received in relation to liquor licensing. As at 25 January 2021, 25% of premises annual fees remain outstanding. The Licensing Standards Officer will be pursuing these.

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