

SPECIAL ANGUS LICENSING BOARD – 22 APRIL 2021

OCCASIONAL LICENCES

THE LICENSING (S) ACT 2005

REPORT BY CLERK TO THE BOARD

ABSTRACT

The purpose of this Report is to ask the Board to consider temporarily relaxing paragraph 4.4.4 of the Board's Statement of Licensing Policy having regard to the easing of lock down restrictions upon the Angus hospitality Industry.

1. RECOMMENDATION

It is recommended that the Board consider and determine to temporarily permit the relaxation of paragraph 4.4.4 of their Statement of licensing policy by:-

- (i) Allowing applicants temporarily to submit more than 4 Occasional Licence applications, without being expected by the Board to submit a premises licence or major variation application in light of the very unusual circumstances caused by the Covid 19 pandemic and the easing of lockdown restrictions on the hospitality industry.
- (ii) Requesting the Clerk to submit an update Report to the 12 August 2021 Board meeting.

2. BACKGROUND

In terms of the [Angus Licensing Board's Statement of Licensing Policy](#) regards Occasional Licences at paragraph 4.4.4, if an applicant submits 4 Occasional Licence Applications the Board's expectation is that the applicant will submit a New Premises or Major Variation Application before applying for any further Occasional licences. If they continue to apply for Occasional licences without submitting such an application, they would be invited to attend the Board to explain why they had not submitted it; the Board always having to bear in mind that all Occasional Licence applications must be determined upon their own merits and that the Board cannot refuse to grant the Occasional Licence Application simply on the basis that 4 had been granted previously.

The above said, the Board will be aware that due to the easing of lock down restrictions on the hospitality industry many Occasional Licence Applications have been submitted, and or expected to be received imminently by the Licensing department, which fall foul of, or will fall foul of, paragraph 4.4.4, given they have already been granted 4 or more Occasional Licences, or will be granted more than 4 imminently.

Having regard to the above and in order to assist the trade recover from the devastating effects of COVID 19, and from Special meetings of the Board having to be convened to allow Board Members to deal with Applicants who have had 4 or more Occasional Licences, and given there is no capacity to readily deal with queries regards Occasional Licences and complaints, it is requested that the above paragraph 4.4.4 be temporarily relaxed by the Board until at least the Board Meeting of 12 August 2021 where the Board can fully consider the up to date position regards the use of Occasional Licences.

For the avoidance of doubt, the Clerk would ask Business Support Officers to continue to keep a note of how many Occasional Licence applications had been granted and would continue to encourage applicants towards making applications for Premises Licences, or major variations. For the information of members, the majority of applications to which this relaxation of paragraph 4.4.4 applies relate to premises which already have full Premises Licences in place but have not applied for major variations for outdoor areas.

3. LATE SUBMISSION OF REPORT

The First Minister confirmed the Government's decision to allow licensed premises to open under restricted circumstances on Tuesday 20th April. At the same time, updated guidance was released for the hospitality sector however, this has already been amended and may be amended further throughout the coming weeks. Furthermore, the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 have not yet been finalised and it is not expected that these will be finalised until Friday 23rd April 2021.

A number of Occasional licence applications have been recently submitted and due to the fast pace of evolving restrictions and guidance, Officers wish to ensure that these are applied to any licences issued.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

5. LEGAL

- 5.1** There is no legal impact upon the Board making this determination. There is no statutory limit on the number of Occasional licences which can be granted. The Board is being asked to temporarily relax its own policy and it would not contravene any statutory provision of the Licensing (Scotland) Act 2005 to do so.

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