

PERTH AND KINROSS LICENSING BOARD

25 September 2020

LICENSING DURING COVID 19 – BOARD UPDATE

Report by Clerk to the Board

PURPOSE OF REPORT

This report provides the Licensing Board with information about the impact of Covid-19 on alcohol licensing activity, and an update in relation to work which is being undertaken to support recovery and renewal for licensed premises.

1. INTRODUCTION

Covid-19 has led to a number of challenges and changes in relation to alcohol licensing. The impact of Covid-19 on the hospitality and tourist trade in the area has been unprecedented. This report updates the Licensing Board in relation to the impact of Covid-19 on alcohol licensing and the work being undertaken to support existing licensed premises and new businesses.

2. CHANGES TO LEGISLATION

- 2.1 In March 2020, a range temporary changes were made to the Licensing (Scotland) Act 2005 and associated Regulations as part of the government's response to the Covid-19 pandemic. The aim of these changes was to make necessary procedural changes, for example in relation to timescales for processing applications, to ensure that applications for licences and existing licences did not lapse through the inability of applicants and Boards to attend to normal business because of Covid-19.
- 2.2 At its meeting on 6 May 2020, the Board approved an emergency Scheme of Delegation which has assisted in ensuring that business can continue to be progressed as efficiently as possible.
- 2.3 Licensing staff have faced a number of challenges working at home, such as restrictions on access to the Council network in the initial months of lockdown and issues with the functionality of the management system used to process applications. Temporary changes to legislation were therefore welcomed, as they allowed extra time for applications to be dealt with at a time when the ability of staff to process applications was adversely impacted because of lockdown. Licensing staff have worked extremely hard to ensure that applications were delayed as little as possible. As the work moved towards supporting recovery, staff prioritised all applications which were necessary to allow businesses to resume trading and this approach will continue.

3. ACTIVITY TO SUPPORT RECOVERY

Guidance

- 3.1 Once easing of lockdown commenced in early July, there was a shift of attention by the trade to how they could safely open outdoor areas, and it was quickly identified that there was a need to have a guide available to licensees and applicants in relation to what would be required of them to be able to operate safely. Therefore, during July, the Depute Clerk, Licensing Manager and Licensing Standards Officer (LSO) collaborated with colleagues in the Housing and Environment Service so that a single set of guidance could be issued to licensed premises to support them in relation to the use of outdoor areas. The Licensing Manager and LSO also produced a licensing guide for the Board's web pages which included practical information and links to the HSE website on drafting risk assessments; links to the Scottish Government hospitality sector guidance; links to the corporate guidance and practical information about issues which premises would need to consider.

Occasional Licences

- 3.2 To date, approximately 70 occasional licences have been granted for outdoor areas for premises which did not already have an outdoor area licensed or wished to extend an existing area. These relate to 18 licensed premises which are listed in Appendix One. A high number of these applications have been approved under delegated powers, but some remain pending awaiting further clarity on the finer details of the proposed operation. There were generally multiple applications for the same premises as most applicants took advantage of applying for the maximum 14 day block per application and made multiple applications at the same time for successive periods, allowing for no interruption of their operation. Although there has been a change in the weather and the daylight hours recently, it appears that customers have a sense of security being seated outdoors and therefore these applications are not predicted to reduce significantly. Those licences granted have been subject to a number of local conditions including:
- all staff involved in the sale of alcohol should comply with directions and guidance of the Scottish Government;
 - all staff should be trained in measures of how to control the virus including number of patrons, hygiene and social distancing;
 - there should be a robust risk assessment in place for the area;
 - no television or music; and
 - written policies to be in place for noise mitigation and stewarding (if deemed necessary).
- 3.3 A number of small local breweries, which would normally sell their stock to trade without the need for a licence, have sought occasional licences, as they were unable to sell their current stock to the trade as planned. Without any opportunity to sell their products direct to the public, this would have resulted

in lost revenue, spoiled stock and a potential threat to the business as a whole. Some small local businesses also made an approach for guidance on how to sell their products from an unlicensed location. This was a direct consequence of lockdown and all planned events and markets ending abruptly. These businesses have been supported to apply for occasional licences and it is anticipated that this will continue for some months to come.

- 3.4 To date, there have been 51 applications for premises which were previously unlicensed for the purposes of conducting off sales (a number of these will be multiple applications for the same premises). 40 of these applications were as a direct consequence of lockdown, as businesses looked to change their operation in light of losing their trade-to-trade custom. It appears that although trading has now resumed, only a fraction of products are being purchased from such small businesses by the licensed trade. This is not predicted to change dramatically over the coming months. These small businesses also report that due to slow recovery in “farmers’ market” style events, the expectation is that their operation is likely to continue on this basis for the foreseeable future. A continuing flow of these applications is therefore predicted. Some of these businesses may choose to submit a premises licence application and licensing staff will continue to give advice in relation to this.
- 3.4 These businesses also had to consider their operation and how they were going to meet some of the mandatory licence conditions such as age verification. The added complexity of people who were shielding and isolating also required to be built into their delivery policies. As a number of these businesses had not operated directly to the public before lockdown, they required additional assistance regarding this which was provided by the LSO.

Collaboration

- 3.4 During lockdown the LSO expanded existing links with the Perth Community Policing Team. A single point of contact (SPOC) was established and this assisted both the trade and the LSO and this was particularly valuable when the easing of lockdown began. This relationship continues and there is usually weekly contact. The SPOC has offered assistance to premises by undertaking visits.
- 3.5 The LSO also has close links to Police Scotland Licensing Team and has been in regular contact with the team, sharing information about potential breaches of the guidance and legislation. Members of that team undertook visits to premises with emphasis on the week following opening outdoor areas. There were no adverse comments received from those visits.
- 3.6 The licensing team has continued to build on excellent links with other Council services and external bodies. The assistance of the Council’s Environmental Health Officers has been essential to assist the trade in relation to their responsibilities and there continues to be close collaboration between those officers and the LSO.

4. INCOME

- 4.1 The Board will be aware that there is a requirement that the income generated through applications to the Board must be sufficient to meet the Board's costs. There has been a significant impact on Licensing Board income as a result of lockdown restrictions. As at the end of August 2020, income received for year 2020/21 was £20,289, against a figure of £92,000 received over the same period in 2019. The drop in income has been seen across all alcohol and gambling licences but most significantly in relation to occasional licences, personal licences and variations. This is a direct consequence of the lockdown. In relation to occasional licences, there were 249 licences granted for the period 1 April 2020 to 16 September 2020, compared to 613 for the same period in 2019. In relation to personal licences, the number of renewal applications is also lower than expected which may be attributable to the economic downturn in the hospitality trade and delays in securing refresher training during the early months of lockdown.
- 4.2 There is an annual fee payable for premises licences. This fee ranges from £180 to £900 per year, depending on the rateable value of the premises and, in some cases, the type of premises. Fees are due in October each year. Letters have now been sent to each premises licence holder advising them of the fee payable.
- 4.3 As set out in paragraph 4.1 above, the income generated through applications must be sufficient to meet the Board's costs. Given the significant drop in income this year, it has not been possible to consider a reduction in the annual fee for premises licences. It is believed that only one Licensing Board has taken steps to reduce fees this year (Aberdeen City). However, officers are acutely aware of the challenges facing licensed premises at this time, and arrangements have been put in place to enable licensees to pay the annual fee by instalments if they wish to do so, which is permitted under the regulations which set out the requirements in relation to fees.

5. BOARD MEETINGS

- 5.1 Board members will be aware that as a result of the lockdown, the scheduled Board meetings on 19 March, 23 April and 29 May 2020 were cancelled. With support from the Council's Committee Services and the IT Digital Skills Team, meetings were resumed using Microsoft Teams. Meetings of the Board took place on Microsoft Teams on 6 May (special meeting); 3 July, 16 July (special meeting) and 13 August 2020. On 3 September 2020 there was a further special meeting of a Committee of the Board. A special meeting arranged for 17 August 2020 was cancelled as the business scheduled for that date was withdrawn. It is likely that there will be a need for further special meetings in the months ahead, where applications require to be progressed quickly to support recovery in the licensed trade.

5.2 At present, the Board meetings are not streamed live because of the complexities of streaming a meeting where multiple participants are required to enter and leave the meeting at different stages. Officers will explore whether a recording of the meeting can instead be published and the Board will be kept up to date with progress in relation to this.

6. FUTURE BUSINESS

6.1 Although there has been a significant drop in applications received since March, when compared to the same period in 2019, a number of new premises licence applications and new applications for major variation of a premises licence have been received. There are currently 12 premises licence applications and 13 major variation applications pending. These are being progressed and will be considered at future Board meetings.

7. CONCLUSION AND RECOMMENDATION(S)

It is recommended that the Board notes the content of this report.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	No
Resource Implications	
Financial	No
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	No
Risk	No
Consultation	
Internal	Yes
External	No
Communication	
Communications Plan	No

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The report relates to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

(iii) Promoting a prosperous, inclusive and sustainable economy

Corporate Plan

- 1.2 This report relates to the achievement of the Council's Corporate Plan Priorities:

(iii) Promoting a prosperous, inclusive and sustainable economy;

2. Resource Implications

Financial

- 2.1 There are no financial implications arising out of this report. Licensing Board income will continue to be closely monitored and the Board will receive an update in the annual financial report in 2021.

Workforce

- 2.2 N/A

Asset Management (land, property, IT)

- 2.3 N/A

3. Assessments

As the report is for noting only, no assessments have been completed.

Legal and Governance

- 3.4 N/A

Risk

- 3.6 N/A

4. Consultation

Internal

- 4.1 The Council's Licensing Standards Officer and Licensing Manager were consulted in the preparation of this report.

External

- 4.2 N/A

5. Communication

- 5.1 N/A

6. BACKGROUND PAPERS

No background papers have been relied upon in preparation of this report.

APPENDIX ONE

OCCASIONAL LICENCES FOR OUTDOOR AREAS GRANTED UNDER DELEGATED POWERS

Cherrybank Inn Carpark	210 Glasgow Road	Perth	
Muir's Inn Carpark	49 Muir's	Kinross	
Anglers Inn Carpark	Main Street	Guildtown	
Quality Hotel Perth	Leonard Street	Perth	
Outside Area - Wasted Degrees Brewing	Unit 11, Sawmill Yard	Blair Atholl	
The Red House Hotel Carpark	Station Road	Coupar Angus	Blairgowrie
Outside Area at Strathord Inn	7-9 Duchess Street	Stanley	
Gloagburn Farmshop	Gloagburn Farm	Tibbermore	Perth
Market Park	Muir's	Kinross	
Outside Seating Area at The Niblick	2 Crown Court	High Street	Auchterarder
Parklet Adjacent to Brewdog	62-64 George Street	Perth	
Outside Area at La Sicilyana	20-22 Perth Road	Scone	
The Royal Hotel	Melville Square	Nr Crieff	Perth
Ground Adjacent to Half a Tanner	3 Saint John's Place	Perth	
Outside Seating Area at The Malthouse	61 Princes Street	Perth	

Outside Seating Area at The Bunker Golf Lounge & Bar	222 South Street	Perth	
Capital Asset	26 Tay Street	Perth	
Outside Seating at The Old Mill Inn	Mill Lane	Pitlochry	