

COVID Supplement to Annual Functions Report

The year has been defined by the COVID pandemic. The restrictions introduced to try and control the spread of the disease have dictated how everyone has had to go about their daily business. This has had a huge effect on businesses and particularly businesses that undertake licensable activities. The basic idea behind a licence is public safety so activities requiring a licence, that generally involve people coming together, have been restricted or even completely banned for large periods of time.

The licensing service, along with many other council services, also suffered from an immediate and almost complete loss of resources. With staff being sent home the race was on to adapt both where and how the service could keep going. With little means to keep processing applications that had already been received a backlog began.

Lockdowns were relatively easy to deal with. When businesses and activities were shut down completely it was a straightforward matter to stop everything. However this still left a backlog.

Gradually technology was rolled out to enable staff to get back to working more normally, but still remotely.

Much more difficult to deal with were periods where restrictions were relaxed and businesses were allowed to open up to an extent. Scottish Government announcements were often made at short notice. Guidance on new ways of working were often issued the day before changes were due to take effect. The legislation was varied and constantly changing, again at very short notice. In fact when the level system was introduced by the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 the law was laid before Parliament on the 30th October and came into force on the 2nd November 2020. Between then and now there have been at least 32 sets of amending Regulations.

Licensing staff endeavoured throughout to keep licence holders, applicants and businesses in general up to date with restrictions and requirements. Regular circular emails were issued to contact lists as well as announcement through social media. This was made all the harder by the fact that in many cases Regulations and guidance conflicted. For example in licensed premises all the guidance states that table service is mandatory and an absolute requirement. However the law actually states that table service is required where reasonably practicable.

As well as keeping all parties advised of updates and trying to clear backlogs, licensing joined in with other council services to assist businesses in other ways. The priority was to help struggling businesses take advantage of every opportunity to keep trading. Once such scheme was the opening of public spaces in Elgin town

centre for business use, which involved closing roads to traffic and making open air space available and, where appropriate, licensed.

Outdoor spaces became very important during the pandemic. Legislation never obviated the need for appropriate licences. So the licensing service had to be creative in licensing various spaces and activities, often at short notice.

Measures specifically devised and implemented by licensing during the lockdowns included:

- Allowing licence holders to extend the life of various licences – for example public entertainment licences where the event had to be cancelled but could be re-arranged to a later date (often a year);
- Allowing taxis to continue operating during a period when vehicle testing was not available;
- Open ended occasional licences for outdoor spaces brought into use by existing licence holders, for example gardens and car parks;
- Increased use of occasional licences for unlicensed areas like pavements;
- Use of extended hours licences to add activities to existing licences;
- A streamlined, quick, value for money licence variation process to add off sales to existing licences. Whilst legislation automatically allowed licensed premises to sell food for consumption of the premises (takeaway) a licence was still required for the off sale of alcohol;

All this led to an increase in enquiries for the licensing team. Licensing staff received and answered hundreds of enquiries from concerned licence holders and applicants.

Licensing staff still also managed to run and complete public consultations for the new SEV licence type and to complete the required taxi fare review.

Hearings have taken place remotely. It is hoped and expected that this service will continue to be available to licence applicants and holders. Often licence applicants, particularly large companies, are represented by licensing lawyers from all over Scotland. Online meetings have facilitated their attendance without them having to charge their clients for a full day to travel and attend what is often a 10 minute hearing.

Backlogs of applications have been cleared and the licensing system has recently been upgraded by ICT. Businesses have been kept going as much as possible whilst keeping the public safe.

Licensing visits have obviously been very difficult during the pandemic, and impossible during lockdowns, but the LSOs have been kept busy talking to and advising licence holders. Where permissible and safe to do so, licensing staff have undertaken visits including joint visits with environmental health officers to advise and assist licence holders in measures to keep the public safe.

Licences were not issued where the event was in apparent conflict with clear COVID guidance and law.

The main, lasting casualty of the pandemic has been the licensing budget, as reported separately.

The COVID pandemic has thrown up a lot of novel and difficult sets of circumstances. Licensing has had to adapt and overcome in order to continue the service and assist licence holders/businesses as much as possible to keep trading and keep going.