



Licensing Committee

Wednesday, 25 August 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **Various Locations via Video-Conference**, on **Wednesday, 25 August 2021** at **09:30**.

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Minute of Meeting of 9 June 2021** 5 - 8
4. **Written Questions ****
5. **Civic Government (Scotland) Act 1982 and other Misc** 9 - 14
Licences - Annual Review of Licensing Fees
Report by Depute Chief Executive (Education, Communities and Organisational Development)
6. **Civic Government (Scotland) Act 1982 plus other** 15 - 28
legislation - Annual Functions Report
Report by Depute Chief Executive (Education, Communities and Organisational Development)
7. **Question Time *****
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Gordon Cowie (Chair)
Councillor Louise Nicol (Depute Chair)

Councillor George Alexander (Member)
Councillor James Allan (Member)
Councillor David Bremner (Member)
Councillor Theresa Coull (Member)
Councillor Paula Coy (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Maria McLean (Member)
Councillor Ray McLean (Member)
Councillor Derek Ross (Member)
Councillor Amy Taylor (Member)

Clerk Name:	Lindsey Robinson
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Clerk Email:	committee.services@moray.gov.uk

individual or organisation to defeat the purpose of the notice or order.

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9 Information, which if disclosed to the public, would reveal that the Authority proposes, for the purpose of consultation, make an order or direction under any enactment which might allow an individual or organisation to defeat the purpose of the notice or order.

4. Minute of Meeting dated 17 February 2021

The minute of the Meeting of the Licensing Committee on 17 February 2021 was submitted and approved.

5. Minute of Meeting of 20 May 2021

The minute of the Special Meeting of the Licensing Committee on 20 May 2021 was submitted and approved.

6. Written Questions **

The Committee noted that no written questions had been submitted.

7. Question Time ***

The Committee noted that no questions had been asked.

8. TD-21-002

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider an application for the renewal of a taxi driver licence received on 19 March 2021 subject to an adverse representation received from a consultee.

Mr Maltman, representative of the applicant sought agreement from the Committee to delay the decision on the renewal application until after the 29 June 2021 to allow the scheduled court case to take place.

Following consideration, the Committee agreed to defer the decision on the renewal until the outcome of the court case scheduled to be heard on 29 June 2021 was known.

9. Civic Government (Scotland) Act 1982 - Mandatory Review of Taxi Fares and Charges

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider the outcome of the recent taxi fare consultation and either resolve to keep taxi fares the same or formulate a set of alternative proposals for the maximum fares and charges applicable to taxis.

Following consideration the Committee agreed to:

- i) note the views expressed in the various responses to the consultation process;
- ii) approve a fare structure for implementation on 29 June 2021 which would be the existing fare structure; and
- iii) instruct the Head of Governance, Strategy and Performance to publish the fare structure and issue a new fare card to all operators.



REPORT TO: LICENSING COMMITTEE ON 25 AUGUST 2021

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AND OTHER MISC LICENCES – ANNUAL REVIEW OF LICENSING FEES

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 This report is to update the Committee on the overall income versus expenditure for Civic Government and other miscellaneous licensing for the last financial year by way of an annual financial report and make predictions in respect of likely future income and expenditure.
- 1.2 This report is submitted to Committee in terms of Section III H (4) of the Council's Administrative Scheme relating to all matters of Licensing and registration not falling within the functions of any other Committee.

2. RECOMMENDATIONS

2.1 It is recommended that the Committee:-

- (i) scrutinise and note the financial report on income and expenditure data at Appendix 1; and**
- (ii) note the position on future fees and the planned revision of the same;**

3. BACKGROUND

Current Fees

- 3.1 The Civic Government (Scotland) Act 1982 and various other pieces of legislation governing miscellaneous licences require each licensing authority to set application fees in respect of the various licence types.
- 3.2 In accordance with the legislation, the fee structure is designed around the principle that licensing is to be, as far as possible, self funding and that each licensing authority is to broadly recover, through licensing fees, the overall cost to the Council of providing the various licensing functions.

3.3 The expenses to be recovered must include all expenses incurred by the Moray Council as a whole in administering the licensing functions in general. This includes expenses for all administration including that from other services of the Council contributing to the licensing procedure.

4. FINANCIAL REPORT ON INCOME AND EXPENDITURE

4.1 A review of licensing fees is undertaken annually.

4.2 With the assistance of officers in the Finance service, the Clerk has now collated income and expenditure figures for the financial year 1 April 2020 to 31 March 2021

- The figures and calculations are summarised at Appendix 1.
 - The figures reveal the following indications:
 - The majority of the licences issued under the Civic Government (S) Act 1982 are issued on a three year cycle. The figures therefore include calculations for the previous years for comparison and in order to aggregate out income and expenditure over the three year cycle.
 - Income can vary but it is clear that the budget has suffered as a result of the pandemic. When compared to the previous three years the income from licence fees is approx £11000 lower than any of the previously detailed years.
 - Over the most recent three year cycle the figures for income falls significantly short of expenditure by £43639.78. This was in comparison to overall income of £340798.82, giving a percentage difference of approx 12.8%. That is in contrast to the previous 3 year average that came out at a minor surplus of 0.02%.
 - The loss in income has been further compounded by an increase costs. Legal services' allocated costs increased by approximately £8000. Recharges from other services increased significantly. Contact centre recharges actually reduced by approximately £3000 but mailroom recharges increased by approximately £32000 over the year.
 - Legal Services allocated overheads have increased on last year by £29000. The service has been through a number of changes and the Licensing and Regulatory section now has a full complement of staff including senior solicitor, solicitor, and two LSOs. Recruitment is underway for a further solicitor, following on from a decision taken at Moray Council on 12 May 2021 (Para 11 of the Minute refers) but that is on the basis that the team will be taking on further work not related to licensing. It is therefore expected there will be relatively little impact on this calculation next year.
- 4.3 The Committee last undertook a full fee review in 2017 and agreed to undertake a full scale review each five years with an annual progress report together with inflationary increases in between. The full review is therefore due in 2022.

5. FUTURE FEES

- 5.1 Income is made up of application fees. In the past the overall number of applications has been largely stable and over the three year cycle overall income has been quite consistent. Income for 2020/2021 has clearly fallen below expectations as a result of the lockdowns and the closing (temporarily or otherwise) of businesses. Whilst part of the year 2021/2022 is also being affected by the pandemic it is hoped that the income for 2021/2022 will be closer to normal.
- 5.2 The loss in income has been compounded by the increase in internal recharges to licensing. Licensing staff will work with finance staff to understand the reasons for this and it is hoped that costs can be stabilised.
- 5.3 Unfortunately many of the trades covered by licences have suffered as a result of COVID. However, even though much work was placed on hold, the costs to the Council of providing the various licensing functions did not go away and the income from fees represent the vast majority of the licensing budget.
- 5.4 Fee setting is never an exact science. Application numbers have been affected by COVID so overall income from applications has been below normal compounded by increased costs. It should be noted that figures for both projected income and expenditure can only ever be estimates and may not be a true reflection of actual amounts. The estimates are based on historical data about income, expenditure and transactions. However, there is no comparison for such a novel set of circumstances as COVID.
- 5.5 The full impact cannot yet be known. However with the circumstances as they are there is no recommendation for a change to the fees this year. A more detailed review is already required in 2022 when a further report will be brought back to the Committee.

6 SUMMARY OF IMPLICATIONS

(a) Moray 2026 A Plan for the Future/ Service Plan

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing is designed to ensure the safety of the public when accessing licensable services. These services support the economy in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of licensable activities contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

Financial implications relating to fee levels have been explained above.

(d) Risk Implications

As explained above, the projected figures for future income are only estimates. Accordingly there is a risk that the actual income differs from the projected income. The risk in connection with the setting of fees is that if fees are set too low then the cost of administering the licensing system may not be recouped. Conversely if fees continue to produce a surplus then the Committee's decisions in respect of fees may be open to judicial review.

(e) Staffing Implications

Preparation of fee projections has involved considerable staff time and fees are reviewed annually. No additional resources are required. It is anticipated that going forward fee income will ensure full cost recovery in terms of providing the licensing function.

(f) Property

None.

(g) Equalities

In considering this matter the Committee should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

The Committee should have regard to all the circumstances.

(h) Consultations

As far as possible, the figures within this report have been prepared in consultation with Accountancy.

7 CONCLUSION

7.1 It is proposed that the Committee scrutinise and note the contents of this report.

Author of Report: Sean Hoath, Senior Solicitor
Background Papers:
Ref: SH

CS104 Civic Government Act

Appendix 1

Grp	Cat	Description		<u>2020/21</u>	<u>2019/20</u>	<u>2018/19</u>	<u>2017/18</u>
A		Employee Costs					
		Running Total	----	10,885.47	22,423.18	0.00	16,350.55
D		Supplies and Services					
		Supplies and Services Total		1,292.10	1,620.54	2,942.35	4,260.77
		Running Total	----	12,177.57	24,043.72	2,942.35	20,611.32
E		Transport & Plant Costs					
		Transport & Plant Costs Total		253.00	2,183.05	3,159.00	2,726.40
		Running Total	----	12,430.57	26,226.77	6,101.35	23,337.72
F		Support Services					
	50	Apportioned Costs		152,214.05	117,044.36	70,451.50	84,720.46
		Support Services Total		152,214.05	117,044.36	70,451.50	84,720.46
		Running Total	----	164,644.62	143,271.13	76,552.85	108,058.18
L		Income					
	20	Income from Service Users		-99,983.80	-115,469.63	-125,345.39	-110,860.77
	39	TOTAL: Other Income		-99,983.80	-115,469.63	-125,345.39	-110,860.77
		Income Total		-99,983.80	-115,469.63	-125,345.39	-110,860.77
		Running Total	----	64,660.82	27,801.50	-48,792.54	-2,802.59
M		Control					
		Running Total	----	<u>64,630.82</u>	<u>27,801.50</u>	<u>-48,792.54</u>	<u>-2,802.59</u>
						23,716.38	
		Revised Outturn		<u>64,630.82</u>	<u>27,801.50</u>	<u>-25,076.16</u>	<u>-2,802.59</u>

TOTAL last 3 years ended 20/21
64,553.57

TOTAL 3 years ended 19/20
-77.25



REPORT TO: THE MORAY LICENSING COMMITTEE 25 AUGUST 2021

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PLUS OTHER LEGISLATION - ANNUAL FUNCTIONS REPORT

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 This report is to seek approval to publish the draft functions report which incorporates a report from the Licensing Standards Officer.
- 1.2 This report is submitted to the Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as licensing authority for The Moray Council area.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee note the draft annual functions report at Appendix 1, amend the same if the Committee considers appropriate and agree the final report to be published;**

3. BACKGROUND

- 3.1 It was agreed at the meeting on the 2 December 2020 (para 5 of the minute refers) that an Annual Functions report would be produced for this Committee. A draft has therefore been produced to include the following;
 - 3.1.1 A statement as to how the Committee has had regard to the licensing legislative requirements in exercising functions under the various Acts;
 - 3.1.2 A summary of the decisions made;
- 3.2 The draft report is produced at **Appendix 1** for noting and for approval.
- 3.3 The normal deadline for publication of the annual report is the end of June each year and it is intended that the report to the Licensing Committee will, as far as possible, follow this schedule. The current report has been delayed by issues arising as a result of the COVID pandemic. There is attached at **Appendix 2** a COVID supplement to the annual functions report to relay some of the issues occasioned by the pandemic.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing is designed to ensure the safety of the public when accessing licensable services. These services support the economy in terms of production, retail and the positive effects on tourism all aid a growing economy. Regulation of licensable activities contributes to a safer community.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

None identified.

(d) Risk Implications

None identified. It is a legal requirement to publish the report. There is no stated action for failure to do so therefore any failure would be open to challenge by judicial review.

(e) Staffing Implications

Preparation of statistics involves considerable staff time and they are required annually but statistics are also useful for other purposes e.g. the annual return to the Scottish Government. No additional resources are required.

(f) Property

None.

(g) Equalities/Socio Economic Impact

In considering individual decisions the Committee should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

(h) Consultations

None.

5. CONCLUSION

- 5.1 It is proposed that the Committee note the contents of this report and agree to publish the report.**

Author of Report: Sean Hoath, Senior Solicitor

Background Papers:

Ref: SH

Appendix 1

Moray Licensing Committee

Annual Functions Report

1 April 2020 - 31 March 2021

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About Moray

With a population of around 95,500, Moray nestles between the rugged and spectacular Highlands and the flat, fertile farmlands of the north-east and although it belongs to neither, it shares the best elements of both – from the snow-capped peaks of the Cairngorms to the unspoiled coastline of the Moray Firth. Local industry is as diverse as the landscape in which it is located and makes a major contribution to the area's buoyant economy. Moray is the heartland of the Scotch whisky industry and is home to more than 45 distilleries whose brands are savoured in just about every corner of the world. Whatever country you're in, you'll find a bottle of Speyside Malt for sale.

In the spirit of celebration, music plays a vital role in the Moray community. There are major music festivals every year, including the traditional Speyfest and the Spirit of Speyside, the latter linked to the whisky industry. Venues for the performing arts thrive in the area, and each town sustains a lively artistic culture. Two thriving arts and performance centres exist in Findhorn alone.

Traditional industries - farming, fishing and forestry - play an important part in the area's culture whilst underpinning the economy. In addition, two internationally renowned food producers, Baxters of Speyside and Walkers of Aberlour, have put Moray firmly on the international map.

The area's biggest town and administrative capital is Elgin, which is also Moray's principal shopping centre. Many leading national retailers are represented alongside long-established local outlets. Other main towns include Forres, well known for its successes in national floral competitions; Buckie, with its fishing and commercial harbour; and Keith, built on a once-thriving textiles industry.

Introduction

Moray Licensing Committee ("the Committee") is the licensing authority for the purposes of all civic licensing excluding alcohol and gambling which is dealt with by the Moray Licensing Board.

These members form part of a Committee which are responsible for considering applications and objections in relation to regulating Civic licensing in accordance with the Civic Licensing (Scotland) Act 1982 as amended.

Under the ("the Act"), the Licensing Committee are responsible for considering applications for:-

1. Taxis
2. Second hand dealers
3. Knife dealers
4. Metal dealers
5. Boat hire licences
6. Street traders' licences
7. Market operators' licences
8. Public entertainment licences
9. Indoor sports entertainment licences
10. Late hours catering licences
11. Window cleaners' licences
12. Public processions
13. Houses in Multiple Occupation (HMOs)
14. Various animal related licences e.g pet shops, animal boarding, animal breeding etc
15. Landlord registration

In addition to the above, the licencing of Sexual Entertainment Venues has been brought into effect with Short term lets, Travelling Funfairs, Animal welfare and the regulation of fireworks on their way. In exercising its functions under the Act, the Committee is required to have regard to consultees responses as well as neighbouring or community objections id there are any.

Annual Functions Report

From 1 April 2020 to 31 March 2021, the Committee met when it was possible on an approximate eight week cycle on the following dates:

- (a) 10 and 17 September 2020
- (b) 30 September 2020
- (c) 2 December 2020
- (d) 17 February 2021

Meetings were held remotely and, barring a few technical difficulties, successfully. It is hoped that this option will remain open to applicants going forward.

Information and assistance is always available to persons wishing to apply for a licence or respond to an application. The committee has published guidance documents and licensing staff are on hand to answer queries.

Committee meetings are as informal as possible whilst maintaining a fair process. The majority of applicants before the Licensing Committee are willing and able to represent themselves.

Decisions of the Committee

Each application, received by the Licensing Committee is considered on its individual merits. All licence applications that are received must be weighed-up in accordance with the Civic Government (Scotland) Act 1982 and in consultation with the consultees.

During the course of the year, the Committee granted a total of 895 licences. It should be noted that not all licences are due to be considered each year as most licences under the Civic Government (S) Act 1982 have a three year cycle. Therefore the overall number of licences is much higher than the number considered each year.

In addition the majority of licence applications are processed under delegated powers where there are no problems with the application and there are no objections or representations. In cases where an objection or representation does arise the matter is referred to the Licensing Committee. During the period in question the Committee considered and granted 1 late hours catering licence and 1 taxi driver licence.

The committee also considered a request from Police Scotland to suspend the taxi operator and driver licences for an individual. The Committee agreed that both licenses be suspended on the grounds that the license holder has or is likely to cause a public nuisance or cause a serious threat to public safety with immediate effect for the remainder of the term of the licenses.

In considering the applications, the Committee considered a number of different sources of information to enable them to reach decisions. These sources include applicants themselves, council services (including planning, building standards and environmental health), reports from Community Councils, Local Residents, the Local Licensing Forum, the Licensing Standards Officer, Police Scotland and the NHS.

Tourism and Industry continue to play an important role in parts of Moray. Moray Council has set out a number of community planning priorities including healthier citizens, a growing and diverse economy and safer communities. Licensing plays an important role in all of these and decisions of the Licensing Committee also have regard to these community planning priorities.

Sexual Entertainment Venues

A new licence type of was introduced in respect of activities involving Sexual Entertainment. In Moray such activities now require to be licensed in accordance with the provisions of the 1982 Act. The new licence type included a full Policy Statement and came into force in January 2020.

Licensing Standards

There are two full time Licensing Standards Officers (LSOs). One LSO is responsible for all aspects relating to civic and taxi licensing, while the second LSO is responsible for liquor licensing, gambling

and adult entertainment. The LSOs will offer guidance and advice to licence holders and communities to supervise the compliance of the requirements of the Act by the licence holders. The LSOs will act as an intermediary between licence holders and the general public helping to avoid and resolve any disputes or agreements. LSOs also attend meetings with the trade and the public which allows them to build a rapport with the local trade and members of the public as a consistent point of contact. This will ensure that there is a cohesive working partnership between all persons interested in the operation of the Act.

Licensing Standards Officer Report

The Civic Licensing Standards Officer is responsible for numerous licence types. The aim of the role is to provide guidance and information to interested parties; ensure compliance by licence holders; and provide a mediation service for the purpose of avoiding or resolving disputes

Below is a brief list of some of the activities carried out by the Civic LSO between April 2020 and March 2021. During this time period there were a variety of restrictions put in place by Scottish Government to help minimise the spread of the Covid Pandemic, from Full Lockdown to the Tiered System.

- Administered the Taxi / Private Hire business support grant on behalf of Scottish Government distributing a total of £133,500 in payments
- Contacted and supported Taxi and Private Hire Drivers in completion of application resulting in 89 successful grant payments.
- Worked with Estates and Roads to develop an updated procedure for Street Traders to obtain correct permissions for trading on Council Owned and Private land.
- Mediated and provided relevant information to street traders, local businesses and complainants re: allowable activities, locations and social distancing requirements
- Worked with all civic licence holders to ensure they were kept up to date with changing Covid regulations and guidance.
- Worked with Public Entertainment Licence Holders on reallocation of licences for events cancelled due to Covid regulations
- Supported taxi operators in the implementation of protective screens in vehicles in line with guidelines and licence conditions
- Liaised with Fleet Services in keeping operators and drivers up to date and available for work while garage services and new driver tests were on hold due to restrictions
- Provided information and guidance re: music licencing and performances via social media to Moray Council Education Service
- Supported all licence holders in ensuring they were aware of any new Covid guidance, restrictions, timelines that would impact their ability or permission to trade.
- Worked closely with Police Scotland investigating received reports of Covid breaches

List of Application Numbers 2020-2021

Civic Government Licences	
Licences in Force on 31 March 2021	895
Animal Boarding	12
Cinema	3
Dangerous Wild Animals	0
Dog Breeding	1
HMO licence	23
Knife Dealers	1
Late Hours Catering	23
Market Operators - Full	2
Metal Dealer	3
Pet Shops	5
Private Hire Driver	13
Private Hire Operator	33
Public Charitable Collections	1
Public Entertainment – 3 Years	29
Riding Establishments	1
Second Hand Dealer	102
Skin Piercing and Tattooing	36
Street Trader	68
Taxi Booking Office	5
Taxi Driver	287
Taxi Operator	178
Venison Dealer	5
Window Cleaner	64

The figures have been skewed by the pandemic and various lockdowns. On its face there would appear to have been a large rise in application numbers as compared to 2019/2020. However the reports are produced based on the date that a licence is granted. So many of the applications already in process from the previous year were delayed and granted in this year when backlogs were cleared. It can be seen from separate financial information that income has suffered as application numbers have been down.

Appendix 2**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.

