

**REPORT TO ARGYLL AND BUTE LICENSING BOARD BY REGULATORY SERVICES MANAGER  
MEETING: 8<sup>TH</sup> SEPTEMBER 2020**

**COVID-19 AND THE LICENSING SECTOR: REGULATORY SERVICES UPDATE**

1	<b>Executive Summary.</b>
1.1	This paper provides an insight to Licensing Board members on the COVID compliance work which is being undertaken by Regulatory Services. The report covers the response by the licensed sector, emerging challenges, and suggests potential roles for the Board to consider.
1.2	The COVID pandemic has significantly changed how we live, work and socialise, requiring business to adapt to the physical distancing and other measures which are in place to minimise the risks of transmission of the virus. These measures are detailed in specific Scottish Government guidance relating to hospitality and leisure services. These controls are likely to be in place for a considerable time
1.3	Local authorities were given new powers, together with Police Scotland, to enforce the initial lockdown and these powers have evolved as we ease out of lockdown, through the Scottish Governments route map. On the 28 <sup>th</sup> September, local authorities were given new powers for direction to close premises, and events, and issue Prohibition Notices, where there are significant risk to public health through the potential spread of coronavirus. These powers to local authorities are delivered through Regulatory Services, principally by environmental health , supported by trading standards and licensing standards staff
1.4	The licensed trade in Argyll and Bute should be commended, together with other businesses, as they have adapted and implemented new measures to ensure they are “COVID-complaint”. Businesses have been assessed and there are high levels of compliance. The landscape is confusing with various guidance, statutory guidance and Scottish Government advice, but the Council have worked hard to support the business sector in ensuring they can reopen safely. There remains some issues around space standards within some premises, recording of customer details, external areas and playing of background music, but these are being addressed through targeted work with specific businesses.
2	<b><u>What have we being doing to protect public health through this pandemic?</u></b>
2.1	Regulatory Services , including Licensing Standards and Environmental Health, have coordinated the Councils response to enforcement and adopted an enforcement strategy at the onset, of <b>The 4 E’s; Engage, Educate and Encourage, and Enforcement..</b> <ul style="list-style-type: none"> <li>• <b>Engage:</b> Communication; via Newsletter, Pubwatch, Individual calls and visits, virtual visits, with social media playing a major part.</li> <li>• <b>Educate:</b> via service requests, complaints, proactive and reactive contact, guidance via personal contact, virtual tour (on social media such as Facetime, Messenger and WhatsApp) and personal visits. Receiving, reviewing and providing feedback on Covid19 risk assessments and updating on change; daily, weekly and monthly.</li> <li>• <b>Encourage:</b> Reviewing risk assessments, identifying gaps and advising where improvements can be made, passing on good practice found, and continuous contact on frequent changes to guidance.</li> <li>• <b>Enforcement:</b> formal enforcement</li> </ul>
2.2	<b>Partnership approach;</b> This has been essential and a Memorandum of Understanding is in place between the Council and Police Scotland to coordinate activity in responding to the pandemic. Close working between licensing standards and environmental health, licensing consultants and police partners has proven to be most appropriate means of ensuring the effective implementation of the hospitality sectoral guidance.

2.3	Engagement with business communities has been important, and a Town Centre Easing of Lockdown Group was established to assist businesses comply with COVID measures and make town centres safe. Membership of environmental health, legal, planning, roads, economic development, Police Scotland, Transport Scotland and BID4OBAN (representing all business groups). This group has developed guidance to support business relating to queuing outside premises, external seating and table areas: introduced a fast tracked system for occasional licenses, coordinated enforcement activity and information relating to emerging areas and also provided a means of providing public space for business use on a temporary basis, to support businesses in these difficult times.
<b>3</b>	<b>Compliance Levels</b>
3.1	Our work has included assessments of business standards and systems; responding to complaints and to business enquiries; promotion and increasing awareness via website and social media and direct engagement with business groups and sectors. In the 1938 businesses who have been directly assessed, and in responding to over 610 complaints, we have achieved compliance through our work with business and only 7 formal warnings and no Prohibitions Notices have been issued
3.2	The level of compliance in the licensed sector is impressive. Premises Licence Holders are genuinely concerned for the health of customers and staff and the continuation of their business in the gradual move out of lockdown. The negative experience in other areas has brought the importance of compliance very much to the fore. Adhering to advice and guidance and sometimes going beyond, is evident. Any good practice then being passed on to their peers. Licence Holders are also willing to highlight those who appear not to be following the guidance.
<b>4</b>	<b>Positive cases, Test and Protect and Managing Outbreaks</b>
4.1	We have seen by the Outbreaks in Aberdeen City and other areas, that COVID-19 is still very much with us, and there is a need to continue to be extra vigilant. The Aberdeen City outbreak outlined the risks to the licensed sector and the risks of spread of infection through social drinking and the “pub-crawl” culture. The impact to environmental health resource was significant, and the Council provided mutual support to assist Aberdeen City assess licensed and other premises prior to reopening, as did another 20 local authorities.
4.2	In Argyll and Bute, we have received reports from NHS Highland of positive cases across our communities, and have implemented formal outbreak control procedures in one outbreak. In all cases, we have visited a number of businesses which have been identified through contact tracing, including licensed premises, to assess standards of Covid compliance.
4.3	The Test and Protect System relies on businesses maintain accurate customer details and it is critical that businesses continue record this information. The collection of customer contact details is now on a statutory footing after a slower than hoped response to implementation. Initially the Premises Licence holders saw this as an unwelcome added burden. The majority now see this as essential, and have found means of ensuring contact details are taken. Some have engaged with private sector database companies, others preferring to collate their own. Advice and guidance on this aspect is provided on request or where issues are highlighted.
4.4	It should be noted that businesses are likely to be involved in any work surrounding a positive case or outbreak, for the reason that the positive case visited those premises. They may have to close to undertake deep cleansing as well as other measures, where appropriate. It is important to recognise that this does not mean that the business is the cause of the illness or does not have adequate measures in place. This however will be assessed by environmental health teams when they undertake their public health visit.

<b>5</b>	<b>Conclusions</b>
5.1	The licensed sector have had to make significant adaptations to their business operating model, and have done so well. Compliance visits continue to be undertaken by environmental health, licensing standards and trading standards to assess Covid measures
5.2	There are powers available to deal with areas of non-compliance through The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations and the Health Protection (Coronavirus) (Local Authority Directions) (Scotland) Regulations 2020. These allow the Council and Police Scotland to take formal action where there is significant non-compliance. There is a potential role for the Licensing Board in considering businesses whether there are minor or repeated non-compliance, in considering whether any action through Licensing (Scotland) Act may be appropriate. This would be consistent with the principles of the Act of protecting public health or public safety.
<b>6</b>	<b>Recommendations</b>
6.1	Licensing Board members are asked to; <ul style="list-style-type: none"> <li>a) Note this report, and the positive response by the licensed trade to implement appropriate COVID-19 measures to their businesses.</li> <li>b) Re-emphasise to the licensed sector the importance of ensuring that their businesses are “COVID compliant” and of accurately maintaining customer details</li> <li>c) Consider the role of the Licensing Board and whether they would wish to be advised of repeated issues of non-compliance in licensed premises.</li> </ul>

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