

**REPORT TO ARGYLL AND BUTE LICENSING BOARD BY REGULATORY SERVICES  
MANAGER  
MEETING: 9<sup>th</sup> NOVEMBER 2021**

**COVID-19 VACCINATION CERTIFICATION UPDATE**

**1 Executive Summary.**

- 1.1 This paper provides an insight to Licensing Board members with an overview of the new COVID vaccination certificate requirements, the impact to licensed sector in Argyll and Bute, and the enforcement approach adopted by the Council's Regulatory Services.
- 1.2 The COVID pandemic remains with us, and numbers of positive cases in Argyll and Bute, like the rest of Scotland, have increased over recent weeks, although not at the same rate as the spike in September. In the 7-day period ending 29<sup>th</sup> October 2021, there were 329 positive cases of Covid in Argyll and Bute, and increase of 63 from the previous 7-day period).
- 1.3 The requirements for business to retain appropriate measures to reduce the spread of infection remain in place. The wearing of face coverings remains mandatory and is enforceable by the Police. The collection of visitor details also remains mandatory and is enforceable by the local authority. There is an expectation that business will be responsible and comply with COVID sectoral guidance in carrying out their own risk assessments to protect customers and their staff.
- 1.4 The requirements for vaccination certification checks is a legal requirement for businesses meeting the undernoted criteria. Such businesses, and events, require to have approved vaccination certification compliance plans and arrangements in place for checking customers and refusing access to those who cannot demonstrate they are double vaccinated. Access refusal is restricted to SIA approved stewards.

The impact of this requirement on the licensed trade in Argyll and Bute does not appear to be as disruptive as initially anticipated; as many licensees have decided to take their premises outwith the requirements for vaccination certification (e.g. close at midnight or remove live/amplified music or dancing areas after midnight). This reduces the impact to businesses and customers but creates an enforcement burden in ensuring that businesses adhere to these commitments.

**1.5 Recommendations**

It is recommended that the Licensing Board:

- Note this report and the measures which are in place to enforce the vaccination certification scheme in Argyll and Bute
- Recognise the response by the licensed trade in implementing appropriate COVID measures and to reinforce to the licensed sector the importance of retaining appropriate COVID control measures in place as defined in the Scottish Governments hospitality guidance
- Consider the vaccination certification requirements in determining their festive licensing policies.

## 2 Vaccine Certification requirements

- 2.1
- The requirements for businesses to have appropriate vaccination certification plans and procedures became enforceable by local authorities on the 18<sup>th</sup> October 2021, after a period of grace. These requirements relates to all premises which meet the following criteria:
    - late night premises with music, which serve alcohol at any time between midnight and 5am and have a designated place for dancing for customers
    - indoor events (unseated) with 500 or more people
    - outdoor events (unseated) with 4,000 or more people
    - any event with more than 10,000 people

Businesses that fall within the new requirements require to have vaccination certification compliance plans in place (these will be vetted by the Council's EH team) and require to ensure they have other COVID control measures in place. There are some exemptions including weddings.

- 2.2 Regulatory Services , including Licensing Standards and Environmental Health, continues to adopt the enforcement strategy of **The 4 E's; Engage, Educate, Encourage, and Enforcement**. This has been successful and remains in place
- **Engage:** Communication; via Newsletter, Pubwatch, Individual calls and visits, virtual visits, with social media playing a major part.
  - **Educate:** 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 changes; daily, weekly and monthly.
  - **Encourage:** 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.
  - **Enforcement:** formal enforcement, although powers are reduced

- 2.3 The Memorandum of Understanding with Police Scotland also remains in place and partnership working remains in place targeted at specific areas of risk or intelligence.

## 3 Current Position: impact of Vaccination Certification in Argyll and Bute

- 3.1 Regulatory Services have adopted a proactive approach to the introduction of vaccination certification by providing advice to businesses impacted by the new requirements. There has been communications via social media, newsletters and targeted work with businesses. The issue is also a topic of conversation on a day-to-day basis with service users. Licensing Standards have also communicated messages to the local Pubwatch via email and social media.

The Environmental Health team, through our Licensing Standards Officers, undertook a scoping exercise to review all premises against the criteria and identified 190 hospitality or licensed premises, which fell into the criteria. There are no premises in Argyll and Bute described as a nightclub. There has been direct contact to discuss the requirements and support businesses in developing appropriate procedures and plans.

The outcome of this work is as follows:

- Responses from the trade have so far have been generally neutral, a realisation that some restrictions must remain in force.

- Many businesses and licensed premises have amended their operating plans to take them out with the scope of the vaccination certification scheme. This has included closing their premise at 12 midnight, or removing live or amplified music or removing dancing areas or a combination of them. COVID-19 Regulations relating to liquor licensing requirements, allow premises to amend their method of operation without sanction.
  - There has been direct contact from 117 of the 190 premises identified as 'Late Night Premises". Of those, the majority 102 or 87% have chosen to remove themselves from the criteria. Only 15 premises fall within the new requirements and all have submitted compliance plans for scrutiny by Environmental Health Officers. It is the business's responsibility to implement the plans and manage all arrangements.
  - Officers are targeting the 73 licensed premises who have not responded to confirm their status and the arrangements they have in place.
  - There will be proactive visits to all premises to ensure that they are adhering to their commitments, and in response to intelligence. Formal enforcement action will initiated as appropriate.
- 3.2 Applications for occasional licences can fall under the criteria should they seek hours beyond midnight that meet the additional criteria of music and dance. As a result, applicants are advised of these requirements and a note added to the Licensing Standards Officers report to remind the Board to consider this matter prior to grant.
- 3.3 Feedback from some business is that they may amend their arrangements in the lead up to the festive period, which may bring them into the vaccine certification requirements. This is dependent upon the Board's Festive Licensing Policy and such premises will require to have approved plans and processes in place.
- 3.4 Partnership approach; This has been essential throughout the pandemic and a Memorandum of Understanding remains in place between the Council and Police Scotland to coordinate activity in responding to the pandemic. Close working between licensing standards, environmental health, and police partners will be critical as enforcement of vaccination certificates and the status of premises will be challenging.

#### **4 Compliance Levels**

- 4.1 The level of compliance in the licensed sector throughout the pandemic has been impressive and it is expected that this will continue. The Council continues to assist and encourage business to have appropriate COVID control measures in place to protect public health, although there has been a reduction in the number of premises advising customers to "check-in". It would be helpful if the Board would re-emphasise to the licensed sector the importance of continuing with COVID controls and vaccination certification, where appropriate.

#### **5 Conclusions**

- 5.1 COVID controls continue to be important and vaccination certification is the latest measure in reducing the transmission of coronavirus. It is the responsibility of licensees to effectively manage and implement these plans and controls. Implementation will be challenging for businesses and for local authorities who will enforce the new provisions. Enforcement will be targeted to ensure that all premises are compliant

5.2 From the work carried out to date, in Argyll and Bute, it appears that many licensees have amended their operating plans to bring them outside the scope of the certification scheme. To date only 15 premises fall within the requirement to have vaccine certification plans, and the outstanding 73 premises are being pursued

Alan Morrison  
Regulatory Services and Building Standards Manager  
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