

Inverclyde Licensing Board

Policy regarding outdoor eating/drinking for the duration of the COVID-19 Pandemic

During the COVID-19 pandemic, Inverclyde Licensing Board will, in order to assist the Licensing trade and aid economic recovery whilst having regard to the safety of the public, neighbours, pedestrians and residents which will be paramount, accept applications for Occasional Licences during the implementation of the Phases in the Scottish Government Route Map Through and Out of the Crisis until 30 September 2020, with a view to supporting outdoor café culture where possible.

Accordingly, Inverclyde Licensing Board will accept applications for Occasional Licences in the following circumstances:

- (1) in respect of licensed premises wishing to utilise ground adjacent or near to their premises, on a temporary basis, for outdoor drinking and/or eating; and
- (2) in respect of licensed premises which wish to utilise their outside areas, on a temporary basis, where they do not currently have “outdoor drinking” in their operating plan.

(1) Applications for Occasional Licences in respect of licensed premises seeking to use ground adjacent or near to their premises for outdoor drinking and/or eating on a temporary basis

To endeavour to aid economic recovery and safeguard the licensing trade, the Inverclyde Licensing Board will accept applications for Occasional Licences for licensed premises wishing to use ground adjacent or near to their premises for outdoor drinking on a temporary basis during the phased implementation of the Scottish Government’s Route Map Through and Out of the crisis.

Applications for an Occasional Licence within the scope of this situation are required to be delivered to the Depute Clerk of The Inverclyde Licensing Board at the address or e-mail provided in this licensing page of the Website and marked for the attention of The Depute Clerk.

Any Occasional Licence granted under this category will be subject to standard conditions set out in the undernote to this Policy including the following licensing condition:

“the premises will be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish governments relative to the COVID-19 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise”.

Furthermore, it will be necessary for applicants to obtain and deliver to the Depute Clerk of the Inverclyde Licensing Board (by e-mailing Fiona.Denver@Inverclyde.gov.uk) the following:

(1) Planning consent, if appropriate. Please note that as from the 3 July 2020 the Inverclyde Licensing Board will take account of the relaxations specified in the letter issued by the Chief Planner and the Minister for Local Government, Housing and Planning in relation to planning's interests in the temporary use of outdoor spaces during the coronavirus pandemic and which is available at

<https://www.gov.scot/publications/coronavirus-covid-19-planning-and-covid-19-use-of-outdoors-spaces-and-the-the-28-day-rule/>

This means, in line with the Scottish Government guidance, for any uses of areas for outdoor drinking and/or eating within the scope of these emergency provisions there will be a relaxation of the normal rules for planning permission within the Inverclyde area and no planning application for such use will be required for intended uses up to 30 September 2020. If use is expected or required beyond 30 September 2020, the licence holder will need to submit a planning application.

(2) Building Warrant, where appropriate. Please note, any structures on outdoor ground to be used for outdoor drinking and/or eating within the scope of these emergency provisions will still require these consents in the interests of safety for the public and customers. In this way, Building Standards will require to be satisfied that any structure erected would be compliant with appropriate guidance issued by Building Standards;

(3) Roads consent, where appropriate; and

(4) Land owners consent

Inverclyde Licensing Board will take all reasonable steps to assist applicants in expediting any applications for Occasional Licenses for outdoor drinking and/or eating within the scope of these emergency provisions.

(2)Applications in respect of licensed premises without “outdoor drinking” in their operating plan wishing to utilise their own outdoor area on a temporary basis during the phased implementation of the Scottish Government Route Map out of the crisis

All of the above requirements must be observed and implemented by the applicant, with the exception of Landowner’s consent (which, in this category of Occasional Licence application, will not be relevant)

Any Occasional Licence granted for this purpose will be subject to the standard conditions set out in the undernote to this policy including the following licensing condition:

“the premises will be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish governments relative to the COVID-1 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise”.

IN RELATION TO ALL APPLICATIONS

Applicants must note that the Licensing Standards Officer will require sight of a risk assessment in relation to what measures have been put in place to comply with legislation, regulations and directions of the UK and Scottish Governments regarding COVID-19.

How to apply

Applications should be delivered by post or e-mail to the Depute Clerk of the Inverclyde Licensing Board (by e-mailing Fiona.Denver@inverclyde.gov.uk)with a detailed map and supporting documentation as requested above.

An Occasional Licence is granted for a period not exceeding 14 days although multiple applications can be made at any one time. Each application requires to be accompanied by a fee of £10.

Licensed Hours

Any Occasional Licence within the 2 categories detailed above will be granted with operating hours from the commencement hour in the existing Premises Licence to the terminal hour of 9 p.m.

If any applicant wishes to seek a later terminal hour the application will be considered by a Sub Group of the Licensing Board, comprising the Chair and Vice Chair of the Board and one other Licensing Board member (who will be a Licensing Board member for the Ward in which the premises is located if possible). The Sub Group will consider the application with regard to the potential impact upon the local amenity in order to determine whether it would be appropriate to agree a later terminal hour no later than 11p.m. A written submission can be lodged by an applicant in support of the application in respect of the terminal hour that is being sought but no attendance or further presentation on this issue will be required by the Sub Group and the meetings of such will be expedited for consideration and determination as far as is reasonably possible.

Information about the Application Process

When an application for an Occasional Licence has been received by the Licensing Board, the Board must give notice of it, together with a copy of the application to:

- (a) The Chief Constable;
- (b) The Licensing Standards Officer for the Inverclyde area.

Please note during the implementation of the Phases of the Scottish Government Route Map Through and Out of the Crisis, the application will also be intimated by the Licensing Board to the Planning and Roads Services within Inverclyde Council for comment, and may be intimated to other services as deemed appropriate by the Licensing Board. Details of the application will also be published on the Council's website for a period of 7 days.

Applications will be dealt with on a case by case basis. The Inverclyde Licensing Board reserves the right to revoke any occasional licences with immediate effect, for any uses of areas for outdoor drinking and/or eating within the scope of these emergency provisions, if operational issues arise in respect of any Occasional Licence that has been granted.

In order to fast track such applications, the Licensing Board will utilise provisions within the licensing legislation requesting that the Chief Constable and the Licensing Standards Officer respond within 7 days of such notification rather than the usual period of 21 days.

Objections/Representations

Any person may object to the application, on any relevant ground, or make representation by giving notice to the Inverclyde Licensing Board by writing in e-mail or post, the contact details being provided in this page.

If a notice of objection or representation is received by the Inverclyde Licensing Board, then the Board must give a copy of the notice to the applicant for comment.

If after a period of 7 days the Licensing Board has not received a report from the Licensing Standards Officer or notice of objection/representation from any person, the Licensing Board will grant the application unless the application must be refused for a limited number of reasons set out in the Licensing (Scotland) Act 2005.

If any objection/representation is received, the Board will determine whether any grounds for refusal applies. The Board may hold a hearing for the purposes of determining an application.

Where the Board does not hold a hearing to determine an application, the Board will ensure that before determining the application, the applicant is given a period of 7 days to comment on any such notice or report.

In order to expedite applications for an Occasional Licence for the above purposes, the Inverclyde Licensing Board will take all reasonable steps to convene a Hearing in early course but any hearing to determine such application will be held no later than 21 days from the date of receipt of the application and the applicant will be notified of the date of any hearing. Any application should be made at least 2 weeks in advance to allow for a period of notice and intimation, receipt of objections and a hearing if deemed appropriate.

Finally, please note these special measures are being introduced to expedite applications for Occasional Licences for the above 2 categories in order to assist the licensing trade during these challenging times and ease the Phases of the Scottish Government's Route Map Through and Out of the crisis. These special measures will remain in force until 30 September 2020.

List of Standard Conditions to be attached to Occasional Licences granted under the above Policy

1. That the premises will only be operated where permitted by, and in accordance with , legislation , regulations and directions of the UK and Scottish governments relative to the COVID-19 pandemic , whether relating to the protection of public health , restrictions of social gatherings , requirement for social distancing or otherwise .
2. That the Occasional Licence be prominently displayed.
3. That staff are either personal licence holders or have completed the 2 hours statutory staff training and staff training records are available on the premises for inspection.
4. That all alcohol is consumed by patrons in the outside drinking area agreed in the layout plan as supplied by the applicant.
5. That no alcohol is to be removed from the designated outside drinking area as outlined in the plan attached to the licence. The area boundary must be clearly defined by a physical barrier, with clear signage indicating that no alcohol may be removed. The designated outside drinking area shall be supervised by staff at all times.
6. That litter bins are supplied and regularly monitored and replaced when full to prevent nuisance caused by litter.

7. That the premises management have a policy to monitor and provide proactive measures to control the occupancy of the designated outside drinking area to comply with all legislation , regulations , directions and guidance of the UK and Scottish Government in relation to social distancing .

8. That all customers must be seated. No vertical drinking shall be allowed.

9. That a notice to be easily legible located at point of exit to remind customers to be respectful of neighbouring residents/property on leaving the area to reduce noise and litter to prevent nuisance of anti-social behaviour .

Please note that additional conditions may be attached to Occasional Licences with regard to the circumstances of each application.

Furthermore, the Inverclyde Licensing Board Members have made a recommendation that all drinks should be sold in plastic or toughened glass receptacles and all bottled drinks should be decanted into such receptacles although this is not a condition.

ILB

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