

Pubs and restaurants urged to apply for occasional licences

The Licensing Board is aware that pubs and restaurants may shortly be able to operate outdoor areas when lockdown restrictions are relaxed.

The Licensing Board is aware of the impact on the licensed trade of the coronavirus and has put in place temporary arrangements to support businesses to resume trading as soon as possible.

Some licensed premises already have their outdoor areas licensed. There are others which do not, or which have additional outside space which is not currently included in their licence. We know that a number of licensed premises are considering how those spaces can be brought into use as outdoor areas, as part of the easing of lockdown restrictions,

This note provides guidance for existing premises licence holders who might wish to do this. Please note that this guidance is subject to change, depending on the nature of any measures set out by Scottish Government.

If an outdoor area which is part of premises is not already licensed for sale and consumption of alcohol, the Licensing Board will welcome applications for variation of the licence or for occasional licences from premises licence holders.

An occasional licence, if granted, will permit sale and consumption of alcohol in a designated area.

Times – Hours that will be considered are a maximum of 9am to 10pm with alcohol to commence from 11am for on sales.

Outdoor area already covered by premises licence

Alcohol must be licensed for on-sale consumption if it is to be sold in an outdoor area. In cases in which the outdoor area already forms part of a premises licence, the area can be used under the current terms of the premises licence. In such instances, licence holders must have written policies and procedures on physical distancing and hygiene measures which meet legal requirements, which can be demonstrated to Police Scotland, Environmental Health or Licensing Officers if necessary. Premises Licence Holders are encouraged to amend their existing noise mitigation policies taking into account the predominate use of outdoor areas.

Outdoor area not covered by premises licence

Where the outdoor area is not currently part of a Premises Licence, the Licensing Board will permit the use of Occasional Licences as a temporary measure. The policy against a series of Occasional Licences will be relaxed, as will the requirement to submit applications four weeks in advance. We understand how important obtaining a licence will be to businesses in the current circumstances, and every attempt will be made to process applications as quickly as possible. However, to

avoid any delays with this we ask that you submit as much information on your application and it should be accompanied by a Layout Plan and Risk Assessment (*see undernoted for further details). Your application and supporting documents will be shared with Police Scotland and the Council's Licensing Standards Officer and other interested parties within the Council.

In the medium to longer term, premises may wish to firm up their plans by submitting a Variation to their Premises Licence. There is an option for a Variation Application to be submitted whilst the licensing team are progressing the Occasional Licence, therefore no interruption to the business activities would be anticipated. It may be possible that this could be treated as a minor variation for which the cost would be £20, this would allow the proposed licensed area to become part of the licensed premises, on the understanding that there were to be no increase in the stated capacity on the premises licence.

We will advertise your application on the council's website for 7 days. By law any person can object to or make a representation regarding your application. We recommend that you are proactive in approaching neighbours prior to making applications. This will give you an opportunity to discuss your intentions and address any concerns that neighbours may have, as this may resolve any potential objections.

Your application can only be granted by the Licensing Department if there are no objections or representations in relation to the application. If there is any objection or representation regarding your application, the application will have to be considered by the Licensing Board, which will delay the outcome of your application. A hearing may have to take place

Under current legislation, an Occasional Licence has a maximum duration of 14 days and this cannot be extended or altered by the Licensing Board. Pubs and restaurants can submit a series of Occasional Licence applications at the same time and these will be processed in a phased way in date order.

Members Clubs

Members' Clubs should note that they are restricted in the number and duration of occasional licences which they can apply for. This is stipulated by legislation and is not something over which the Licensing Board has any discretion.

This guidance is intended to provide information for premises seeking to partially re-open opportunity in Phase 2. It will be reassessed ahead of Phases 3 and 4 of the Scottish Government's COVID-19 Route Map.

Checklist

To apply for an Occasional Licence, applicants should visit:

<https://www.pkc.gov.uk/article/15601/Alcohol-licence-application-forms-and-guidance-notes>

Documents that you should submit with your application: -

* **Risk Assessment:** - the [Health and Safety Executive](#) has model risk assessments

The document should include the following points: -

- Access and Egress – use of one-way systems and security fencing
- Controlling entry of patrons – use of stewards
- Controlling capacity e.g. stewards/clickers
- Covid – 19, e.g. hygiene measures, signage, disposable cups, food provision (table service), payments
- Patron welfare, e.g. portaloos, external heaters, external lighting, first aid
- Controlling waste – appropriate number of litter bins
- Predicted capacity to be confirmed.

Layout Plan

- At a scale that allows the plan to be easily read
- Proposed licensed area(s) to be shown outlined in red
- Dimensions of proposed licensed area(s) shown – length and width
- Location of perimeter fencing (Heras etc)
- Position of stewards
- Position of bar outlet/outlets

Applicants can also visit the Council's webpages for general information on Covid19

<https://www.pkc.gov.uk/coronavirus>

Should any premises wish to make an outdoor area permanent by varying their licence then this would have to be the subject of a separate application to vary the premises licence. You can make an application at

<https://www.pkc.gov.uk/article/15601/Alcohol-licence-application-forms-and-guidance-notes>

If you need to get in touch with the Licensing Department, please do so by email to the following address: liquorlicensing@pkc.gov.uk

We hope you understand that staff will be giving priority to urgent business at the moment. Therefore, for any other circumstances (for example one-off events or gatherings not associated with an existing licensed premise), please check whether these are permitted by reading the Scottish Government guidance and Regulations **before** you contact Licensing to discuss.