

LICENSING AND REGULATORY COMMITTEE

23 SEPTEMBER 2020

Title: Coronavirus (COVID-19) Pandemic and the Licensed Trades	
Report of the Operational Director, Enforcement Services	
Open Report	For Information
Wards Affected: All	Key Decision: No
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Accountable Director: Andy Opie, Operational Director, Enforcement Services	
Accountable Strategic Leadership Director: Fiona Taylor, Acting Deputy Chief Executive	
Summary This report discusses how the coronavirus (COVID-19) pandemic has impacted upon the local licensed trades and the work of the Council's licensing and partner regulatory services.	
Recommendation(s) The Licensing and Regulatory Committee is asked to note the report.	

1. Introduction and Background

- 1.1 In early February 2020, as the Country began to feel the effects of the Coronavirus (COVID-19) pandemic, the Government introduced a broad range of societal measures intended to reduce the transmission of the virus. These included, that on 23 March 2020, the government required by law that certain businesses and venues were to close in order to reduce the spread of coronavirus. While a number of businesses providing essential goods and services were permitted to remain open, these closures impacted across all of the licensed trades. The exemption for businesses providing essential goods and services enabled some food providers to continue limited take-away and delivery trade, but most other licensed operations were required to close.
- 1.2 This remained the situation for a few months however; as the spread of the virus was contained and slowed, the UK Government commenced a phased re-opening of businesses.
- 1.3 On 15 June 2020, non-essential retail shops were allowed to re-open, including gaming premises. This was followed by public houses, restaurants, hairdressers and barbers and some special treatments establishments (providing treatments that do

not involve close contact) which were able to re-open on 4 July. On 15 August consent to reopen was extended to the likes of cinemas, casinos, bowling alleys and close-contact treatments.

- 1.4 In all cases, business re-opening has been subject to the premises involved being able to be made 'Covid-secure'. This has required each operator to undertake a Covid risk-assessment of their premises and establish the necessary controls and measures that need to be implemented at that premises to ensure it is safe and secure from risk of transmitting the virus. In order to support business operators, the Government has established a broad range of sector specific guidance documents explaining how risk-assessments may be carried out and the explaining the types of controls and measures that might be appropriate. These have all been made available on the Gov.uk website.
- 1.5 Now most sectors of the licensed trades have been able to re-open or, at least part re-open, albeit that many are having to operate with reduced customer numbers. However, this is not true for all sectors. At present, 'large gatherings' and 'live performance' are still severely restricted, leaving nightclubs, theatres, live music venues and sexual entertainment venues still not allowed to operate as normal.
- 1.6 The past six months have proved a very difficult time for the licensed trades, and this continues to be the situation across the Country. Those that are able to operate do so under strict safety controls and with reduced incomes. Throughout this period, the licensing service, together with enforcement team have looked to support the licensed trades while also looking to ensure that as licensed venues and operations re-open they do so in a safe and secure manner providing proper protections to staff and customers.

2. Business Support (financial)

- 2.1 Licences issued by the Council are generally subject to annual maintenance fees. These have become due across the various licensing sectors during the period of enforced premises closure. The fees must be paid in order for the licences to remain valid and lawful trade or operation to continue.
- 2.2 The Council has not had the ability to waive these fees in their entirety. However, in recognition that many sectors of the licensed trades have endured several months of either no or severely reduced income, late payment of fees is being accepted with the premises experiencing most hardship being given extended periods to recover the position.
- 2.3 Under the provisions of the London Local Authorities Act 1991, governing special treatments licensing, provide more flexibility and because the special treatments sector typically comprises small individual business operators who have been particularly badly hit, licences due for renewal in the summer of 2020 have been given a 15 month renewal (extended from the normal 12) for this year only to help with the lost trade.

3. Business Support (with re-opening)

- 3.1 In recognition that for many operators the task of undertaking Covid-19 risk assessments has been a difficult and daunting task, licensing service with the

enforcement team have made direct contact with many business operators, as their relevant business sector has been given consent to re-open, to ensure they have access to the relevant sector specific Guidance and ensure that they understand how to undertake a risk-assessment and use this to develop their own plans to make their premises Covid-secure. While officers have been unable to develop individual plans for operators or to endorse plans that have been developed, officers have been able to provide advice and opinions that have supported the operators in taking responsibility.

3.2 This process has been supported by visits conducted by a range of services including trading standards, enforcement, health and safety, food safety and council licensing officers with police licensing, intended to ensure that considered plans have been put into place and that operators are able to run premises in a safe and Covid-secure manner.

3.3 Officers have also taken the opportunity where relevant to highlight the provisions of the new 'pavement licensing scheme' which is dealt with in a separate report as an update.

4. Business Compliance

4.1 In all, the general experience has been that operators have made good efforts to try and ensure that 'Covid-secure' plans are developed and put into place.

4.2 However, there have been a number of occasions where it has been necessary for officers to take enforcement actions in order to ensure premises are compliant.

4.3 As premises began to re-open Council and police officers were given a range of powers under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 to:

- restrict access to, or close, individual premises;
- prohibit certain events (or types of events) from taking place; and
- restrict access to, or close, public outdoor places.

4.4 These powers have very recently been supported by additional police powers to levy fines of up to £10,000 for promoters of illegal unlicensed music events (UME), following a sharp increase in this type of event across the Country.

4.5 To date the Council / police partner service agencies have taken the following actions:

- Nos of prohibition notices – 34 ; and
- Direction Notices served – 5

4.6 In instances where prohibition / direction notices have been served, these normally provide a period of 2 weeks (more if renewed) enforced closure or restricted operation. This period is normally used to work with the operator to try and develop improved plans to make the premises 'Covid-secure' and safe to re-open.

4.7 We have not had any circumstances to date where follow-up action has been necessary beyond service of a notice, but should such circumstances arise then one potential route for further action is a review of the premises licence.

5. Options Appraisal

5.1 As time goes on, experience will give rise to revised Government guidance and potentially further opening up of the licensed trades. As these changes continue, officers will continue to keep up to date with developments and ensure they are best placed to support businesses through this difficult period, while maintaining a presence in the community to help ensure safe and secure venues and operations throughout the borough.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None