



## Licensing and COVID-19 (Coronavirus)

### **Guidance and Frequently Asked Questions (FAQs)**

#### **Important - read this first**

**Effective Date:**

**Tuesday 12 October 2021**

This guidance is for current licence holders and anyone planning to apply for a new Licence. It summarises the Coronavirus restrictions and explains how we have changed our Licensing services to help minimise the disruption caused to licence holders by Coronavirus.

Because the rules and government guidance change often, we have revised these FAQs many times since they were first set out in early 2020. We believe that the information here is correct on the 'Effective Date' shown above, but you should contact us or check the other websites we refer to here.

To make these FAQs useful to as many people as possible, the advice is general and may not cover your exact situation. If the answer you want is not here, or you want more specific advice, you should take independent legal advice. You can email us at:

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

If you want advice about social distancing and other Coronavirus precautions you should contact the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

You should also check the Scottish Government guidance - there is a lot of guidance for a wide range of activities and it is reviewed regularly. The Scottish Government website is:

<https://www.gov.scot/coronavirus-covid-19>

The Scottish Government "Coronavirus (COVID-19): tourism and hospitality sector guidance" is at:

<https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/pages/frequently-asked-questions-faqs>

## **How to use this document**

These FAQs are in Parts. Part 1 ("Information for all Licences") applies to everyone who uses our Licensing services. Read Part 1 and then go to the Part which applies to you.

### **Parts:**

1. Information for all Licences
2. Drivers of Taxis and Private Hire Cars ("Taxi Driver's Licence")
3. Operators of Taxis and Private Hire Cars ("Taxi Licence" or "Private Hire Car Licence")
4. Alcohol: Premises Licences (Questions about 'Vaccine Passports' are in Part 18)
5. Alcohol: Personal Licences
6. Alcohol: Occasional Licence
7. Parades and Processions
8. Tattooing, Skin Piercing, or other 'Close Contact Services'
9. Fairgrounds and Public Entertainment
10. Markets
11. Street Traders and Pedlars
12. Take-Away food shops
13. Window Cleaners
14. Caravans
15. Landlords and Houses in Multiple Occupation (HMOs)
16. Gambling
17. Animals
18. Vaccine Passports

## **1. Information for all Licences**

### Questions:

- 1.1. "What should I do to keep the public safe?"

- 1.2. "Where do CUSTOMERS have to wear Face Coverings?"
- 1.3. "Do STAFF in shops and bars need Face Coverings?"
- 1.4. "What is the 'Emergency Period' '?"
- 1.5. "How long does the Emergency legislation last?"
- 1.6. "What are the "New Rules" from Monday 9 August 2021?"
- 1.7. "Is the Licensing Office open?"
- 1.8. "Are there any Committee and Board Meetings?"
- 1.9. "How do I apply for a Licence?"
- 1.10. "How do I pay the Licence fee?"
- 1.11. "What is the rule for RENEWAL of Licences under the Civic Government (Scotland) Act 1982?"
- 1.12. "Which Licences stay in force if I apply for renewal in time?"
- 1.13. "Which Licences DON'T stay in force if I apply for renewal?"
- 1.14. "I cannot operate because of the Coronavirus rules. Can I get a refund, reduction or credit of the Licence Fee?"

## **1.1. "What should I do to keep the public safe?"**

If you want advice about social distancing and other Coronavirus precautions you should contact the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

You must follow Scottish Government Guidance about 'social distancing' and other precautions.

If you are allowed to open, you should think about:

- how can you lay out your Premises so that the public can maintain social distancing?
- are access routes wide enough?
- do you need one-way routes?
- are there pinch points like doorways where people will be close together?

- do you need stewards to ensure that the public keep social distancing and wear face coverings when they need to?
- are there enough hand-sanitising stations for public use?
- what are the rules about using face coverings?

You should avoid situations, both inside and outside your Premises, where there is likely to be

- queueing
- customers crowded into a small area where they cannot maintain social distancing (are there areas of your Premises which might attract a lot of people to a small area, like the counter or checkout in a shop?)

<b>IMPORTANT</b>
If the Licensing Committee or Licensing Board think that you have not followed the Guidance and that public safety has been risked, they might consider revoking or suspending your Licence.

## **1.2. "Where do CUSTOMERS have to wear Face Coverings?"**

See Regulations 5 and 6 of the New Rules:

5. "Requirement to wear Face Covering in certain indoor places"
6. "Places where Face Coverings must be worn in accordance with regulation 5"

Anyone over 11 indoors in shops, restaurants, cafes, bars (including bars in hotels or members' clubs) and public houses must wear a Face Covering **BUT** there are many exceptions.

For example, people do not need Face Coverings if:

- they are seated at a table in a restaurant, cafe, bar, public house, nightclub, dance hall (Reg. 5(1)(e))
- they are eating or drinking (Reg. 5(1)(p))

Customers walking about a shop, restaurant, bar etc. need Face Coverings, **except** that customers on the dance-floor don't need Face Coverings (but they do when they go to the toilets). The New Rules don't expressly say that, but Scottish Government Guidance says that dancing is "exercise", so is exempt (the exemption is "taking part in exercise of a type which reasonably requires that the person is not wearing a Face Covering" - reg. 5(1)(r)).

## **1.3. "Do STAFF in shops and bars need Face Coverings?"**

No, not unless they are closer than 1.0 metres from customers, e.g. staff serving at customer tables. They need Face Coverings, but staff behind a partition at the bar or counter do not need Face Coverings.

See Regulations 5 and 6 of the New Rules:

5. "Requirement to wear Face Covering in certain indoor places"
6. "Places where Face Coverings must be worn in accordance with regulation 5"

Regulation 5(1)(d) is:

*5.—(1) A person who enters or remains Indoors within a place listed in regulation 6 must wear a Face Covering, unless the person is— ...*

*(d) a person who is responsible for a place listed in regulation 6, an employee of that person or a volunteer at that place, where—*

*(i) there is a partition between the person, employee or volunteer and members of the public, or*

*(ii) a distance of at least one metre is maintained between the person, employee or volunteer and members of the public,*

#### **1.4. "What is the 'Emergency Period' ?"**

These FAQs often refer to the "Emergency Period". We use this to mean the period:

- which started on Thursday 26 March 2020, and
- which will continue until the special legislation passed by the Scottish Parliament expires.

This special legislation is:

- The Coronavirus (Scotland) Act 2020
- The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 No. 277 (we call these the 'New Rules')
- The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2021 No. 349 (the 'vaccine passport' rules)

All this legislation is on a free Government Internet website:

<https://www.legislation.gov.uk/asp/2020/7/contents>

<https://www.legislation.gov.uk/ssi/2021/277/made>

<https://www.legislation.gov.uk/ssi/2021/349/contents/made>

The website:

<https://legislation.gov.uk>

covers all the legislation made by the Westminster and Holyrood Parliaments, but to make it easier to find legislation dealing just with Coronavirus there is a link near the top of the screen:

### ***"Coronavirus legislation"***

On the next page, under the heading "Key pieces of coronavirus legislation", click on the link "Scotland" (there are different rules for the 4 parts of the United Kingdom).

## **1.5. "How long does the Emergency legislation last?"**

Most of the legislation has been extended to 31 March 2022, due to the Coronavirus (Extension and Expiry) (Scotland) Act 2021.

## **1.6. "What are the "New Rules" from Monday 9 August 2021?"**

These FAQs often refer to the "New Rules".

These are the rules that came into force on Monday 9 August 2021:

### **"The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 No. 277"**

Before that date, different Council areas in Scotland had different rules. The Scottish Government decided that each Council area (and sometimes parts of the same Council) were put in one of 5 Levels numbered from 0 to 4, where Level 0 was the least restrictive and Level 4 was the most restrictive.

The rules for each of the 5 Levels were set out in 'The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 No. 344'. These rules were replaced by Regulations 2021 No. 277 which were made on the afternoon of Thursday 5 August. These rules apply the same way all over Scotland.

The substance of the New Rules is similar to the old rules, but there are some changes, e.g.

1. the "gatherings" rules have ceased;
2. where 'social distancing' is required, it drops from 2m to 1m (it was already 1m in some situations);
3. Venues still have to record 'track-and-trace data' ("Visitor Information");
4. The "Face Covering" rules are similar, except that the exemption for children has changed, so that from children under 12 do not need them (previously the age was 5). However, although Children 5-11 wouldn't need Face Coverings, they would still be counted for the capacity limits.

As well as the "New Rules", there are rules about "Vaccine Passports", which apply to Premises and some big events. See Part 18 of these FAQs.

### **1.7. "Is the Licensing Office open?"**

We are not currently offering appointments at our Service Desk in Council Headquarters, Cunninghame House, Irvine. All the licensing staff are working from home.

If you would normally be giving us documents on paper (such as licence application forms, Driving Licences, and 'right-to-work' documents like Passports), you should scan these onto computer and send them to us as email attachments.

You should send your applications by email to:

[naclicensingapplications@north-ayrshire.gov.uk](mailto:naclicensingapplications@north-ayrshire.gov.uk)

If you have any general queries about licensing, please send those to our general email address:

[Licensing@north-ayrshire.gov.uk](mailto:Licensing@north-ayrshire.gov.uk)

### **1.8. "Are there any Committee and Board Meetings?"**

When the lockdown started all planned meetings of the Licensing Committee and the Licensing Board were cancelled. We have now re-started meetings using video-conferencing. The meeting Schedules are on the Council's website:

- Licensing Committee:

[https://north-ayrshire.cmis.uk.com/north-ayrshire/-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/Committees/tabid/62/ctl/ViewCMIS\\_CommitteeDetails/mid/381/id/121/Default.aspx](https://north-ayrshire.cmis.uk.com/north-ayrshire/-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/121/Default.aspx)

- the Licensing Board:

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/licensing-board.aspx>

Councils and Boards have special rules called "Schemes of Delegation" which mean that sometimes decisions can be taken by officers of the Committee or Board without the need for a meeting.

### **1.9. "How do I apply for a Licence?"**

You can find electronic copies of our applications elsewhere on this website.

Your application should be signed before it is scanned onto computer.

<b>Important</b>
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Make sure you give us an email address we can use to contact you

Send scans of any necessary documentation - images of documents must be clear and legible.

Send your application form by email to:

[naclicensingapplications@north-ayrshire.gov.uk](mailto:naclicensingapplications@north-ayrshire.gov.uk)

See the next FAQ:

***"How do I pay the Licence fee?"***

Please be aware that it may take some time to review and process your application.

There are time-limits for us to process some (not all) types of Licence. The Council needs to make a decision to grant, renew or refuse the Licence within a time (often 12 months, but it can be longer depending on the kind of Licence).

*for example, the period for a Taxi Driver's Licence, and most other Licences under the Civic Government (Scotland) Act 1982 is now 12 months. It was 9 months before Coronavirus, and was extended by emergency legislation made by the Scottish Parliament.*

*There are no time limits for alcohol licences.*

### **1.10. "How do I pay the Licence fee?"**

You cannot go to Council offices to pay by cash and you cannot post the Application with cash or a cheque.

You have a choice:

- (a) BACS Transfer
- (b) Telephone Payment

#### **(a) BACS Transfer**

You can pay by a BACS transfer ("Bankers Automated Clearing Service").

You will need these details:

Payee:	<b>North Ayrshire Council</b>
Bank:	<b>Clydesdale Bank, 151 High Street, Irvine</b>
Bank Account No:	<b>20443773</b>
Sort Code:	<b>82 65 22</b>
Customer Ref / Account id no.:	<b>10253003000060153.</b>

If there is enough room on the form, please add information that will help us tie your payment to your case, like individual premises details or a Licence number.

<b>Important</b>
It is very important that you do this and that you tell us when you have sent a BACS transfer, so that we can look out for your payment and mark up our records.

When you send a BACS payment please send the remittance advice or alternative notification by email to:

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

### **(b) Telephone Payment**

If you are unable to make payment by BACS, you can pay by debit or credit card over the telephone.

If you want to do this, tell us by email to:

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

Please include a contact telephone number and an indication of the most suitable time(s) for us to contact you. A member of the Licensing team will then call you to take payment.

We use a special phone system so your phone might say 'caller identity withheld'.

### **1.11. "What is the rule for RENEWAL of Licences under the Civic Government (Scotland) Act 1982?"**

The Civic Government (Scotland) Act 1982 is the Law that covers Taxis, Private Hire Cars, Street Traders, Market Operators and Public Entertainment.

At the start of the "Emergency Period" the Council extended all Licences under **the 1982 Act** to 31 July 2020. This change was only temporary, and Licences which were due for renewal from and after August 2021 were not covered by the extension.

**When applying for renewal of your licence, please don't leave it to the last few days left on your Licence - you should apply for renewal well before the expiry date.**

<b>IMPORTANT</b>
<b>Different legislation covers many other activities, including alcohol licences, landlord registration, caravans, and most animal licensing.</b>
The renewal rules are different depending on what Law applies to your Licence:  - In <u>some</u> cases, as long as we got your renewal application before the current Licence expired, the current Licence stays in force until the Council determines the new Application;

but

- In other cases, you cannot operate beyond expiry, even if you have applied before the expiry date. You will have to stop your operation, and you cannot re-start until the Council grants the renewal.

Read the next two FAQs for more information.

### **1.12. "Which Licences stay in force if I apply for renewal in time?"**

- Licences under the Civic Government (Scotland) Act 1982

Examples are Taxi Driver's Licences, Taxi Licences ("Operator's Licences") and many other things: as soon as you apply for renewal, and you applied before the current Licence expired, the existing licence is continued, so you can keep driving your taxi or doing what your Licence covers; (there is a special rule for "Temporary Licences": these expire after 6 weeks, but if you apply in that time for a 'full' Licence then the "Temporary Licence" stays in force):

- Licences for "Houses in Multiple Occupation".

### **1.13. "Which Licences DON'T stay in force if I apply for renewal?"**

Licences under other legislation, for example:

- Pet Animals Act 1951 (pet shops)
- Caravan Sites and Control of Development Act 1960
- Animal Boarding Establishments Act 1963 (cats and dogs)
- Riding Establishments Acts 1964 and 1970 (horses)

#### **The usual rule is 'there is NO automatic continuation'**

This means that you should aim to apply for renewal at least 2 months before your licence expires, leaving enough time to let the Council **both**

- process your application, and
- grant the renewed Licence.

before the existing Licence expires.

**If you don't apply for renewal in good time to allow us to process and grant the renewed Licence, it is very likely that you will have to apply for a new Licence, and you will not have a Licence (and not be able to work on it) for months.**

### **1.14. "I cannot operate because of the Coronavirus rules. Can I get a refund, reduction or credit of the Licence Fee?"**

No. If you have a Licence but you cannot operate your business, you cannot:

- get a refund of the fee, or
- ask for a partial refund of the fee
- ask for it to be held in credit towards a fee for a later application.

This because the fee covered the work to deal with your Application, and you would have had to pay that even if the Application had been refused altogether or if the Licence you were granted was for less than you asked for (such as shorter hours or a smaller area).

## **2. Drivers of Taxis and Private Hire Cars ("Taxi Driver's Licence")**

<b>IMPORTANT</b>
There are two kinds of Licence for Taxis and Private Hire Cars. The rules are different, so the FAQs are different: <ul style="list-style-type: none"><li>- <b><u>Drivers</u></b> have Licences with numbers like "TDL/123" or "PHCDL/123" - FAQs in <b><u>Part 2</u></b></li><li>- <b><u>Operators</u></b> have Licences with numbers like "TL/123" or "PHCL/123" - FAQs in <b><u>Part 3</u></b></li></ul>

Questions:

"What I should I do to keep myself and my passengers safe?"

"Do I need to wear a face covering?"

"Can I refuse to carry a passenger who is not wearing a face covering?"

"I can't get a Licence badge because the Licensing Office is closed. What happens?"

"I am a Driver. Can I get a grant?"

### **"What I should I do to keep myself and my passengers safe?"**

If you are an **operator**, see also:

- the FAQ in Part 1 above ("What should I do to keep the public safe?").

- the FAQ in Part 3 below ("I have fitted a screen to my car, or plan to do so. What do I need to do?")

If you are a **driver**:

- Passengers should be advised to wear a face covering (but you can't enforce this - see the FAQ below: "Can I refuse to carry a passenger who is not wearing a face covering?")
- People with a new persistent cough or high temperature should stay at home
- Do not drive your vehicle if you have the symptoms
- Where possible, ask all passengers to sit in the back of your vehicle
- Keep your vehicle clean to reduce the impact of the virus
- Regularly clean surfaces, such as card payment devices, steering wheels, handbrake, and door handles, with normal cleaning products. (As a minimum: at the beginning, middle and end of a shift)
- Carry a box of tissues and use tissues to catch coughs and sneezes
- Dispose of used tissues in the bin as soon as possible
- Wash hands frequently with soap and water (you can keep a bottle of water and a bar of soap in your vehicle) or use a sanitizer gel - do this for at least 20 seconds. Sanitizer gel should be a minimum 60% alcohol.

### **"Do I need to wear a face covering?"**

Yes. You must wear a face covering even if you have been vaccinated, unless

- your vehicle has a screen, or
- you have a valid legal excuse for not wearing one - having an opinion that Coronavirus does not exist, or that face coverings are unnecessary, are not valid legal excuses.

If you do not wear a face covering when you should:

- the Police can charge you or give you a Fixed Penalty fine
- the Council might suspend or revoke your Licence

The rules are in Regulations 5, 6 and 7 of the New Rules:

5. Requirement to wear Face Covering in certain indoor places
6. Places where Face Coverings must be worn in accordance with regulation 5

## 7. Requirement to wear Face Coverings on public transport

### **"Can I refuse to carry a passenger who is not wearing a face covering?"**

No. Some medical conditions allow people to not wear a face covering, and the legislation allows other excuses (such as: children under 12 do not need a face covering - before 9 August 2021 the age was 5).

Even if a person has no good excuse for not wearing a face covering, that is a breach of the criminal law, so it will be enforced by the Police, not by drivers.

Usually, if a passenger gets in your car without a face covering, all you should do is say that the Law says they need a face covering unless there is a good excuse, like a medical condition. It's the same as if the passenger didn't follow the driver's advice to wear a seat-belt - the passenger might be breaking the criminal Law (which also allows for good reasons for not wearing a seat-belt) but the driver is not expected to enforce the Law.

If the passenger says that they do have a good excuse, you must accept that. You must not ask the passenger to say what it is or to prove it.

### **"I can't get a Licence badge because the Licensing Office is closed. What happens?"**

Drivers usually need to wear badges, but during the Emergency Period the Council will not apply this rule to you if the reason you could not get a badge was because the Licensing Office was closed. The Council will contact you when your badge is available.

### **"I am a Driver. Can I get a grant?"**

You may be able to claim a grant from the Council, but the Scottish Government often change the grant schemes so you need to contact us if you think you might qualify.

See the page "Taxi and Private Hire Driver and Operator Support Fund" on the Council website:

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/taxi-licences/taxi-and-private-hire-driver-support-fund-grant.aspx>

Contact us by email at:

[tphdgrants@north-ayrshire.gov.uk](mailto:tphdgrants@north-ayrshire.gov.uk)

Please note: the deadline for Operator grant support has now passed - we had to receive claims by 4pm on Friday 16 July 2021.

### **3. Operators of Taxis and Private Hire Cars ("Taxi Licence" or "Private Hire Car Licence")**

#### **IMPORTANT**

There are two kinds of Licence for Taxis and Private Hire Cars.

The rules are different, so the FAQs are different:

- **Drivers** have Licences with numbers like "TDL/123" or "PHCDL/123" - FAQs in **Part 2**

- **Operators** have Licences with numbers like "TL/123" or "PHCL/123" - FAQs in **Part 3**

Questions:

"My licence has an 'Expiry Date' soon, but the Licensing Office is closed. What happens?"

"Do I need to get my car inspected at the Council's garage at Kilwinning?"

"I want to change the car on my Licence. What do I need to do?"

"I have fitted a screen to my car, or plan to do so. What do I need to do?"

"I am an Operator. Can I get a grant?"

#### **"My licence has an 'Expiry Date' soon, but the Licensing Office is closed. What happens?"**

You should still lodge your application for renewal. So it well before the expiry date. See the FAQs in Part 1 above:

***"Is the Licensing Office open?"***

***"What is the rule for RENEWAL of Licences under the Civic Government (Scotland) Act 1982?"***

In the first few months of the Coronavirus Emergency the Council extended "Taxi Licences" and "Private Hire Car Licences" which were due to expire between 30th March and 31<sup>st</sup> July 2020 for 6 months. This extension was modelled on the extension scheme for MOTs.

**This Licence extension no longer applies.**

## **"Do I need to get my car inspected at the Council's garage at Kilwinning?"**

You might want a test because

- (a) you don't have a Licence
- (b) you have a Licence, but you want to substitute your current car for a new car
- (c) you have a licence, and the car is due its inspection because of the Licence Conditions - Taxis and Private Hire Cars need to be inspected at the Council garage in Kilwinning every 12 months (or, if the car is 5 years old or older, every 6 months).

In all cases (a), (b) and (c) you should email us:

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

## **"I want to change the car on my Licence. What do I need to do?"**

<b>IMPORTANT</b>
<p><b>DO NOT BUY A NEW CAR UNTIL YOU HAVE CHECKED THAT IT MATCHES THE COUNCIL'S "VEHICLE SPECIFICATION POLICY". THIS IS ON THE COUNCIL'S INTERNET SITE AT:</b></p> <p style="text-align: center;"><a href="https://www.north-ayrshire.gov.uk/business/licences-and-permits/taxi-licences/taxi-pvt-hire-car-operator-licence.aspx"><u>https://www.north-ayrshire.gov.uk/business/licences-and-permits/taxi-licences/taxi-pvt-hire-car-operator-licence.aspx</u></a></p> <p>The Vehicle Specification Policy is under the heading "Vehicle specification and inspection standards".</p> <p>The new car MUST:</p> <ul style="list-style-type: none"><li>- be under 8 years old (counted from the date of First Registration)</li><li>- be Wheelchair Accessible</li><li>- have a winch to help loading and unloading wheelchairs with passengers in them</li></ul>

At the moment, the Council garage at Kilwinning is still operating, so the procedure to substitute a vehicle is much the same as before the "Emergency Period":

1. Use the usual application form. This is on our website page "Taxi/private hire car operator licence":

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/taxi-licences/taxi-pvt-hire-car-operator-licence.aspx>

Download the form under the heading "Substitute a vehicle";

2. Complete this, scan it onto computer and email it with the V5 Registration Document;

3. When we receive your application we will contact you to take a telephone payment from you.

**"I have fitted a screen to my car, or plan to do so. What do I need to do?"**

If you want advice about social distancing and other Coronavirus precautions you should contact the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

In July 2021 the partition screen section of the "Guidance for Holders of Taxi and Private Hire Licences" was updated.

You should do two things:

**1. Contact your insurers**

Say what you have done or plan to do. Ask your insurers to say that they agree. The reason you want this is that your insurance policy probably says that you cannot make unauthorised changes to the car, so you need the insurer's agreement - otherwise the policy might be cancelled.

It is a good idea to ask the insurers to send you their agreement **in writing**.

**2. Email the Council**

If the insurers agree, complete the email in the box below and send it to us at:

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

The email is:

To North Ayrshire Council
licensing@north-ayrshire.gov.uk
Licence-Holder's name ..... [add your name]
Licence Number ..... [add your Licence Number]

Registration number of vehicle ..... [add Registration no.]

I have fitted a screen to the above vehicle.

I confirm that:

- the screen has been properly and securely fitted so that it is not a danger to any occupants in the vehicle,
- I have informed my insurer, and
- the insurance for the vehicle remains in place.

When we have this email we will record this as an authorised 'material change' to your Licence.

You do not need to get the car checked at the Council garage.

### **"I am an Operator. Can I get a grant?"**

See FAQ in Part 2 (Drivers):

#### ***"I am a Driver. Can I get a grant?"***

Please note there have been different schemes Operators and for Drivers, so you need to contact us to see if you qualify.

## **4. Alcohol: Premises Licences**

Questions:

(Questions about 'Vaccine Passports' are in Part 18)

"Where can I get more guidance?"

"How can I add a 'beer garden'?"

"Is my 'Premises Licence' affected by COVID-19?"

"When is the Annual Fee for my Premises Licence due?"

"I have a Premises Licence for a pub, cafe or restaurant. Can I open?"

"I have a Premises Licence for an off-licence shop. Can I open?"

"I have an 'on-sales' Premises Licence but I don't have 'off-sales'. Can I sell alcohol to take-away?"

"I have 'off-sales' in my Premises Licence. Can I sell alcohol to take-away?"

"Can I sell FOOD to take-away?"

"Can I do home-delivery of ALCOHOL? (All licences, both ON-SALES and OFF-SALES)"

"What are the rules for home-delivery?"

"Can I sell alcohol in lidded cups ('growlers')?"

"Can snooker or pool clubs, or bowling alleys open?"

### **"Where can I get more guidance?"**

The Scottish Government "Coronavirus (COVID-19): tourism and hospitality sector guidance" is at:

<https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/pages/frequently-asked-questions-faqs>

If you want advice about social distancing and other Coronavirus precautions you should contact the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

### **"How can I add a 'beer garden'?"**

If you have a Premises Licence and you want to add a beer garden ("Outdoor Drinking Area" or "ODA") you should be applying to the Board for a Major Variation (also called a "Standard Variation") and your application will call at a Board Meeting a few months away. See the Board's website:

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/variation-of-premises-licence.aspx>

You cannot ask for a "Minor Variation" for this, even if you already have an ODA in your Premises Licence and want to extend it or add another one.

### **For the duration of the COVID Emergency:**

Occasional Licences are normally not allowed to cover the running of business Premises, but the Board temporarily departed from the 'no business use' Policy, and this allowed Premises which did not otherwise have 'beer gardens' ("Outdoor Drinking Areas") to get these licensed quickly (although, when the Level restrictions started, these had to close).

This is not a long-term solution. The Board changed their Policy because in the first months of the Emergency the Board were not meeting at all (by Law, a meeting is needed before a Board can either grant a new Premises Licence or grant a Major Variation), so unless the Policy was changed there was no way to get a Licence extended to cover a 'beer garden'. Since the Board are now meeting regularly, the reason for the temporary change of Policy has gone.

So you should be applying for a Major Variation as well as applying for Occasional Licences. Even if you were granted Occasional Licences initially, you may find that if you apply later the Board will reject more Occasional Licence Applications.

For the duration of the Emergency we have modified our procedures for obtaining Occasional Licences, and this is why our website currently refers to the procedure for getting an Occasional Licence for "Outdoor Drinking Areas", rather than the more usual use of Occasional Licences (for parties etc.). However, the basic procedure is much the same.

Our website includes a page "Occasional licence":

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling/licences/occasional-licence.aspx>

Read the advice and guidance note and give the Board:

- the Layout Plan for the proposed ODA
- the Land Certificate or Lease for the ground
- the Roads Consent (if relevant)

Download the "Occasional Licence Application Form" and send it to

[licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk)

All the Licensing staff are working from home so they will contact you to arrange payment. The fee is £10 for each 14-day Occasional Licence. This fee is not refunded or reduced if the Occasional Licence is refused or is granted for less than was requested (e.g. shorter hours). You can make repeated applications, but we ask you not to make the second until the first has actually been granted and taken effect, and so on for the second, third and fourth etc..

As there is a procedure that we have to follow, please apply for the second, third, fourth, etc. OL **as soon as** you receive the current OL. We have found that Applicants who leave it until the last few days of the 14-day life of the current OL to apply for the next one may find themselves unlicensed for a few days, as there is a gap between one OL expiring and the next one starting.

Occasional Licences are normally granted by a Board officer under "Delegated Powers", and even pre-COVID it was unusual for applications to be referred to the Board Meeting. During the Emergency, instead of there being a Board hearing, we are using the statutory fast-track procedure to process Occasional Licence applications, using Delegated Powers granted to officers or, in controversial cases, the Convenor. It is likely that, whether or not there are any objections (e.g. from the Police or NAC Departments), the first Application will be considered by the Convenor. After that, later Applications are likely to be dealt with by officers, assuming that there are no problems with any

application or previously-granted Occasional Licence. The whole process takes about a week, counting from the date of application until the issue of the Licence, with the first application taking a couple of days more.

## **"Is my 'Premises Licence' affected by COVID-19?"**

No, the Premises Licence itself is not affected, but the Personal Licence held by the 'Designated Premises Manager' might be affected.

See FAQs below:

- in Part 4:

***"The 'Designated Premises Manager' cannot get 'refresher training' before the 5-year deadline. What happens?"***

- in Part 5:

***"My 'refresher training' course was cancelled because of COVID-19, and I can't get a training course before the 5-year deadline. What happens?"***

***"My Personal Licence will expire soon. What do I do?"***

Section 28(5)(b) of the Licensing (Scotland) Act 2005 means that a Premises Licence ceases if the Premises cease to be used for the sale of Alcohol. The Board do not regard that applying in the situation where Premises have been closed by Coronavirus restrictions.

## **"When is the Annual Fee for my Premises Licence due?"**

The usual rule is:

All Premises, whether they have on-sales Licences, off-sales Licences, or both, have to pay the Board an Annual Fee in early October every year. If they do not pay by then it is likely that the Licensing Board will decide to revoke the Premises Licence or to suspend it until the fee is paid.

This is because one of the Mandatory Licence conditions applied by the legislation to all Premises Licences in Scotland is that annual and recurring fees must be paid (Licensing (Scotland) Act 2005, Schedule 3, Paragraph 10). This condition is a 'Mandatory Condition', which means that the Board cannot remove it. The emergency legislation which the Scottish Parliament made because of the Coronavirus Emergency changed some licensing rules, but not the rules about fees.

During the Emergency Period, North Ayrshire Licensing Board changed this:

If your Premises were 'off-sales' only, the fee was due on the normal date in early October 2020, but

If your Premises were 'on-sales' (or 'on-sales with off-sales'), the fee was legally due in early October 2020, but in North Ayrshire we did not expect you to pay before 15 February 2021.

**The change in the timetable applies only to the fee due in October 2020. Later fees will be due as normal, in October 2021 and October in later years.**

### **"I have a Premises Licence for a pub, cafe or restaurant. Can I open?"**

See FAQs in Part 1:

*"What should I do to keep the public safe?"*

*"Where do customers have to wear Face Coverings?"*

*"Do STAFF in shops and bars need Face Coverings?"*

### **"I have a Premises Licence for an off-licence shop. Can I open?"**

See FAQs in Part 1:

*"What should I do to keep the public safe?"*

*"Where do customers have to wear Face Coverings?"*

*"Do STAFF in shops and bars need Face Coverings?"*

### **"The 'Designated Premises Manager' cannot get 'refresher training' before the 5-year deadline. What happens?"**

See the FAQ in Part 5:

*"My 'refresher training' course was cancelled ..."*

### **"I have an 'on-sales' Premises Licence but I don't have 'off-sales'. Can I sell alcohol to take-away?"**

Strictly speaking you need to either apply for a variation of your Operating Plan or an Occasional Licence to enable you to do this, but during the Coronavirus Emergency the Licensing Board do not expect you to do either of these.

In theory, the Police might charge you with breaking your Licence, but as far as the Licensing Board are concerned there will be no action taken against you solely for the reason that you are selling off-sales during the Emergency.

See the FAQ in this Part:

***"Can I sell alcohol in lidded cups ('growlers')?"***

### **"I have 'off-sales' in my Premises Licence. Can I sell alcohol to take-away?"**

Yes, but only where this is sold for consumption off the premises.

### **"Can I sell FOOD to take-away?"**

Yes, but only if you have a Food Safety Certificate from the Council's Environmental Health Department. This is different from the Licensing Board which granted your 'Premises Licence'.

During the "Emergency Period" you can sell food for take-away or for home-delivery even if your Licence does not cover this. If you want to keep doing these after the Emergency, you will need to ask the Board to vary your Licence.

The Law that allows this during the Emergency is the Coronavirus (Scotland) Act 2020, Schedule 5, Paragraph 2(8).

### **"Can I do home-delivery of ALCOHOL? (All licences, both ON-SALES and OFF-SALES)"**

If you have 'off-sales' in your Premises Licence, you can home-deliver alcohol.

**but only in sealed containers, like unopened cans or bottles.**

See the FAQ below:

***"Can I sell alcohol in lidded cups ('growlers')?"***

You don't need to offer the sale of food. This applies to public houses, cafes, restaurants and shops.

**Clubs** are a special case:

- Most Clubs have special rules and are called 'Section 125' clubs. They should only supply alcohol to their members, so they can't do home-delivery for the general public;
- Some Clubs have asked the Board to give up 'Section 125' status, and have become 'Part K clubs'. They can do home-delivery for the general public.

If you don't have 'off-sales' permission in your Premises Licence (Part 3), then you should consider apply for a Major Variation of your Operating Plan. We recommend that Premises do this so that they can put their entitlement beyond doubt and 'future-proof'

their Licence by expressly seeking the Board's approval for home delivery. Therefore the Board will accept an application seeking a Major Variation.

During the Coronavirus Emergency the Licensing Board do not expect you to do this, but if you plan to continue home delivery after the Emergency Period then we recommend that you seek a Major Variation. In theory, the Police might charge you with breaking your Licence, but as far as the Licensing Board are concerned there will be no action taken against you solely for the reason that you are home-delivering alcohol during the Emergency.

It is important that the person who makes the delivery is able to see the customer, to check that the customer is 18 or over. If you have any doubt that the customer is at least 18, you must keep the alcohol (if the delivery includes food, you can give the customer the food).

**NEVER LEAVE ALCOHOL ON THE DOORSTEP AND WALK AWAY - MAKE SURE YOU SEE THE CUSTOMER**

**YOU MUST FOLLOW THE RULES FOR HOME DELIVERY (SEE BELOW)**

The Premises Licence Holder is responsible for the sale and the supply to the customer. If the Board are satisfied that any rules about the supply of alcohol have been broken then they might revoke or suspend the Licence.

## **"What are the rules for home-delivery?"**

Where alcohol (whether with or without food or any other goods or services) is supplied by delivery away from Licensed Premises (e.g. if a customer orders it by telephone) then:

- (a) alcohol can only be sold within Licensed Hours. Check Part 3 of your Operating Plan - if you already have off-sales hours, you must keep to those; if you don't, you must only sell in the period 10.00 a.m. to 10.00 p.m. (that is the period allowed by Board Policy and is the maximum allowed by Section 65 of the Licensing (Scotland) Act 2005);
- (b) alcohol can be delivered outside those hours, but cannot be delivered between 12.00 midnight and 6.00 a.m. (Section 120);
- (c) the Board is likely to regard a delivery operation as being inconsistent with both the 'crime and disorder' and 'protecting children and young people from harm' Licensing Objectives if alcohol is supplied unless:
  - (i) the supplier on arrival at the delivery address first carries out the same checks about the recipient's age as would be appropriate to a sale (see Section 102);
  - (ii) the supplier refuses delivery unless and until such evidence of age is produced.

(d) under Section 119, two records must be made before the Alcohol leaves the Premises:

(i) in a Day Book kept on the Premises; and

(ii) in a Delivery Book or Invoice carried by the person delivering the Alcohol.

(e) The information to be recorded in both cases is:

(i) the quantity, description and price of the Alcohol, and

(ii) the name and address of the person to whom it is to be delivered.

(f) It is illegal to deliver Alcohol to an address which is not recorded in both records. The records must be shown to a Police Constable or Licensing Standards Officer on request.

## **"Can I sell alcohol in lidded cups ('growlers')?"**

You can **only** use these to **deliver** alcohol to customers **at their homes**. You cannot use these for take-aways.

This is because Premises which sell off-sales in North Ayrshire have the Board's Standard Conditions. The conditions for off-sales (which means shops selling off-sale as well as pubs) include:

*"B.2 Containers - All alcohol sold for consumption off the premises shall be sold in sealed and unopened containers."*

Premises which break this condition can be referred to the Licensing Board. The Licence might be revoked or suspended.

A customer can only have alcohol in public if it is **not** in an 'open container'. There are Byelaws in North Ayrshire meaning that it is a criminal offence:

- to drink in public, or
- to possess an 'open container' in public.

If customers buy a can or bottle from an off-sale (a shop or a pub), they can have it in public - they might be taking their shopping home.

What they can't do is **open** the container. It will have a **one-time seal** (such as the ring-pull on a can or a screw-top before the maker's seal is broken). Once the can or bottle has been unsealed it is **always** an 'open container', even if someone puts a lid on it to stop it spilling.

If you sell drink in open containers in circumstances where it is likely to be drunk in breach of the Byelaws the Police can make a Review Application to the Board asking for your Licence to be revoked.

These rules mean:

- The alcohol must stay in the possession of a member of your staff or a delivery driver from the time it leaves your premises until the time it is delivered
- the delivery must not be in a public place
- you must not deliver alcohol direct to customers on your premises so that they can take it off your premises.

## **"Can snooker or pool clubs, or bowling alleys open?"**

Yes. See FAQs in Part 1:

***"What should I do to keep the public safe?"***

***"Where do customers have to wear Face Coverings?"***

***"Do STAFF in shops and bars need Face Coverings?"***

## **5. Alcohol: Personal Licences**

Questions:

"My 'refresher training' course was cancelled because of COVID-19, and I can't get a training course before the 5-year deadline. What happens?"

"My Personal Licence will expire soon. What do I do?"

"I don't have a training certificate. What do I do?"

## **"My 'refresher training' course was cancelled because of COVID-19, and I can't get a training course before the 5-year deadline. What happens?"**

Any Personal Licence Holder must do two things:

- (a) get a 'refresher training' certificate within 5 years of the Licence being issued, and
- (b) show the certificate to the Board (the original or a copy) within 3 months of the end of that 5-year period.

During the "Emergency Period", you have an extra 15 months to do both (a) and (b) because the Board have a Policy (set out below).

**This Policy only affects refresher training. It does not affect renewal of a Personal Licence. The rules are different:**

All Personal Licence last 10 years (the Licensing Board cannot change this). One of the requirements imposed by the legislation is that every 5 years the Licence-Holder must do both (a) and (b) above. If the Licence-Holder does not do both, the Licensing Board is required by Law to revoke the Licence. There is no Hearing and no Appeal.

So, if your Personal Licence was granted in 2015, the Licence itself would not be due for renewal until 2025, but the deadline for you doing 'refresher training' would be sometime in 2020. Because of the Policy, you have more time.

The new Policy is:

*"For the duration of the COVID-19 Emergency, where the Board is satisfied on written evidence from the training course that:*

- 1. a Personal Licence Holder had booked a 'refresher training' course to be held before the 5-year date, or no such training was reasonably available but*
- 2. that course was then cancelled,*

*then the Board will not immediately revoke the Licence due to failure to comply with the 'refresher training' rules, but the Licence Holder must still get 'refresher training', so (no later than one year after the date when he/she would under normal circumstances have to give the Board evidence of 'refresher training') he/she must do two things:*

- 1. get a 'refresher training' certificate, and*
- 2. send the Board a copy.*

*If the Licence Holder does both these things, the Board will not revoke the Licence.*

*If the Licence Holder does neither, or only one, the Board will have no choice but to revoke the Licence."*

The legislation applying to the Licence is the Licensing (Scotland) Act 2005. This is on a Government Internet website:

<http://www.legislation.gov.uk/asp/2005/16/contents>

The 'refresher training' rules are in Section 87.

## **"My Personal Licence will expire soon. What do I do?"**

You should apply for renewal now. If you do this before your Licence expires, the emergency rules mean that your Licence continues for an extra 6 months past its Expiry Date.

The emergency rules mean that you can apply for renewal right up to the last day of your Licence, and if you apply before the Expiry Date your existing Licence lasts an extra 6 months.

Download an Application form from our website:

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/personal-licence.aspx>

Print it, scan it on computer as a PDF file, and email it to:

[naclicensingapplications@north-ayrshire.gov.uk](mailto:naclicensingapplications@north-ayrshire.gov.uk)

If you have a training certificate, include a scan of this (if you don't have a training certificate, see the next question).

See FAQ in Part 1:

***"How do I pay the Licence fee?"***

### **"I don't have a training certificate. What do I do?"**

You should still apply for renewal before your existing Licence expires. If you do that then the emergency rules mean that your existing Licence stays in force for 6 months after its Expiry Date.

We can't grant the renewal application until we see one of these qualifications:

- Scottish Certificate for Personal Licence Holders.
- The Scottish Certificate for Personal Licence Holders (Refresher)

If you can book a training course, check the course leads to one of these. The Licensing system in England and Wales also has "Personal Licences" but the legislation is quite different and a training course for an English or Welsh Personal Licence is useless in Scotland.

If you can't book a training course, your Licence will expire after the extra 6 months. The Law that gives you an extra 6 months is the Coronavirus (Scotland) Act 2020, Schedule 5, Paragraph 3(2).

## **6. Alcohol: Occasional Licences**

Questions:

"Do I need to follow the 'Vaccine Passport' rules?"

"I have an Occasional Licence for an event. Can it still take place?"

"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"

"Can I use a series of Occasional Licences to run a business?"

## **"Do I need to follow the 'Vaccine Passport' rules?"**

No, because all your Occasional Licence does is to let you sell alcohol. But the person or persons **responsible for the Premises** might have to.

For example:

*If you have an Occasional Licence to allow you to run a bar at an event in a Community Centre, then the people organising the event might need to follow the 'Vaccine Passport' rules.*

*They can avoid needing to if your bar closes by 24.00 midnight, even if the event itself continues after that. If you have agreed with them to stop servicing alcohol by 24.00 midnight, you can do so. It does not matter if your Licence allows you to stay open later.*

*It is important to note that it is not just the sale of alcohol that must stop, but also the service of alcohol:*

*- Before the 'Vaccine Passport' rules, if your "Licensed Hours" stopped at 24.00 midnight, you could still serve customers, and allow them to drink, for another 15 minutes of 'drinking-up time', so long as the sale happened before 24.00. So a customer could buy drink at 23.59 and you could serve it after midnight, and the customer would have up to 24.15 to drink it.*

*- The situation is different if you want to stop serving to avoid the 'Vaccine Passport' rules. You can't serve the drink after 24.00:*

*- the customer can still drink a drink you have already served, **but***

*- even if the customer bought and paid for the drink before 24.00, if the drink has not been served by 24.00, it cannot be served afterwards.*

For more details, see the FAQs in Part 18 ("Vaccine Passports").

## **"I have an Occasional Licence for an event. Can it still take place?"**

Yes, but you have to follow guidance about Coronavirus precautions.

See FAQ in Part 4:

***"Where can I get more guidance?"***

and the FAQs in Part 1:

***"What should I do to keep the public safe?"***

***"Where do customers have to wear Face Coverings?"***

***"Do STAFF in shops and bars need Face Coverings?"***

**"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"**

No. If you want to operate on a different date you will have to apply for a second Licence, and you will have to pay a second fee.

**"Can I use a series of Occasional Licences to run a business?"**

Only if you already had OLs granted. New businesses cannot get OLs.

For more information, see our "Occasional Licence" webpage at

<https://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/occasional-licence.aspx>

Licensing Board Policy was **temporarily** changed because of the Coronavirus Emergency.

Normally Board Policy would prevent Occasional Licences from being used for regular trading.

The temporary change of Policy was adopted at the start of the Coronavirus Emergency, when Boards were not having meetings at all, so if the Policy had not been changed new businesses would not have been able to trade.

The Board re-started meetings several months ago, using video-conferencing, so the use of OLs for trading is being phased-out and is limited to those business activities which are already covered by OLs.

Previous versions of these FAQs included:

*"If businesses are allowed to apply for a sequence of 14-day Occasional Licences, they should note:*

- that the use of Occasional Licences is not a long-term solution for them;*
- to maintain a Licence long-term, businesses will need to apply for and have granted a Premises Licence (or a Major Variation of a Premises Licence) if it is planned to continue the sale of alcohol, rather than using a series of OLs;"*

## **7. Parades and Processions**

Questions:

"Can I go to a parade during the emergency?"

"Can I take part in protests and demonstrations?"

## **"Can I go to a parade during the emergency?"**

Yes, if there are no more than 5,000 people involved. The New Rules limit "Live Events" outdoors to 5,000 people. "Live Event" means

*"an event or activity which brings individuals together for the purpose of community, culture, sport, recreation, entertainment, art or business"*

There are exceptions. If your event is likely to be bigger than 5,000 you should contact the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

If your Event has more than 4,000 people, the "Vaccine Passport" rules might apply (for Events from Monday 18 October 2021). See Part 18 of these FAQs, and contact Protective Services.

## **"Can I take part in protests and demonstrations?"**

See previous FAQ:

***"Can I go to a parade during the emergency?"***

An organised picket is:

- exempt from the 5,000 person limit under the "New Rules" and
- is an "Exempt Event" which means that the "Vaccine Passport" rules do not apply.

Apart from that, it is possible that a court would accept that you had a 'reasonable excuse' for breaking the 'Health Protection' rules. However, the court might start with the assumption that you had broken the rules. While your rights of assembly and free expression are protected by Law, society's need to minimise opportunities for virus transmission in the current health emergency justifies a temporary limitation on the exercise of those rights.

## **8. Tattooing, Skin Piercing, or other 'Close Contact Services'**

Questions:

"What is a 'Close Contact Service' (CCS)?"

"I have a 'Close Contact Service'. Can I open?"

"Can I go to other people's houses to do a 'CCS' ?"

"Can I do a 'CCS' in my own house for people from outside my household?"

## **"What is a 'Close Contact Service' (CCS)?"**

A "Close Contact Service" means:

- (i) beauty and nail services (including make-up services),
- (ii) hair removal services,
- (iii) tattoo, piercing and body modification services,
- (iv) fashion design, dress-fitting and tailoring services,
- (v) indoor portrait photography and art services,
- (vi) massage therapies,
- (vii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
- (viii) spa and wellness services,
- (ix) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.

## **"I have a 'Close Contact Service'. Can I open?"**

Yes. See the Scottish Government guidance "Coronavirus (COVID-19): close contact services" at:

<https://www.gov.scot/publications/coronavirus-covid-19-close-contact-services>

## **"Can I go to other people's houses to do a 'CCS' ?"**

Yes. The rules banning Mobile Close Contact Services were removed on Monday 26 April 2021. See the Scottish Government guidance "Coronavirus (COVID-19): close contact services" at:

<https://www.gov.scot/publications/coronavirus-covid-19-close-contact-services>

## **"Can I do a 'CCS' in my own house for people from outside my household?"**

Yes. See the FAQ above:

***"Can I go to other people's houses to do a 'Close Contact Service' ?"***

## **9. Fairgrounds and Public Entertainment**

Questions:

"I am planning a large event. What are the rules?"

"I have a Public Entertainment Licence. Can I open?"

"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"

### **"I am planning a large event. What are the rules?"**

Read the next FAQ:

***"I have a Public Entertainment Licence. Can I open?"***

but as well, there are special rules for large events:

If you propose any of:

- indoors events permitted with a maximum capacity of over 2,000
- outdoors events with a maximum capacity of over 5,000

you should discuss your plans with the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

**[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)**

### **"I have a Public Entertainment Licence. Can I open?"**

Yes. You should:

1. Read the Scottish Government's "Events Sector Guidance":

**<https://www.gov.scot/publications/coronavirus-covid-19-events-sector-guidance>**

***(Note - this was last updated on 28 July 2021, before the New Rules, but it will still be useful)***

2. Read the FAQ in Part 1 above:

***"What should I do to keep the public safe?"***

3. Read the Scottish Government guidance "Coronavirus (COVID-19): supporting safer capacity in public settings and events" at

<https://www.gov.scot/publications/coronavirus-covid-19-supporting-safer-capacity-in-public-settings-and-events>

4. If you are planning a large event (indoors - over 2,000 people; outdoors - over 5,000 people), see also the previous FAQ:

***"I am planning a large event. What are the rules?"***

**"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"**

No. If you want to operate on a different date you will have to apply for a second Licence, and you will have to pay a second fee.

See the FAQ in Part 1 above:

***"I cannot operate because of the Coronavirus rules. Can I get a refund, reduction or credit of the Licence Fee?"***

## **10. Markets**

Questions:

"I have a Market Operator's Licence. Can I open?"

"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"

**"I have a Market Operator's Licence. Can I open?"**

Yes, but you must keep to the rules on maintaining social distancing and hygiene.

You should discuss your plans with the Council's "Protective Services" Department (this is different from the Licensing Section). Their email address is:

[ProtectiveServices@north-ayrshire.gov.uk](mailto:ProtectiveServices@north-ayrshire.gov.uk)

See FAQ in Part 1:

***"What should I do to keep the public safe?"***

**"I had a Licence for an event, but I had to cancel it because of COVID-19. I plan to re-schedule the event for later. Can I get a refund of the Licence Fee or can I credit the fee I've already paid against the fee for my next Licence?"**

No. If you want to operate on a different date you will have to apply for a second Licence, and you will have to pay a second fee.

See the FAQ in Part 1 above:

*"I cannot operate because of the Coronavirus rules. Can I get a refund, reduction or credit of the Licence Fee?"*

## **11. Street Traders and Pedlars**

**"I have a Street Trader's Licence or a Pedlar's Certificate. Can I work?"**

Yes. Outdoor markets are allowed, but you must keep to the rules on maintaining social distancing and hygiene.

See FAQs:

- in Part 1:

*"What should I do to keep the public safe?"*

- in Part 10:

*"I have a Market Operator's Licence. Can I open?"*

## **12. Take-Away food shops**

**"I have a Late Hours Catering Licence. Can I stay open to sell food?"**

Yes. You have to take precautions.

See FAQs in Part 1 above:

*"What should I do to keep the public safe?"*

*"Where do CUSTOMERS have to wear Face Coverings?"*

***"Do STAFF in shops and bars need Face Coverings?"***

## **13. Window Cleaners**

### **"I have a Window Cleaner's Licence. Can I work?"**

Yes, if you follow this Guidance:

- (a) you have no coronavirus symptoms yourself;
- (b) you keep at least one metre from anyone on the Premises you are working on;
- (c) you only work outside.

## **14. Caravans**

Questions:

"Can I allow people who live in caravans AS THEIR USUAL HOMES stay on the site?"

"Can I allow people who live in caravans BUT NOT AS THEIR USUAL HOMES stay on the site?"

"Does the rule about Caravan Sites only being used at some times of the year apply?"

### **"Can I allow people who live in caravans AS THEIR USUAL HOMES stay on the site?"**

Yes.

### **"Can I allow people who live in caravans BUT NOT AS THEIR USUAL HOMES stay on the site?"**

Yes. The ban only applied while North Ayrshire was in Level 4, so it stopped applying when the whole of Scotland moved to Level 3, and it is not in the New Rules.

### **"Does the rule about Caravan Sites only being used at some times of the year apply?"**

No.

Some Caravan Site Licences have a condition restricting the use of the site to particular times of the year - a common example is a condition limiting use to 11 months of the year. In anticipation of businesses re-opening and the limitations on movement being lifted, we have had requests to lift that condition so that holiday-home owners can get holidays and sites can take bookings.

**This condition no longer applies to any Caravan Site in North Ayrshire, and will not be re-imposed after the Coronavirus Emergency. There is no need for the Licence-Holders of individual sites to ask the Council;**

**but**

**this only changes the Licence; Planning Permission is issued under different legislation from the Licence and you should check your site's Planning Permission as well.**

**The change of policy allowing all-year-round use only affects the Licence. Some sites might have a restriction limiting occupation under the Planning legislation, so you should check your Planning Permission to see if there is a condition about this. Contact the Council's Development Management Department.**

## **15. Landlords and Houses in Multiple Occupation (HMOs)**

Questions:

"Can I still let tenants stay in my house?"

"Can I evict tenants who have Coronavirus?"

"Can tenants stay in my house even if the tenants are not keeping up the rent?"

"Can I cut off services like electricity and water if the tenants are not keeping up the rent?"

"When does an HMO Licence expire?"

### **"Can I still let tenants stay in my house?"**

Yes.

### **"Can I evict tenants who have Coronavirus?"**

No. Even before the COVID-19 Emergency, a Landlord could only evict a tenant with an order from the "Housing and Property Chamber" of the "First Tier Tribunal". This still applies.

## **"Can tenants stay in my house even if the tenants are not keeping up the rent?"**

Yes. Even before the COVID-19 Emergency, a Landlord could only evict a tenant with an order from the "Housing and Property Chamber" of the "First Tier Tribunal". This still applies. The rules about this have been changed by the Coronavirus (Scotland) Act 2020. You should speak to your Letting Agent or take independent legal advice.

## **"Can I cut off services like electricity and water if the tenants are not keeping up the rent?"**

No. This is against the Law and the Police could charge you.

## **"When does an HMO Licence expire?"**

All House in Multiple Occupation (HMO) Licences in North Ayrshire have been varied so that they expire six months after the date stated on the Licence.

Because of the Coronavirus Emergency, North Ayrshire Council did this:

The Council published the proposal to do this in an earlier version of these FAQs.

Any HMO Licence Holder, Police Scotland or Scottish Fire and Rescue was entitled to make written representations about this proposal within 7 days of the Friday 10 July 2020 (this was the date of the version of this document which first contained this proposal).

As we did not receive written representations in that time we assumed that no-one had any objection to the proposal, and varied all North Ayrshire HMO Licences, so the change applies automatically.

## **16. Gambling**

Questions:

"Do the 'Vaccine Passport' rules apply to me?"

"I have a Licence for Bingo Premises, an Amusement Arcade or a Betting Shop. Can I open?"

"Is the timetable for paying GAMBLING Annual Fees changed because of Coronavirus?"

## **"Do the 'Vaccine Passport' rules apply to me?"**

They only apply if your Premises are 'Late Night Premises'.

The Vaccine Passport rules only apply if all 3 of these conditions are met:

- (a) alcohol is served at any time between 00.00 hours and 05.00 hours,
- (b) there is a dancefloor, or other designated space, provided for dancing by customers, and
- (c) live or recorded music for dancing is played,

See Part 18 of these FAQs ("Vaccine Passports") for more information.

### **"I have a Licence for Bingo Premises, an Amusement Arcade or a Betting Shop. Can I open?"**

Yes. You have to take precautions.

See FAQs in Part 1 above:

***"What should I do to keep the public safe?"***

***"Where do CUSTOMERS have to wear Face Coverings?"***

***"Do STAFF in shops and bars need Face Coverings?"***

### **"Is the timetable for paying GAMBLING Annual Fees changed because of Coronavirus?"**

No. The emergency legislation passed because of the Coronavirus Emergency (the Coronavirus Act 2020) did not change Gambling law but in North Ayrshire we did not expect you to pay before 15 February 2021.

## **17. Animals**

Questions:

"I have a Licence for Animals, such as a Riding Establishments Licence or an Animal Boarding Licence. Can I still open to the public?"

"I have a Pet Shop Licence. Can I stay open?"

### **"I have a Licence for Animals, such as a Riding Establishments Licence or an Animal Boarding Licence. Can I still open to the public?"**

Yes. You need to take precautions. See FAQ in Part 1:

***"What should I do to keep the public safe?"***

## **"I have a Pet Shop Licence. Can I stay open?"**

Yes. You need to take precautions. See FAQs in Part 1:

***"What should I do to keep the public safe?"***

***"Where do customers have to wear Face Coverings?"***

***"Do STAFF in shops and bars need Face Coverings?"***

## **18. Vaccine Passports**

Questions:

"Where are the rules about Vaccine Passports?"

"Where can I get more advice about Vaccine Passports?"

"Where can customers get advice about Vaccine Passports?"

"Do the rules about Vaccine Passports apply to my Premises?"

"What are 'Late Night Premises' (so that the Vaccine Passport rules apply)?"

"What Premises have the 'nightclub'/'Late Opening' conditions?"

"How can I avoid having to check 'Vaccine Passports' ?"

"Can I close early to avoid having to check Vaccine Passports?"

"Are there other exceptions?"

"If my Premises ARE "Late Night Premises", what do I need to do?"

"What details must I ask a customer for?"

"Who does NOT need a Vaccine Passport?"

"If I break the rules about Vaccine Passports, what could happen?"

"What is a 'Relevant Event'?"

## **"Where are the rules about Vaccine Passports?"**

The main rules about all the Coronavirus restrictions are

The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 No. 277 which are on a free Government Internet site:

<https://www.legislation.gov.uk/ssi/2021/277>

These were made in August 2021. The rules about vaccine passports were added on Thursday 30th September 2021 and came into force the next day. These extra rules are Regulations 7A to 7E and are included in that Government website.

## **"Where can I get more advice about Vaccine Passports?"**

The Scottish Government's main website about Coronavirus is:

<https://www.gov.scot/coronavirus-covid-19>

On that page, you will find advice on many issues under the heading "Information and support".

One of these headings is "COVID-19 vaccine (including vaccine certificates)".

The advice to businesses is on the webpage:

**"Coronavirus (COVID-19): vaccine certification scheme - information for businesses and event organisers"**

at:

<https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-businesses-event-organisers>

## **"Where can customers get advice about Vaccine Passports?"**

The Scottish Government's website about Coronavirus includes:

**"Coronavirus (COVID-19): vaccine certification scheme - information for customers"**

at:

<https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-information-for-customers>

## **"Do the rules about Vaccine Passports apply to my Premises?"**

The rules only apply if your Premises are "Late Night Premises"

**but**

the definition of "Late Night Premises" is not the same as the Premises, or parts of Premises, which were already covered by 'nightclub conditions" (The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, No. 336)

**So**

- premises which open after 24.00 midnight might be "Late Night Premises" (and so covered by the Vaccine Passport rules) **even if**
- they do not have the 'nightclub' / "Late Opening" conditions.

<b>Important</b>
This means that a public house with a dance-floor might have to check "Vaccine Passports" unless it closes its bar or its dance-floor by 24.00 midnight.

**"What are 'Late Night Premises' (so that the Vaccine Passport rules apply)?"**

The Vaccine Passport rules only apply if all 3 of these conditions are met:

- (a) alcohol is served at any time between 00.00 hours and 05.00 hours,
- (b) there is a dancefloor, or other designated space, provided for dancing by customers, and
- (c) live or recorded music for dancing is played.

**"What Premises have the 'nightclub'/'Late Opening' conditions?"**

<b>Important</b>
There is a difference between: <ul style="list-style-type: none"><li>- Premises which have the "Late Opening" conditions, and</li><li>- "Late Night Premises"</li></ul>

The "Late Opening" conditions apply to Premises where the Operating Plan allows the Premises (or part of the Premises) to open after 1.00 a.m.. In North Ayrshire, many public houses are licensed to either 24.00 midnight or 1.00 a.m., depending on the day of the week. Most Premises in North Ayrshire have only the basic conditions which apply during the day as well, and few Premises have "Late Opening" conditions.

The extra conditions apply if the Premises regularly open after 1.00 a.m.. There are 6 extra conditions:

The Schedule has 6 conditions, requiring

- 1. a First Aider
- 2. a Personal Licence Holder

3. policies about fire and drugs
4. CCTV
5. wellbeing checks
6. door stewards

Condition 1 always applies. Conditions 2-6 apply to Premises where, broadly (there are exceptions), there are more than 250 people:

- standing  
and/or
- dancing,
  - listening to loud music, or
  - watching displays of 'adult entertainment'.

## **"How can I avoid having to check 'Vaccine Passports' ?"**

You have options:

### **Option 1: continue serving alcohol after 24.00 midnight:**

if the premises have live or recorded music, but no dancing, they don't need vaccine checks

### **Option 2: close the bar at 24.00 midnight:**

if the premises have dancing and music they can avoid needing vaccine checks if they don't serve alcohol after 24.00 midnight:

- the customer can still drink any drink served before then, until the end of Licensed Hours plus the usual 'drinking-up' time afterwards **but**
- the bar cannot stay open after 24.00 midnight even to serve drinks that have been bought and paid for before then.

## **Why are there these Options?**

The "Vaccine Passport" rules take a different approach from the Licensing (Scotland) Act 2005. Usually if Licensed Premises were licensed to 24.00 midnight, they could still allow 15" drinking-up time to their customers, so long as the drink had been sold before 24.00 (Licensing (Scotland) Act 2005, Section 63(2)(a); the extra time in restaurants is 30").

Licensed Premises can still allow 15" drinking-up time after Licensed Hours, but **now** (because of the 'Vaccine Passport' rules) as well:

**the drink must be served to the customer by 24.00 midnight.**

This is because of the definition of "Late Night Premises" in the "Vaccine Passport" Regulations (The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2021 No. 349). This definition is:

*"means any premises at which—*

- (a) *alcohol is served at any time between 0000 hours and 0500 hours,*

(b) *there is a dancefloor, or other designated space, provided for dancing by customers, and*

(c) *live or recorded music for dancing is played"*

The regulations only apply if all 3 conditions are met, so public houses, restaurants or other Licensed Premises (like venues with Occasional Licences) open after 24.00 midnight have a choice.

## **"Can I close early to avoid having to check Vaccine Passports?"**

This is your choice, and there will be no action against you if you do. This is the effect of Regulation 7D.

## **"Are there other exceptions?"**

You do not need to collect Vaccine Passport information or refuse entry if the Premises are being used for a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a marriage ceremony, civil partnership registration or funeral.

## **"If my Premises ARE "Late Night Premises", what do I need to do?"**

You will need to have a "Compliance Plan" in place by 5.00 a.m. on Monday 18 October 2021, and then operate it.

You can get a blank Compliance Plan template from the Scottish Government website:

<https://www.gov.scot/publications/coronavirus-covid-19-vaccine-certification-scheme-businesses-event-organisers/pages/compliance-plan-template>

A Compliance Plan describes a system for—

- (a) checking that persons on, or seeking to enter, the premises are permitted to be on the premises, and
- (b) removing from, or refusing access to, those premises anyone found by those checks not to be permitted to be on the premises, any
- (c) any other measures that are, or will be, in place to prevent, or minimise, the risk of coronavirus being spread on the premises.

That system will also have to be able to process data, for example, recording the details of each person checked so that if you check the person's details one day and the person returns another day but does not have a 'vaccine passport' document, you can still let the person enter because you know the details have already been checked.

If you let customers in because they are under 18, you should keep a note of their name and date of birth, because they might want to enter later, when they are 18.

You must:

- keep the Compliance Plan for at least period of 6 months, beginning with the date that version of it was created,
- keep any customer details confidential, and only use them for deciding if he/she is permitted to be on the premises
- show the Compliance Plan if asked by a Council officer or the Police.

Regulation 7C applies.

## **"What details must I ask a customer for?"**

See also the next FAQ:

### ***"Who does NOT need a Vaccine Passport?"***

The customer must have proof either:

- that they are under 18, or
- of two vaccinations against Coronavirus, where the last one was more than 14 days before the customer wants to enter your Premises.

You should refuse entry after 24.00 midnight to anyone who does need a Vaccine Passport unless patrons produce either:

- the NHS Covid Status App showing that the patron has had two vaccination injections against COVID more than 14 days ago, or
- a letter from the NHS saying this.

Both the App and the letter should have two QR codes.

### **Example:**

Suppose that a person wants entry on Monday 18 Oct 2021 - what is the latest day they could have had their second injection? They must have had it before Monday 4 October 2021.

### **Details:**

The customer must be "Fully Vaccinated". This means that he/she has "Completed a Course of Doses" of an "Authorised Vaccine" with the final dose having been received before the start of the period beginning with the 14th day before the date on which they seek to enter the "Late Night Premises" or "Relevant Event". "Completed a Course of Doses" is defined by Reg. 7E(2). A Person has "Completed a Course of Doses" if he/she has had one or other of the "Authorised Vaccines". That fact alone is not enough to secure entry. When is entry permitted? The phrase is "before the start of the period beginning with the 14th day before the date on which they seek to enter ...".

## **"Who does NOT need a Vaccine Passport?"**

Persons who

- (a) are under 18 years of age,
- (b) cannot be "Fully Vaccinated" against coronavirus for medical reasons,
- (c) are participating in, or have participated in, a trial of a vaccine against coronavirus,
- (d) is the person responsible for the premises (the Designated Premises Manager does not need a 'passport'),
- (e) employees or volunteers (the Premises Licence Holder and the staff),
- (f) an emergency responder,
- (h) a Council officer, Licensing Standards Officer, Police officer or other public official.

## **"If I break the rules about Vaccine Passports, what could happen?"**

The usual way that any rules about Coronavirus are enforced is by

- the Council issuing a Fixed Penalty Notice
- the Police charging you

Those two enforcement procedures will not apply to Vaccine Passports until Monday 18 October 2021.

Apart from those, the Licensing Board might consider that Premises which fail to have a suitable "Compliance Plan" have acted against the Licensing Objectives of "securing public safety" and "protecting and improving public health". This means the Board might consider revoking or suspending the Premises Licence. The Board might also take action against the Designated Premises Manager's Personal Licence.

## **"What is a 'Relevant Event'?"**

These FAQs deal mainly with how the Vaccine Passport rules apply to Premises selling alcohol, but they also apply to -

- Indoor events with more than 500 people (unless they are all seated)
- Outdoor events with more than 4,000 people (unless they are all seated)
- Events with more than 10,000 people (seated or not)

Ask the Council's Protective Services Department if you are planning an event like this. There are some exemptions. It is likely to be enough for you to check only a proportion of the people: the Scottish Government will publish guidance about that.

