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City of Glasgow Licensing Board

Report by Clerk to the Licensing Board

Date: 4 September 2020

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Item

Licensing (Scotland) Act 2005

Temporary arrangements for the repurposing of nightclub premises

FOR MEMBERS AND APPROPRIATE OFFICERS OF THE LICENSING BOARD ONLY

Purpose of Report:

To ask Members to consider approving the introduction of a temporary minor variation process to allow the repurposing of nightclubs as bars while restrictions on their operation continue to apply.

Recommendations

Members are asked to:-

- (1) Note the terms of the report and the ongoing challenges facing the city's nightclubs.
- (2) Agree to the introduction of a temporary minor variation process to allow for changes to be made to premises licences to facilitate the temporary repurposing of nightclub premises while restrictions continue to apply; and
- (3) Agree that that the grant of a temporary minor variation application would be delegated to the Clerk to the Licensing Board, subject to the submission of a satisfactory operating plan, layout plan and Covid-19 risk assessment.

1 Background

Members will be aware that nightclub premises across the city have remained closed since the introduction of restrictions to licensed premises on 20 March 2020 in response to the COVID-19 pandemic.

While other parts of the licensed trade have been permitted to reopen following the easing of lockdown restrictions, the Scottish Government's Route Map to Recovery does not yet include an indicative timescale for the reopening of nightclubs due to concerns for social distancing in terms of their current mode of operation.

Given the impending winding down of the UK Government Furlough Scheme, it is anticipated that a number of nightclub operators in the city may seek to explore opportunities for the

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temporary repurposing of their premises to operate as bars, or other types of premises, while the restrictions continue to apply.

Such changes would normally require a major variation of a premises licence, which would be subject to a fee of £200, a full statutory consultation process and can take several months to reach a hearing of the Licensing Board.

2 Proposal for the Introduction of a Temporary Minor Variation Process

In order to support the city's nightclubs by facilitating requests for the temporary repurposing of premises licences, Members are asked to agree to the introduction of a "Temporary Minor Variation Application" which would allow nightclub operators to make changes to their premises licence, operating plan and layout plan without the need to go through the full major variation process which is required in relation to permanent changes to premises licences.

Where nightclub premises propose operating as a bar, with customers seated at tables, this application would allow them to operate on a temporary basis with standard licensed hours of 11am to 12 midnight each day of the week, subject to ongoing compliance with the relevant regulations and the Scottish Government COVID-19 Tourism and Hospitality Guidance.

The temporary minor variation application would require the premises licence holder to submit a draft operating plan, layout plan and COVID-19 risk assessment along with a fee of £20.

Police Scotland, Licensing Standards, Building Standards and Environmental Health would be consulted on the proposals, and, subject to satisfactory reports, the application could be granted by the Clerk to the Licensing Board under delegated powers.

If granted, the variation to the premises licence would take effect for a temporary period, subject to review as guidance from the Scottish Government continues to change, for example in relation to allowing the reintroduction of music and other forms of indoor entertainment. This would be a relevant consideration in relation to allowing a return to later licensed hours where alcohol can be sold ancillary to the provision of substantial forms of entertainment.

By allowing for these changes to be made by way of a temporary minor variation, it will facilitate premises being able to more easily return to their existing operating plans and layout plans when nightclubs are able to reopen.

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