

# MINUTE

‘A&B’

## Licensing Committee

Council Chamber, Town Hall, Lerwick

Tuesday 6 December 2011 at 10.15am

### Present:

J Budge	A T J Cooper
A J Cluness	J H Henry
A Hughson	G Robinson
J G Simpson	C L Smith

### Apologies:

None

### In Attendance (Officers):

B C Hill, Acting Divisional Manager - Legal

M Dunne, Executive Manager – Environmental Health and Trading Standards

A Jarden, Building Standards Manager

Insp. E Graham, Northern Constabulary

L Gair, Committee Officer

### Chair

Mr J Budge, Chair of the Committee, presided.

### Circular

The circular calling the meeting was held as read.

### Declarations of Interest

None.

### 13/11 Minutes

The minutes of the Licensing Committee meeting held on 26 October 2011, having been circulated, was confirmed.

### 14/11 Late Hours Catering Licence – Licence to be Determined

The Committee considered a report by the Executive Manager - Environmental Health and Trading Standards (ES-18-11-F) that sought a decision to be made on an application for a Late Hours Catering Licence, for Phusiam Restaurant and Take Away, to which there has been adverse representation.

The Committee were provided with a copy of the objection letter received from the owners of the Relish Van.

Members were advised that the applicant was not present and the representative for the objector was present.

The Executive Manager - Environmental Health and Trading Standards introduced the main terms of the report and highlighted the grounds for objection referred to in the letter of objection. Members were advised that they had the discretion to waive the 50m restrictions, however this may be deemed a discriminatory act against the objector, as this is a condition on the licence held by the Relish Van.

The Police provided their observations and advised that the level of violence in the town centre was down. Inspector Graham said that it was difficult to determine whether this application would encourage a higher concentration of people in the area.

The Building Standards Manager confirmed that there is no building warrant currently in place, and the plans recently received with a Building Warrant application were insufficient to determine if the standards had been met.

The Chair invited the objector's representative, Catherine Williams, to address the Committee. Ms Williams explained how the approval of the application would have an adverse impact on her Parent's business and in turn affect the number of staff they employ.

Mr Robinson recalled that the previous owner of the premises had been turned down and it would be inconsistent of the Committee to grant the licence in this instance. He said that the lack of a building warrant was a concern. Mr Robinson moved that the Committee refuse the grant of a Late Hours Catering Licence. In seconding, Mr Cooper agreed with Mr Robinson that approval could set a precedent.

Mr Smith referred to the application and noted that the Relish Van only operates at the weekends and asked if there was any way that the application could be approved during the times when the Relish Van is not there. The Executive Manager - Environmental Health and Trading Standards advised that the applicant would not be able to re apply for a licence within a year, unless there was a material change of circumstances. She advised that if the building warrant is attained the applicant could submit a further application for the times that the Van is not there.

Mr Cooper highlighted the issue of appropriate advertising and asked if the applicant had advertised the application properly. The Executive Manager - Environmental Health and Trading Standards said that Officers do carry out checks from time to time however, on this occasion, she had no evidence to prove that advertising did or did not take place properly and she used her discretion to accept the objection.

### **Decision**

The Committee **RESOLVED** to refuse the grant of late hours Catering Licence for Phusiam Restaurant and Take Away

The meeting concluded at 10.30am.

CHAIR