

MINUTE

‘A&B’

Licensing Committee
Council Chamber, Town Hall, Lerwick
Friday 20 January 2012 at 10.15am

Present:

J Budge	A T J Cooper
J H Henry	A Hughson
J G Simpson	

Apologies:

A J Cluness	G Robinson
C L Smith	

In Attendance (Officers):

B C Hill, Acting Divisional Manager - Legal
M Dunne, Executive Manager – Environmental Health and Trading Standards
D Polson, Team Leader - Transport Operations
N Sineath, Planning Enforcement Officer
Insp. E Graham, Northern Constabulary
L Gair, Committee Officer

Also in Attendance:

R S Henderson

Chair

Mr J Budge, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

01/12 **Minutes**

The minutes of the Licensing Committee meeting held on 6 December 2011, having been circulated, was confirmed on the motion of Mr Hughson, seconded by Mr Budge.

02/12 **Late Hours Catering Licence – Licence to be Determined**

The Committee considered a report by the Executive Manager - Environmental Health and Trading Standards (EHTS-01-12-F) that sought a decision to be made on an application for a Late Hours Catering Licence, from Lang Gosh, to which there has been adverse representation.

The Committee were provided with a copy of the objection letter received from the licence holder for the Harbour Fish and Chip Shop.

Members were advised that the objector was present but the applicant was not present. The Executive Manager – Environmental Health and Trading Standards circulated a copy of a letter dated 17 January 2012 received from the applicant in response to the objections.

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. She explained that the Lang Gosh would be specialising in Hungarian Breads which was not the same class of hot food provided by the Harbour Fish and Chip Shop. She explained the Planning condition that limited the Lang Gosh's opening hours to 11pm and referred to the issue regarding the extraction fan that had been brought to the Board's attention under the previous owner's application. The Executive Manager - Environmental Health and Trading Standards explained that in order to overcome these issues the Board might consider the grant of the late hours catering licence with conditions applied.

Inspector Graham confirm that there was no concerns from the Police on this application but noted that the two premises being within 50m of each other may present issues relating to dispersal of the public.

Mrs Rasul, the objector, was invited, by the Chair, to address the Committee. Mrs Rasul said that the Lang Gosh was close to the Harbour Fish and Chip Shop only 25-30 metres. She said that the Lang Gosh currently opened from 10am to 7pm and questioned why they did not open stay till 11pm as that is what they were licensed to do. She questioned their need to open beyond 11pm. Mrs Rasul referred to the Civic Government (Scotland) Act and said that catering activity could not be engaged within 50 metres of her business.

In response to a query, the Planning Enforcement Officer advised that a planning condition states that the premises may be open until 11pm. He said that the applicant could not operate beyond 11pm as this would be in contravention of their planning permission, but there were options available if the applicant wished to pursue a change of that condition.

Mr Cooper said that the applicant needed to comply with the planning permission and ensure that the ventilation system was maintained. Mr Cooper moved that the Committee refuse the grant of a Late Hours Catering Licence for Lang Gosh, seconded by Mr Simpson.

The Acting Divisional Manager - Legal advised that the 1982 Act restricted reapplication, within 1 year of a refusal, unless there was a material change of circumstances. He confirmed that a change in planning permission might be considered by the Committee to be material such as to allow the Lang Gosh to reapply within 1 year if the change was made.

Decision

The Committee **RESOLVED** to refuse the grant of late hours Catering Licence for Lang Gosh.

03/12

Review of Taxi Tariffs and Taxi Rules – Consultation Feedback and Proposed Changes

The Committee considered a report by the Team Leader – Transport Operations (ETO-01-12-F), which presented the feedback from the review of taxi tariffs and the rules and codes of practice for taxi operators and drivers.

The Team Leader introduced the main terms of the report. Members expressed some concern regarding the change in tariffs, but acknowledged that the taxi operators had suggested most of the changes that were being presented. Members welcomed the work being done on the formulation of training for drivers and were please that this would include first aid training and information on reporting accidents.

The Chair advised the Committee that a permanent taxi rank, off the pier, was being considered. As well as alleviating capacity problems, on the pier, experienced by taxi drivers during the summer cruise line season, Members were advised that this would save the Council approx. £7,000 currently being paid to the Lerwick Port Authority.

Members also requested that cruise lines and the public be informed of the new excursion rates, and how these would be applied.

Mr Simpson moved that the Committee approve the recommendations contained in the report, seconded by Mr Cooper.

Decision:

The Committee **RESOLVED** to approve the proposed maximum taxi tariffs for the next 18 months and the proposed rules.

04/12

SIALB/Licensing Committee – Proposed Dates for 2012

The Committee considered and approved a report by the Clerk to the Shetland Islands Area Licensing Board/Executive Manager – Governance and Law (GL-05-12-F), which presented the proposed meeting dates for 2012.

Decision:

The Committee **RESOLVED** to approve the meeting dates for 2012.

The meeting concluded at 10.45am.

CHAIR