

SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 15 NOVEMBER 2013

1. Application for Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>On-Sales/Off Sales/Both</u>
(a) Sodexo 5 th Floor The Exchange No. 2 62 Market Street Aberdeen AB11 5PJ	Sans Vitesse Accommodation Barge Victoria Pier Lerwick Shetland ZE1 0LL	On

• Core Times

On Sales

	Opening	Terminal
Mon	17.00	24.00
Tue	17.00	24.00
Wed	17.00	24.00
Thurs	17.00	24.00
Fri	17.00	24.00
Sat	17.00	24.00
Sun	17.00	24.00

- Seasonal Variation – None
- Other Activities – Accommodation, restaurant facilities, recorded music, films, gaming, indoor sports, televised sport
- Children or Young Persons admitted - No
- Capacity in bar area - 150 persons
- Premises Manager – Barney William Wallace Harris

LSO comments: No objections

Community Council comments: *Application (Victoria Pier) will be at Community Council meeting on 4 November. CC Clerk will complete pro-forma form day after meeting.* No objections (Mairs Quay)

Building Standards comment: No objections

Police comments: No response received

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2. Application for Variation other than a Minor Variation of Premises Licence

	<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>
(a)	Raymond John Smith	Monty's Bistro 5 Mounthooly Street Lerwick Shetland ZE1 0BJ	Change to Premises Licence so televised sport can be shown on the premises during licensed hours.
	LSO comments:	No response received	
	Community Council comments:	No objections	
	Building Standards Manager comments:	No response received	
	Police comments:	No objections	

SHETLAND ISLANDS AREA LICENSING BOARD

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15 November 2013

Licensing (Scotland) Act 2005

Chief Constable's Report to the Shetland Islands Area Licensing Board

1. Introduction

- 1.1 In terms of section 12A of the Licensing (Scotland) Act 2005 the Chief Constable is required to report to the Licensing Board annually. The matters which that report must consider are matters relating to policing in connection with the operation of the Licensing (Scotland) Act 2005 and any steps the Chief Constable has taken or intends to take to prevent the sale or supply of alcohol to children or young people in the area. The report is attached as Appendix 1.

2. Background

- 2.1 This requirement to provide an annual report was introduced from 1 April 2012. This is the first annual report and covers the period from 1 April 2012 to 31 March 2013.

3. Recommendation

The Board is asked to consider the terms of the report and whether any further action is required in response to it.

Depute Clerk to the Licensing Board

Ref: Z/Gen SB



**POLICE
SCOTLAND**

Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
SHETLAND ISLANDS AREA LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31st March 2013**

Foreword

It gives me great pleasure to introduce my first report to Licensing Boards and to the Licensing Forums as the first Chief Constable of Police Scotland. As you will be aware, 1st April 2013 saw the formation of the Police Service of Scotland, merging eight forces to provide great opportunities to share resources and expertise and also to develop a consistent level of policing across the country.

My report to you reflects the work carried out by the eight legacy forces under their respective Chief Constables over the 2012/13 year and it outlines what steps I will take in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

There is an increasing body of evidence to demonstrate the harm that is caused by alcohol across all our communities and the cost of this is a huge burden on the public purse. Where alcohol is sold irresponsibly or when alcohol is misused or abused, we will seek all necessary steps to prevent any recurrence, reporting licence holders to COPFS and also to the relevant Licensing Board.

Police Scotland will build on the existing foundations and successes we have achieved so far and working together with partners we will identify and tackle alcohol misuse at its core, reduce alcohol related crime and the harm it causes. I want to deliver long term change, positively improving the quality of life for individuals, families and communities throughout Scotland, underpinned by our core message - keeping people safe.

Steve House
Chief Constable

SHETLAND ISLANDS AREA LICENSING BOARD

Police Service of Scotland Priorities

The national priorities for the Police Service of Scotland for 2013-2014 are:

- **Reduce violence, disorder and antisocial behaviour**
- **Protect the public**
- **Increase road safety and reduce road crime**
- **Tackle serious organised crime and terrorism**
- **Effectively police major events and threats**
- **Maintain high levels of public confidence in policing**
- **Deliver our equality and diversity outcomes**

Shetland Islands Area Command Policing Priorities

Following our public consultation process, the policing priorities for the Shetland Islands Area Command, as set out in our Local Policing Plan are as follows;

- Increase Public Confidence and Local Engagement
- Protecting People
- Road Policing
- Violence, Disorder and Anti-Social Behaviour
- Serious Crime
- Emergency Planning and Resilience

Senior Officers

The senior officers who hold responsibility for licensing within the Shetland Islands Area Command are as follows;

Chief Superintendent Julian Innes
Superintendent Gus Macpherson
Chief Inspector Angus MacInnes
Chief Inspector Colin Gough
Inspector Archie Henderson
Sergeant Roddy Nicolson

Divisional Commander
Partnerships Superintendent
Area Commander
Functional Chief Inspector DCU
Inspector DCU
Licensing Sergeant DCU

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the over supply to already intoxicated individuals in licensed premises.

Consultation and Review processes

Breakdowns of licensing applications, interventions and review applications received by Shetland Islands Area Command, Highland & Islands Division are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

The Intervention process

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action.

If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

Continued emphasis is placed on ensuring each application is thoroughly examined to ensure applicants are suitable and to protect the local authority and prevent OCG opportunities in the area. Good working relationships continue between Police Scotland and its partners, in the forthcoming year further initiatives are planned to involve more partners with greater effect in achieving successful outcomes.

Looking ahead (2012-2013) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled anti social behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing anti-social behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade, utilising a problem solving approach to day to day issues. By working with the licensed trade, we seek to drive up licensing standards in premises and utilise a robust Inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

Understanding why children and young persons drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons, by problematic premises or by proxy (agent purchase), and working with our partners take the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1st October 2011 has not seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children or young persons purchasing alcohol themselves.

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

Appendix A

Shetland Islands Area Command
Summary of Policing in connection with the operation of the
Licensing (Scotland) Act 2005

Applications for a Premises Licence Review		Total
Premises Licences (Sec 36)	On sale	0
	Off sale	0
Personal Licences (Sec 84A)	On sale	0
	Off sale	0
Interventions		Total
Premises Interventions	On sale	4
	Off sale	3
No. of interventions which led to a review application		2
No. of interventions where no further action was required		0
Test Purchasing Operations		Total
Number of Test Purchases conducted		0
Number of first failures		0
Number of second failures		0
Number of Premises Licence Review applications based on Test Purchase failure		0
Number of Personal Licence Review applications based on Test Purchase failure		0
Number of offences reported to COPFS		Total
Section 63 (allowing consumption outwith permitted hours)		1
Section 102 (sale of alcohol to a child)		3
Section 105 (sale on behalf of a child)		5
Section 111 (Drunk persons within licensed premises)		0
Section 114 (DPM not to be drunk)		0
Section 116 (Refusal to leave licensed premises)		2

**Shetland Area Licensing Board
15 November 2013**

Alcohol Licensing for Halls at Up Helly Aa and Fire Festivals

1. Introduction

- 1.1 The Licensing Board has been proactive since the introduction of the Licensing (Scotland) Act 2005, in finding a way to regulate the Fire Festival and Up Helly Aa events to ensure that the alcohol was being consumed lawfully at the events. This report is seeking confirmation from the Licensing Board whether they wish to grant a general extension for Up Helly Aa Halls and Fire Festival Halls in 2014.

2. Discussion

- 2.1 It is an offence under the Licensing (Scotland) Act 2005 if a person sells alcohol, or allows alcohol to be sold, or allows the consumption of alcohol on licensed premises outwith licensed hours (and after the 15 minute drinking up time).
- 2.2 In December 2009 the Chair and Vice Chair of the Shetland Islands Area Licensing Board met with the organisers of the Up Helly Aas and Fire Festivals to find a solution to ensure alcohol consumption on the licensed premises during these events was in compliance with the Licensing (Scotland) Act 2005. Following this meeting a number of options were considered by the Licensing Board and they determined that an extension under Section 67 of the Act would be issued as they were special events of national and local significance. An extension was granted to licensed halls to permit the consumption of alcohol lawfully for the duration of the event, and to permit the sale of alcohol until 3.30am. This approach was also applied in 2011, 2012 and 2013.
- 2.3 In these previous three years general extensions to licensed hours have been granted for:
- the period of the Jarl's Breakfast;
 - the Lerwick Up Helly Aa Licensed Halls were granted a licence until event close at 9am although the bars will close at 3.30am
 - The other Up Helly Aa and Fire Festival Licensed Halls have been granted extension until the event close at 4am although the bars close at 3.30am.
- 2.4 The Depute Clerk's Team have contacted the Committees and Premises Managers to establish which halls will be used and to confirm the dates of the Up Helly Aas and Fire Festivals.

3. Recommendation

- 3.1 I recommend that the Shetland Islands Area Licensing Board consider whether they wish to declare the Up Helly Aas and Fire Festivals special events of local and national significance, and if so minded determine, under section 67 of the Licensing (Scotland) Act 2005 that licensed hours shall be extended for:
- the period of the Jarl's Breakfast (for each event where appropriate);
 - the Lerwick Up Helly Aa Licensed Halls will be granted a licence until event close at 9am although the bars closed at 3.30am
 - The other Up Helly Aa and Fire Festival Licensed Halls will be granted an extension until the event close at 4am although the bars close at 3.30am.

Depute Clerk to the Board

The Shetland Area Licensing Board wish to declare the Up Helly Aas and Fire Festivals special events of local and national significance, and determines, under section 67 of the Licensing (Scotland) Act 2005 that licensed hours shall be extended as follows for the specified licensed premises:

Scalloway Fire Festival: 10th January 2014

Scalloway Boating Club to be granted an extension from 8am until 9am.
Burra Hall, Bridge End Hall, Scalloway Hall, Tingwall Hall, Scalloway British Legion and Scalloway Boating Club to be granted an extension until the event close at 4am on 11th January 2014, although the bar will close at 3.30am.

Lerwick Up Helly Aa: 28th January 2014

Lerwick British Legion to be granted an extension from 9:15am
Sound Hall, and Lerwick British Legion to be granted an extension until event close at 9am on 29th January 2014 although the bar will close at 3.30am.

Nesting & Girsta Up Helly Aa: 7th February 2014

South Nesting Hall to be licensed from 8am.
Whiteness and Weisdale Public Hall, South Nesting Hall and North Nesting Hall to be granted an extension until event close at 4am on 8th February 2014 although the bar will close at 3.30am.

Uyeasound Up Helly Aa: 14th February 2014

Uyeasound Public Hall to be granted an extension until event close at 4am on 15th February 2014 although the bar will close at 3.30am.

Northmavine Up Helly Aa: 21st February 2014

Hillswick Hall, Sullom and Gunnister Hall, Ollaberry Hall, North Roe Hall and Lochend Halls to be granted an extension until event close at 4am on 22nd February 2014 although the bar will close at 3.30am.

Bressay Up Helly Aa: 28th February 2014

Bressay Hall to be granted an extension until event close at 4am on 1st March 2014 although the bar will close at 3.30am.

Cullivoe Up Helly Aa : 28th February 2014

Cullivoe Hall to be granted an extension from 7am until event close at 4am on 1st March 2014 although the bar will close at 3.30am.

Norwick Up Helly Aa: 1st March 2014

North Unst Public Hall to be granted an extension until event close at 4am on 2nd March 2014 although the bar will close at 3.30am.

South Mainland Up Helly Aa: 14^h March 2014

Gulberwick Hall to be granted an extension from 8am.

Gulberwick Hall, Cunningsburgh Hall, Sandwick Social Club, Bigton Hall and the Ness Boating Club to be granted an extension until event close at 4am on 15th March 2013 although the bar will close at 3.30am.

Delting Up-Helly-Aa: 21st March 2014

Northern Lights (Brae Hotel) to be granted an extension from 8am.

Brae Hall, Brae Hotel, Mossbank Hall, Voe Hall, Vidlin Hall, Delting Boating Club to be granted an extension until event close at 4am on 22nd March 2014 although the bar will close at 3.30am

**Shetland Area Licensing Board
15 November 2013
Christmas and New Year Licensing Hours**

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1. Introduction

- 1.1 Under Section 67 of the Licensing (Scotland) Act 2005, the Shetland Islands Area Licensing Board have the a power to grant general extensions if they consider it appropriate to do so for a special event of local or national significance.

2. Discussion

- 2.1 The Shetland Islands Area Licensing Board applied this power to cover Christmas and New Year extensions during December 2009. This addressed potential inconsistency when considering applications where premises have applied for individual extensions to their licence and also addressed the tendency under the previous Licensing Act for licensed premises to seek increasingly longer extensions for the festive period. The majority of on sales premises included a reference to the festive period in their seasonal variations in their operating plan but these were not specific in the dates and times.
- 2.2 Although the Board approved a general extension in 2009 (of 2am on the evenings of Tues 22, Wed 23, Tues 29 and Wed 30 December 2009), when it came for consideration in 2010, at their meeting on 9 December 2010, the Board decided against any general extension beyond 1am. It was also noted at that meeting that some premises in Lerwick had licensing hours to 2am on Fridays and Saturdays. In 2011 and 2012 the Board decided against any general extensions.
- 2.3 There have been no approaches made by the Licensed Trade Association for a general extension for the Christmas and New Year period of 2013. It should be noted that no applications for occasional extensions to cover from 1am to 2am for dates over the Christmas period have been received to date.
- 2.4 The Board are invited to consider whether they wish to issue a general extension in 2013. There will be some premises, which will be able to open to 2am on the Fridays and Saturdays of the festive period, as this is their normal licensing hours in their operating plans.
- 2.5 Alternatively the Board could apply the same approach as 2010, 2011 and 2012, where no general extension was granted.

3. Recommendation

- 3.1 I recommend that the Board consider whether they wish to grant a general extension for the festive period to permit premises to stay open until 2am and if so, determine the dates that this general extension will cover.

Depute Clerk to the Board

15 November 2013

Late Payment of Fees

1. Introduction

- 1.1 Premises Licences are due for renewal annually. Each licence is subject to an annual fee. Most premises licence holders timeously pay the annual fee. Some do not. This report asks Shetland Islands Area Licensing Board to consider whether they wish to propose to review those licences whose holders have failed to pay their annual fee due 1 October 2013.

2. Detail – Statutory Provision

- 2.1 Section 37(1) of the Licensing (Scotland) Act 2005 states that the appropriate Licensing Board in respect of any licensed premises in relation to which a premises licence has effect may, on their own initiative, propose to review the licence on any of the grounds for review.

A proposal under section 37(1) is referred to as a “premises licence review proposal”.

- 2.2 The powers of the Board at a licence review are specified in Section 39. If the Board are satisfied that the grounds of review are established the Board can, in order to promote the licensing objectives, take the following steps:

- (a) Issue a written warning to the licence holder.
- (b) Make a variation of the Licence.
- (c) Suspend the Licence.
- (d) Revoke the Licence.

- 2.3 The grounds for review under section 37(1) are:

- (a) that one or more of the conditions to which the premises licence is subject has been breached, or
- (b) any other ground relevant to one or more of the licensing objectives.

- 2.4 A premises licence review proposal must specify the alleged ground for review, including in particular – (a) where the ground is that specified in subsection 36(3)(a), the condition or conditions alleged to have been breached.

- 2.5 It is a mandatory condition of any premises licence that the annual or other recurring fee to be paid by virtue of the regulations made under section 136(1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations. Regulation 7 of the Licensing (Fees)(Scotland) Regulations 2007 states that the holder of a premises licence which is in effect or is suspended must make payment of an annual fee in respect of the performance in relation

to that licence of functions by the relevant Board, the council within the area of which the premises are situated and that council's Licensing Standards Officers.

2.6 Annual fees are due on 1 October each year.

3. Detail - Facts

- 3.1 Most premises licence holders in Shetland Islands Area ensure that the annual fee for the premises to which the licence relates is paid timeously either in full or in instalments. All licensees received notification from the Board of the due date and the fee level prior to the due date. In addition those licensees listed who have not paid have received a second reminder.
- 3.2 The premises licences in Appendix 1 have failed to pay and are in breach of the conditions of their premises licence.
- 3.3 The Board is therefore entitled to consider whether a premises licence review proposal should be carried out for each of the premises listed in Appendix 1.

4. Decisions Required

- 4.1 The Board is asked to consider the information provided and decide whether:-
 - 1. The Board wishes to propose to review any or all of the licences noted in Appendix 1 on the ground that each has breached a condition of the licence by failing to pay the annual fee.
 - 2. If the Board wishes to hold a review, the Board are asked to consider whether they wish to request the attendance of any specified person at the review hearing.

Depute Clerk to the Licensing Board

6 November 2013

Premises Name	Premises Address	Fee Cat	Fee	Comments
Alex Morrison Shop	5&9 Browns Buildings, Lerwick, Shetland, ZE1 0HJ	1	£180	
North Bridge Store	North Bridge, Cunningsburgh, Shetland, ZE2 9HB	1	£180	Shop closed earlier in the year. Annual fee letter asked for licence to be surrendered if they did not want to be liable for the fee. No response received.
Petrofac Laggan Tomore Accommodation Facility	Sella Ness Industrial Estate, Sullom Voe, ZE2 9QR	6	£900	Invoice raised and sent out: 20 August 2013 - 0003271810. Been informed that Petrofac invoices are all on 90 day terms so will not be paid until 28 November but they are hoping to put through an emergency requisition for payment to be processed next week but will not know if this request will be successful. Susan emailing Susan Mann from Petrofac.
Pierhead Restaurant & Bar	Lower Voe, Voe, Shetland, ZE2 9PX	2	£220	
	Sum outstanding		£1,480.00	

15 November 2013

**Licensing (Scotland) Act 2005
New Three Year Policy Statement - 2013/2016
Overprovision Assessment**

1. Introduction

- 1.1 Section 6 of the Licensing (Scotland) Act 2005 requires all Licensing Boards to publish a Licensing Policy Statement every three years. The new three year Licensing Policy Statement requires to be adopted by 30 November 2013.
- 1.2 The draft Licensing Policy Statement has been available for public inspection on the Board's website and parties who were known to have an interest were specifically invited to comment.
- 1.3 It should be noted that it is open to the Board to consider amendments to any new Licensing Policy Statement adopted by them, at any time they consider that circumstances warrant an amendment.

2. Feedback

- 2.1 There has been little feedback received externally on the terms of the draft Licensing Policy Statement. This is partly because there have not been sufficient opportunities presented for the Licensing Forum to discuss the terms of the Licensing Policy Statement after changes in the Licensing Standards Officer's team, which have reduced the availability of support for the Forum.
- 2.2 The Forum has suggested two changes to the draft policy:
 - a) Section 20 – Opening Hours - the Forum are largely in support of the general opening hours of 11am to 1am which they consider have worked well in practice. However they considered that the terminal hours for a nightclub should be extended to 3am. This would allow a better dispersal of people late in the evening and give a more distinct difference between night clubs and other establishments.
 - b) Section 21 - General Extensions - the Forum suggested that that Board should consider favourably the concept of a General Extension to opening hours for the festive season from the weekend before Christmas until the weekend following New Year. The Board has given general extensions for other events such as the Up Helly Aa celebrations and the Forum consider that the vast majority of the population want to go out and enjoy themselves at this time. If the Board were not of a mind to grant a general extension they suggest an alteration to the policy on Opening Hours over the festive season to allow a later terminal hour of 2 am for the generality of premises.

- 2.3 The Forum indicated that they would wish to have an opportunity to discuss the Statement of Licensing Policy in more depth and may have other suggestions to make.
- 2.4 Internally the licensing staff have proposed a minor improvement to the delegated authority at Appendix 1, paragraph (a) by deletion of the words “where no objections or representations have been received”. Section 31(1) of the Act requires the Board to grant a variation if that variation falls within the definition of a minor variation. There is therefore no power for the Board to do anything other than grant the application for a minor variation. It serves no purpose to circulate for comments an application for a minor variation when the Board has no option but to grant the application.

3. Recommendation

The Board is asked to consider the proposed changes to the draft Licensing Policy Statement set out in paragraphs 2.2 and 2.4 and decide whether or not to adopt them. The Board is thereafter asked to approve the Licensing Policy Statement, which is produced as an Appendix to this report. The Board is also asked to confirm that the Clerk should bring a further report to review the policy on receipt of any additional comments from the Licensing Forum.

Depute Clerk to the Licensing Board

Ref: Z0/18 SB