

# **SHETLAND ISLANDS AREA LICENSING BOARD**

**23 December 2013**

## **Premises Licence Review Hearing – Alex Morrison Shop, 5 & 9 Browns Buildings, Freefield, Burgh Road, Lerwick, Shetland**

### **1. Introduction**

- 1.1 Regulations made under the Licensing (Scotland) Act 2005 provide that the holder of a premises licence must make payment of an annual fee. The obligation imposed by statute is that the premises licence holder must pay the annual fee; and that fee is due on 1 October every year. The Depute Clerk to the Licensing Board (the "Clerk") wrote to the Premises Licence holder of Alex Morrison Shop, 5 & 9 Browns Buildings, Freefield, Burgh Road, Lerwick (the "Licensed Premises") to remind the licensee of the obligation to pay the annual fee of £180. When that invoice and licence fee was unpaid the Clerk sent a written reminder. The annual fee in respect of the Licensed Premises remained unpaid until 18 November 2013, that is, it was received more than one month late. On 15 November 2013 the Shetland Islands Area Licensing Board (the "Board") made a premises licence review proposal in respect of the Licensed Premises and it must now hold a hearing for the purposes of considering and determining the proposal. This report together with the premises licence review proposal presents the Board with the relevant information, asks the Board to consider whether the grounds for review are established and, if so satisfied, to take such steps as the Board considers necessary or appropriate.

### **2. Detail – Statutory Provision**

- 2.1 Section 37(1) of the Licensing (Scotland) Act 2005 (the "Act") 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 Section 38(1) of the Act requires that where a licensing board makes a premises license review proposal, the Board must hold a hearing (known as a "review hearing") for the purposes of considering and determining the proposal.
- 2.3 The powers of the Board at a licence review are set out in Section 39. If the Board is satisfied that a ground for review is established the Board may take such of the following steps as it considers necessary or appropriate for the purposes of any of the licensing objectives:
- (a) Issue a written warning to the licence holder.
  - (b) Make a variation of the Licence.
  - (c) Suspend the Licence.
  - (d) Revoke the Licence.

2.4 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.

2.5 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.

2.6 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. Annual fees are due on 1 October each year. 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.

### 3. Detail - Facts

3.1 The Board issued a Premises Licence (Appendix 1 hereto) under the terms and conditions of the Licensing (Scotland) Act 2005 in respect of Alex Morrison Shop, 5 & 9 Browns Buildings, Freefield, Burgh Road, Lerwick, Shetland. The said Licence commenced on 1 September 2011 and continues to be in effect. On 20 August 2013 the Clerk wrote a letter (Appendix 2 hereto) to the premises licence holder advising that the annual fee was due on 1 October 2013, that the amount of that fee was £180. When the annual fee remained unpaid the Clerk sent a reminder to the premises licence holder on 14 October 2013 (Appendix 3). Payment of the annual fee was made on 18 November 2013 by Mr Jordan Webb (Appendix 4), whose address is given as the licensed premises and who has represented that the business of the licensed premises has been transferred to him. An application has been made to transfer the licence, but this has not yet been processed. It is the duty of the Premises licence holder is to pay the annual fee on 1 October annually, or, with the agreement of the Board, by instalments.

3.2 On 15 November 2013 the Clerk reported the non-payment to the Board (Appendix 5) and the Board resolved (Appendix 6) to hold a review hearing in respect of the Alex Morrison Shop. A copy of this report is being sent to the Premises Licence Holder.

3.3 The Premises Licence holder failed to pay the annual fee due on the due date and is for that reason in breach of the conditions of the premises licence.

3.4 The Board must hold a review hearing for the purpose of considering and determining the proposal. Notice is being given the Premises Licence holder that a review hearing will be held on 23 December 2013.

4. Decisions Required

4.1 The Board is asked to consider and determine the premises licence review proposal and, if satisfied that the ground for review is established (whether or not on the basis of any circumstance alleged in the premises licence review proposal, to consider taking such, if any, of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives, namely:-

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

Depute Clerk to the Licensing Board

11 December 2013



## PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the  
Licensing (Scotland) Act 2005

Premises licence number: SI/PREM/081

Date of commencement of licence: 1 September 2009

**Postal address of premises**

Alex Morrison Shop  
5 & 9 Browns Buildings  
Freefield  
Burgh Road  
LERWICK  
Shetland

Postcode: ZE1 0HJ

Telephone number:

**Description of premises**

Licensed grocer, selling tobacco, alcohol, newspapers, groceries, soft drinks etc.

Mixed use premises: We are located in an urban area, at a busy thoroughfare, in a building approx. 100 years old, in an area of interest (Scottish Office Observation), not conservation. Above premises are occupied by four self contained flats.

**Licensed hours****ON SALES**

Day	ON Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

**OFF SALES**

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm

NOTES:

**Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence**

Timberlake Enterprises Ltd  
5 & 9 Browns Buildings  
Freefield  
Burgh Road  
LERWICK  
Shetland  
ZE1 0HJ

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

SC169030

**Name, postal address and telephone number of premises manager named in the operating plan**

Jordan Paul Webb  
24 Robertson Crescent  
Lerwick  
Shetland  
ZE1 0HS

**Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board**

SI/LIQ/311 - Shetland Islands Area Licensing Board

# **Licence Conditions**

## **Licensing (Scotland) Act 2005**

### **Mandatory Conditions for Off Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- c) is based on the strength of any alcohol,
- d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.



8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-
  - a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
  - b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	
1(b) Will alcohol be sold for consumption solely OFF the premises	Yes
1(c) Will alcohol be sold for consumption both ON and OFF the premises	

### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

### Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm

### Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	No
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*\*If YES – provide details*

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# **Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	No	N/A	N/A
<i>Conference facilities</i>	No	No	No
<i>Restaurant facilities</i>	No	No	No
<i>Bar meals</i>	No	No	No
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	No	No	No
<i>Club or other group meetings etc.</i>	No	No	No
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Recorded music – see 5(g)</i>	No	No	No
<i>Live performances – see 5(g)</i>	No	No	No
<i>Dance facilities</i>	No	No	No
<i>Theatre</i>	No	No	No
<i>Films</i>	No	No	No
<i>Gaming</i>	No	No	No

<b>5(a)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Indoor/outdoor sports</i>	No	No	No
<i>Televised sport</i>	No	No	No
<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	No	No	No
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

N/A

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

N/A

5(g) Late night premises opening after 1.00am

Will the music level exceed 85dB?	N/A
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When fully occupied, are there likely to be more customers standing than seated?	N/A
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**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
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6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

N/A
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6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

N/A
-----

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

N/A
-----

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

N/A
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**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

OFFSALES: The layout plan shows 14.55m<sup>2</sup> of frontage

### Question 8

**PREMISES MANAGER** (**NOTE: not required where application is for grant of provisional premises licence**)

*Personal details*

8(a) *Name*

Jordan Paul Webb

8(b) *Date of birth*

6 June 1988

8(c) *Contact address*

24 Robertson Crescent  
Lerwick  
Shetland  
ZE1 0HS

8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
13 October 2010	Shetland Islands Area Licensing Board	SI/LIQ/311



## SUMMARY OF PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the Licensing (Scotland) Act 2005

**Premises licence number; SI/PREM/081**

### Postal address of premises

Alex Morrison Shop  
5 & 9 Browns Buildings  
Freefield  
Burgh Road  
LERWICK  
Shetland

**Postcode:** ZE1 0HJ

**Telephone number:**

### Description of premises

Licensed grocer, selling tobacco, alcohol, newspapers, groceries, soft drinks etc.

Mixed use premises: We are located in an urban area, at a busy thoroughfare, in a building approx. 100 years old, in an area of interest (Scottish Office Observation), not conservation. Above premises are occupied by four self contained flats.

### Name and postal address (or registered address if a company) of premises licence holder

Timberlake Enterprises Ltd  
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Freefield  
Burgh Road  
LERWICK, Shetland  
ZE1 0HJ

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

SC169030

### Name of premises manager named in the operating plan

Jordan Paul Webb

# **Licence Conditions**

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  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
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5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.
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  - a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - c) is based on the strength of any alcohol,
  - d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
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8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-
  - a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
  - b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance & Law  
Corporate Services Department  
Office Headquarters  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

Timberlake Enterprises Ltd  
5 & 9 Browns Buildings  
Freefield  
Burgh Road  
Lerwick, Shetland  
ZE1 0HJ

Telephone: (01595) 744550  
Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
**Avril Manson**  
Direct Dial: 01595 744067

Your Ref: -  
Our Ref: SI/PREM/081 SB/AM

Date: 20 August 2013

Dear Sirs

**Alex Morrison Shop  
Licensing (Scotland) Act 2005  
Premises Licence – Annual Fee for 2013/2014**

I write to advise that the annual fee for 2013/2014 will become due on 1 October 2013, and in the case of the above premises the amount of the fee is £180. I look forward to receiving your remittance in payment. If you wish to pay the fee by instalments, either 4 or 12 equal instalments, over the course of the year, then please let me know so that this can be arranged.

Payments can be sent to Shetland Islands Area Licensing Board at the above address. Please do not send payments to any other address as this may result in a delay in your payment being credited to your account. Alternatively, debit/credit card payments can be made by contacting either 01595 744067 or 01595 744091.

I would advise you that payment of the annual fee is a mandatory condition of the licence, and so failure to make payment could lead to a premises licence review.

Yours faithfully

*Susan Brunton*

Depute Clerk to the Licensing Board



**SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance & Law  
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Timberlake Enterprises Ltd  
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Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Susan Brunton  
Direct Dial: 01595 744087

Your Ref: -

Our Ref: SI/PREM/081 SB/AM

Date: 14 October 2013

**Recorded Delivery**

Dear Sirs

**Alex Morrison Shop  
Licensing (Scotland) Act 2005  
Outstanding Annual Fee for 2013/2014 - £180  
Premises Licence Review Proposal**

I refer to my letter dated 20 August 2013 and am disappointed to note that I have not heard from you with respect to payment of the annual fee for 2013/2014.

If payment in the sum of £180 has not been received by 31 October 2013, I shall be proceeding with a report to the Licensing Board to make a premises licence review proposal for your premises on the ground that one of the conditions to which the premises licence is subject has been breached, namely the payment of the annual fee. If the Licensing Board upholds the Premises Licence review proposal this may result in your Premises Licence being revoked and means your premises will no longer be licensed.

Failing hearing from you together with payment by 31 October 2013 a report on the premises licence review proposal shall be submitted to the Licensing Board on Friday 15 November 2013 at 10am in the Council Chamber, Town Hall, Lerwick.

Yours faithfully

Depute Clerk to the Licensing Board

cc: Licensing Standards Officer





# SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance & Law  
Corporate Services  
Office Headquarters  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

Mr Jordan Webb  
Alex Morrison Shop  
5 & 9 Browns Buildings  
Freefield  
Burgh Road  
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ZE1 0HJ

Telephone: (01595) 744550  
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[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
**Paul Wishart**  
Direct Dial: 01595 744090

Your Ref: -  
Our Ref: SI/PREM/090 PW/AM

Date: 20 November 2013

Dear Mr Webb

**Alex Morrison Shop  
Licensing (Scotland) Act 2005 – Premises Licence  
Annual Fee for 2013/2014**

I acknowledge safe receipt of your payment in the sum of £180 being the annual fee for your premises licence.

However, as this payment was overdue, a premises licence review proposal was put to the Licensing Board at their meeting on 15 November. The Licensing Board upheld this proposal and have requested that the premises licence be subject to a review. The hearing for this purpose will take place on 17 January 2014 and you may attend if you wish.

I also take this opportunity to enclose a form for transfer of the premises licence. If there is to be any change to the Operating Plan or Layout Plan a Variation application will also be required and you may wish to contact my office to obtain the appropriate application form.

Please note that I will require the return of the original Premises Licence and Summary of Premises Licence (eight double sided pages in total) along with the transfer application.

I understand that the business transfer has already taken place. In accordance with section 34 of the Licensing (Scotland) Act 2005 you have up to 28 days from business transfer to apply to the Board for a licence transfer.

I look forward to hearing from you further.

Yours sincerely

Assistant Clerk to the Licensing Board  
encs





# Shetland Islands Council

VAT Reg. No. 267 8583 04

Jordan Webb  
 Alex Morrison Shop  
 5 & 9 Browns Buildings  
 Lerwick  
 Shetland  
 ZE1 0HJ

## Shetland Islands Council

## Receipt

Transaction Date: 18/11/2013 Operator ID: AVRIL Machine: LEG

### Account Details

CAN	Reference	Payment of	Transaction Amt	VAT Amt	Rate
00188	GRB39024244	LEG - LEGAL PAYE.NET	£180.00	£0.00	0.00
	Annual Fee for Alex Morrison - 2013/14				

### Payment Details

MOP	Payment Ref	Payment Amt
16 - Chip and Pin Credit Card		£180.00

### APACS Payment Details

**\*\* Customer Copy \*\***

Sale PLEASE DEBIT MY ACCOUNT

Transaction Type: Keyed Auth Code: 964600  
 Date / Time: 18 November 2013 09:44:59 Ref: 20LEG159  
 Card Number: \*\*\*\*\*0226 MID: 36767952  
 Card Type: MCDB TID:  
 Expiry Date: 0514

Card Amount: £180.00

Please keep this copy for your own records. Total Amt Paid: £180.00

Capita Software Services



# SHETLAND ISLANDS AREA LICENSING 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 North Bridge Store	5&9 Browns Buildings, Lerwick, Shetland, ZE1 0HJ North Bridge, Cunningsburgh, Shetland, ZE2 9HB	1 1	£180 £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	





6. **Late Payment of Fees**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 6).

The Board noted that although only 4 out of 140 premises licences remained unpaid, the Board were asked to consider whether they wished to proceed to a review hearing in respect of those listed in the appendix to the report. Members were informed that of the 4 Premises listed, Petrofac had now paid their fees and although North Bridge Stores had now closed, the fees would continue to be sought until the licence is surrendered.

Mr Cooper moved that the Board proceed with a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.

Mr C Smith seconded.

Members expressed concern that the process in seeking a decision from the Board effectively gives the Licence Holders up to a period of two months grace in which to pay their fees. Members questioned whether the process could be streamlined so that reports are presented and review hearings held more timeously. The Depute Clerk to the Board advised that the schedule of meetings could be arranged so as to allow early consideration of unpaid fees.

**Decision:**

The Board RESOLVED that a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**23 December 2013**

## **Premises Licence Review Hearing – North Bridge Store, Cunningsburgh**

### **1. Introduction**

1.1 Regulations made under the Licensing (Scotland) Act 2005 provide that the holder of a premises licence must make payment of an annual fee. The annual fee is due on 1 October every year. The Depute Clerk to the Licensing Board (the “Clerk”) informed the premises licence holder of the North Bridge Store, Cunningsburgh (the “Licensed Premises”) that the annual fee of £180 for the said premises was due on 1 October 2013, and when that fee was unpaid the Clerk sent a written reminder. The annual fee in respect of the Licensed Premises remains unpaid. On 15 November 2013 the Shetland Islands Area Licensing Board (the “Board”) made a premises licence review proposal in respect of the Licensed Premises and it must now hold a hearing for the purposes of considering and determining the proposal. This report together with the premises licence review proposal presents the Board with the relevant information, asks the Board to consider whether the grounds for review are established and, if so satisfied, to take such steps as the Board considers necessary or appropriate.

### **2. Detail – Statutory Provision**

2.1 Section 37(1) of the Licensing (Scotland) Act 2005 (the “Act”) 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 Section 38(1) of the Act requires that where a licensing board makes a premises licence review proposal, the Board must hold a hearing (known as a “review hearing”) for the purposes of considering and determining the proposal.

2.3 The powers of the Board at a licence review are set out in Section 39. If the Board is satisfied that a ground for review is established the Board may take such of the following steps as it considers necessary or appropriate for the purposes of any of the licensing objectives:

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

2.4 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.

2.5 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.

2.6 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. Annual fees are due on 1 October each year. 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. The annual fee for the Licensed Premises has not been paid.

### 3. Detail - Facts

3.1 The Board issued a Premises Licence (Appendix 1 hereto) under the terms and conditions of the Licensing (Scotland) Act 2005 in respect of the North Bridge Store, North Bridge Cunningsburgh, Shetland. The Licence took effect from 1 September 2009 and continues to be in effect. The name and postal address of the holder of the premises licence is specified in the Premises Licence as Jane Leask, The Cottage, Exnaboe, Virkie, Shetland ZE2 9JS. On 20 August 2013 the Clerk wrote a letter (Appendix 2 hereto) to the premises licence holder advising her that the annual fee was due on 14 October 2013 and that the amount of that fee was £220. On 14 October 2013 the Clerk wrote a letter (which, together with the proof of posting and receipt is Appendix 3 hereto) to the premises licence reminding her that the annual fee was due and that if no payment was received by 31 October 2013, the fact of non-payment would be reported to the Licensing Board. The Clerk received neither a response to that letter nor payment and the annual fee remains outstanding. It is believed that the Licensed Premises are no longer open to the public and are not used for retail purposes.

3.2 On 15 November 2013 the Clerk reported the non-payment to the Board (Appendix 4) and the Board resolved (Appendix 5) to hold a review hearing in respect of the North Bridge Store, Cunningsburgh. A copy of this report is being sent to the Premises Licence Holder.

3.3 The North Bridge Store, Cunningsburgh has failed to pay the annual fee due and is in breach of the conditions of the premises licence.

3.4 The Board must hold a review hearing for the purpose of considering and determining the proposal. Notice is being given the Premises Licence holder that a review hearing will be held on 23 December 2013.

4. Decisions Required

- 4.1 The Board is asked to consider and determine the premises licence review proposal and, if satisfied that the ground for review is established, whether or not on the basis of any circumstance alleged in the premises licence review proposal, to consider taking such, if any, of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives, namely:-
- (a) Issue a written warning to the licence holder.
  - (b) Make a variation of the Licence.
  - (c) Suspend the Licence.
  - (d) Revoke the Licence.

Depute Clerk to the Licensing Board

11 December 2013



## PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the  
Licensing (Scotland) Act 2005

**Premises licence number:** SI/PREM/037

**Date of commencement of licence:** 1 September 2009

**Postal address of premises**

North Bridge Store  
North Bridge  
Cunningsburgh  
Shetland

**Postcode:** ZE2 9HB

**Telephone number:**

**Description of premises**

Shop convenience store on one storey

**Licensed hours****ON SALES**

Day	ON Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

**OFF SALES**

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	6pm
Tuesday	10am	6pm
Wednesday	10am	6pm
Thursday	10am	6pm
Friday	10am	8pm
Saturday	10am	6pm
Sunday	2pm	4.30pm

NOTES:



**Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence**

Jane Leask  
The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**Name, postal address and telephone number of premises manager named in the operating plan**

Jane Leask  
The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

**Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board**

SI/LIQ/126 - Shetland Islands Area Licensing Board

# **Licence Conditions**

## **Licensing (Scotland) Act 2005**

### **Mandatory Conditions for Off Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.

5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- c) is based on the strength of any alcohol,
- d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-
  - a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
  - b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	
1(b) Will alcohol be sold for consumption solely OFF the premises	Yes
1(c) Will alcohol be sold for consumption both ON and OFF the premises	

### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

### **Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	6pm
Tuesday	10am	6pm
Wednesday	10am	6pm
Thursday	10am	6pm
Friday	10am	8pm
Saturday	10am	6pm
Sunday	2pm	4.30pm

### **Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	No
---	----

*\*If YES – provide details*

--

### Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Accommodation	N/A	N/A	N/A
Conference facilities	N/A	N/A	N/A
Restaurant facilities	N/A	N/A	N/A
Bar meals	N/A	N/A	N/A
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Receptions including Weddings, funerals, birthdays, retirements etc.	N/A	N/A	N/A
Club or other group meetings etc.	N/A	N/A	N/A
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
Recorded music – see 5(g)	N/A	N/A	N/A
Live performances – see 5(g)	N/A	N/A	N/A
Dance facilities	N/A	N/A	N/A
Theatre	N/A	N/A	N/A
Films	N/A	N/A	N/A
Gaming	N/A	N/A	N/A

<b>5(a)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Indoor/outdoor sports</i>	N/A	N/A	N/A
<i>Televised sport</i>	N/A	N/A	N/A
<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Outdoor facilities drinking</i>	N/A	N/A	N/A
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	N/A	N/A	N/A

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

N/A

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

N/A

5(g) Late night premises opening after 1.00am

Will the music level exceed 85dB?	N/A
-----------------------------------	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
--	-----

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	N/A
------	--	-----

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

N/A
-----

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

N/A
-----

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

N/A
-----

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

N/A
-----



### **Question 7**

#### **CAPACITY OF PREMISES**

*What is the proposed capacity of the premises to which this application relates?*

OFFSALES: Chilled Alcohol 1.9m x 1m; Shelves (Spirits) 1.9m x 0.9m; Specials (Wines) 1.5m x 0.6m = 4.51m<sup>2</sup> total display areas

### Question 8

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

*Personal details*

8(a) *Name*

Jane Leask

8(b) *Date of birth*

29 January 1963

8(c) *Contact address*

The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
1 May 2009	Shetland Islands Area Licensing Board	SI/LIQ/126

## SUMMARY OF PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the Licensing (Scotland) Act 2005

**Premises licence number;** SI/PREM/037

**Postal address of premises**

North Bridge Store  
North Bridge  
Cunningsburgh  
Shetland

**Postcode:** ZE2 9HB

**Telephone number:**

**Description of premises**

Shop convenience store on one storey

**Name and postal address (or registered address if a company) of premises licence holder**

Jane Leask  
The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**Name of premises manager named in the operating plan**

Jane Leask

# **Licence Conditions**

## **Licensing (Scotland) Act 2005**

### **Mandatory Conditions for Off Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.

5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises. A drinks promotion is irresponsible if it:-
  - a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - c) is based on the strength of any alcohol,
  - d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-
  - a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
  - b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Jane Leask  
The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

Governance & Law  
Corporate Services Department  
Office Headquarters  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

Telephone: (01595) 744550  
Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Avril Manson  
Direct Dial: 01595 744067

Your Ref: -

Our Ref: SI/PREM/037 SB/AM

Date: 20 August 2013

Dear Madam

**North Bridge Stores  
Licensing (Scotland) Act 2005  
Premises Licence – Annual Fee for 2013/2014**

I write to advise that the annual fee for 2013/2014 will become due on 1 October 2013, and in the case of the above premises the amount of the fee is £180. I look forward to receiving your remittance in payment. If you wish to pay the fee by instalments, either 4 or 12 equal instalments, over the course of the year, then please let me know so that this can be arranged.

Payments can be sent to Shetland Islands Area Licensing Board at the above address. Please do not send payments to any other address as this may result in a delay in your payment being credited to your account. Alternatively, debit/credit card payments can be made by contacting either 01595 744067 or 01595 744091.

I would advise you that payment of the annual fee is a mandatory condition of the licence, and so failure to make payment could lead to a premises licence review.

I note that I have not had a response from you regarding my letter of 2 August and, if surrendering your licence is an option you would wish to consider, would be grateful if you could contact me as soon as possible.

Yours faithfully

*Susan Brunton*

Depute Clerk to the Licensing Board





## **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Jane Leask  
The Cottage  
Exnaboe  
Virkie  
Shetland  
ZE3 9JS

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[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Susan Brunton  
Direct Dial: 01595 744087

Your Ref: -

Our Ref: SI/PREM/037 SB/AM

Date: 14 October 2013

### **Recorded Delivery**

Dear Madam

**North Bridge Stores  
Licensing (Scotland) Act 2005  
Outstanding Annual Fee for 2013/2014 - £180  
Premises Licence Review Proposal**

I refer to my letters dated 2 and 20 August 2013 and am disappointed to note that I have not heard from you with respect to payment of the annual fee for 2013/2014. Please note that although North Bridge Stores is no longer open, you are still liable to pay the annual fee until such time as the Premises Licence is surrendered.

If payment in the sum of £180 has not been received by 31 October 2013, I shall be proceeding with a report to the Licensing Board to make a premises licence review proposal for your premises on the ground that one of the conditions to which the premises licence is subject has been breached, namely the payment of the annual fee. If the Licensing Board upholds the Premises Licence review proposal this may result in your Premises Licence being revoked and means your premises will no longer be licensed. The Board could also raise a court action against you to recover the outstanding fee of £180.

Failing hearing from you together with payment by 31 October 2013 or return of the Premises Licence a report on the premises licence review proposal shall be submitted to the Licensing Board on Friday 15 November 2013 at 10am in the Council Chamber, Town Hall, Lerwick.

Yours faithfully

*Susan Brunton*

Depute Clerk to the Licensing Board  
cc: Licensing Standards Officer

Assistant Clerks to the Licensing Board: Keith Adam Paul Wishart



## Recorded Signed For posting receipt

Royal Mail

Your company name

Address

Postcode

## Details of each item being sent

Description

Item

AU 7091 7996 0GB

Item reference

AU 7091 7996 3GB

Item reference

AU 7091 7997 7GB

Item reference

AU 7091 7998 5GB

Item reference

AU 7091 7998 4GB

Item reference

AU 7091 8000 3GB

Item reference

AU 7091 8001 7GB

Item reference

AU 7091 8002 5GB

Delivery address

Jane Leask, The Cottage, Ercall, Shropshire, Shropshire

Postcode ZE 3 9TS

Delivery address

Postcode

Item reference

Delivery address

Postcode

Item reference

Total no. items

Sender's signature

A. Manson

Sender's printed name

A. Manson

Date

14/10/13

Total no. bags

Accounting officer's signature

For official use  
Date Stamp

14/10/13





## Track and Trace

Enter your 13 character tracking number  
Track your Parcelforce Worldwide item

AU709180025GB

How to find your tracking number

### Delivered

Your item with reference AU709180025GB was delivered from our LERWICK Delivery Office on 18/10/13.

Thank you for using our Royal Mail Signed For™ service

Signature of delivery for your item



Printed name:

[Print this image \(opens in a new window\)](#)

Print Name  
SIOBHAN LEASK  
Time  
16:50 S. Leask

Signature Time:

#### SENDING important or valuable mail

Send mail in the UK

Send mail overseas

#### TRACKING important or valuable mail

It says "Delivered" but it hasn't arrived

My item arrived but the contents were missing

My item arrived damaged

How can I get my item there quicker next time?

Who signed for my item?

What is electronic Proof of Delivery (ePOD)?

#### ADDITIONAL SERVICES for sending mail

Price a delivery

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# SHETLAND ISLANDS AREA LICENSING 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



6. **Late Payment of Fees**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 6).

The Board noted that although only 4 out of 140 premises licences remained unpaid, the Board were asked to consider whether they wished to proceed to a review hearing in respect of those listed in the appendix to the report. Members were informed that of the 4 Premises listed, Petrofac had now paid their fees and although North Bridge Stores had now closed, the fees would continue to be sought until the licence is surrendered.

Mr Cooper moved that the Board proceed with a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.

Mr C Smith seconded.

Members expressed concern that the process in seeking a decision from the Board effectively gives the Licence Holders up to a period of two months grace in which to pay their fees. Members questioned whether the process could be streamlined so that reports are presented and review hearings held more timeously. The Depute Clerk to the Board advised that the schedule of meetings could be arranged so as to allow early consideration of unpaid fees.

**Decision:**

The Board RESOLVED that a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**23 December 2013**

## **Premises Licence Review Hearing – Petrofac Laggan Tormore Accommodation Facility, Sella Ness**

### **1. Introduction**

- 1.1 Regulations made under the Licensing (Scotland) Act 2005 provide that the holder of a premises licence must make payment of an annual fee. The obligation imposed by statute is that the premises licence holder must pay the annual fee; that fee is due on 1 October every year. The Depute Clerk to the Licensing Board (the "Clerk") wrote to the Petrofac Laggan Tormore Accommodation Facility, Sella Ness Industrial Estate, Sullom Voe, Shetland (the "Licensed Premises") to remind the premises licence holder of the obligation to pay and further, at the request of, and to accommodate the premises licence holder, enclosed an invoice for the annual fee of £900. When that invoice and licence fee was unpaid the Clerk sent written reminders. The annual fee in respect of the Licensed Premises remained unpaid until 1 November 2013, that is, it was received one month late. On 15 November 2013 the Shetland Islands Area Licensing Board (the "Board") made a premises licence review proposal in respect of the Licensed Premises and it must now hold a hearing for the purposes of considering and determining the proposal. This report together with the premises licence review proposal presents the Board with the relevant information, asks the Board to consider whether the grounds for review are established and, if so satisfied, to take such steps as the Board considers necessary or appropriate.

### **2. Detail – Statutory Provision**

- 2.1 Section 37(1) of the Licensing (Scotland) Act 2005 (the "Act") 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 Section 38(1) of the Act requires that where a licensing board makes a premises license review proposal, the Board must hold a hearing (known as a "review hearing") for the purposes of considering and determining the proposal.
- 2.3 The powers of the Board at a licence review are set out in Section 39. If the Board is satisfied that a ground for review is established the Board may take such of the following steps as it considers necessary or appropriate for the purposes of any of the licensing objectives:
- (a) Issue a written warning to the licence holder.
  - (b) Make a variation of the Licence.

- (c) Suspend the Licence.
- (d) Revoke the Licence.

2.4 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.

2.5 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.

2.6 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. The Regulations provide that annual fees are due on 1 October each year. 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. Although the annual fee due in respect of the Licensed Premises has now been paid, it was not paid in accordance with the Regulations, that is, when it became due on 1 October 2013.

3. Detail - Facts

- 3.1 The Board issued a Premises Licence (Appendix 1 hereto) under the terms and conditions of the Licensing (Scotland) Act 2005 in respect of the Petrofac Laggan Tormore Accommodation Facility, Sella Ness Industrial Estate, Sullom Voe, Shetland. The said Licence commenced on 23 September 2011 and continues to be in effect. On 20 August 2013 the Clerk wrote a letter (Appendix 2 hereto) to the premises licence holder advising that the annual fee was due on 1 October 2013, that the amount of that fee was £900 and, for the convenience of the premises licence holder, enclosed an invoice in that sum. The annual fee remained unpaid and the Board caused reminders (Appendix 3) to be sent to the Licensed Premises. Payment of the annual fee was made late, on 1 November 2013. The duty of the Premises licence holder is to pay the annual fee on 1 October annually, or, with the agreement of the Board, by instalments.
- 3.2 On 15 November 2013 the Clerk reported to the Board that the annual fee had been paid, but that this was one month late (Appendix 4). The Board resolved (Appendix 5) to hold a review hearing in respect of the Petrofac Laggan Tormore Accommodation Facility. A copy of this report is being sent to the Premises Licence Holder.
- 3.3 The Petrofac Laggan Tormore Accommodation Facility failed to pay the annual fee due on the due date and is for that reason in breach of the conditions of the premises licence.

- 3.4 The Board must hold a review hearing for the purpose of considering and determining the proposal. Notice is being given the Premises Licence holder that a review hearing will be held on 23 December 2013.

4. Decisions Required

- 4.1 The Board is asked to consider and determine the premises licence review proposal and, if satisfied that the ground for review is established (whether or not on the basis of any circumstance alleged in the premises licence review proposal, to consider taking such, if any, of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives, namely:-

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

Depute Clerk to the Licensing Board

11 December 2013



## PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the  
Licensing (Scotland) Act 2005

**Premises licence number:** SI/PREM/145

**Date of commencement of licence:** 23 September 2011

**Postal address of premises**

Petrofac Laggan Tormore Accommodation Facility  
Sella Ness Industrial Estate  
Sullom Voe  
Shetland

**Postcode:** ZE2 9QR

**Telephone number:**

**Description of premises**

Gas plant with accommodation and leisure facilities.

**Licensed hours****ON SALES**

Day	ON Consumption	
	Opening time	Terminal hour
Monday	7pm	11pm
Tuesday	7pm	11pm
Wednesday	7pm	11pm
Thursday	7pm	11pm
Friday	7pm	12 midnight
Saturday	4.30pm	12 midnight
Sunday	4.30pm	11pm

**OFF SALES**

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

NOTES:



**Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence**

Compass Contract Services (UK) Ltd  
Parklands Court  
24 Parklands  
Birmingham Great Park  
Rubery  
Birmingham  
B45 9PZ

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

2114954

**Name, postal address and telephone number of premises manager named in the operating plan**

James McCoy  
Sella Ness Accommodation Facility  
Sella Ness Industrial Estate  
Sullom Voe  
Shetland  
ZE2 9QR

**Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board**

SI/LIQ/357 - Shetland Islands Area Licensing Board

## **Licence Conditions**

### **Licensing (Scotland) Act 2005**

#### **Mandatory Conditions for On Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned hereunder unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

That is a capacity (whether paid or unpaid) which involves the person:-

- a) making sales of alcohol, or
- b) serving such alcohol, to any person.

At any time when a person (other than a person who holds a personal licence) is working in the premises in that capacity, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises for consumption on the premises is varied:-
  - a) the variation (referred to in this paragraph as "the earlier price variation") may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.
- 6B. (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.
- (2) Sub-paragraph (1) applies –
  - (a) only where each of the alcoholic products is for sale on the premises separately, and
  - (b) regardless of whether or not the package also contains any item which is not an alcoholic product.

- (3) In this paragraph, "alcoholic product" means a product containing alcohol and includes the container in which alcohol is for sale.

7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- f) is based on the strength of any alcohol,
- g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. Tap water fit for drinking must be provided free of charge on request.

9. Other non-alcoholic drinks must be available for purchase at a reasonable price.

9A. (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An "age verification policy" is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises ("the customer") if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

10. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.

11. There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which states that persons under the age of 18 are not permitted on the premises; or that such persons are permitted on the premises; or that such persons are permitted on such parts of the premises as are specified on the sign.

12. There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender. [This condition applies only in the case of premises to which children under the age of 5 are to be admitted and which are not a vehicle; a vessel; a moveable structure; or used wholly or mainly for the purposes referred to in section 125 (1) of the Licensing (Scotland) Act 2005, ie, clubs]

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	YES
1(b) Will alcohol be sold for consumption solely OFF the premises	NO
1(c) Will alcohol be sold for consumption both ON and OFF the premises	NO

### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	7pm	11pm
Tuesday	7pm	11pm
Wednesday	7pm	11pm
Thursday	7pm	11pm
Friday	7pm	12 midnight
Saturday	4.30pm	12 midnight
Sunday	4.30pm	11pm

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	N/A	N/A
Tuesday	N/A	N/A
Wednesday	N/A	N/A
Thursday	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

**Question 4**

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
---	----

*\*If YES – provide details*

### Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>5(a) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	YES	YES	YES
<b>5(b) Activity Social functions including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
<b>5(c) Activity Entertainment including:</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	YES	YES	YES

<b>5(a)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
<b>5(d)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Outdoor facilities drinking</i>	NO	NO	NO
<b>5(e)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during</b> <b>core licensed hours –</b> <b>please confirm</b> <b>YES/NO</b>	<b>Where activities are also</b> <b>to be provided outwith</b> <b>core licensed hours</b> <b>please confirm</b> <b>YES/NO</b>
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

**Accommodation – 24/7**

Conferences may take place at any time of day but no later than 12 midnight.

Restaurant facilities will be available daily until 8 pm.

Bar meals will be available daily until 10.30 pm

Receptions may take place at any time of day but no later than 12 midnight.

Club meetings may take place any time of day but no later than 12 midnight.

Recorded music may be played no earlier than 5 am and no later than 12 midnight.

Live performances may take place at any time of day but no later than 12 midnight.

Dance facilities may take place at any time of day but no later than 12 midnight.

Theatre may take place at any time of day but no later than 12 midnight.

Films may be shown at any time of day but no later than 12 midnight unless in bedrooms where it may be available 24/7.

Gaming may take place at any time of day but no later than 12 midnight.

Indoor/Outdoor sports may take place at any time of day but no later then 12 midnight.

Televised sport may be shown at any time of day but no later than 12 midnight unless in bedrooms where it may be available.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

General retail  
Theme evenings  
Charity nights  
Quiz nights  
Karaoke night  
Ceilidh

5(g) Late night premises opening after 1.00am N/A

Will the music level exceed 85dB?

When fully occupied, are there likely to be more customers standing than seated?

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry YES

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Young persons will be permitted unrestricted entry.  
No children will be permitted at the premises.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

Young persons aged 16 and 17 will be permitted.

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

Young persons will be permitted at all times.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Young persons are permitted in all parts of the premises.



**Question 7**

**CAPACITY OF PREMISES**

*What is the proposed capacity of the premises to which this application relates?*

378

### Question 8

**PREMISES MANAGER** (**NOTE: not required where application is for grant of provisional premises licence**)

*Personal details*

8(a) *Name*

James McCoy

8(b) *Date of birth*

20 December 1969

8(c) *Contact address*

Sella Ness Accommodation Facility  
Sella Ness Industrial Estate  
Sullom Voe  
Shetland  
ZE2 9QR

8(d) *Email address*

james.mccoy@compass-group.co.uk

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
14 February 2012	Shetland Islands Area Licensing Board	SI/LIQ/357

## SUMMARY OF PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the Licensing (Scotland) Act 2005

**Premises licence number; SI/PREM/145**

### Postal address of premises

Petrofac Laggan Tormore Accommodation Facility  
Sella Ness Industrial Estate  
Sullom Voe  
Shetland

**Postcode:** ZE2 9QR

**Telephone number:**

### Description of premises

Gas plant with accommodation and leisure facilities.

### Name and postal address (or registered address if a company) of premises licence holder

Compass Contract Services (UK) Ltd  
Parklands Court  
24 Parklands  
Birmingham Great Park  
Rubery  
Birmingham  
B45 9PZ

### Registered number of premises licence holder, e.g. company number, charity number (where applicable)

2114954

### Name of premises manager named in the operating plan

James McCoy

## **Licence Conditions**

### **Licensing (Scotland) Act 2005**

#### **Mandatory Conditions for On Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned hereunder unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

That is a capacity (whether paid or unpaid) which involves the person:-

- a) making sales of alcohol, or
- b) serving such alcohol, to any person.

At any time when a person (other than a person who holds a personal licence) is working in the premises in that capacity, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises for consumption on the premises is varied:-
  - a) the variation (referred to in this paragraph as "the earlier price variation") may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.
- 6B. (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.
- (2) Sub-paragraph (1) applies –
  - (a) only where each of the alcoholic products is for sale on the premises separately, and
  - (b) regardless of whether or not the package also contains any item which is not an alcoholic product.

- (3) In this paragraph, "alcoholic product" means a product containing alcohol and includes the container in which alcohol is for sale.

7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- f) is based on the strength of any alcohol,
- g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. Tap water fit for drinking must be provided free of charge on request.

9. Other non-alcoholic drinks must be available for purchase at a reasonable price.

9A. (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An "age verification policy" is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises ("the customer") if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

10. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.

11. There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which states that persons under the age of 18 are not permitted on the premises; or that such persons are permitted on the premises; or that such persons are permitted on such parts of the premises as are specified on the sign.

12. There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender. [This condition applies only in the case of premises to which children under the age of 5 are to be admitted and which are not a vehicle; a vessel; a moveable structure; or used wholly or mainly for the purposes referred to in section 125 (1) of the Licensing (Scotland) Act 2005, ie, clubs]



# SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance & Law  
Corporate Services Department  
Office Headquarters  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

James McCoy  
Petrofac Laggan Tormore Accommodation Facility  
Sella Ness Industrial Estate  
Sullom Voe  
Shetland  
ZE2 9QR

Telephone: (01595) 744550  
Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
**Avril Manson**  
Direct Dial: 01595 744067

Your Ref: -

Our Ref: SI/PREM/145 SB/AM

Date: 20 August 2013

Dear Sir

**Petrofac Laggan Tormore Accommodation Facility  
Licensing (Scotland) Act 2005  
Premises Licence – Annual Fee for 2013/2014**

I write to advise that the annual fee for 2013/2014 will become due on 1 October 2013, and in the case of the above premises the amount of the fee is £900.

As requested, I attach an invoice for the annual fee together with a bank standing order mandate.

I look forward to receiving your remittance in payment. I would advise you that payment of the annual fee is a mandatory condition of the licence, and so failure to make payment could lead to a premises licence review.

Yours faithfully

*Susan Brunton*

Depute Clerk to the Licensing Board  
encs





Governance & Law, 8 North Ness, Lerwick, Shetland, ZE1 0LZ

0003271810

Petrofac  
C/O George T MaConnachie  
Laggan Tormore Project Office  
Sellaness Industrial Estate  
Sullom Voe  
Shetland  
ZE2 9QR

19/08/2013

19/08/2013

18/09/2013

024671

01595 744569 Julie Phillips

SI/PREM/14

Premises Licence Annual Fee  
2013/2014 - Petrofac Laggan  
Tormore Accommodation Facility

1.00

900.000 0

900.00

900.00

0.00

900.00

0003271810

3271810

900.00

Petrofac  
C/O George T MaConnachie  
Laggan Tormore Project Office  
Sellaness Industrial Estate  
Sullom Voe  
Shetland  
ZE2 9QR

3271810 V7326811167 91 X





# Shetland Islands Council

Executive Manager: James Gray  
Corporate Director: Christine Ferguson

Petrofac  
C/O George T MaConnachie  
Laggan Tormore Project Office  
Sellaness Industrial Estate  
Sullom Voe  
ZE2 9QR

Finance  
**Corporate Services Department**  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LX

Telephone: 01595 744603  
Fax: 01595 744667  
finance@shetland.gov.uk  
www.shetland.gov.uk

VAT No.: 267858304

**If calling please ask for  
Revenues Team  
Direct Dial: 01595 744638 or 744640**

Date: 20/09/2013

Dear Sir/Madam

**INVOICE REMINDER**  
**Our Ref: B1/DR/024671**

According to our records, the invoice(s) below are now overdue for payment.

I appreciate that this may be an oversight on your part but should be obliged if you would pay the overdue amount immediately to bring your account up to date. **If payment has been made within the last few days, please ignore this reminder.**

Payment should be made to the Council's Cashiers office at the above address or, if more convenient, online via the Council website or at any bank.

However, if you are unable to pay the full amount immediately, please telephone the Revenues Team, on the number above, to make a satisfactory payment arrangement without delay.

Please note, if you have any queries regarding the invoice, you should contact the Council department from which the invoice was issued. Their contact details can be found on the original invoice.

Yours faithfully

**Andrew Hall**  
Revenues & Benefits Team Leader

Reference	Type	Trans Date	Due Date	O/D Days	Value	Balance
0003271810	Invoice	19/08/2013	18/09/2013	002	900.00 Dr	900.00

Total: 900.00





# Shetland Islands Council

Executive Manager: James Gray  
Corporate Director: Christine Ferguson

Petrofac  
C/O George T MaConnachie  
1 North Esplanade West  
Aberdeen

AB11 5QF

Finance  
**Corporate Services Department**  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LX

Telephone: 01595 744603  
Fax: 01595 744667  
finance@shetland.gov.uk  
www.shetland.gov.uk

VAT No.: 267858304

**If calling please ask for  
Revenues Team  
Direct Dial: 01595 744638 or 744640**

Date: 04/10/2013

Dear Sir/Madam

## INVOICE REMINDER

**Our Ref: B2/DR/024671**

According to our records and despite the previous reminder letter issued, your account continues to be in arrears and no satisfactory payment arrangement has been made.

Payment should be made to the Council's Cashiers office at the above address or, if more convenient, online via the Council website or at any bank.

Failure to pay to total amount below within 14 days of the issue of this invoice reminder may result in Shetland Islands Council taking further recovery action against you. This may also result in your account being passed to our Legal Services Department. Please note that in this circumstance you will be liable for any legal expenses incurred and that the awarding of a decree against you could have an adverse effect on your future credit status.

If payment has been made in the last 7 days, please contact the Revenues team on the numbers given above to inform us of the details.

Yours faithfully

**Andrew Hall**

Revenue & Benefits Team Leader

Reference	Type	Trans Date	Due Date	O/D Days	Value	Balance
0003271810	Invoice	19/08/2013	18/09/2013	016	900.00 Dr	900.00

**Total: 900.00**



# SHETLAND ISLANDS AREA LICENSING 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 North Bridge Store	5&9 Browns Buildings, Lerwick, Shetland, ZE1 0HJ North Bridge, Cunningsburgh, Shetland, ZE2 9HB	1 1	£180 £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	



6. **Late Payment of Fees**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 6).

The Board noted that although only 4 out of 140 premises licences remained unpaid, the Board were asked to consider whether they wished to proceed to a review hearing in respect of those listed in the appendix to the report. Members were informed that of the 4 Premises listed, Petrofac had now paid their fees and although North Bridge Stores had now closed, the fees would continue to be sought until the licence is surrendered.

Mr Cooper moved that the Board proceed with a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.

Mr C Smith seconded.

Members expressed concern that the process in seeking a decision from the Board effectively gives the Licence Holders up to a period of two months grace in which to pay their fees. Members questioned whether the process could be streamlined so that reports are presented and review hearings held more timeously. The Depute Clerk to the Board advised that the schedule of meetings could be arranged so as to allow early consideration of unpaid fees.

**Decision:**

The Board RESOLVED that a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**23 December 2013**

## **Premises Licence Review Hearing – Pierhead Restaurant & Bar, Voe**

### **1. Introduction**

- 1.1 Regulations made under the Licensing (Scotland) Act 2005 provide that the holder of a premises licence must make payment of an annual fee. The annual fee is due on 1 October every year. The Depute Clerk to the Licensing Board (the “Clerk”) informed the premises licence holder of the Pierhead Restaurant & Bar (the “Licensed Premises”) that the annual fee of £220 for the said premises was due on 1 October 2013, and when that fee was unpaid the Clerk sent a written reminder. The annual fee in respect of the Licensed Premises remains unpaid. On 15 November 2013 the Shetland Islands Area Licensing Board (the “Board”) made a premises licence review proposal in respect of the Licensed Premises and it must now hold a hearing for the purposes of considering and determining the proposal. This report together with the premises licence review proposal presents the Board with the relevant information, asks the Board to consider whether the grounds for review are established and, if so satisfied, to take such steps as the Board considers necessary or appropriate.

### **2. Detail – Statutory Provision**

- 2.1 Section 37(1) of the Licensing (Scotland) Act 2005 (the “Act”) 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 Section 38(1) of the Act requires that where a licensing board makes a premises license review proposal, the Board must hold a hearing (known as a “review hearing”) for the purposes of considering and determining the proposal.

- 2.3 The powers of the Board at a licence review are set out in Section 39. If the Board is satisfied that a ground for review is established the Board may take such of the following steps as it considers necessary or appropriate for the purposes of any of the licensing objectives:

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

- 2.4 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.

2.5 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.

2.6 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. Annual fees are due on 1 October each year. 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.

### 3. Detail - Facts

3.1 The Board issued a Premises Licence (Appendix 1 hereto) under the terms and conditions of the Licensing (Scotland) Act 2005 in respect of the Pierhead Restaurant & Bar, Lower Voe, Voe, Shetland. The Licence took effect from 1 September 2009 and continues to be in effect. The name and postal address of the holder of the premises licence is specified in the Premises Licence as William Arthur Anderson, Hivda, Gofirth, Voe, Shetland ZE2 9PY. On 20 August 2013 the Clerk wrote a letter (Appendix 2 hereto) to the premises licence holder advising him that the annual fee was due on 14 October 2013 and that the amount of that fee was £220. On 14 October 2013 the Clerk wrote a letter (which, together with the proof of posting and receipt is Appendix 3 hereto) to the premises licence reminding him that the annual fee was due and that if no payment was received by 31 October 2013, the fact of non-payment would be reported to the Licensing Board. The Clerk received neither a response to that letter nor payment and the annual fee remains outstanding.

3.2 On 15 November 2013 the Clerk reported the non-payment to the Board (Appendix 4) and the Board resolved to hold a review hearing in respect of the Pierhead Restaurant and Bar. A copy of this report is being sent to the Premises Licence Holder.

3.3 The Pierhead Restaurant & Bar has failed to pay the annual fee due and is in breach of the conditions of the premises licence.

3.4 The Board must hold a review hearing for the purpose of considering and determining the proposal. Notice is being given the Premises Licence holder that a review hearing will be held on 23 December 2013.

### 4. Decisions Required

4.1 The Board is asked to consider and determine the premises licence review proposal and, if satisfied that the ground for review is established, whether or

not on the basis of any circumstance alleged in the premises licence review proposal, to consider taking such, if any, of the following steps as the Board considers necessary or appropriate for the purposes of any of the licensing objectives, namely:-

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

Depute Clerk to the Licensing Board

11 December 2013





## PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the  
Licensing (Scotland) Act 2005

**Premises licence number:** SI/PREM/097

**Date of commencement of licence:** 1 September 2009

**Postal address of premises**

Pierhead Restaurant & Bar  
Lower Voe  
Voe  
Shetland

**Postcode:** ZE2 9PX

**Telephone number:**

**Description of premises**

Main bar area with a function room leading off, where there are toilets also. Restaurant upstairs with toilets and small kitchen. Downstairs - hallway and kitchen.

**Licensed hours****ON SALES**

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11am	1am
Tuesday	11am	1am
Wednesday	11am	1am
Thursday	11am	1am
Friday	11am	1am
Saturday	11am	1am
Sunday	11am	1am

**OFF SALES**

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm

NOTES:

**Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence**

William Arthur Anderson  
Hivda  
Gonfirth  
VOE  
Shetland  
ZE2 9PY

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**Name, postal address and telephone number of premises manager named in the operating plan**

Denise Anne Anderson  
Hivda  
Gonfirth  
VOE  
Shetland  
ZE2 9PY

**Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board**

SI/LIQ/32 - Shetland Islands Area Licensing Board

# Licence Conditions

## Licensing (Scotland) Act 2005

### Mandatory Conditions for On Sales Premises

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned hereunder unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

That is a capacity (whether paid or unpaid) which involves the person:-

- a) making sales of alcohol, or
- b) serving such alcohol, to any person.

At any time when a person (other than a person who holds a personal licence) is working in the premises in that capacity, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.

7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
- c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
- d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
- e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- f) is based on the strength of any alcohol,
- g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. Tap water fit for drinking must be provided free of charge on request.
9. Other non-alcoholic drinks must be available for purchase at a reasonable price
10. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
11. There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which states that persons under the age of 18 are not permitted on the premises; or that such persons are permitted on the premises; or that such persons are permitted on such parts of the premises as are specified on the sign.
12. There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender. [This condition applies only in the case of premises to which children under the age of 5 are to be admitted and which are not a vehicle; a vessel; a moveable structure; or used wholly or mainly for the purposes referred to in section 125 (1) of the Licensing (Scotland) Act 2005, ie, clubs]

## Licensing (Scotland) Act 2005

### Mandatory Conditions for Off Sales Premises

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.

5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.

A drinks promotion is irresponsible if it:-

- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
- b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
- c) is based on the strength of any alcohol,
- d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
- e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-

- a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
- b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

1(a) Will alcohol be sold for consumption solely ON the premises	
1(b) Will alcohol be sold for consumption solely OFF the premises	
1(c) Will alcohol be sold for consumption both ON and OFF the premises	Yes

### Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday	11am	1am
Tuesday	11am	1am
Wednesday	11am	1am
Thursday	11am	1am
Friday	11am	1am
Saturday	11am	1am
Sunday	11am	1am



### Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10am	10pm
Tuesday	10am	10pm
Wednesday	10am	10pm
Thursday	10am	10pm
Friday	10am	10pm
Saturday	10am	10pm
Sunday	10am	10pm

### Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	No
---	----

*\*If YES – provide details*

--

### Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	No	N/A	N/A
Conference facilities	Yes	Yes	Yes
Restaurant facilities	Yes	Yes	Yes
Bar meals	Yes	Yes	Yes
5(b) Activity Social functions Including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	Yes	Yes	Yes
Club or other group meetings etc.	Yes	Yes	Yes
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(f)	Yes	Yes	Yes
Live performances – see 5(g)	Yes	Yes	No
Dance facilities	Yes	Yes	No
Theatre	No	No	No
Films	No	No	No
Gaming	No	No	No

5(a) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Indoor/outdoor sports	No	No	No
Televised sport	No	No	No
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Outdoor drinking facilities	Yes	Yes	No
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Adult entertainment	No	No	No

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

N/A

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

N/A

5(g) Late night premises opening after 1.00am

Will the music level exceed 85dB?	N/A
-----------------------------------	-----

When fully occupied, are there likely to be more customers standing than seated?	N/A
--	-----

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a) When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	Yes
---	-----

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

When with adults.
-------------------

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

Any age.
----------

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

11am - 9pm
------------

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

Function room and toilets; Main bar; Upstairs restaurant and toilets.
---

**Question 7**

**CAPACITY OF PREMISES**

*What is the proposed capacity of the premises to which this application relates?*

ON SALES: 140 persons

**Question 8**

**PREMISES MANAGER** (**NOTE: not required where application is for grant of provisional premises licence**)

*Personal details*

8(a) Name

Denise Anne Anderson

8(b) Date of birth

15 March 1969

8(c) Contact address

Hivda  
Gonfirth  
VOE  
Shetland  
ZE2 9PY

8(d) Email address

Anders108@aol.com

8(e) Personal licence

<b>Date of issue</b>	<b>Name of Licensing Board issuing</b>	<b>Reference no. of personal licence</b>
26 August 2008	Shetland Islands Area Licensing Board	SI/LIQ/32

## SUMMARY OF PREMISES LICENCE

Issued by Shetland Islands Area Licensing Board under the terms and conditions of the Licensing (Scotland) Act 2005

**Premises licence number; SI/PREM/097**

**Postal address of premises**

Pierhead Restaurant & Bar  
Lower Voe  
Voe  
Shetland

**Postcode: ZE2 9PX**

**Telephone number:**

**Description of premises**

Main bar area with a function room leading off, where there are toilets also. Restaurant upstairs with toilets and small kitchen. Downstairs - hallway and kitchen.

**Name and postal address (or registered address if a company) of premises licence holder**

William Arthur Anderson  
Hivda  
Gonfirth  
VOE  
Shetland  
ZE2 9PY

**Registered number of premises licence holder, e.g. company number, charity number (where applicable)**

**Name of premises manager named in the operating plan**

Denise Anne Anderson

# **Licence Conditions**

## **Licensing (Scotland) Act 2005**

### **Mandatory Conditions for On Sales Premises**

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.
5. No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned hereunder unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

That is a capacity (whether paid or unpaid) which involves the person:-

- a) making sales of alcohol, or
- b) serving such alcohol, to any person.

At any time when a person (other than a person who holds a personal licence) is working in the premises in that capacity, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.



7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises.  
A drinks promotion is irresponsible if it:-
- a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
  - c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
  - d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
  - e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - f) is based on the strength of any alcohol,
  - g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. Tap water fit for drinking must be provided free of charge on request.
9. Other non-alcoholic drinks must be available for purchase at a reasonable price
10. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
11. There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which states that persons under the age of 18 are not permitted on the premises; or that such persons are permitted on the premises; or that such persons are permitted on such parts of the premises as are specified on the sign.
12. There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender. [This condition applies only in the case of premises to which children under the age of 5 are to be admitted and which are not a vehicle; a vessel; a moveable structure; or used wholly or mainly for the purposes referred to in section 125 (1) of the Licensing (Scotland) Act 2005, ie, clubs]

## Licensing (Scotland) Act 2005

### Mandatory Conditions for Off Sales Premises

1. Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
2. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.
3. Alcohol is not to be sold on the premises at any time when:-
  - a) there is no premises manager in respect of the premises,
  - b) the premises manager does not hold a personal licence,
  - c) the personal licence held by the premises manager is suspended, or
  - d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
4. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
  - a) the premises manager, or
  - b) another person who holds a personal licence.

5. No person (other than a person who holds a personal licence) is to work in the premises making sales of alcohol unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this condition.

At any time when a person (other than a person who holds a personal licence) is working in the premises making sales of alcohol, there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007. That record must be produced to a Licensing Standards Officer on request.

6. Where the price at which any alcohol sold on the premises is varied:-
  - a) the variation may be brought into effect only at the beginning of a period of licensed hours, and
  - b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of any earlier price variation.
7. An irresponsible drinks promotion must not be carried on in, or in connection with, the premises. A drinks promotion is irresponsible if it:-
  - a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - b) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - c) is based on the strength of any alcohol,
  - d) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - e) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

"Drinks promotion" means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

8. The annual or other recurring fee to be paid by virtue of regulations made under section 136 (1) of the Licensing (Scotland) Act 2005 must be paid as required by the regulations.
9. Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:-

- a) a single area of the premises agreed between the Licensing Board and the holder of the licence;  
or
- b) a single area of the premises which is inaccessible to the public.

In an area agreed as aforesaid a product other than alcohol may be displayed only if it is (a) a non-alcoholic drink; or (b) packaged with and may be purchased only along with, alcohol.



# SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

William A Anderson  
Hivda  
Gonfirth  
Voe  
Shetland  
ZE2 9PY

Governance & Law  
Corporate Services Department  
Office Headquarters  
8 North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

Telephone: (01595) 744550  
Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Avril Manson  
Direct Dial: 01595 744067

Your Ref: -

Our Ref: SI/PREM/097 SB/AM

Date: 20 August 2013

Dear Sir

**Pierhead Restaurant & Bar  
Licensing (Scotland) Act 2005  
Premises Licence – Annual Fee for 2013/2014**

I write to advise that the annual fee for 2013/2014 will become due on 1 October 2013, and in the case of the above premises the amount of the fee is £220. I look forward to receiving your remittance in payment. If you wish to pay the fee by instalments, either 4 or 12 equal instalments, over the course of the year, then please let me know so that this can be arranged.

Payments can be sent to Shetland Islands Area Licensing Board at the above address. Please do not send payments to any other address as this may result in a delay in your payment being credited to your account. Alternatively, debit/credit card payments can be made by contacting either 01595 744067 or 01595 744091.

I would advise you that payment of the annual fee is a mandatory condition of the licence, and so failure to make payment could lead to a premises licence review.

Yours faithfully

*Susan Brunton*

Depute Clerk to the Licensing Board



## **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance & Law  
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[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Susan Brunton  
Direct Dial: 01595 744087

Your Ref: -  
Our Ref: SI/PREM/097 SB/AM

Date: 14 October 2013

### **Recorded Delivery**

Dear Sir

#### **Pierhead Restaurant & Bar Licensing (Scotland) Act 2005 Outstanding Annual Fee for 2013/2014 - £220 Premises Licence Review Proposal**

I refer to my letter dated 20 August 2013 and am disappointed to note that I have not heard from you with respect to payment of the annual fee for 2013/2014.

If payment in the sum of £220 has not been received by 31 October 2013, I shall be proceeding with a report to the Licensing Board to make a premises licence review proposal for your premises on the ground that one of the conditions to which the premises licence is subject has been breached, namely the payment of the annual fee. If the Licensing Board upholds the Premises Licence review proposal this may result in your Premises Licence being revoked and means your premises will no longer be licensed.

Failing hearing from you together with payment by 31 October 2013 a report on the premises licence review proposal shall be submitted to the Licensing Board on Friday 15 November 2013 at 10am in the Council Chamber, Town Hall, Lerwick.

Yours faithfully

Depute Clerk to the Licensing Board

cc: Licensing Standards Officer





Recorded Signed For posting receipt

Royal Mail®

Your company name

Address

Postcode

Details of each item being sent

Delivery address



Delivery address



Delivery address



Delivery address



Delivery address

Miriam A Andersen, Kivda, Gørhus,  
Voe, Shetland

Article ZE2994



Delivery address

u



Delivery address



Delivery address



Delivery address



Delivery address



Total no. of items

Signature of sender

A. Manson

Sender's name

A. MANSION

Date

14/10/13

For official use

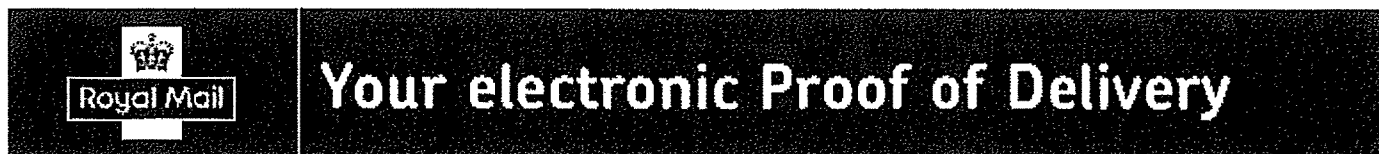
Date Stamp

14/10/13

Total no. of items

Signature of sender





Your item with reference AU709179892GB was delivered from our BRAE Delivery Office on 16/10/13 .

Signature of delivery for your item

A handwritten signature in black ink, appearing to read "KJ Anderson", is written on a white background.

Printed name: ANDERSON

Signature Time: 16/10/13 09

Close window



# **SHETLAND ISLANDS AREA LICENSING 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	589 Browns Buildings, Lerwick, Shetland, ZE1 0HJ	1	£180	
North Bridge Store	North Bridge, Cummingsburgh, 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.
Petrolac 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	





6. **Late Payment of Fees**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 6).

The Board noted that although only 4 out of 140 premises licences remained unpaid, the Board were asked to consider whether they wished to proceed to a review hearing in respect of those listed in the appendix to the report. Members were informed that of the 4 Premises listed, Petrofac had now paid their fees and although North Bridge Stores had now closed, the fees would continue to be sought until the licence is surrendered.

Mr Cooper moved that the Board proceed with a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.

Mr C Smith seconded.

Members expressed concern that the process in seeking a decision from the Board effectively gives the Licence Holders up to a period of two months grace in which to pay their fees. Members questioned whether the process could be streamlined so that reports are presented and review hearings held more timeously. The Depute Clerk to the Board advised that the schedule of meetings could be arranged so as to allow early consideration of unpaid fees.

**Decision:**

The Board RESOLVED that a review hearing of the 4 premises licence holders in respect of the following premises:

Alex Morrison Shop  
North Bridge Stores  
Petrofac Laggan Tormore Accommodation Facility  
Pierhead Restaurant and Bar.



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**23 December 2013**

## **Gambling Act 2005 New Three Year Policy Statement - 2013/2016**

### **1. Introduction**

- 1.1 The purpose of this report is to present an initial draft Three Year Policy Statement under the Gambling Act to the Board and to invite the Board to consider its terms and, if satisfied, publish it for public consultation.

### **2. Background**

- 2.1 In terms of the Gambling Act 2005, Section 349, the Board is required to publish every three years a statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005. The Statement of Principles has to conform to the terms of the Gambling Act 2005 (Licensing Authority Policy Statement)(Scotland) Regulations 2006.

### **3. Next Steps**

- 3.1 The Board is asked to consider the terms of the draft Policy Statement and confirm that the draft properly reflects their views on the matters covered.
- 3.2 The reality is that this Board has had little business to consider under the Gambling Act 2005. In these circumstances there has been no particular issues identified from practice with respect to the current Gambling Act Policy Statement.
- 3.3 There have been changes in the Guidance issued by the Gambling Commission since the previous Gambling Act Policy Statement was issued. Those changes have been incorporated into the draft which is produced as Appendix 1 to this report. Amendments reflecting what appears to be good practice from the Statements adopted by other Boards and clarifications when the existing Policy Statement appeared unclear have also been added by the Depute Clerk.
- 3.4 I would suggest that if the Board is satisfied with the terms of the draft Policy Statement it can be published for public consultation in accordance with the Regulations. A further report would then be presented to the Board at their meeting on 28 February 2014, to finalise the terms of their Policy Statement.

4. Recommendation

- 4.1 I recommend the Board approve the terms of the draft Gambling Policy Statement subject to any comments and direction required, and instruct me to publish it for consultation with a closing date of 17 February 2014.

Depute Clerk to the Licensing Board

Ref: Z/0/18 SB

13 December 2013

**SHETLAND ISLANDS AREA  
LICENSING BOARD**

**POLICY  
STATEMENT  
OF  
GAMBLING  
LICENSING  
PRINCIPLES  
2013 - 2016**

# **GAMBLING ACT 2005**

## **POLICY STATEMENT OF LICENSING PRINCIPLES**

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## **APPENDICES**

Appendix 1	Consultees
Appendix 2	Responsible Authorities

# **PART A – GENERAL PRINCIPLES**

## **1 Introduction**

- 1.1 This policy statement of licensing principles was approved by the Shetland Islands Area Licensing Board (the licensing authority) on                      and was published via our web-site on                      and will come into effect on                      .
- 1.2 All references to the Gambling Commission's Guidance for Local Authorities refer to the 4<sup>th</sup> Edition Guidance published in September 2012, available on [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
- 1.3 We will carry out our role under the Gambling Act 2005 (the Act) in a transparent manner and in the public interest.
- 1.4 We are committed to avoid duplication with other legislation and regulatory regimes as far as possible. Legal requirements under other legislation such as health and safety and fire precautions are not replicated in this statement.
- 1.5 This statement has been developed taking into account the statutory guidance from the Gambling Commission and we will give appropriate weight to the views of persons and organisations consulted.
- 1.6 Section 349 of the Act requires licensing authorities to publish a statement of principles which will be applied in exercising their functions under the Act. This policy statement fulfils that statutory requirement for the Shetland Islands Area Licensing Board.
- 1.7 This statement of principles will operate from 1 March 2014 and will be fully reviewed in 2016; it will be kept under scrutiny and revised if appropriate, during that three year period.
- 1.8 This document should be read in conjunction with the Act, regulations made under the Act and guidance issued by the Gambling Commission. This is designed to be a strategic gambling statement, not an operational guide.

## **2 Licensing Objectives**

- 2.1 In exercising our functions under the Gambling Act 2005, the Shetland Islands Area Licensing Board, as a licensing authority, will have regard to the statutory licensing objectives, which are set out at Section 1 of the Act: -
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.



- 2.2 Section 153 of the Act requires us, in making decisions concerning premises licences and temporary use notices, to aim to permit the use of premises for gambling in so far as we think it is: -
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the Statement of Licensing Principles
- 2.3 Nothing in this statement will override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3 Content of Statement**

- 3.1 A summary of information contained within this statement is shown as an Index on page 3 of this document.
- 3.2 The licensable activities covered by this statement are: -

#### Premises Licences

- Adult gaming centres
- Betting premises
- Bingo
- Casinos
- Licensed family entertainment centres
- Provisional statements
- Tracks
- Travelling fairs

#### Permits and Temporary and Occasional Use Notices

- Club gaming and club machine permits
- Gaming machines on alcohol licensed premises
- Occasional use notices
- Prize gaming
- Temporary use notices
- Unlicensed family entertainment centres

- 3.3 The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.
- 3.4 This statement is published on the licensing authority's web-site and is available at the offices of the licensing authority during normal working hours.

- 3.5 The address of the licensing authority's web-site is  
[www.shetland.gov.uk/shetland](http://www.shetland.gov.uk/shetland)

#### **4 Geographical Application of Statement**

The Shetland Islands are a group of more than 100 islands of which 15 are inhabited, located in the North Atlantic and are virtually equidistant between Norway to the east and the UK mainland to the south. The Islands have a population of approximately 22,000 with the main population centre being Lerwick with approximately 9,000 inhabitants.

#### **5 Consultation Process**

- 5.1 The Shetland Islands Area Licensing Board is required by the Gambling Act 2005 to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement may also be reviewed from time to time and in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.
- 5.2 The Gambling Act requires that the following parties are consulted by each licensing authority: -
- the Chief Constable of the relevant area;
  - one or more persons who appear to us to represent the interests of persons carrying on gambling businesses in the authority's area; and
  - one or more persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 5.3 We consulted widely on a draft of this statement of principles before finalising and publishing it. A list of the persons we have sent a draft of this document to is attached at Appendix 1.

#### **6 Declaration**

- 6.1 In producing the final licensing policy statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses received from those consulted on the policy statement.

## **7 Responsible Authorities**

- 7.1 We are required under section 157(h) of the Act to designate, in writing, a body competent to advise the licensing authority about the protection of children from harm. In such designation, the following principles are applied: -
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
  - whether the body has experience in relation to protection of children issues.
- 7.2 We designate the Shetland Child Protection Committee for the purpose of providing advice about protection of children from harm.
- 7.3 The responsible authorities under the Act must be notified of applications in relation to premises licences and are entitled to make representations in relation to them. A list of the responsible authorities for our area is attached to this document at Appendix 2.

## **8 Interested Parties**

- 8.1 The Act identifies interested parties in relation to an application for or in respect of a premises licence and who can make representations about licence applications or apply for a review of an existing licence, namely a person who in the opinion of the licensing authority: -
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - has business interests that might be affected by the authorised activities; or
  - represents persons who satisfy either of the two sub-paragraphs above.
- 8.2 The licensing authority will apply various principles to determine whether a person is an interested party.
- 8.3 The licensing authority will consider each case on its merits.
- 8.4 In determining whether a person lives "sufficiently close to the premises", the licensing authority may have regard to such of the following factors as it considers appropriate to the circumstances: -
- the size of the premises;
  - the nature of the activities taking place;
  - the distance of the premises from the location of the person making the representation;
  - what might, in the opinion of the licensing authority, be reasonably regarded as a potential impact of the premises (this might for example be

- influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc);
  - the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the licensing authority is likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and
  - such other factors as it considers are relevant.
- 8.5 In determining whether a business interest is “likely to be affected”, the licensing authority may have regard to such of the following factors as it considers appropriate to the circumstances: -
- the size of the premises;
  - the “catchment” area of the premises (i.e. how far people travel to visit);
  - the nature of the business that it is suggested is likely to be affected; and
  - such other factors as it considers relevant.
- 8.6 In determining whether a person is regarded as representing a person in either of the other two interested party categories, the licensing authority in particular considers that the following may fall within this category: -
- Members of Parliament or elected councillors;
  - local authorities;
  - residents’ and tenants’ associations; and
  - trade unions and trade associations.
- 8.7 The licensing authority will not necessarily consider a person as representing one of the other categories of interested party unless the person can demonstrate: -
- that they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation; and / or
  - that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.
- 8.8 This authority will not generally consider residents’ or tenants’ associations or trade unions or trade associations to be interested parties unless they have a member who can be classed as one under the terms of the Act e.g. living sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 8.9 Interested parties may also be represented by other persons such as councillors, MPs, etc. Care should be taken when approaching councillors that they are not part of the Licensing Board dealing with the licence application. If there are any doubts then please contact the Clerk to the Board on (01595) 744550 for advice.

## **9 Responsible Authorities and Interested Parties - Representations**

- 9.1 Representation made by a responsible authority or interested party which is not withdrawn will normally result in a hearing taking place.
- 9.2 In certain circumstances however, a hearing need not take place. For example, where the licensing authority considers that the representation: -
- is vexatious;
  - is frivolous; or
  - will certainly not influence the authority's determination of the application.

## **10 Disclosure / Exchange of Information**

- 10.1 In fulfilling its functions and obligations under the Act, the licensing authority will exchange relevant information with other regulatory bodies and will establish protocols as necessary. In exchanging such information, the licensing authority will conform to the requirements of the Act, data protection and freedom of information legislation as well as the Gambling Commission's Guidance to Licensing Authorities.
- 10.2 Contact details of those persons making representations and of their representations will be made available to applicants for a licence. Should a hearing take place, they will form part of a public document. Any party who lodges representations or applies for a review of a premises licence will be informed that these details will be disclosed.

## **11 Enforcement**

- 11.1 The Act provides various bodies including the licensing authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore the licensing authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act. Any proposal to undertake an inspection or initiate criminal proceedings will be considered on its own merits.
- 11.2 In exercising our functions under the Act with regard to the inspection of premises we will be guided by the Gambling Commission's Guidance and our approach will be: -
- proportionate;
  - accountable;
  - consistent;
  - transparent; and
  - targeted.
- 11.3 In carrying out our enforcement responsibilities, we will normally adopt a risk based approach. Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed; those premises

considered to pose the greatest risk will be subject to more frequent inspections than those presenting a lower risk.

11.4 This Authority will use a risk based approach to any inspection regime it operates. When assessing risk the Board shall have regard to:

- the nature of the gambling activities carried out on the premises;
- the proximity of the premises to schools and other locations where there are likely to be vulnerable persons;
- the procedures put in place by management of the premises with a view to safeguarding and promoting the licensing objectives.

This Licensing Authority will have regard to the Gambling Commission's risk modelling system set out in their Information Paper on "The Compliance Process, The Risk Modelling System and The Annual Visit Programme" (August 2007).

11.5 The main enforcement and compliance role for this authority under the Act will be to ensure compliance with premises licences and other permissions which it authorises. For the purposes of enforcement and compliance Shetland Islands Council will employ Licensing Inspectors under Section 304 of the Act who shall for the purposes of this Act be a "Local Authority Authorised Person". It is anticipated that forthcoming legislation will permit any Licensing Standards Officer appointed for the area of the Shetland Islands Area Licensing Board to be a Licensing Inspector in terms of Section 304.

11.6 In the event that bookmakers have a number of premises within its area, the Authority shall seek a single named point of contact and contact details, who would be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

## **12 Licensing Authority Functions**

12.1 This authority will make decisions upon applications or notifications made for: -

- premises licences
- provisional statements
- temporary use notices
- occasional use notices
- permits as required under the Act
- registrations required under the Act

12.2 This statement of principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- adult gaming centres
- betting premises

- bingo
- casinos
- club gaming and club machine permits
- licensed family entertainment centres
- unlicensed family entertainment centres
- permits for gaming machines on alcohol licensed premises
- prize gaming and prize gaming permits
- registration of small society lotteries
- tracks
- temporary and occasional use notices
- travelling fairs

12.3 We will provide information to the Gambling Commission regarding details of licences issued and will maintain registers of the permits and licences that are issued under these functions.

12.4 We will not be involved in licensing remote gambling – regulation will fall to the Gambling Commission through operator licences.

### **13 Equalities Strategy**

13.1 The Board will operate in a way which conforms to its Public Sector Equalities Duties. The Board is a party to the “Shetland’s Equality Mainstreaming Report and Equalities Outcomes 2013-2017”. This can be viewed at [http://www.shetland.gov.uk/about\\_introduction/documents/ShetlandsEqualitiesMainstreamingReportandEqualityOutcomes2013-2017.pdf](http://www.shetland.gov.uk/about_introduction/documents/ShetlandsEqualitiesMainstreamingReportandEqualityOutcomes2013-2017.pdf) .

### **14 Publication Scheme**

14.1 The terms of the Freedom of Information (Scotland) Act 2002 apply to the Board’s activities. For the assistance of the public, there is a Publication Scheme with detailed information available at [http://www.shetland.gov.uk/about\\_freedom\\_of\\_information/documents/SICPublicationScheme2013.pdf](http://www.shetland.gov.uk/about_freedom_of_information/documents/SICPublicationScheme2013.pdf) .

## **PART B – PREMISES LICENCES**

### **15     Premises Licences**

- 15.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which will be detailed in regulations issued under the Act. We may also exclude default conditions and also attach other conditions where we believe it is appropriate.
- 15.2 In considering an application for a premises licence no regard will be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.
- 15.3 We will not consider unmet demand or moral objections to gambling when considering an application for a premises licence, as these do not relate to the licensing objectives and they are not criteria which we can consider under the Act or the Gambling Commission's Guidance for Licensing Authorities. Therefore we will consider any application in accordance with the Act on its own merits without regard to demand or moral objection to gambling in general.
- 15.4 In exercising our functions in relation to premises licences, we will aim to permit the use of premises for gambling in so far as we think it is: -
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this Statement.
- 15.5 Premises are defined in the Act as "any place", including vessels and vehicles and must be premises which are ready to be used i.e. not under construction. Different premises licences cannot apply in respect of single premises at different times. We will assess each case on its individual merits to decide as a matter of fact whether different parts of a building can properly be regarded as being separate premises. Factors which will assist the Licensing Authority in their decision may include the following:
- Is a separate registration for business rates in place for the premises?
  - Is the premises' neighbouring premises owned by the same person or someone else's?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from another gambling premises?

We note the Gambling Commission's Guidance in this area.



- 15.6 The Board will exercise a high degree of scrutiny in respect of premises where there is a discrete part used for non-gambling purposes. In accordance with the Gambling Commission's Guidance, we will pay particular attention to the protection of children and vulnerable persons from harm or exploitation by gambling, as well as to issues of crime and disorder.
- 15.7 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be adopted, this statement will be updated and the policy will be publicly available.
- 15.8 Any future policy would not preclude an application for a premises licence being made; the onus would be upon the applicant to show how any potential concerns could be overcome.
- 15.9 In making a determination in respect of a premises licence, we shall have regard to section 210 of the Act and will not consider whether an application is likely to be awarded planning permission or building approval.
- 15.10 We will seek to avoid duplication with other statutory/regulatory systems where possible. We will consider carefully any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

**Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

- 15.11 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. Its Guidance envisages that attention is paid to the proposed location of gambling premises in terms of this licensing objective. We recognise the Commission's distinction between disorder and nuisance, disorder meaning an activity that is more serious and disruptive than mere nuisance, which is not a Gambling Act objective. We will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, to assess a disturbance.
- 15.12 In considering licence applications, we will have regard to the following: -
- the design and layout of the premises;
  - the training given to staff in crime prevention measures appropriate to those premises;
  - physical security features installed in the premises, which may include matters such as the position of cash registers or the standard of CCTV that is installed;
  - where premises are subject to age-restrictions, the procedures in place to conduct age verification checks; and
  - the likelihood of any violence, public order or policing problem if the licence is granted.

## **Objective 2: Ensuring that gambling is conducted in a fair and open way**

15.13 The Gambling Commission has stated that it would generally not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will relate either to the management of the business, therefore subject to an operating licence, or to an individual and therefore subject to a personal licence. Both of these are the responsibility of the Gambling Commission.

## **Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling**

15.14 The Gambling Commission Guidance for Local Authorities states that protecting children from being “harmed or exploited by gambling” can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.

15.15 We will consider whether specific measures are required at individual premises to promote this licensing objective. Appropriate measures may include supervision of access points or machines or segregation of areas. We will consult with the Shetland Child Protection Committee on any application that indicates there may be concerns over access or other relevant issues for children or vulnerable persons.

15.16 The term “vulnerable persons” is not defined but the Gambling Commission states that it will for regulatory reasons assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

### Conditions

15.17 Any conditions we attach to licences will be proportionate and will be: -

- relevant to the need to make the premises suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and consistently related to the scale and type of premises; and
- reasonable in all other respects.

Decisions on individual conditions will be made on a case by case basis. The control measures which we may consider using include door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas. We will expect licence applicants to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

15.18 We may consider specific measures for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling and non-gambling areas frequented by children, the supervision of gaming machines in non-adult gambling specific premises and the display of notices regarding age restrictions.

15.19 It is noted that there are conditions the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

15.20 Whilst each application will be considered on its merits, factors to which the licensing authority may in particular have regard when determining an application include: -

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
- whether any relevant objections to an application could be addressed by the use of one or more conditions.

15.21 In circumstances where the licensing authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the licensing authority determines to reject an application.

#### Door Supervisors

15.22 In accordance with the Gambling Commission's Guidance this licensing authority may consider whether there is a need for door supervisors in terms of the licensing objectives relating to children and vulnerable persons and the prevention of crime.

It is however noted that there is no evidence that the operation of betting offices has required door supervisors within premises for the protection of the public. The authority will only impose this requirement in circumstances where there is clear evidence, from the history of trading at specific premises, that such

premises cannot be adequately supervised from the counter and this requirement is both necessary and proportionate.

- 15.23 The Gambling Act 2005 has amended the Private Security Industry Act 2001, so that “in-house” door supervisors employed by the premises licensee at casinos or bingo premises cannot be licensed by the Security Industry Authority. Contract staff working as door supervisors at casino or bingo premises are still required, by the 2001 Act, to be licensed by the SIA.
- 15.24 The Board may formulate a policy relating to registration with the licensing authority of all door supervisors working at casinos or bingo premises. This would be in recognition of the nature of the work which might include searching individuals, dealing with potentially aggressive and young and vulnerable persons. If so, the policy will be made available publicly.

#### Re-site Applications

- 15.25 The Board will give sympathetic consideration to re-sites within the same locality and to extensions of existing premises in order to enhance the quality of the facility provided for the benefit of the betting public.

### **16    Adult Gaming Centres**

- 16.1 An adult gaming centre consists of premises for which a premises licence is granted to make Category B gaming machines available only to persons aged eighteen years and over.
- 16.2 This licensing authority will particularly have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the premises. Appropriate licence conditions may cover issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances / gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices / signage, specific opening hours, self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

This list is indicative and not intended to exclude other conditions in appropriate cases.

While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the license, the ability of staff to monitor the use of such machines from the counter.

## **17     Licensed Family Entertainment Centres**

17.1 A licensed family entertainment centre consists of premises for which a premises licence is granted to provide, subject to certain restrictions, gaming machines. Persons under 18 years old will not be permitted to use certain gaming machine categories that the premises licence might authorise and there will need to be segregation between the different gaming machine types.

17.2 This licensing authority will particularly have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machine areas. Appropriate licence conditions may cover issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances / gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices / signage, specific opening hours, self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare, measures/training for staff on how to deal with suspected truants

This list is indicative and not intended to exclude other conditions in appropriate cases.

17.3 In accordance with the Gambling Commission's Guidance, we will ensure that we are sufficiently aware of any conditions that apply to operating licences, for instance those covering the way in which the area containing the category C or higher machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on premises licences when they have been published.

## **18     Casinos**

18.1 This licensing authority has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should we decide in the future to pass such a resolution, we will update this policy statement with details of that resolution.

## **19     Bingo Premises**

19.1 Bingo does not have a statutory definition.

19.2 Part 18-25 of the Gambling Commission's Guidance to Licensing Authorities 4<sup>th</sup> Edition sets out the mandatory conditions attached to different types of bingo premises. In addition this Authority will have regard to the Gambling Commission's publication "Licence Conditions and Codes of Practice" (December 2011) when considering applications of this nature.

The holder of a bingo premises licence will be able to offer any type of bingo game, whether cash or prize. Furthermore the holder of the licence may make available for use: -

- up to four category B gaming machines (B3 or B4);
- any number of category C machines; and
- any number of category D machines.

19.3 This licensing authority notes Gambling Commission Guidance, which states that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, licensing authorities should ensure that:-

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

19.4 This licensing authority will particularly have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years of age do not have access to adult only gaming machines. Appropriate licence conditions may cover issues such as: -

proof of age schemes, CCTV, door supervisors, supervision of entrances / gaming machine areas, physical separation of areas, location of entry, location of adult gaming machines, notices / signage, specific opening hours, self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare, measures/training for staff on how to deal with suspected truants.

This list is indicative and not intended to exclude other conditions in appropriate cases.

19.5 We will normally expect the applicant to identify the types of gaming machine which will be placed on the premises.

19.6 Whilst each application will be considered on its merits, factors to which we may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises. We note that the Gambling Commission will issue further guidance on the particular issues that should be

taken into account in relation to the suitability and layout of bingo premises and we will consider such guidance when it is published.

## **20     Betting Premises**

- 20.1    The Act contains a single class of licence for betting premises. There will be different types of premises which require licensing, including betting offices on tracks, that have a separate premises licence from the track licence. Licence holders may, subject to certain restrictions, make available for use up to 4 gaming machines. It should be noted that it is illegal for children and young persons to bet.
- 20.2    When considering whether to impose a condition to restrict the number of betting machines in particular premises, we will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of such machines by children and young people or by vulnerable persons.

## **21     Tracks**

- 21.1    Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. At the time of publication of this statement, there are no tracks within the Shetland Islands Area.

## **22     Travelling Fairs**

- 22.1    We will consider whether the applicant falls within the statutory definition of a travelling fair i.e. a travelling fair which “wholly or principally” provides amusements.
- 22.2    A travelling fair must take place on a site that has been used for fairs for no more than 27 days per calendar year, regardless of whether it is the same or different fairs occupying the land.
- 22.3    Travelling fairs do not require a permit or licence to provide category D gaming machines or equal chance prize gaming. It will fall to this authority to decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

## **23     Provisional Statements**

- 23.1    A provisional statement may be applied for where we deem that premises have not been completed to our satisfaction. It is important to know what the final form of the building will be in order for the Authority to be satisfied that the premises are suitable for the proposed activity. Whether a building is complete enough to allow for such an assessment is a question of fact and degree, and will be for the Authority to decide.
- 23.2    In terms of representations about premises licence applications following the grant of a provisional statement, no further representations from relevant

authorities or interested parties can be taken into account by this authority unless they concern matters which could not have been addressed at the provisional statement stage, or, in our opinion, they reflect a change in the applicant's circumstances.

Further, we may refuse the premises licence or grant it on terms different to those attached to the provisional statement only by reference to matters: -

- which could not have been raised by objectors at the provisional statement stage; or
- which in our opinion reflect a change in the operator's circumstances.

23.3 This authority has noted the Gambling Commission's Guidance that licensing authorities should not take into account irrelevant matters such as the likelihood of the applicant obtaining planning or building consent for the proposal.

## **24 Reviews**

24.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review: -

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy.

24.2 We may also initiate a review of a licence on the basis of any reason which we think is appropriate.

24.3 Whilst we recognise the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of premises licences, we would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing in respect of the same grounds within 12 months.



## **PART C – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES**

### **25     Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 25.1 Where premises are not the subject of a premises licence but they wish to provide gaming machines, the applicant may apply to the licensing authority for this permit. This permit authorises the provision of category D gaming machines only. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. Permits cannot be issued in respect of vessels or vehicles.
- 25.2 In addition to the statutory requirements, as part of any application for an Unlicensed FEC gaming machine permit, the licensing authority will require to be satisfied that the applicants can demonstrate: -
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions, as set out in Schedule 7 to the Act;
  - that their staff are trained to have a full understanding of the maximum stakes and prizes;
  - that there are policies and procedures in place to protect children from harm;
- 25.3 In considering any application the licensing authority will normally have regard to the following: -
- each case will be considered on its merits
  - any information received as part of the application process;
  - the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
  - such other factors as the licensing authority considers relevant.
- 25.4 We note that the Act imposes mandatory conditions on Unlicensed FEC gaming machine permits. We cannot impose any other conditions.

### **26     Alcohol Licensed Premises Gaming Machine Permits**

- 26.1 On notifying the licensing authority, premises licensed to sell alcohol for consumption on the premises can, subject to certain restrictions, have 2 gaming machines of categories C and/or D. In order to exercise this entitlement, the licence holder must give notice to the Licensing Authority of their intention to make gaming machines available for use and must pay the prescribed fee. The automatic entitlement relates to the premises as a whole and not to each individual bar area within the premises.

26.2 We have the power to remove this automatic authorisation if: -

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises in breach of section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

26.3 An alcohol licensed premises gaming machine permit is required if more than 2 gaming machines are sought. The issue of such a permit replaces the automatic entitlement identified above.

26.4 In addition to the statutory requirements, as part of any application for a permit, we will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made: -

- a plan showing the location and category of gaming machine being sought; and
- details of any proposed precaution for preventing persons under eighteen from using any category of gaming machine being sought and how it would be implemented.

26.5 We will consider applications taking into account the licensing objectives and such other matters as we consider relevant on a case by case basis. We will take into account the Gambling Commission's Gaming Machine Permits Code of Practice 2007 and any amendments thereof.

26.6 We may decide to grant an application with a smaller number of machines and/or a different category of machine but note that we cannot attach any other conditions.

## **27 Prize Gaming Permits**

27.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

27.2 The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule (ie Schedule 14)". In particular the Licensing Authority may specify matters which they propose to consider in determining the suitability of the applicant for a permit.

27.3 This Authority's Statement of Principles for this purpose is that applicants must satisfy the authority that:-

- they have a full understanding of the maximum stakes and prizes of the legislative framework for prize gaming;

- that the gaming offered is within the law.

27.4 In considering any application we will normally have regard to the following: -

- each case will be considered on its merits
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as we consider relevant.

27.5 We note that the Act imposes mandatory conditions on prize gaming permits. We cannot impose any other conditions.

## **28 Club Gaming and Club Machines Permits**

28.1 There are two types of club permits available under the 2005 Act - a Club Gaming Permit and a Club Machine Permit. A Club Gaming Permit allows a club to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

28.2 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a club gaming machine permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.

28.3 Only a Members Club (not a Commercial Club) may apply for a Club Gaming Permit. A Members Club is permanent in nature, not established to make a profit, and is conducted for the benefit of its members. The British Legion is an example of a Members Club.

28.4 A club gaming permit authorises establishments to provide, subject to certain restrictions, no more than 3 gaming machines in total of categories B, C or D, equal chance gaming and other games of chance as prescribed in regulations.

28.5 Before granting the permit, we must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.

28.6 We note that we cannot attach conditions to either of these permits.

28.7 We note that we may only refuse an application on the grounds that: -

- the applicant does not fulfil the requirements of a member's or commercial club;
- the applicant's premises are used wholly or mainly by persons under the age of 18;
- an offence under the Act, or a breach of permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous 10 years; or

- an objection to the application has been made by the Gambling Commission or the Police.

## **29    Temporary Use Notices**

- 29.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They may only be granted where a relevant operating licence has been granted.
- 29.2 It is for us to determine in each case what constitutes premises. We may consider ownership, occupation and control of the premises.
- 29.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The current provisions are contained in the Gambling Act 2005 (Temporary Use Notices) Regulations 2007, SI No. 3157.
- 29.4 The Authority will normally object to Notices where it appears that their effect would be to permit regular gambling in a place which could be described as one set of premises.

## **30    Occasional Use Notices**

- 30.1 Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence.
- 30.2 The Authority has very little discretion as regards these Notices, but will consider whether the area falls within the definition of a “track” and whether the applicant is permitted to avail him/herself of an Occasional use Notice.

**SCHEDULE OF CONSULTEES TO THIS DRAFT STATEMENT OF PRINCIPLES**

This document was made available in draft on our web-site at [www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing)

It was sent to all the consultees listed below and will be sent to any other interested party on request.

The consultation period is 12 weeks from 23 March 2007 until 15 June 2007. Thereafter, all responses will be considered and any appropriate adjustments will be made to the text.

If anyone has any queries, please contact the Clerk to the Board, Governance & Law, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ.

1. All members of the Shetland Islands Council
2. Advocacy Shetland, Market House, 14 Market Street, Lerwick ZE1 0JP
3. The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
4. The Chief Constable, Police Scotland, Headquarters, Perth Road, Inverness IV2 3SY
5. The Chief Fire Officer, Scottish Fire and Rescue Services, Headquarters, 16 Harbour Road, Longman West, Inverness IV1 1TB
6. The Executive Director of Infrastructure Services, Shetland Islands Council – (and Heads of Service for Planning and Environmental Health)
7. The Executive Director of Education & Social Services, Shetland Islands Council – (and Heads of Service for Children's Services, Community Care and Community Development)
8. The Shetland Child Protection Committee – c/o Kate Gabb, Adult & Child Protection Co-ordinator, Shetland Islands Council, Old Library, Lerwick -
9. HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ
10. NHS Shetland, Brevik House, South Road, Lerwick, Shetland ZE1 0TG
11. Shetland Alcohol Support Services, 44 Commercial Street, Lerwick, Shetland ZE1 0AB
12. Citizens Advice Bureau, Market House, 14 Market Street, Lerwick ZE1 0JP

13. Shetland Turf Accountants, c/o J W Gray & Co, Gremista Industrial Estate,  
Lerwick ZE1 0PX
14. Disability Shetland, Market House, 14 Market Street, Lerwick ZE1 0JP

**SCHEDULE OF RESPONSIBLE AUTHORITIES**

1. Shetland Islands Area Licensing Board
2. The Gambling Commission
3. The Chief Constable, Police Scotland
4. The Chief Fire Officer, Scottish Fire and Rescue Service
5. The Executive Director of Infrastructure Services, Shetland Islands Council –  
Planning and Environmental Health
6. The Shetland Child Protection Committee
7. HM Revenue & Customs