

SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 17 JANUARY 2014

1. Applications for Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>On-Sales/Off Sales/Both</u>
(a) Fjara Café Bar Ltd Rizal 1B Heathery Park Gulberwick Shetland ZE2 9GD	Fjara Café Bar Sea Road Lerwick Shetland ZE1 0RD	Both

• Core Times

On Sales

	Opening	Terminal
Mon	11.00	01.00
Tue	11.00	01.00
Wed	11.00	01.00
Thurs	11.00	01.00
Fri	11.00	01.00
Sat	11.00	01.00
Sun	11.00	01.00

Off Sales

	Opening	Terminal
Mon	11.00	22.00
Tue	11.00	22.00
Wed	11.00	22.00
Thurs	11.00	22.00
Fri	11.00	22.00
Sat	11.00	22.00
Sun	11.00	22.00

- Seasonal Variation – None
- Other Activities – conference facilities, restaurant facilities, bar meals, receptions, clubs, recorded music, live performances, gaming, televised sport and outdoor drinking facilities
- Children or Young Persons admitted - Yes
- Capacity in bar area - 83 persons inside premises / 54 persons in decking/garden area (introduction of tables and chairs would half this number)
- Premises Manager – None specified

LSO comments: No objections. Comment in relation to child/young person access incorporated.

Community Council comments No objections

Building Standards comment No comments other than those in relation to capacity which have been incorporated.

Police comments: No objections



<u>Applicant</u>	<u>Premises</u>	<u>On-Sales/Off Sales/Both</u>
(b) Sopha Phosoongnoen Glen Orchy 20 Knab Road Lerwick Shetland ZE1 0AX	Phu Siam Thai Restaurant Market Cross Lerwick Shetland ZE1 0LL	On Sales

- Core Times

On Sales

	Opening	Terminal
Mon	11.00	01.00
Tue	11.00	01.00
Wed	11.00	01.00
Thurs	11.00	01.00
Fri	11.00	01.00
Sat	11.00	01.00
Sun	11.00	01.00

- Seasonal Variation – None
- Other Activities – Restaurant; Receptions; Recorded Music
- Children or Young Persons admitted - Yes
- Capacity in bar area - 90 persons
- Premises Manager – Sopha Phosoongnoen

LSO comments: No objections

Community Council comments: Not able to provide a response prior to response deadline

Building Standards comment: No comments other than those in relation to capacity which have been incorporated

Police comments: No objections

Health Board comments: No response received

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

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>	
(a) Bressay Public Hall Committee	Bressay Public Hall Mail Bressay Shetland ZE2 9ES	Change to on-sale hours	
		<u>Existing licensed hours</u>	<u>Proposed licensing hours</u>
		Mon 11am-11pm	Mon 11am-1am
		Tue 11am-11pm	Tue 11am-1am
		Wed 11am-11pm	Wed 11am-1am
		Thurs 11am-11pm	Thurs 11am-1am
		Fri 11am-1am	Fri 11am-1am
		Sat 11am-1am	Sat 11am-1am
		Sun 12.30pm-11pm	Sun 11am-1am

LSO comments: No objections

Community Council
comments: No response received

Building Standards
Manager comments: No objections

Police comments: No objections

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>	
(b) Da Wheel Bar LLP	Da Wheel Bar 13 Commercial Road Lerwick Shetland ZE1 0LX	Change to on-sale hours	
		<u>Existing licensed hours</u>	<u>Proposed licensing hours</u>
		Mon 11am-1am	Mon 11am-1am
		Tue 11am-1am	Tue 11am-1am
		Wed 11am-1am	Wed 11am-1am
		Thurs 11am-1am	Thurs 11am-1am
		Fri 11am-2am	Fri 11am-3am
		Sat 11am-2am	Sat 11am-3am
		Sun 11am-1am	Sun 11am-1am
LSO comments:	No response received		
Community Council comments:	No objections		
Building Standards Manager comments:	No objection		
Police comments:	No objections		

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>	
(c) KGQ Hotels Limited	Grand Hotel 149 Commercial Street Lerwick Shetland ZE1 0EX	Change to on-sale hours	
		<u>Existing licensed hours</u>	<u>Proposed licensing hours</u>
		Mon 11am-1am	Mon 11am-1am
		Tue 11am-1am	Tue 11am-1am
		Wed 11am-1am	Wed 11am-1am
		Thurs 11am-1am	Thurs 11am-1am
		Fri 11am-2am	Fri 11am-3am
		Sat 11am-2am	Sat 11am-3am
		Sun 11am-1am	Sun 11am-1am
LSO comments:	No objections		
Community Council comments:	No objections		
Building Standards Manager comments:	No objections		
Police comments:	No objections.		
Neighbour Comments:	Objection received from Garek Begg of Begg Shoes. Copy annexed together with response from Grand Hotel.		

3. Application for Extension of Licensed Hours

<u>Applicant</u>	<u>Premises</u>	<u>Extended Hours Applied For</u>	<u>Event or Occasion</u>
(a) Sandwich Social Club	Sandwick Social Club Central Sandwick	8.00am - 11am Wednesday 29 January 2014	Up-Helly-Aa Breakfast for Sandwick & South Mainland Squads
LSO comments:	<p>As a Licensing Standards Officer for the area, I have the following comments to make:</p> <p>The Licensing Board may want to consider whether the application meets with the following provisions of the Shetland Islands Area Licensing Board's statement of Licensing Policy:</p> <p><u>Section 21 General Extensions of Licensing Hour</u> as the breakfast is described in the application as an Up Helly Aa breakfast and not 'a Jarls breakfast on the day of the event' as described in Point 21.5</p> <p><u>Section 26 Licensing Objective – Protecting and Improving Public Health – excessive alcohol consumption</u> I am of the opinion that an additional extended period of alcohol consumption following the extended period the previous night is not in the interests of protecting and improving public health.</p> <p>A visit was conducted by a Licensing Standards Officer following a previous Up Helly Aa Breakfast on Wednesday 30 January 2013. The officer found that the licensed hours of between 8.30am to 10.00am and drinking up time were being adhered to.</p>		
Police comments	No objections		

SHETLAND ISLANDS AREA LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

OBJECTIONS/REPRESENTATIONS FORM – PREMISES LICENCES

Please read the Board's Guidance on objections and representations – premises licences – before completing this form. If you require a copy of the Guidance, please contact Board staff using the following contact options –

by writing to: Clerk to Licensing Board
Governance & Law
Shetland Islands Council
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

by telephone to: 01595 744087

by e-mail to: legal.services@shetland.gov.uk

by fax to: 01595 744585

Please complete this form in typewritten or block capital script, using black ink.

Details of Person Making Objection/Representation	
Full Name of Person	Garek Begg
Address of Person, including postcode	28 Union Street Inverness IV1 1PX
Telephone Number of Person	01463 798853
Email Address of Person	mail@beggshoes.com
Details of Premises Licence Application	
Address of Premises	Grand Hotel 149 Commercial Street Lerwick

Details of Any Objection	
Ground of Objection by reference to section 23(5) of the 2005 Act – these tally with the grounds of objection listed as (a) to (e) in the Board's Guidance	(a) delete (b) delete (c) preventing crime & disorder & public nuisance, securing public safety protecting public health see supplementary notes (d) nature of activities, location character & condition of premises and persons likely to frequent them - see supplementary notes (e) delete
If referring to ground (e) – specify locality being referred to. You may lodge copy maps if that would help to clarify the locality.	
Provide further detailed information about your objection. Please submit supplementary A4 sheets if required.	
Details of Any Representation	
Details of any representation in support of the application. Please submit supplementary A4 sheets if required.	
Details of any modifications which you consider should be made to the operating plan. Please submit supplementary A4 sheets if required.	
Details of any conditions which you consider should be imposed. Please submit supplementary A4 sheets if required.	Half hourly security checks of all areas connected to the nightclub - in particular toilets & sinks checked for blockages (signed & dated log sheet) Security staff checking all incoming & exiting users of the nightclub and removing glasses & bottles which are an obvious issue Emergency call out number available to us so we can minimise the impact & frequency of problems to our premises.

Signature

Date

Supplementary Notes (Section 23) Objections/ Representations Form- Premises licences

C. Preventing crime/ disorder/ public nuisance. Securing public safety.

There is broken glass in the public areas at the front of our shop around Hotel and also in Quendale Lane going up to the car park at the side of the Hotel. This is noticeably worse after the Night club opening evenings and represents a public nuisance is a clear danger to the public. Our suggestion of removing glass items from nightclub clients combined with a systematic checking round the lanes & hotel/shop fronts would help. This should not be an extra burden of cost to the Council in terms of street/ pavement cleaning.

Excessive noise; drunken threatening behaviour of Night club customers/ clientele. I personally encountered this at first hand on the weekend of 16th Nov when we worked on sat night to change the flooring. My wife & I business along with the local flooring company had to suspend our work due to the noisy and threatening behaviour of people going to the night club. Perhaps normal in Commercial Street but security staff at entrances could help control the above

D. Nature of activities combined with location, character and condition of premises along with the people likely to frequent the premises.

Regarding public safety: the extension of night club hours will attract predominantly more young people who are often under the influence of alcohol which inhibits their normal judgement re disposal of glasses & bottles also behaviour which may be loud & threatening. Damage to property does result and in our case floods originating from the nightclub toilets & sinks as a result of malicious depositing of items (glasses/toilet rolls etc) and inevitably vomiting.

The impact of the above is already considerably detrimental to our own property which is located immediately below the Grand Hotel. Our main stock area and shop floor is below the Night Club. There is a long list of problems going back over many years however I have include only a couple of the most recent issues for your information:

1. There have been floods/ water ingress causing damage to our property due to the Gents toilets (Night Club) being blocked both in Sept 2012 and again on the weekend of the 28th Sept earlier this year. The amount of water went through the entire building badly affecting 2 separate stock areas.

On Saturday 16th Nov: water was coming through the shop ceiling onto the shop floor. On notifying the Duty Manager of the problem and seriousness of water ingress onto a public area (not to mention damage to property); it was not possible for her to obtain any immediate help via emergency contact numbers! She did however assure me that the cleaning staff would check the toilets as I told her that was the likely source of the problem. An hour later I went back up to speak with her as nothing further had been done and located the problem myself with cleaning staff. The flood was caused by a blocked sink (excessive alcohol consumption resulted in vomiting which blocked the sink) where someone had left a tap on at full overnight! Our Shop Manager has reported to the Hotel on several occasions' water ingress from the same area (mostly dripping as opposed to a full flood) but has found that denials of any problems seem to be a standard response.

2. During the summer earlier this year the shop storage area was badly flooded this time as a result of a blocked drain (the cover is in the rear emergency exit area). The cost of clearing this drain was borne by ourselves; the Contractor advised us that other drains from adjoining buildings also use this drain and any debris lying about the drain cover area may also have contributed to the blockage. Glass bottles/ glasses/ rubbish regularly litter the emergency exit area at the upstairs area if the shop & also rear emergency exit of the Hotel. Our Manageress has cleared glass and other rubbish from this area. This has not come from our premises and I consider this to be a health and safety issue for our staff not to mention a possible impediment to the area as a fire exit.

KQG HOTELS
C/O JWG PLc
GREMISTA INDUSTRIAL ESTATE
LERWICK
ZE1 OPX

Dear Sir

Your Reference SI/PREM/119 PW/AM

I am writing to you regarding the application to vary the premises licence for the Grand Hotel 149 Commercial Street Lerwick.

We note that there has been an objection/representation from Garek Begg of Begg Shoes and would like to make the following points in defence of our application.

In the first instance the Grand Hotel has been in operation for many years and we have had a great number of businesses occupying the premises under the hotel and we have had no complaints whatsoever from any of these previous tenants. The nightclub which operates at the rear of the building is run in a very professional manner and we strictly adhere to all licensing conditions. We have fully trained and licenced SIA door stewards, not just at every entrance but also throughout the club. We have fully operational CCTV to monitor both inside and outside the premises, all bar staff are fully trained as are the managers who are also present when the club is in operation.

Part of the duties of both the door stewards and bar staff are to make regular checks on the toilets, however it is impossible to stop all instances of vandalism. We were having problems with clientele deliberately blocking the toilets, so at great expense we refurbished the toilets and installed new fittings which now prevent this from happening. Since the refurbishment we have had no incidence of flooding.

Lerwick has a bye law in place which makes it an offence to drink in public areas and we have warning signs on our premises to this effect, and our door staff do not let anyone either to enter or leave the club with any bottles, cans or glasses. There is also CCTV operated by the council/police which covers the entrance to the club as well as commercial street where persons carrying alcohol can be spotted and apprehended. If there has been a problem with bottles etc at the front and side of the shoe shop then we would suggest that these do not come from our premises, however we do clean up any debris from around our premises on a regular basis.

We run our business promoting the 5 licensing objectives and as stated we want to ensure that our premises are run to the highest standards. We want to work with both the council and our neighbors to operate in harmony with anyone effected by our nightclub, and we are unaware of any problems with people residing in the vicinity and do not see how we can effect a shoe shop that only operates during daytime hours.

RECEIVED

21 DEC 2013

103782 Am

Yours truly,



Peter Lennon

Manager

Grand Hotel