

**Licensing Committee****15 April 2014****Review of Late Hours Catering Terminal Hours****ES-02-14-F****Patti Dinsdale
Environmental Health Officer****Infrastructure Services Department/
Environmental Services****1.0 Summary**

- 1.1 The Licensing Committee are asked to make a decision on whether to change their late hours catering policy on terminal hours which currently allows premises to remain open until 3am on weekend nights. The review is requested to reflect demand from late hours catering premises following the decision to extend alcohol licensing hours for night clubs from 2am until 3am on weekend nights.

2.0 Decision Required

- 2.1 That the Committee resolve to recommend to the Council to change the policy on late hours catering opening hours to permit premises to open for one hour after alcohol licensing terminal hours for nightclubs or for one hour after alcohol licensing terminal hours during periods of general extensions; or
- 2.2 Decide that the current terminal hour policy should not be changed.

3.0 Detail

- 3.1 In 2005, the Civic Government Licensing Sub-Committee decided that the operating hours for late hours catering premises would be granted between 11 pm to 12 Midnight Monday to Thursday and 11pm to 3am Friday, Saturday and Sunday, which was one hour after the terminal hours licensing hours for night clubs. This meant that premises were able to apply for a licence to be open Friday 11pm – Saturday 3am, Saturday 11pm – Sunday 3am and Sunday 11pm – Monday 3am. This late hours catering terminal hours policy did not alter when Licensing Board policy under the new alcohol licensing regime reduced the hours for nightclub premises.

- 3.2 The Licensing Committee revised their Statement of Licensing Policy in November 2013 for alcohol terminal hours for night clubs to be extended from 2am to 3am at weekends (Friday/Saturday).
- 3.3 In response to extending the alcohol terminal hours, applications have been received to extend late hours catering times which will be considered, in two subsequent reports. Premises operators believe that by nightclubs closing at the same as the late hours catering premises it adds pressure on the premises by making it more difficult to close up when customers are still queuing to be served and they are also seeing a reduction in trade.
- 3.4 The views of Police Scotland, Fire Scotland, Living Lerwick and the Lerwick Community Council were sought on the requests by catering businesses to extend their weekend opening from 3am until 4am.

Police Scotland have reiterated the Highlands and Islands Policing Division position that they have no aversion to the terminal hours being the same (that is 3am) for both night clubs and late hours catering establishments. They have however commented that their resources may be significantly reduced for the rest of the community during these hours due to the marshalling required around catering premises to prevent disorder (Appendix 1). They indicate that allowing premises to stay open until 4am would move the golden hour and create additional pressure on police resources. If premises are to be permitted to stay open until 4am, they would like the approval to be conditional on premises employing trained door staff.

Living Lerwick has responded positively to the applications as an opportunity for businesses (Appendix 2).

Lerwick Community Council has commented that they see no need to extend the hours for catering establishments. This will encourage individuals to leave licensed premises earlier if they wished to purchase food on the way home and avoid queues and potential disorder (Appendix 3).

Fire Scotland provided a response that although the introduction of extended catering hours may contribute to reducing the risk of fire within the home it may increase community risk in other areas (Appendix 4).

A letter in support of a change in the Policy to allow late hours catering establishments to extend their terminal hours has been received from an existing catering establishment owner. They have indicated that they would wish to increase their terminal hours should the policy be reviewed and later hours allowed (Appendix 5).

- 3.5 The Shetland Islands Area Licensing Board can also grant a general extension of licensed hours for drinking for special events of local or national importance, The Board has a policy that they will annually consider the need for such a general extension over the Christmas and New Year period and has delegated to the Clerk to the Board to grant general extensions for Up Helly Aa events. The Licensing Committee has a similar power to grant a special exemption from the need to hold

a late hours catering licence, which they may wish to do, if the Board were to exercise their powers.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Objectives – The Licensing Function helps to make Shetland Safer and Stronger an objective in the Single Outcome Agreement by maintaining Community Safety and reducing crime.
- 4.2 Community /Stakeholder Issues – The Police Scotland objection states a belief that approval of the licence would have a negative impact on the area in terms of anti-social behaviour and reduction and delays in service to the wider community.
- 4.3 Policy And/Or Delegated Authority – Section 2.5 of the Council's Scheme of Administration and Delegation sets out the remit of the Licensing Committee. A decision of the Council is required where a change in policy is the recommendation of the Committee. The Council's current Late Hours Catering Policy on terminal hours was resolved following a Review of Late Hours Catering on 6 July 2005. This states that the terminal hours for late hours catering are 3am on Fridays, Saturdays and Sundays.
- 4.4 Risk Management – None
- 4.5 Equalities, Health And Human Rights – None
- 4.6 Environmental – Environmental Health occasionally receive complaints about noise and disturbance from late hours catering premises. Adding an additional hour may cause this disturbance to last for longer.

Resources

- 4.7 Financial – None
- 4.8 Legal – None.
- 4.9 Human Resources – None
- 4.10 Assets And Property – None

5.0 Conclusions

- 5.1 The Committee should determine whether to:
 - 5.1.1 Retain the current policy approved in 2005 and therefore the current closing time of late hours catering premises – 11pm to Midnight Monday to Thursday and Fridays 11pm – 3am , Saturdays 11pm – Sunday 3am and Sundays 11pm – Mondays 3am ; or

- 5.1.2 Change the current policy to allow late hours catering premises to remain open for an hour after night club premises i.e 4am on Saturday and Sundays mornings
- 5.1. 3 Adopt a policy that the Committee will consider the appropriateness of granting an exemption from the need to hold a late hours catering licence whenever the Shetland Islands Area Licensing Board grants a general extension of licensed hours for an event of national or local significance.

For further information please contact:
Patti Dinsdale, Environmental Health Officer
01595 744842 or patti.dinsdale@shetland.gov.uk
3 April 2014

List of Appendices

- Appendix 1 – Letter Police Scotland
Appendix 2 – E-mail from Living Lerwick
Appendix 3 - Letter from Lerwick Community Council
Appendix 4 - E-mail from Fire Scotland
Appendix 5 - Letter of support from Patrick Marley – Relish Van food business operator

Background documents

Review of Late Hours Catering (ES-10-05-F) – Civic Government Licensing Sub-Committee – 6 July 2015

GPMS Classification: RESTRICTED - VETTING

07 January 2014

Your Ref: LC/13/01

Our Ref: EG/HC NL/6188/13

Kay Gardiner
 Environmental Health Department
 Charlotte House
 Commercial Street
 Lerwick
 Shetland
 ZE1 0LX



Shetland Area Command
 Market Street
 Lerwick
 Shetland
 ZE1 0JN

Tel No: 101
 Fax: 01595 693311
 E-mail: ShetlandLPP@scotland.pnn.police.uk
 Web Address : www.scotland.police.uk

Dear Ms Gardiner

Highlands & Islands Policing Division (N Division), has adopted a position where there is no aversion to late night premises licensed to sell alcohol and late night catering establishments having the same terminating hours, provided that the termination hour is no later than 3 am. In practice what this means is that if nightclubs in an area are open until 3 am, then N Division policy is we do not object to applications for late night catering hours until 3 am. This policy is broadly reflective of the picture across Scotland.

From a local policing perspective the period from 0200 hours, the recent weekend closure time for nightclubs through to 0300 hours, the current weekend closure time of Tatties & Point, is traditionally the most resource intensive period for the Police Service. It is a known fact that late night catering establishments are a congregational point for late night revellers and that anti-social behaviour and disorder are often associated with such premises. In the interests of public safety, the police have to have a presence outside these premises until they close. Over the festive period, the nightclubs operated the extension until 0300 hours with operational officers reporting no problems with the same terminating hours and the crowd dispersing in an orderly fashion.

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GPMS Classification: RESTRICTED - VETTING

Should the operating hours be extended from 0300 hours to 0400 hours the net effect on the policing of Shetland as a whole during this golden hour will be to significantly reduce the service to the wider community whilst the crowds around catering establishments are marshalled by the police to prevent disorder. This has implications for the victims of crime who could suffer delay in police attendance whilst officers are restricted to certain areas of the town centre.



As a Command Area we have worked hard to crack down on town centre violence from a peak in July 2012 and have been successful in this regard with far fewer incidents of assault and disorder being reported.

Should the licensing committee support the application, it is requested that a condition be attached that door staff are required to be present alleviating the potential for the Police to be utilised as private security and on the basis that the polluter pays.

I submit the foregoing objection for consideration at the next licensing board meeting scheduled for the 17th of January, should this application be on the agenda.

Yours sincerely

E Graham
A/Chief Inspector
Shetland Area Command

Dinsdale Patti@Infrastructure Services

From: Living Lerwick [info@livinglerwick.co.uk]
Sent: 13 January 2014 13:29
To: Dinsdale Patti@Infrastructure Services
Subject: RE: Late Hours Catering extensions

Hi Patti

Apologies for the late reply. The office has only reopened today.

I would expect late night catering businesses to be in favour of it as it is a good time for them to get extra business if they chose to stay open until 4am. Not necessarily all of them would stay open so late but it is good for them to have this opportunity. As they have already experienced good sales between 2am and 3am this would be the same between 3am and 4am. No doubt the people leaving the pubs will soon be requesting this change in ours also!

As Living Lerwick, we are supportive of this change as our aim is to improve all of the businesses in the area. We would not want to see the catering businesses lose out on an opportunity to make sales which has proven successful before the change to nightclub opening hours.

Thank you for contacting us about this, we are always happy to give views and opinions on changes being made to the area.

Kind regards

Leigh-Ann McGinty
 Administration Officer
 Living Lerwick Ltd
 7 Mounthooly Street
 Lerwick
 ZE1 0BJ

T: 01595 696932
 E: info@livinglerwick.co.uk
 W: www.livinglerwick.co.uk

Opening Hours: Monday – Wednesday, 9am – 5pm

Registered Company Number: 428645

From: patti.dinsdale@shetland.gov.uk [mailto:patti.dinsdale@shetland.gov.uk]
Sent: 07 January 2014 13:53
To: info@livinglerwick.co.uk
Subject: FW: Late Hours Catering extensions

Dear Living Lerwick

The Licensing Committee have recently extended the terminal hours for nightclubs until 3am (from 2am) on weekend nights, currently several catering premises have a late hours catering licence until 3am and wish to extend their hours to 4am to reflect the changes made.

Current policy of the Civic Government Licensing Sub-Committee is that the terminal hours for late night caterers is 3am. Premises are therefore requesting that the policy be changed so that they have an opportunity to serve customers with food on their way home from a nightclub.

I would be interested in any views Living Lerwick have on the request by businesses for the Council to change their late-night catering policy to extend weekend opening from 3am to 4am.

Regards

Patti Dinsdale
Environmental Health Officer

Charlotte House
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T: 01595 744842
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LERWICK COMMUNITY COUNCIL

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Tel. 01595 692447 or 07818 266876
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Ms P Dinsdale
Environmental Health Officer
Charlotte House
Commercial Road
Lerwick
ZE1 0LX

4 March 2014

Our Ref: 2014-020/KS

Dear Ms Dinsdale

Late Hours Catering Extensions

I write with reference to your email of 7 January, regarding the above, which was discussed at the February meeting of Lerwick Community Council, minute ref 02/14/09, item 9.8, and as advised in my email of 5 February 2014, was held for further discussion at the March meeting of Lerwick Community Council, minute ref 03/14/09, item 9.1, following consultation with Police Scotland.

Once the later licensing, of premises to sell alcohol, has bedded in it may be necessary to review the catering hours, but at this time members concur with the viewpoint of Police Scotland. Their comments of which I believe you are already aware, namely that there is currently no need to extend the existing licensing hours to catering establishments. This will encourage individuals to leave licensed premises a little earlier, if they wish to purchase food on the way home, avoiding the inevitable queues for food and its associated potential for disorder.

I hope our comments are of assistance to you in the compiling of your Committee Report, a copy of which would be appreciated for our records.

Please do not hesitate to contact me should you require any further information.

Regards

Katrina Semple

Katrina Semple
Clerk

Dinsdale Patti@Infrastructure Services

From: MacDonald, John 7 [John.Macdonald7@firescotland.gov.uk]
Sent: 06 March 2014 14:52
To: Dinsdale Patti@Infrastructure Services
Cc: Wilson, Billy; Loynd, Mark; Murray, Myles; Stevenson, Peter 2; Johnstone, Rhona
Subject: Late Hours Catering Licences - Shetland

Importance: High

Good afternoon Patti,

Further to our telephone conversation last week and my assurance that I would provide you with a response from the Scottish Fire and Rescue Service to your question detailed within your email below, please note the following:

The Scottish Fire and Rescue Service welcomes any initiative or process that is likely to have a positive impact on the safety of the communities within Shetland. That said, as an organisation we will always consider the proposals from a holistic community safety point of view and not just from the Fire and Rescue Service viewpoint. The reason for this approach is that the Community Safety Strategy is built around partnership working and success within community safety can only truly be delivered through effective partnership working and this is something that the Scottish Fire and Rescue Service not only supports but also promotes. It is therefore only appropriate to maintain this approach throughout and as such whilst the introduction of extended catering hours may contribute to reducing the risk of fire within the home it may actually increase community risk in other areas.

At present, within Shetland, the Scottish Fire and Rescue Service has no operational intelligence or statistical evidence to suggest there is a problem, trend or increase in fires within the home caused by cooking, up to and including 4am at the weekends, or at any other time for that matter. Should there, however, be a change to this statistical information, which is monitored regularly, the service would make appropriate representation to the licensing committee and through partnership working we would seek to identify and implement measures to remove, control or mitigate the risk.

I trust the above response provides you with an appropriate level of information and viewpoint, however should you require any additional information or wish to discuss the issue further, please do not hesitate to contact me at your convenience.

Kind regards

John

John MacDonald | Group Manager | Scottish Fire & Rescue Service

T: 01463 227017 | M: 07786277906 | Email: John.Macdonald7@firescotland.gov.uk

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From: patti.dinsdale@shetland.gov.uk [patti.dinsdale@shetland.gov.uk]

Sent: 03 February 2014 15:41

To: SFRS Enquiries

Subject: FAO: David McDiarmid

Dear David

RE: Late Hours Catering Licences

The Shetland Islands Council Licensing Committee have recently extended the terminal hours for serving alcohol nightclubs in the isles until 3am (from 2am) on weekend nights. Currently several catering premises have a late hours catering licence until 3am and wish to extend their hours to 4am to reflect the changes made. Current policy of the Civic Government Licensing Sub-Committee is that the terminal hours for late night caterers is 3am. Premises are therefore requesting that the policy be changed so that they have an opportunity to serve customers with food on their way home from a nightclub.

I would be interested in any views that Fire Scotland may have on the request by businesses for the Council to change their late-night catering policy to extend weekend opening from 3am to 4am. This is so I can add the views of Fire Scotland to the Committee Report that I am in the process of preparing.

I understand that the Fire Service have campaigned in the past to encourage people to eat before going home after a night out. The aim being to reduce deaths and injuries from fires when people try to cook after consuming alcohol on a night out.

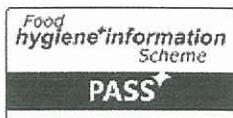
I would be very grateful if you could respond, if at all possible, by the end of play on Wednesday 5 February 2014.

Many Thanks & Kind Regards

Patti Dinsdale

Environmental Health Officer

Charlotte House
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ZE1 0LX
T: 01595 744842
F: 01595 744802



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SIC INFRASTRUCTURE SERVICES	
10 MAR 2014	
PASS TO PMD	ACTION

Patrick Marley
47f St Olaf Street
Lerwick
ZE1 0EN

09/03/2014

To whom it may concern,

I am the owner/operator of The Relish Van mobile takeaway and over the last few weekends I have been asked by many of my customers why we are not allowed to stay open to serve food after 3-00 am on a Saturday and Sunday morning.

It takes a lot of patience and time to explain the why's and wherefores but the main answer you get is "It is only food"

Enabling myself and other outlets to open helps in several ways we slow down the mad rush to the Taxi rank, give customers time to relax get some fresh air before heading home and if we were not able to serve there is always the safety aspect of someone going home after being unable to buy food and trying to cook themselves something with the problem of them forgetting they have a pan on or falling asleep and maybe causing a fire hazard.

With the night venues being allowed to open for a further hour serving drink, our busy period of the half hour to forty five minutes after closing has disappeared and my takings for these two nights have dropped by at least 30-40%.

I am situated at the junction of Harbour St. and Commercial St and have had no complaints since moving here from residents or the local Constabulary.

I would like this letter to be my first step in applying for an extension to my present licence to allow me to open till either 03-45 or 04-00 on these two nights,

Yours faithfully

Patrick Marley

✓

**Licensing Committee****15 April 2014****Tatties and Point
Application to vary Late Hours Catering Licence to be Determined****ES-03-14-F****Patti Dinsdale
Environmental Health Officer****Infrastructure Services Department/
Environmental Services****1.0 Summary**

- 1.1 The Licensing Committee are asked to make a decision on an application to vary a Late Hours Catering Licence because adverse representations or objections have been received to the grant of the application.

2.0 Decision Required

That the Committee resolve to:

- 2.1 approve the variation of the hours for a late hours catering licence to extend their operating hours to between 11.00pm Fridays to 4am Saturdays and Saturdays 11.00pm to 4am Sundays on Fridays and (all year round). The Committee can decide that a variation to a licence can be approved with or without additional conditions; or
- 2.2 Refuse the application. The Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the Licence.

3.0 Detail

- 3.1 An application to vary a Late Hours Catering Licence has been received from the Zetland Partnership trading as Tatties and Point. The variations requested are to change the opening hours on Fridays and Saturdays from between 11pm to 3am to between 11pm to 4am. This is in response to the recent change in the Licensing Board policy to extend nightclubs terminal hours until 3am (instead of 2am).

- 3.2 In considering an application to vary a licence the Licensing Authority shall make such reasonable enquiries as they think fit and use the result of these enquiries in making their decision.

Objections have been received from Environmental Health and Police Scotland to the application.

- 3.3 Police Scotland - object to the application due to their concerns about anti-social behaviour and disorder, reduction of service and delayed response provided to the wider community. Their objection is attached as Appendix 2. If the Committee decides to grant the application Police Scotland wish to see additional conditions that would require the provision of trained door staff at the premises.
- 3.4 Environmental Health have objected to the application due to the terminal hours being outwith those approved for late hours catering premises by the Civic Government Licensing Sub- Committee on 6 July 2005
- 3.5 A Licensing Authority cannot reach a final decision on an application unless the persons who made the objections and the applicants have had the opportunity to be heard or provide their views on the objection in writing. The applicant and the persons who have submitted objections have been invited to appear at this meeting in person or provide their views in writing prior to the meeting.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Objectives – The Licensing Function helps to make Shetland Safer and Stronger an objective in the Single Outcome Agreement by maintaining Community Safety and reducing for refusal for reasons other than a clear technical failure to comply with legislative requirements the matter will be referred to the Licensing Committee for determination.
- 4.2 Community /Stakeholder Issues – The Police Scotland objection states a belief that approval of the licence would have a negative impact on the area in terms of anti-social behaviour and reduction and delays in service to the wider community.
- 4.3 Policy And/Or Delegated Authority – Appendix 2 of the Council's Scheme of Administration and Delegation states where the authorised officer receives an objection or adverse representation to a proposal under the above legislation and conditions cannot address the issues(s) raised; or the proposal is recommended for refusal for reasons other than a clear technical failure to comply with legislative requirements the matter will be referred to the Licensing Committee for determination.

- 4.4 Risk Management – None
- 4.5 Equalities, Health And Human Rights – None
- 4.6 Environmental – None

Resources

- 4.7 Financial – None
- 4.8 Legal – None.
- 4.9 Human Resources – None
- 4.10 Assets And Property – None

5.0 Conclusions

- 5.1 An application has been received to vary the hours for a late hours catering licence for Tatties and Point by extending their operating hours to between 11.00pm and 4am on Fridays and Saturdays (all year round). The Committee should determine whether they wish to
 - 5.1.1 approve the application and vary the operating hours with or without additional conditions; or
 - 5.1.2 Refuse the application to vary the licence; or
 - 5.1.3 Defer a decision on the application pending a decision of the Council on reviewing the policy.

For further information please contact:
Patti Dinsdale
Environmental Health Officer
01595 744842
patti.dinsdale@shetland.gov.uk
4 April 2014

List of Appendices

- Appendix 1 – Application Details and discussion
- Appendix 2 – Letter of Objection Police Scotland
- Appendix 3 - E-mail objection Environmental Health – hours outwith Committee Resolution

Appendix 1

Application for a variation of Late Hours Catering Licence

Name and Address of Applicants and Premises:

Zetland Partnership T/A Tatties and Point

123 Commercial Street, Lerwick

Application Number: LC/13/01/V1

Discussion:

This is an application for to vary a Late Hours Catering Licence. The application from Tatties and Point requests the following variation to late hours opening times:

Friday 11pm – 4am, Saturday 11pm – 4am

Their current licence permits hours between:

11.00pm and 01.00am Monday to Thursday (all year round)

11.00 pm and 3.00 am Friday and Saturday (all year round)

The objections from Police Scotland state that they believe that late hours catering premises encourage people to congregate in the area, increasing the risk anti-social behaviour. Police Scotland, cite an increase in anti-social behaviour and disorder and the consequential reduction in service and delayed response provided to the wider community as their reasons to object. Police Scotland have noted that there is a trend for juveniles to attend the premises in the early hours which has led to number of recorded assaults on juveniles at 0300 hours in the morning. Police Scotland have further requested that should the committee support the application that a condition be attached that door staff are required to be present.

Environmental Health have objected to the variation of the licence because the hours requested are outwith the 2005 Council policy on terminal hours for late hours catering premises. Should the policy be changed the objection would be withdrawn.

An application must be refused if the premises is not suitable for the conduct of late hours catering having regard for the location, character or condition of the premises, the kind of persons likely to be in the premises, the possibility of undue public nuisance or public order or public safety or other good reason. If this premises is considered suitable for late hours catering until 3am, then it would be considered suitable until 4am. The change in hours may however, alter the likelihood of antisocial behaviour, impact on public safety or public order. The Police Scotland objection is not that the change in hour will increase public nuisance, rather that having to retain Police in the town centre for the extra golden hour will reduce their availability to attend other incidents elsewhere.

The Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the Licence. There is a suggestion from Police that an additional condition should be imposed if the application is granted to require door staff on the premises.

Having considered the objections received in relation to the application I recommend that the Committee consider whether it wishes to

- grant the application to vary the licence and extend the operating hours to between 11.00pm and 4am on Fridays and Saturdays (all year round). This

will result in the premises being open for one hour after the terminal hours for serving alcohol in a night club on Fridays and Saturdays, and consideration should be given whether to place conditions on the licence to address Police Scotland's concerns;

Or

- Refuse the application to vary the licence so that the operating hours for this premises remain 11.00pm and 01.00am Monday to Thursday (all year round) 11.00 pm and 3.00 am Friday and Saturday (all year round).

Or

- Defer a decision on the application pending a decision of the Council on reviewing the policy.

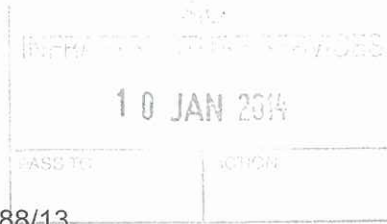
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07 January 2014

Your Ref: LC/13/01

Our Ref: EG/HC NL/6188/13

Kay Gardiner
 Environmental Health Department
 Charlotte House
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E-mail: ShetlandLPP@scotland.pnn.police.ukWeb Address : www.scotland.police.uk

Dear Ms Gardiner

Application to Vary Terms of Licence Tatties & Point
Applicant: Tatties & Point
Application Number LC/13/01

I refer to the above application and advise that on behalf of Police Scotland we will be raising an objection to the application for extending the opening hours of the above premises.

Highlands & Islands Policing Division (N Division) has adopted a position where there is no aversion to late night premises licensed to sell alcohol and late night catering establishments having the same terminating hours, provided that the termination hour is no later than 3 am. In practice what this means is that if nightclubs in an area are open until 3 am, then N Division policy is we do not object to applications for late night catering hours until 3 am. This policy is broadly reflective of the picture across Scotland.

From a local policing perspective the period from 0200 hours, the recent weekend closure time for nightclubs through to 0300 hours, the current weekend closure time of Tatties & Point, is traditionally the most resource intensive period for the Police Service. It is a known fact that late night catering establishments are a congregational point for late night revellers and that anti-social behaviour and disorder are often associated with such premises. In the interests of public safety, the police have to have a presence outside these premises until they close. Over the festive period, the nightclubs operated the extension until 0300 hours with operational officers reporting no problems with the same terminating hours and the crowd dispersing in an orderly fashion.

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GPMS Classification: RESTRICTED - VETTING

Should the operating hours be extended from 0300 hours to 0400 hours the net effect on the policing of Shetland as a whole during this golden hour will be to significantly reduce the service to the wider community whilst the crowds around catering establishments are marshalled by the police to prevent disorder. This has implications for the victims of crime who could suffer delay in police attendance whilst officers are restricted to certain areas of the town centre.

Whilst it is accepted that Tatties & Point is seeking to maximise its profit by catering for the patrons leaving nightclub premises, it should also be noted by the licensing committee that there is a trend for juveniles to attend at the premises in the early hours of the morning thereby joining a heavily intoxicated crowd. This has led to a number of recorded assaults on juveniles at 0300 hours in the morning.

As a Command Area we have worked hard to crack down on town centre violence from a peak in July 2012 and have been successful in this regard with far fewer incidents of assault and disorder being reported.

Should the licensing committee support the application, it is requested that a condition be attached that door staff are required to be present alleviating the potential for the Police to be utilised as private security and on the basis that the polluter pays.

I submit the foregoing objection for consideration at the next licensing board meeting scheduled for the 17th of January, should this application be on the agenda.

Yours sincerely

E Graham
A/Chief Inspector
Shetland Area Command

Gardiner Kay@Infrastructure Svs

From: Manson Dawn@Infrastructure Services on behalf of foodsafety
Sent: 29 November 2013 11:25
To: Gardiner Kay@Infrastructure Svs
Subject: RE: Late Hours Licence Consultation LC/13/01/V1 Zetland Partnership

Food Safety are objecting to this application because the time being applied for (4 am) is contrary to times agreed within the Report on Late Hours Catering Licensing produced in 2005, which states 3am at weekends.

Regards

Dawn Manson Ch.EHO MREHIS
 Lead Environmental Health Officer
 Infrastructure Services Dept
 Shetland Islands Council
 Charlotte House
 Commercial Road
 Lerwick
 Zetland
 ZE1 0LX

Direct Dial [Tel:01595 744831](tel:01595744831)
 Email: dawn.manson@shetland.gov.uk

-----Original Message-----

From: Gardiner Kay@Infrastructure Svs
 Sent: 19 November 2013 17:10
 To: Graham, Edwin; Planning Control@Infrastructure Svs; Brunton Susan@Legal Services; foodsafety
 Subject: Late Hours Licence Consultation LC/13/01/V1 Zetland Partnership

Mr Sir/Madam.

Licence Application Number: LC/13/01/V1

Type of Licence: Late Hours Catering

Applicant: Zetland Partnership T/A Tatties & Point

This e-mail is a formal consultation under the Civic Government (Scotland) Act 1982 I would be grateful to receive any comments / objections by 10th December 2013 (consultation period is 21 days).

If no response has been received by this date we will assume you have no adverse comments and will process the application accordingly.

Consultation replies should be sent, using the same Subject heading to:
ehadmin@shetland.gov.uk

Regards

Kay Gardiner
 Administration Assistant - Environmental Health

**Licensing Committee****15 April 2014****Harbour Fish and Chip Shop
Application to vary Late Hours Catering Licence to be Determined****ES-04-14-F****Patti Dinsdale
Environmental Health Officer****Infrastructure Services Department/
Environmental Services****1.0 Summary**

- 1.1 The Licensing Committee are asked to make a decision on an application to vary the Late Hours Catering Licence, as there have been adverse representations or objections to the granting of the application.

2.0 Decision Required

That the committee resolve to:

- 2.1 Approve the variations applied for which would permit the variation of the hours for a late hours catering licence to extend their operating hours as set out in Section 5.0. The Committee can decide that a variation to a licence can be approved with additional conditions; or
- 2.2 Refuse the application. The Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the Licence.

3.0 Detail

- 3.1 An application to vary a Late Hours Catering Licence has been received from the Harbour Fish and Chip Shop. The extension requested is to increase the terminal hours at weekends and other specified times from 3am until 4am. This is in response to the recent change in the Licensing Board policy to extend nightclubs terminal hours until 3am (instead of 2am).

- 3.2 In considering an application to vary a licence the Licensing Authority shall make such reasonable enquiries as they think fit and use the result of these enquiries in making their decision.
- 3.3 Objections have been received from Environmental Health and Police Scotland.
- 3.4 Police Scotland object to the application due to their concerns about anti-social behaviour and disorder, reduction of service and delayed response provided to the wider community. Their objection is attached as Appendix 2. If the Committee decides to grant the licence Police Scotland wish to see additional conditions that would require the provision of trained door staff at the premises.
- 3.5 Environmental Health have objected to the application due to the terminal hours being outwith those approved for late hours catering premises by Committee on 6 July 2005.
- 3.6 A Licensing Authority cannot reach a final decision on an application unless the persons who made the objections and the applicants have had the opportunity to be heard or provide their views on the objection in writing. The applicant and the persons who have submitted objections have been invited to appear at this meeting in person or provide their views in writing prior to the meeting.
- 3.7. There is no provision in the current Shetland Islands Area Licensing Board policy for a general extension for Lerwick Up Helly Aa Hop night, although individual premises may apply for extended hours. The usual terminal hour for a Thursday morning of 1am would generally apply.
- 3.8 The applicant is also seeking to extend their trading hours on 2 January. The Board's policy for the festive period is that each year they will consider the need to grant a general extension. The terminal hours for the 2 January will vary year to year depending on what day of the week it falls and whether the Board has granted a general extension. .

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Objectives – The Licensing Function helps to make Shetland Safer and Stronger an objective in the Single Outcome Agreement by maintaining Community Safety and reducing crime.
- 4.2 Community /Stakeholder Issues – The Police Scotland objection states a belief that approval of the licence would have a negative impact on the area in terms of anti-social behaviour and reduction and delays in service to the wider community.
- 4.3 Policy And/Or Delegated Authority – Appendix 2 of the Council's Scheme of Administration and Delegation states where the authorised officer receives an objection or adverse representation to a proposal under the above legislation and conditions cannot address the issues(s) raised; or the proposal is recommended

for refusal for reasons other than a clear technical failure to comply with legislative requirements the matter will be referred to the Licensing Committee for determination.

4.4 Risk Management – None

4.5 Equalities, Health And Human Rights – None

4.6 Environmental – None

Resources

4.7 Financial – None

4.8 Legal – None.

4.9 Human Resources – None

4.10 Assets And Property – None

5.0 Conclusions

5.1 An application to vary the hours for a late hours catering licence has been received from Harbour Fish and Chip shop. The applicant wishes to vary the hours as follows:

11.00 pm and 4.00am Friday and Saturday (all year round)

11.00pm and 4.00am 2nd January

11.00pm and 4.00am Lerwick Up Helly Aa Hop Night

The Committee should determine whether they wish to

5.1.1 approve the application and vary the hours, in whole or in part, and with or without additional conditions; or

5.1.2 Refuse the application to vary the licence, or

5.1.3 Defer the application pending a decision by the Council on whether to amend the policy for Late Hours Catering

For further information please contact:
Patti Dinsdale, Environmental Health Officer
01595 744842
patti.dinsdale@shetland.gov.uk
4 April 2014

List of Appendices

Appendix 1 – Application Details and discussion

Appendix 2 – Letter of Objection Police Scotland

Appendix 3 - E-mail objection Environmental Health – hours outwith Committee Resolution in 2005

Appendix 1

Application for variation of Late Hours Catering Licence

Mrs Yasmin Rasul

Harbour Fish and Chip Shop

7 Harrison Square, Lerwick, ZE1 0LL

Application number: LC/12/42/V1

Discussion:

This is an application to vary a Late Hours Catering Licence. The application from Harbour Fish and Chip shop requests that the terminal hours be extended from 3am to 4am to correspond to the extra hour added to the terminal alcohol licensing hours permitted for nightclubs of 3am.

Their current licence permits hours between:

11.00 pm and 3.00 am Friday and Saturday (all year round)

11.00 pm and 3.00 am 2nd January

11.00 pm and 3.00am Lerwick Up Helly Aa Hop night

There are objections from Police Scotland and the Environmental Health Section to the grant of this variation.

Police Scotland note that late hours catering premises encourage people to congregate in an area, increasing the risk anti-social behaviour. Police Scotland, cite anti-social behaviour and disorder, significant reduction of service and delayed response provided to the wider community as their reasons to object. Police Scotland comment that there is less disorder associated with Harbour Fish and Chip Shop than other late catering establishments. Police Scotland has requested that should the committee support the application that a condition be attached that door staff are required to be present.

Environmental Health have objected to the variation of the licence because the hours requested are outwith the 2005 Council policy on terminal hours for late hours catering premises. Should the policy be changed the objection would be withdrawn.

An application must be refused if the premises is not suitable for the conduct of late hours catering having regard for the location, character or condition of the premises, the kind of persons likely to be in the premises, the possibility of undue public nuisance or public order or public safety or other good reason. If the premises is considered suitable for late hours catering until 3am, then it would be considered suitable until 4am. The change in hours may however, alter the likelihood of antisocial behaviour, impact on public safety or public order. The Police Scotland objection is not that the change in hour will increase public nuisance, rather that having to retain Police in the town centre for the extra golden hour will reduce their availability to attend other incidents elsewhere.

The Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the Licence. There is a suggestion from Police Scotland that an additional condition should be imposed if the application is granted to require door staff on the premises.

Having considered the objections received in relation to the application I recommend that the Committee consider whether it wishes to

- Grant the variation to change the late hours catering premises operating hours to between
 11.00 pm and 4.00am Friday and Saturday (all year round)
 11.00pm and 4.00am 2nd January
 11.00pm and 4.00am Lerwick Up Helly Aa Hop Night, and consideration should be given whether to place conditions on the licence to address Police Scotland's concerns;

or

- Refuse the application to vary the licence so that the operating hours for this premises remain
 between 11.00 pm and 3.00 am Friday and Saturday (all year round)
 11.00 pm and 3.00 am 2nd January
 11.00 pm and 3.00am Lerwick Up Helly Aa Hop night

or

- Defer a decision pending a decision by the full Council on the Committee's recommendations regarding the current policy.

GPMS Classification: RESTRICTED - VETTING

09 January 2014

Your Ref: LC/12/42/V1

Our Ref: EG/HC NL/100/14

Kay Gardiner
 Environmental Health Department
 Charlotte House
 Commercial Street
 Lerwick
 Shetland
 ZE1 0LX



Shetland Area Command
 Market Street
 Lerwick
 Shetland
 ZE1 0JN

Tel No: 101
 Fax: 01595 693311
 E-mail: ShetlandLPP@scotland.pnn.police.uk
 Web Address : www.scotland.police.uk

Dear Ms Gardiner

Application to Vary Terms of Licence: Harbour Fish & Chip Shop
Applicant: Yasmin Rasul
Application Number LC/12/42/V1

I refer to the above application and advise that on behalf of Police Scotland we will be raising an objection to the application for extending the opening hours of the above premises.

Highlands & Islands Policing Division (N Division) has adopted a position where there is no aversion to late night premises licensed to sell alcohol and late night catering establishments having the same terminating hours, provided that the terminating hour is no later than 3 am. In practice what this means is that if nightclubs in the area are open until 3am, then N Division policy is we do not object to applications for late catering hours until 3am. This policy is broadly reflective of the picture across Scotland.

From a local policing perspective the period from 0200hrs, the recent weekend closure time for nightclubs, through to 0300hrs, the current weekend closure time of the Harbour Fish and Chip Shop, is traditionally the most resource intensive period for the Police Service. It is a known fact that late night catering establishments are a congregational point for late night revellers and that there has been some recorded anti-social behaviour by customers in and around the premises. This does not include the three incidents whereby the owners/employees have been the subject of racial abuse, all of which were independently investigated and successfully reported to the PF.

scotland.police.uk  [@PoliceScotland](https://twitter.com/PoliceScotland)  [PoliceScotland](https://www.facebook.com/PoliceScotland)

GPMS Classification: RESTRICTED - VETTING

In the interests of public safety, the police have to have a presence in the vicinity until the premises are closed. Over the festive period, the nightclubs operated the extension until 0300hrs with operational officers reporting no problems with the same terminating hours and the crowd dispersing in an orderly fashion.

Should the operating hours for this premises like that of Tatties and Point be extended from 0300hrs to 0400hrs the net effect on the policing of Shetland as a whole during this golden hour will be to significantly reduce the service to the wider community whilst crowds around catering establishments are marshalled by the police to prevent disorder. This has implications for the victims of crime who could suffer delay in police attendance whilst officers are restricted to certain areas of Lerwick town centre.

It is accepted that the Harbour Fish and Chip Shop is seeking to maximise its profit by catering for patrons leaving nightclub premises, and it is noted that there is less disorder associated with this premises than other late catering establishments. However, the fact remains that if solely granted there may not be parity with other premises. This would result in a significant trading advantage with the likelihood of the crowd then congregating outside this premises and thus requiring a continued police presence.

As a Command Area we have worked hard to crack down on town centre violence from its peak in 2012 and we have been successful in this regard with far fewer incidents of assault and disorder being reported.

Should the licensing committee support the application, it is requested that a condition be attached that door staff are required to be present alleviating the potential for the Police to be utilised as private security and on the basis that the polluter pays.

I submit the foregoing objection for consideration at the next licensing board meeting scheduled for the 17th of January, should this application be on the agenda.

Yours sincerely

E Graham
A/Chief Inspector
Shetland Area Command

Gardiner Kay@Infrastructure Svs

From: Manson Dawn@Infrastructure Services on behalf of foodsafety
Sent: 05 December 2013 10:10
To: Gardiner Kay@Infrastructure Svs
Subject: RE: Licence Consultation LC/12/42/V1

Food Safety are objecting to this application because the time being applied for (4 am) is contrary to times agreed within the Report on Late Hours Catering Licensing produced in 2005, which states 3am at weekends.

Regards

Dawn Manson Ch.EHO MREHIS
 Lead Environmental Health Officer
 Infrastructure Services Dept
 Shetland Islands Council
 Charlotte House
 Commercial Road
 Lerwick
 Shetland
 ZE1 0LX

Direct Dial Tel:01595 744831
 Email: dawn.manson@shetland.gov.uk

Food Hygiene Information Scheme: Inspection result is 'Pass' Booking a Christmas meal - Look for the food hygiene 'Pass' on: food.gov.uk/ratings before you book.

-----Original Message-----

From: Gardiner Kay@Infrastructure Svs
 Sent: 04 December 2013 11:51
 To: Graham, Edwin; Planning Control@Development; foodsafety
 Subject: Licence Consultation LC/12/42/V1

Dear Sir/Madam.

Licence Application Number: LC/12/42/V1

Type of Licence: Late hours Catering (variation to closing hours)

Applicant: Mrs Yasmin Rasul, Harbour Fish & Chip Shop

This e-mail is a formal consultation under the Civic Government (Scotland) Act 1982

I would be grateful to receive any comments / objections by 24th December 2013 (consultation period is 21 days).

If no response has been received by this date we will assume you have no adverse comments and will process the application accordingly.

Consultation replies should be sent, using the same Subject heading to:
ehadmin@shetland.gov.uk

Regards

Kay Gardiner
 Administration Assistant - Environmental Health