

MINUTE

B - PUBLIC

Licensing Committee
Council Chamber, Town Hall, Lerwick
Tuesday 15 April 2014 at 10.30 am

Present:

M Bell	P Campbell
A Duncan	G Smith
C Smith	

Apologies:

A Cooper	G Robinson
A Westlake	

In Attendance (Officers):

S Brunton, Team Leader – Legal
M Craigie, Executive Manager – Transport Planning
P Dinsdale, Environmental Health Officer
Chief Insp. Graham, Police Scotland
L Gair, Committee Officer

Chair

Mr G Smith, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

01/14 **Minutes**

The minutes of the Licensing Committee meetings held on 15 November 2013, having been circulated, were confirmed on the motion of Mr C Smith seconded by Mr Duncan

02/14 **Review of Late Hours Catering Terminal Hours**

The Committee considered a report by the Environmental Health Officer (ES-02-14-F), which sought a decision regarding whether to change the late hours catering policy on terminal hours currently permitting premises to remain open until 3am on weekend nights.

The Chair explained that this report sought the Committee to make a recommendation to the Council on the Late Hours Catering Policy. He said that it would be prudent to defer a decision on the following two agenda items until the position is clear following the Council's decision. He said that there would be an expectation from the applicants that a decision would be made today, however he believed it would be presumptuous to make a decision at this meeting. The Committee concurred and the Chair advised that the applications would be heard at a future meeting after the Council had made a decision.

The Team Leader – Legal introduced the report and explained that having received two applications the Committee were also being asked to consider the policy again. The Committee is obliged to be presented with applications within 3 months of their

submission however it is 6 months within which a decision is to be made. She explained that the Committee meetings are held monthly and the applications would be presented to the next available Committee following the Council's decision.

The Chair advised the applicants present that they may wish to remain in the Chamber during the Committee's consideration of the policy as that would give them an indication of the Committee's views and the recommendation that is made to Council.

The Environmental Health Officer explained that until November 2013 the late hours catering had a terminal hour one hour later than the alcohol licensing policy. She explained that a decision of the Shetland Islands Area Licensing Board (SIALB) in November changed that policy to a 3am terminal hour for nightclubs. Applications have been received requesting that the later hours catering terminal hour be moved to 4am which is one hour later than the new nightclub terminal hour. She advised that catering establishments feel it difficult to close at 3am since the change made by the SIALB. The Environmental Health Officer also provided detail of the objections received.

Chief Insp. Graham referred to the Single Outcome Agreement which states that Shetland is to stay a safe place to live and that the Police are protecting the wider community. It also states that Shetland is to be the best place for children and that there is a corporate parenting responsibility.

The Chief Insp. advised that the Police service had worked hard since 2012 which saw a peak in class 2 offenses in the Town Centre with 22 assaults. The Police adopted a deliberate policy to patrol the town centre and increased its Police presence by 100% in order to focus on prevention as opposed to mopping up after violent offenses. The Chief Insp. advised that common assault was down from 199 in 2012/13 to 110 in the current year. He said that a concern from Police Scotland and himself as Chief Insp. was the difficulties that arise when patrons leave venues to get food. He said that there is a "toxic mix" of intoxicated adults and youths gathering in one area. He indicated to previous disturbances outside one establishment involving individuals under the age of 16 and referred again to the corporate parenting responsibility.

The Chief Insp. went on to explain the "golden hour" where the police are in most demand to attend domestic violence and assaults. These assaults occur when individuals get home and incidents occur. He said that if catering is extended to 4am Police Officer will be required to police catering establishments to prevent disturbances, effectively operating as a private security firm and he said that resources should not be tied into policing one area during this "golden hour". Chief Insp. Graham also informed the Committee that a 4am terminal hour was out of step with other areas in the North Division and wider Scotland. He acknowledged that catering businesses were seeking to make a profit, but added that that with the significant uplift in the volume of workers in Lerwick, some 2,500 fabrication workers, the pubs and clubs were busier than ever. The Chief Insp. said that Police Scotland has a duty of care to Lerwick and wider Shetland and Officers should not be tied into one area during the "golden hour".

During lengthy consideration of policy Members expressed concern that a change in policy to a 4am terminal hour would over stretch police resources having been informed by the Chief Insp. that Shetland's police staffing levels was currently down by ten Police Officers. It was also noted that the Civic Government (Scotland) Act 1982 provides guidance stating that the hours for late hour catering can be between 11pm and 5am and commented that late hours catering is an optional feature of the act. Members were advised that the general policy across the North Division is that catering establishment close before licensed premises normally 12 midnight, with one catering establishment in

Orkney staying open to 2am. In the wider Scottish community the late hours catering and nightclub premises close at the same time namely 3am and this appears to be national policy now. The Chief Insp. confirmed that the highest demand on Police Officers is between 3 and 4am and onwards to 5 and 6am. He said that this can be anything from domestic violence and disorder and noise complaints and this can occur anywhere across Shetland.

Members spoke in support of Police Scotland and the work they do and were concerned that should the policy be changed resources would be stretched to an unacceptable level that would impact on Police availability across the rest of Shetland during this period.

Mr C Smith moved that the Committee approve recommendation 2.2 contained in the report, that the current terminal hour policy should not be changed. In seconding Mr Campbell said that the Committee had heard evidence that a change would put sections of the community at risk if the terminal hour was extended. The Committee concurred.

Members requested that efforts should be made to arrange a meeting of the Committee to fit with the Council meeting so that the two late hours catering applications could be considered at the earliest opportunity following the Council's decision.

Decision

The Committee **RECOMMENDED** that the Council resolve that the current terminal hour policy should not be changed.

03/14

Tatties & Point, Application to Vary Late Hours Catering Licence to be Determined

The Committee considered a report by the Environmental Health Officer (ES-03-14-F) that presented an application to vary a Late Hours Catering Licence.

On the motion of Mr G Smith seconded by Mr C Smith, the Committee agreed to defer a decision on the application until after the Council's decision on the "Review of Late Hours Catering Terminal Hours" had been made.

Decision

The Committee **RESOLVED** to defer consideration of the application to vary the late hours catering licence in respect of Tatties & Point.

04/14

Harbour Fish and Chip Shop, Application to Vary Late Hours Catering Licence to be Determined

The Committee considered a report by the Environmental Health Officer (ES-04-14-F) that presented an application to vary a Late Hours Catering Licence.

On the motion of Mr G Smith seconded by Mr C Smith, the Committee agreed to defer a decision on the application until after the Council's decision on the "Review of Late Hours Catering Terminal Hours" had been made.

Decision

The Committee **RESOLVED** to defer consideration of the application to vary the late hours catering licence in respect of the Harbour Fish and Chip Shop.

On the motion of Mr G Smith, seconded by Mr C Smith the Committee resolved in terms of subsection 4 of Section 50A of the Local Government (Scotland) Act 1973 to exclude the public from this meeting during consideration of the following agenda item on the grounds

that it is likely that, if the public were present, there would be disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7A to the said Act.

(Members of the Public and Media left the Chamber).

05/14 **Applications for Grant of Taxi Drivers Licences**
The Committee considered a report by the Executive Manager – Transport Planning that sought a decision to be made on two applications for taxi drivers licences.

The Committee decided to admit, for consideration, observations from the Police concerning previous convictions of the applicants. Copies of the Police observations were then circulated to Members.

Decision:

The Committee **RESOLVED** to:

- | | |
|--|---|
| 1. Refuse the grant of a taxi driver’s licence | 1 |
| 2. Defer a decision on the grant of a taxi driver’s licence | 1 |

The meeting concluded at 11.50am

CHAIR