

# MINUTE

# B - PUBLIC

**Licensing Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 10 June 2014 at 10.30 am**

**Present:**

M Bell	P Campbell
A Cooper	A Duncan
C Smith	G Smith

**Apologies:**

A Cooper (for lateness)  
G Robinson  
A Westlake

**In Attendance (Officers):**

K Adam, Solicitor  
P Dinsdale, Environmental Health Officer  
R Cooper, Environmental Health Officer  
Insp. Tulloch, 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

08/14      **Minutes**

The minutes of the Licensing Committee meeting held on 13 May 2014, having been circulated, were confirmed on the motion of Mr Bell seconded by Mr Campbell, with the exception of the following:

Min Ref: 07/14, Page 2. The phrase “drunk driving” should read “drink driving”.

09/14      **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 (P Dinsdale) (ES-07-14-F) that sought a decision to be made on an application to vary a Late Hours Catering Licence, due to a number of adverse representations or objections to the granting of the application.

The Committee were advised that Mrs Rasul, proprietor of the Harbour Fish and Chip Shop, was present.

The Environmental Health Officer introduced the report and advised that the Council had recently considered a report on opening hours of late hours catering establishments and had agreed to retain the current policy of 3am terminal hour. She advised that this application had been presented to an earlier meeting of the Committee where the

decision had been taken to defer the application until after the Council's decision had been made.

Insp. Tulloch advised that Police Scotland had objected on the grounds that people would congregate at these establishments and this would require Police Officers to be retained in town during the "golden hour" and would limit the ability to respond elsewhere. He went on to explain that the Support Area Commander had sought to reduce crime in the last 12 months by directing high visibility police presence but a 4am terminal hour for catering establishments in the Lerwick town centre would deprive the Police of the ability to deploy officers elsewhere in Shetland.

Mrs Rasul was given the opportunity to address the Committee. Mrs Rasul presented Members with a petition that sought support from customers for the application to extend the opening hours, until 4am on Friday and Saturday evenings, at the Harbour Fish and Chip Shop. She indicated that around 200 people had signed the petition asking that the shop stay open later.

Mrs Rasul said that she did not understand why the Police object when the pubs were allowed to be open until 3am. She said that it was drink, and not food, that causes the problems, and fast food places should be open so people can get food before getting a taxi. She said that people will now go home and have to cook their own food and may set their house on fire which is more severe, or if no food is consumed alcohol will remain in their system the next day and they could be drink driving.

In response to a comment from a Member, Insp. Tulloch advised that locally, Police Scotland had 8 vacancies to fill. He also advised that the most concern for the Police was around closing time of licensed premises as resources have to be concentrated in Lerwick. This limits the ability to respond to incidents outwith the town centre and the wider community. The Member referred to paragraph three of Appendix 2, and the three incidents reported to the Procurator Fiscal and said that with the shortage of police he hoped nothing happened in any other area of Shetland.

Mr Duncan said that he was supportive of the police and the work done by them to reduce crime in the town centre since the peak in 2012. Mr Duncan moved that the Committee refuse the application for a late hours catering licence. Mr Bell, in seconding said that it was important to be clear that refusal was on the basis that this application is outwith the late hours catering licence policy. Mr Bell added that the licensing act covers the hours between 11am and 5am for late hours catering therefore to extend to 4am would raise the question about the need to set any terminal hour other than that set out in the Act. Mr Bell said that he sympathised with Mrs Rasul but said that having both catering establishments and pubs closing at the same time could encourage customers to leave the pub early to get food. He said that if there is a concern about the same closing times it may be better to close the catering establishments one hour before the pubs which is what happens in other areas of Scotland. Mr Bell concluded by saying that he also had concern for the public living in the Town Centre with complaints of litter and noise.

The Chair said that the Council operates a licensing scheme and this is one area that it wants to license and therefore has to uphold the objectives of the licensing policy which is around maintaining public safety. The Chair confirmed that the decision was to refuse the application for a 4am licence.

**Decision:**

The Committee **RESOLVED** to refuse the application.

*(Mr Cooper attended the meeting)*

10/14     **Tatties & Point, Application to Vary Late Hours Catering Licence to be Determined**  
The Committee considered a report by the Environmental Health Officer (P Dinsdale) (ES-06-14-F) that sought a decision to be made on an application to vary a Late Hours Catering Licence, due to a number of adverse representations or objections to the granting of the application.

The Environmental Health Officer introduced the report and advised that the Council had recently considered a report on opening hours of late hours catering establishments and had agreed to retain the current policy of 3am terminal hour. She advised that this application had been presented to an earlier meeting of the Committee where the decision had been taken to defer the application until after the Council's decision had been made.

Insp. Tulloch reiterated the concerns expressed in the previous application and advised that youths do congregate in this area along with adults who have left the pubs. He advised that Tatties and Point is an attraction for young people and this application would require the deployment of Officers and hamper Police Scotland's ability to cover the wider community.

Insp. Tulloch was asked if there was any evidence to determine why juveniles congregate along with other revellers in the vicinity of Tatties and Point. In response Insp. Tulloch said that it wasn't clear why, but that 15-17 year olds were meeting up with their 18-19 year old friends at around 3am in this area. He also confirmed that there had been seven incidents of assault recorded in the vicinity of Tatties and Point between 1.30am and 3.30am over a 12 month period, with some requiring hospital treatment for intoxication and head injury.

In response to a query from a Member the Chair advised that, although the licensing policy had been set for 3 years, it would be possible to revisit it at any time. A Member noted that in the past there had been concerns from the fire service in relation to people cooking once they get home and the dangers associated while under the influence. It was also noted however that by closing catering establishments an hour before the pubs would encourage individuals to go home rather than congregate on the street.

Mr Duncan moved that the Committee refuse the application, seconded by Mr Campbell.

**Decision:**

The Committee **RESOLVED** to refuse the application.

**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.

11/14     **Vikink Tattoo Studio, Application for the Grant of a Licence to Carry out the Activity of Tattooing**

The Committee considered a report by the Environmental Health Officer (R Cooper) that sought a decision to be made on an application for the grant of a licence to carry out the activity of tattooing because an adverse representation or objection had been received.

The application and his representative were present.

The Chair advised that the objector was unable to attend the meeting but had handed in papers in support of her objection. The Chair said that he would allow the submission of the papers and adjourned in order that the papers could be copied and to allow Members time to consider its contents.

The meeting adjourned at 11.05am

The meeting reconvened at 11.25am

The Environmental Health Officer introduced the report.

The applicant was invited to speak in support of his application.

Following consideration of the application, Mr Campbell moved that, in light of the objection received, the Committee grant the application for a license to carry out the activity of tattooing, for a period of 12 months. In seconding, Mr C Smith asked that this motion include the instruction that regular inspections are carried out by Environmental Health.

**Decision:**

The Committee **RESOLVED** to approve the application for the grant of a licence to carry out the activity of tattooing for a period of 12 months with the instruction that regular inspections are carried out by Environmental Health Officers.

The meeting concluded at 12 Noon.

CHAIR