

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Thursday 9 October 2014 at 2.00pm**

Present:

G Smith	P Campbell
A Cooper	A Duncan
G Robinson	C Smith
A Westlake	

Apologies:

M Bell
Mr C Smith (lateness)

In Attendance (Officers):

K Adam, Solicitor
Acting Inspector J McConnachie
L Gair, Committee Officer

Chairperson

Mr G Smith, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

1. **Licensing (Scotland) Act 2005 – Variation of Certain Fees**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 1), which sought approval to increase the fees for certain applications in respect of licensed premises.

The Solicitor introduced the report and responded to questions in relation to comparisons drawn from other authorities and the expenses incurred by Legal Service in terms of postage, printing and purchasing of books relating to the Licensing functions. The Solicitor was unable to confirm whether the increase in fees would achieve a balanced position due the nature of the business he was unable to predict what applications would be received up to the end of the financial year.

Member's comments included the need to ensure that the Board is not operating at a loss where publicans are earning sufficiently to pay appropriate fees. The Chair reminded Members that the Board has no discretion on certain fees and where there is discretion there are generally fewer applications received. He said that in a smaller authority the cost of administration is being spread over fewer businesses. The Chair said however that he was heartened that the financial gap will be closing with this increase in charges.

The Solicitor suggested that the discretionary fees could be reconsidered again at the end of the current licensing year when the income is clearer.

Some Members however took the view that Licensees should pay what is required and the Solicitor advised that some fees may be deductible against licensing tax.

A Member suggested that one way to reduce the admin costs would be to hold fewer meetings with the Board meeting only 2 or 3 times per year. The Chair disagreed and said that the deficit of £3k was not a large amount and said that the Board was here to serve the public and that service should not be limited in that way. He said that the aim was to break even if possible.

In response to a question on whether the fees could be reviewed annually, the Solicitor advised that they could not be reviewed less than one year before the next variation, therefore an annual review was appropriate.

A Member commented that a number of applications were time intensive for administration staff and recognised that some fees were really low. The Member suggested that these fees could be tripled and still be nowhere near as high as charges in other local authorities.

Mr Robinson moved that the Board triple the fees listed in the appendix. Mr Duncan seconded.

Mr Campbell moved as an amendment that the Board accept the doubling of the fees and report to the Board on any deficit that remains at the end of the licensing year.

During debate Mr Robinson stated that a separate decision was taken in respect of public halls at the time that the new legislation was introduced however there was a clear expectation from the Licensing Bill that the costs would be recovered by the licensing fees set.

The Chair commented that the deficit had been reduced from £55k to £3k in an attempt to break even which wasn't successful. He stated that the fees should be doubled this year with the discretion to look at the fees in full and increase where necessary next year.

Mr Campbell was concerned that to triple the fees would leave the Board exposed and that doubling the fees would be the first stage of the review.

A Member commented that there was a need to look at the whole package and stated that fees could not be compared on a like for like bases across other authorities. He said that some applications are more time intensive than others and the fees need to be drive by the effort going into the transaction.

(Mr C Smith attended the meeting)

Following brief summing up, voting took place with a show of hands and the results were as follows:

Amendment (Mr Campbell)	2
Motion (Mr Robinson)	4
Abstention	1

Decision:

The Board noted the fees chargeable for the activities specified in Appendix 2 to the report and compared these with the fees charged by other Boards as set out in Appendix 4 to the report.

The Board agreed to triple each of the fees specified in Appendix 2 to the report.

2. **Recommendations from Shetland Islands Area Local Licensing Forum**

The Board considered a report by the Depute Clerk to the Board (Appendix 2), which drew attention to a recommendation from the Shetland Islands Area Licensing Forum.

The Chair commented on the sensible approach taken by the Licensing Forum and the responsibility shown by Forum Members and Licensees.

Mr Smith moved that the Board approve the recommendations contained in the report, seconded by Mr C Smith.

Members commented on the recent trouble in Shetland as well as the shortfall in Police Numbers. It was noted that a lot of excessive drinking was also taking place in landward areas but to a lesser extent than in Lerwick. Acting Inspector McConnachie explained that the shortfall in Police numbers meant that a Police presence in landward areas was resource driven, but where possible Police do patrol where they can particularly in Brae.

A Member commented that since the 3am opening was granted there had been a willingness by all parties to make it work. She said that this was a positive response to a decision the Board took and credit should be given to all involved.

The Police and Members gave their support to a letter being sent to all Licensees reminding them of their responsibilities under the Licensing Legislation.

Decision:

The Board considered the recommendation of the Forum to write to premises managers in accordance with paragraph 2.2 of the report.

The meeting concluded at 2.45pm.

Convener