

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 18 May 2015 at 2.00pm**

Present:

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

Apologies:

G Robinson
C Smith

In Attendance (Officers):

P Dinsdale, Team Leader – Environment
P Wishart, Solicitor
D Manson, Lead Environmental Health Officer
S Hunter, Student – Environmental Health
Sgt. Brill, Police Scotland
B Kerr, Communications Officer
S Irvine, Business Support Assistant – Executive Services
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

Mr Duncan declared an interest as a Member of the Masonic Club and Eastern Star but advised that he would remain in the Chamber.

Ms Westlake declared an interest as an Eastern Star Member.

1. Licensing (Scotland) Act 2005 – Application for Premises Licence and Occasional Licences

1.	<u>Application for Premises Licence</u>	<u>Decision</u>
(a)	<p><u>Mr Stewart Fox - Beervanna</u> The Board were advised that Mr Fox was present.</p> <p>The Solicitor introduced the report and noted that the Off Sales opening hours on Sunday were not as reported but would begin at 12.30pm to 10pm. He read out the three objections received and went on to set out Section 23 of the Licensing Scotland Act 2005 when considering approval of the application and the grounds for refusal that would be applied if so minded.</p> <p>The Police and Licensing Standards Officer had no further comment to make.</p> <p>Mr Fox was invited to address the Board. He explained that the intention was to set up a business that was not provided at the moment. He explained that if it was simply another off licence he would be opposed to that himself and went on to explain that</p>	GRANTED

	<p>quality craft beers would be sold from around the UK and the rest of the World. Mr Fox said that there was a big craft beer movement around the world and it was about drinking alcohol for enjoyment rather than effect and as such the products are more expensive. He explained that the first floor would be for retail and tasting room to allow people to taste the beer before purchasing to add to the theatre that doesn't exist elsewhere.</p> <p>During a discussion on the matter of whether over provision was an issue in the area, Sgt. Brill responded to a question and confirmed that there was no evidence, in the last two to three years, that the introduction of CCTV had created a shift of crime up the lanes.</p> <p>A Member said that it was reassuring to hear from the Police that there had been no impact on them since the introduction of the late licensing hours, which was approved at a time when the Police service was not fully manned in Shetland.</p> <p>In response to a question regarding a comment from an objector regarding an increase in litter on the streets, the Licensing Standards Officer advised that she was not aware of any complaints and explained that had complaints been received or issues raised through the Cleansing Service then the Environmental Health Officers would approach the premises.</p> <p>Mr Duncan said that he was satisfied having heard from all parties and moved that the Board approve the grant of the premises licence to Mr Fox noting the amended opening hours on Sunday. Ms Westlake seconded.</p>	
2. (a) &(b)	<p><u>Occasional Licences</u></p> <p><u>James G L Martin – Peerie Shop Cafe & Outside Seating Area</u> <u>Emma R Gibson – Peerie Shop Cafe & Outside Seating Area</u></p> <p>The Board were advised that no representative was present for this application.</p> <p>The Solicitor introduced the report. The Licensing Standards Officer highlighted the need for the designated area to be clearly defined and appropriate signage provided to advise patrons that they would be committing an offence were they to go beyond this area with their alcoholic beverage.</p> <p>Members expressed concern about the boundary delineation and questioned what controls would be put in place and what responsibilities the Licence holder has. Members were advised that the Licence holder has a duty to advise patrons that they would be committing an offence should they take their drinks beyond the boundary set out. Providing signage and boundary delineation is down to the Licence Holder but they are not held responsible should someone go beyond the boundary with their beverage.</p>	<p><u>Decision</u></p> <p>GRANTED</p>

	<p>Following further discussion Mr Campbell proposed that the Board approve both applications subject to the Licensing Standards Officer being satisfied with the response they receive on the matter of clear delineation. The Board concurred.</p> <p>The Solicitor advised that the Board's comments would be included in the letter of grant as well as through the Licensing Standards Officer's discussions with the Licensee.</p> <p>A Member expressed his continued concerns on the policing of this area but concluded that these applications would allow Members to see how well it works should the period be extended in the future.</p>	
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The meeting concluded at 3.40pm.

Convener