

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 9 June 2015 at 10.00am**

Present:

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

Apologies:

A Duncan A Westlake

In Attendance (Officers):

D Manson, Lead Environmental Health Officer
K Adam, Solicitor
J 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. The Chair advised that he had accepted an additional report at item 2 as a matter of urgency.

Declarations of Interest

None

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

1.	<u>Application for Occasional Licence</u>	<u>Decision</u>
(a)	<p><u>Burravoe Public Hall</u> The Board were advised that the application had been presented to the Board as the event was to be held over a 48 hour period and noted that there were no objections from the Licensing Standards Officer or the Police.</p> <p>Mr Campbell moved that the Board approve the grant of the occasional licence. Mr Bell seconded.</p>	GRANTED
(b)	<p><u>Lerwick Boating Club</u> The Board were advised that the application had been presented to the Board as the event was to be held over a 48 hour period and noted that there were no objections from the Police.</p> <p>The Licensing Standards Officer advised that the comments provided related to the terminal hour being outwith policy.</p> <p>Mr C Smith moved that the Board approve the grant of the occasional licence. Mr Campbell seconded.</p>	GRANTED

(c) – (d)	<p><u>Michael Johnston – Ocean Atlantic</u></p> <p>The Board were advised that the applications had been presented to the Board as the period sought extended beyond 48 hours. The Solicitor informed Members that similar applications had been considered at a recent meeting of the Board and the comments at that time were that occasional licences should not take place of a full licence. He advised that he had heard from the agent that an instruction has been received from their client that these would be the last occasional licences as the vessel would be leaving the port.</p> <p>The Board were informed that there were no objections from the Police or the Licensing Standards Officer.</p> <p>The Licensing Standards Officer confirmed that, when the vessel arrived a cursory visit was carried out by Officers from Environmental Health and no problems were identified with what Sodexo were undertaking.</p> <p>Following some discussion a Member commented that a clear message should be given to the agent that no more occasional licence applications would be granted, and suggested that only one more fortnight should be approved. Advice was sought on this and Members were advised that it can take some time to process a full application. Members considered the consequences of having the accommodation barges unlicensed and the impact that would have on the town centre.</p> <p>Mr Robinson moved that the Board approve the grant of a occasional licences as set out in the application. Mr Campbell seconded but asked that a caveat be placed on the application to remind the agent again that the Board are not in favour of continuing occasional licences where the vessel is anticipated to remain in port beyond the period of the final occasional application they should now lodge a full licence application. Mr Robinson agreed to accept this within his motion.</p> <p>In summarising the comments of Members, the Chair said that the agent would be notified today that the Board will only consider occasional applications, to cover the period between submission of an application for a full licence and its approval. To give officers time to process the application it is intended that the full licence will be considered at the meeting on 14 July, failing which 13 August 2015.</p> <p>The Board unanimously agreed.</p>	GRANTED
(e) – (g)	<p><u>Michael Johnston – Sea Discoverer</u></p> <p>The Board were advised that this was a new vessel and a new application.</p> <p>Mr Cooper moved that the Board approve the occasional licences on the same basis as applications c-d had been approved. Mr Robinson seconded.</p>	GRANTED

2. Application for an Occasional Licence by the Peerie Shop Cafe

The Board considered a report by the Depute Clerk to the Licensing Board, attached as Appendix 2 that provided options on how to deal with an application that could not be approved under delegated authority as it was for a period longer than 48 hours. The application could not be processed in time to be considered at this meeting and is for an event that would take place before the next meeting of the Board.

The Solicitor advised that the Board could simply refuse the application or agree to a special meeting which would incur cost and time should a suitable date be found. Alternatively, if Members were so minded, delegated authority could be granted in principle to the Depute Clerk to process the application provided there are no adverse objections from the Police, Public or Licensing Standards Officer.

The Chair pointed out to Members that even if the application had been submitted within the 28 day period the same issue would have arisen with the current timing of meetings.

During discussions Members considered the previous applications and the issue of the designated area delineation and were assured that no representation had been received as a result of the previous application, which ended last week.

The issue of successive occasional licenses was discussed and a comment was made that consideration should be given to a full licence application. It was noted however that a full licence had not been applied for as this was seen as a summer, fair weather, activity. A Member expressed his continued concern in regard to the delineation of the area and the access to other properties and lanes.

Mr C Smith moved that the Board approve paragraph 4.4 of the report that it is acceptable in principle to grant these licences, to grant delegated to the Depute Clerk the power to grant the two applications after the end of the advertisement period without representations or objections. Mr Robinson seconded.

Member requested that the Licensing Standards Officer visit the premises when the designated area is in operation to satisfy Member's concerns.

A Member commented that the approval of this application could encourage other premises to do similar and was concerned that the efforts made by the Licensing Authority to bring in good standards would be undone. The Chair reminded Members that each application will be considered on its own merits and in line with the Board's Statement of Policy. He said that such activities are common place throughout the country and if used properly it could be of benefit to the local economy, visitors and residents.

The meeting concluded at 10.30am.

Convener