

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 3 November 2015 at 10.00am**

Present:

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

Apologies:

None

In Attendance (Officers):

P Dinsdale, Licensing Standards Officer
D Manson, Licensing Standards Officer
K Adam, Solicitor
Insp. P Daley, Police Scotland
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. Christmas and New Year Licensing Hours 2015/16

The Board considered a report by the Depute Clerk to the Board regarding the licensed hours over the Christmas and New Year period 2015/16.

The Solicitor introduced the report and the Police and Licensing Standards Officer confirmed that they had no comments to make.

In response to a question the Solicitor confirmed that the deadline for application is 28 days before the licence is required.

Mr C Smith said that these dates and times are on the same basis as last year and moved that the Board approve the recommendations contained in the report. Mr Campbell seconded.

2. Alcohol Licensing for Hall at Up Helly Aa and Fire Festivals

The Board considered a report by the Licensing Standards Officer which sought a decision regarding the general extension for Up Helly Aa Halls and Fire Festival Halls in 2016.

The Chair commented on the presentation of the report and drew attention to the Statement of Licensing Policy, where at paragraph 21.6 delegated authority is granted to officers to "formalise the dates and other content of the general extension for Fire Festivals and Up Helly Aa celebrations and notify the affected premises on an annual basis". In that regard Mr G Smith moved that the Board approve the recommendations contained in the report. Mr Bell seconded.

A Member drew attention to the annual application made by the Sandwick Social Club to hold a breakfast the morning after Up Helly Aa and queried if that should also be considered today. The

Chair advised that no delegation exists for this therefore the Board will have to consider that application separately when one is made. He added that this could be addressed under the next Statement of Licensing Policy which would come into effect in November 2016.

3. Late Payment of Fees

The Board considered a report by the Depute Clerk to the Board which sought a decision as to whether those licences, whose holders have failed to pay their annual fee due 1 October 2015, should be reviewed.

The Solicitor introduced the report and explained that four licences, all from Sodexo, had not been paid on time, however since issuing the report all outstanding fees had now been received. He explained however that, if so minded, the Board could hold a hearing, at the next meeting of the Board, to consider the breach of condition or alternatively they could instruct the Clerk to convey a message from the Board on the late payment of fees without it being a formal warning.

The Chair expressed his disappointment at this situation, albeit that the fees have now been paid. He commented on the amount of time spent by officers processing these applications and said that this was not commensurate with the fee required and that he was extremely disappointed that the fees had not been paid on time.

A Member commented that he did not believe that a review should be held as the fees have now been paid but suggested that a strongly worded letter should be issued advising that they are the only organisation that failed to have the correct arrangements in place in order to make payment. He said they should be reminded of the organisations obligation to pay by 1 October highlighting the time spent in processing the applications received for these barges over the last year and should such action occur again the Board would proceed to a review hearing.

In response to questions the Solicitor explained that the terms and conditions are set out clearly to licence holders and this had been understood by everyone who had received a letter, except Sodexo. He said that in addition to the annual fee letters, reminders are distributed where necessary advising that the payment should be made by the end of September, or necessary arrangements to pay by instalments should be put in place.

During discussions Members questioned why payment had not been made in light of the efforts made to accommodate the applications. The Solicitor advised that the reasons given appeared to be a lack of communication between the Licence holder based in Aberdeen and their local representative who would make the payment. The Solicitor responded to a question and advised that, were the licences to be revoked or surrendered the organisation could apply for occasional licences.

Mr Cooper moved that the Board proceed as suggested by Mr Campbell, Mr C Smith seconded.

The Chair summarised that no hearing would be held but a letter would be issued through the Clerk expressing, in strong terms, that the organisation should pay on time in future. The Clerk will also highlight the work and officers time involved in meeting the requirements of these applications and should they fail to pay on time next year the Board will proceed to a review hearing. The Board unanimously concurred.

(Mr Duncan attended)

The meeting concluded at 10.20am.

