

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Wednesday 24 February 2016 at 3pm**

Present:

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

Apologies:

A Westlake

In Attendance (Officers):

S Brunton, Team Leader – Legal
P Wishart, Solicitor
P Dinsdale, Licensing Standards Officer
Insp. 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. Applications under the Licensing (Scotland) Act 2005 for Premises Licence, Extension of Licensed Hours and Occasional Licence

1.	<u>Application for Premises Licence, and Occasional Licence</u>	<u>Decision</u>
(a)	<p><u>Natalie C L Ho, Teamore, Ground Floor, Viking Bus Station</u> The Board noted that the Licensing Standards Officer and the Police had no comments in regard to this application.</p> <p>Members noted that the applicant was present.</p> <p>The Solicitor introduced the report and advised that all documents required were submitted, are valid and in order.</p> <p>A Member noted that no comment had been received from the Health Board and in questioning if this was an omission the Solicitor confirmed that their comments had not been received. The Chair said that the Health Board regularly did not comment on applications.</p> <p>Mr Cooper moved that the Board approve the recommendations contained in the report, seconded by Mr Bell.</p>	Granted
2	<u>Application for Extension of Licensed Hours</u>	
(a)	<u>Shetland Arts Development Agency, Mareel</u>	Refused

	<p>The Board noted the Licensing Standards Officer comments and that the Police had no comments in regard to this application.</p> <p>The Solicitor introduced the application and advised that the terminal hour was outwith the Board's Statement of Licensing Policy and therefore required to come before the Board for decision. The Solicitor advised that the power to grant the application was discretionary, if the Board felt it appropriate to do so.</p> <p>The Board noted that no representative from Shetland Arts Development Agency was present.</p> <p>The Board discussed the application and considered it was not appropriate to grant it.</p> <p>Mr Robinson moved that the Board not approve the grant of an Extension of Licensed Hour. Mr Cooper seconded.</p>	
3	<u>Application for Occasional Licence</u>	
(a-e)	<p><u>Shetland Folk Festival Society</u></p> <p>The Board noted the Licensing Standards Officer comments and that the Police had no comments in regard to these applications.</p> <p>Members noted that there were representatives from the Shetland Folk Festival Society present.</p> <p>In response to a question Insp. Daley advised that there had been no complaints arising from this event over the years.</p> <p>Mr Duncan said that this was a well run event and moved that the Board approve applications 3a-e, seconded by Mr C Smith.</p>	Granted

2. New Three Year Policy Statement – 2016/19

Overprovision Assessment

The Board considered a report by the Depute Clerk to the Licensing Board which sought to advise as to the requirements for the preparation of a new three year Licensing Policy Statement and Overprovision Assessment and to provide an opportunity for discussion as to the way forward.

The Team Leader – Legal introduced the report and advised that the current policy was generally fit for purpose but explained that the amendments attached are matters that officers had found to be issues during the considerations of the Board. She said that during this process more information may need to be included but asked the Board to consider whether this was a good basis for the process to start. She advised that the list of consultees was based on those consulted last time but the Children's Rights Service and Shetland Adult Protection Committee could also be added. Members noted that the Local Health Board were a statutory consultee and that the Northern Constabulary were now known as Police Scotland.

In response to questions, the Team Leader – Legal advised that the number of premises licences was 144, down from 150. It was noted that this was most likely to be as a result of floating accommodation vessels leaving Shetland.

A Member recalled that the Licensing Standards Officers carried out checks a number of years ago where historical issues were highlighted in terms of the premises used and questioned if regular checks were undertaken to ensure the licensing act requirements were being adhered to. The Licensing Standards Officer advised that when other inspections are being carried out Officers do check for other issues and if any action was required the Police would be informed. She advised however that due to the nature of the activities in community halls it is not possible to visit halls very often. The Chair agreed that it was important to ensure that premises are safe and was reassured by the Licensing standards Officer's comments.

Members discussed the length of the consultation period and were informed that, as the Licensing Forum met less frequently than the Board, it was important to give sufficient time for them to go through the document carefully. The Team Leader – Legal added that regular progress reports would be presented to the Board.

Mr C Smith moved that the Board approve the recommendations contained in the report to proceed with the consultation, seconded by Mr G Smith.

Decision:

The Board confirmed that the draft Policy should be published on the Board's website for the purposes of public consultation.

The Board set an end date for the public consultation of 1 September 2016 and require the Clerk to report back to the Board on the outcome of the consultation exercise.

The meeting concluded at 3.30pm.

Convener