

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 9 October 2018 at 10 a.m.**

Present:

M Bell A Cooper
C Hughson S Leask
I Scott

Apologies:

C Smith G Smith
B Wishart

In Attendance (Officers):

S Brunton, Depute Clerk to the Board
P Dinsdale, Licensing Standards Officer
Sgt. Douglas, Police Scotland
L Malcolmson, Committee Officer

Chairperson

Mr I Scott, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

1. New Three Year Policy Statement 2018/2021 – Overprovision Assessment

The Board considered a report by the Depute Clerk to the Board that presented information to allow the Board to adopt a new three year Licensing Policy Statement and comment on the subject of an Overprovision Assessment.

The Depute Clerk introduced the report and advised on the extensive consultation undertaken on the draft New Three Year Policy Statement 2018/2021. Referring to the conclusions at paragraph 4 of the report, the Depute Clerk took members through each of the decisions required:

1. Consultation Responses

The Board considered the points raised by each of the respondents and the recommendations presented by the Depute Clerk, set out in section 3.2 of the report.

a) Shetland Islands Area Licensing Forum

The Depute Clerk responded to a query on consultation with the Police should the recommendation be approved. The Board were advised that the same process would be followed as is currently the case for the extensions for Up Helly Aa related activities. She assured the Board that the Police would continue to be consulted and if the recommendation was to be agreed a further report would be provided for consideration of the parameters that would be required, seeking parity between those arrangements already in place and that required for the three events listed. She confirmed that this would include a statement regarding Police Scotland's interest in consultation.

Recommendation approved.

b) Alcohol Focus Scotland

The Depute Clerk advised that there were no particular recommendations required as nothing had emerged from the joint meeting held between the Shetland Islands Area Licensing Board and the Local Licensing Forum.

Recommendation noted.

c) Shetland Licensing Standards Officer

The Depute Clerk advised that there is a difference between smoking and E-cigarettes and until further guidance is received from Government, it would be recommended that the Board leave it to the discretion of each Premises License Holder.

Recommendation noted.

2. Overprovision

The Depute Clerk referred to section 3.3 of the report, and the matter of Overprovision. She suggested that the Board should give initial consideration as to what area the Board would wish to consider for overprovision and separately consider if there is overprovision in that area. She advised that Lerwick had been cited as an area of overprovision for off sales, for consultation by the Health Board and Local Licensing Forum and it was also suggested that Lerwick be split in two areas.

What Locality?

During discussion the Board agreed that the locality to be considered should be the whole of Lerwick as it is a small urbanised area.

Is there Overprovision in Lerwick?

The Board was asked to consider if there was overprovision of Off-sales in the Lerwick Area. The Depute Clerk advised that if the Board were to decide that there is overprovision this would be consulted upon with the wider community.

Mr Bell highlighted the changes in drinking habits over the last two decades and the ease of purchasing cheap alcohol from off sales premises rather than a regulated on-sales establishment. It was suggested that the quality of the alcohol products is an issue as well as the need for better quality premises in Shetland. It was also noted that the Police are often diverted from dealing with the local drugs issues due to the work generated by misuse of alcohol. The Board acknowledged that each application would still be considered on its own merits but an overprovision statement may change the balance of assumption that a license would be granted. Mr Bell said that a decision on overprovision was now necessary and moved the recommendation that the Board proceed to further consultation on overprovision of off-sales in Lerwick.

During discussion caution was expressed that an overprovision statement would not change anything and that more early intervention and education in Schools and Youth Clubs would address learned behaviour and help in reducing harm.

Some Members spoke in support of the motion, acknowledging that any overprovision statement would not negate someone from making an application and would not affect any licenses already in place. It was stated however that it was important to look at other areas and not just Lerwick, in the future. It was suggested however that concerns raised in another area of Shetland was more related to commercial matters rather than overprovision.

Mr Leask seconded the motion.

3. Statement of Licensing Policy 2018-2021

The Depute Clerk drew attention to the last decision required which related to the adoption of the Statement of Licensing Policy, subject to the revisions agreed by the Board. Mr Cooper moved accordingly, seconded by Mrs Hughson.

The meeting concluded at 10.30am.

Convener