

# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

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If calling please ask for  
**Leisel Malcolmson**  
Direct Dial: 01595 744599

Dear Sir/Madam

Date: 13 May 2019

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Monday 20 May 2019 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Depute Clerk to the Board

Clerk to the Board: Jan R Riise

## **AGENDA**

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest.
- 1. Application for Variation other than a Minor Variation of Premises Licence, and Extension of Licensed Hours. Enclosed.
- 2. Consultation on Occasional Licences. Enclosed.
- 3. Licensing (Scotland) Act 2005 – Section 142 Guidance. Enclosed.
- 4. Personal Licence Holders – Renewals. Enclosed.



# **SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 20 MAY 2019**

## **1. Application for Variation other than a Minor Variation of Premises Licence**

<u><b>Applicant</b></u>	<u><b>Premises</b></u>	<u><b>Proposed Variation</b></u>
(a) Staneyhill Brewery Ltd Limited	Lerwick Brewing Company Ladies Drive Lerwick Shetland ZE1 0NA	Change from off sale to both on and off sale.  • <u>Core Times</u>

### On Sales

	Opening	Terminal
Mon	11am	1am
Tue	11am	1am
Wed	11am	1am
Thurs	11am	1am
Fri	11am	1am
Sat	11am	1am
Sun	11am	1am

### Off Sales

	Opening	Terminal
Mon	10am	10pm
Tue	10am	10pm
Wed	10am	10pm
Thurs	10am	10pm
Fri	10am	10pm
Sat	10am	10pm
Sun	10am	10pm

Provide facilities for social functions and recorded/live music.

Allow children and young people entry when accompanied by a responsible adult.

Variation to layout of downstairs with a bar/tasting area and toilets.

Variation to upstairs providing a staff canteen, office, toilet, storage facilities with new fire escape fitted.

LSO comments: No objections to the application

Police comments: No adverse comment to make regarding the variation proposed

Building Standards comment: No response received

Lerwick Community Council  
comments:

The Board should note that this response was received via email on 7 May 2019 at 20:03, after the 30 April 2019 closing date for representations.

*"This application was discussed at the Lerwick Community Council meeting on Monday 6 May. Although there were no formal objections to the variation application there was a discussion about the availability of parking in the area and comments that there isn't a particularly safe walking route from the town centre to the Staneyhill Brewery and that these issues may need to be addressed".*

Health Board Comments:

No response received.

Fire Board Comments:

No response received

Occupiers/Public Comments:

No responses received

## 2. Application for Extension of Licensed Hours

<u>Applicant</u>	<u>Premises</u>	<u>Extended Hours Applied For</u>	<u>Event or Occasion</u>
(a) Elaine Kirk	Tingwall Public Hall	1am-2am Sunday 9 June 2019	2 <sup>nd</sup> night of a Wedding

LSO comments: Within the Licensing Policy, section 20.6 states that: the Board would be prepared to approve applications which fall within the general guideline hours set out above for on-sale premises, namely with an opening hour of 11am and a terminal hour of 1am. As this application has requested terminal hour of 2am, this falls outwith the Policy and refer this to the Shetland Islands Area Licensing Board to make a decision on.

Police comments: No objections.

# SHETLAND ISLANDS AREA LICENSING BOARD

20 May 2019

## Licensing (Scotland) Act 2005 Consultation on Occasional Licences

### 1. Introduction

- 1.1 The sale of alcohol in Scotland is regulated by the Licensing (Scotland) Act 2005 and associated regulations and orders. The operation of the alcohol licensing system is the responsibility of Licensing Boards including the consideration of applications, processing and issuing of occasional licences.

### 2. Detail

- 2.1 The Scottish Government is consulting on the proposal to review the fee for occasional licences and a limit on the number and duration of occasional licences. The deadline for response is 16 July 2019.

- 2.2 The consultation document is attached. It can also be accessed by following the link:

<https://www.gov.scot/publications/licensing-scotland-act-2005-consultation-occasional-licences/>

- 2.3 The purpose of the consultation is to consult on: 1) whether or not to raise the fee for an occasional licence from the current price of £10; and 2) to seek views on prescribing a limit on the number and duration of occasional licences for premises licence holders and personal licence holders.

- 2.4 The Scottish Government asks that responses to the consultation be given using the Respondent Information Form, a copy of which is attached to this report.

### 3. Decisions Required

- 3.1 The Board is asked to consider the consultation papers and decide whether:-

1. The Board wishes to respond to the consultation.
2. If the Board wishes to respond to the consultation, to provide to the Assistant Clerk such comments and/or questions as it considers appropriate; and
3. To instruct and authorise the Assistant Clerk to respond to the consultation in line with the Board's comments and/or questions.

Assistant Clerk to the Licensing Board  
20 May 2019



# **SHETLAND ISLANDS AREA LICENSING BOARD**

**20 May 2019**

## **Licensing (Scotland) Act 2005 – Section 142 Guidance**

### **1. Introduction**

- 1.1 The sale of alcohol in Scotland is regulated by the Licensing (Scotland) Act 2005 and associated regulations and orders. Scottish Ministers may issue guidance to Licensing Boards as to the exercise of their functions under the Act. Guidance was first issued in 2007. Revised guidance has been prepared and Licensing Boards have been invited by the Scottish Government to comment on the draft. The deadline for response is 11 June 2019.

### **2. Detail**

- 2.1 Section 142 of the Act makes provision for Scottish Ministers to issue guidance to Licensing Boards as to the exercise of their functions under the Act. Each Licensing Board must in the exercise of their functions have regard to any guidance issued under section 142.
- 2.2 Guidance was first issued to Licensing Boards on 4 April 2007. Since that date additional primary and secondary legislation has been passed.
- 2.3 The Scottish Government has prepared revised guidance to take into account the new legislation and to provide further detail and clarity to Licensing Boards.
- 2.4 The revised guidance can be accessed by following the link:  
  
<https://www.gov.scot/publications/consultation-licensing-scotland-act-2005-section-142-draft-revised-guidance-licensing-boards/>
- 2.5 The Scottish Government ask that responses to the consultation be given using the Respondent Information Form, a copy of which is attached to this report.

### **3. Decisions Required**

- 3.1 The Board is asked to consider the draft guidance and decide whether:-
  1. The Board wishes to respond to the consultation.
  2. If the Board wishes to respond to the consultation, to provide to the Assistant Clerk such comments and/or questions as it considers appropriate; and
  3. To instruct and authorise the Assistant Clerk to respond to the consultation in line with the Board's comments and/or questions.

Assistant Clerk to the Licensing Board  
20 May 2019





**Shetland Islands Area Licensing Board**  
**20 May 2019**  
**Personal Licence Holders - Renewals**

Agenda Item

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1. Introduction

- 1.1 The purpose of this report is to keep the Board advised of the progress with respect to the ten year training and renewal of personal licences within the Shetland Islands Area. This is a matter which is attracting considerable interest in the media and it is therefore important that members are aware of the situation within their own area.

2. Background

- 2.1 In terms of section 77 of the Licensing (Scotland) Act 2005 a personal licence has effect during the period of ten years beginning on the day on which it was issued. The personal licences issued at the time the Act came into force on 1 September 2009 are now therefore reaching their expiry date.
- 2.2 In order to renew a personal licence the licensee must undertake further accredited training and thereafter make an application to the Board for a renewed personal licence.
- 2.3 There is a statutory deadline of 31 May 2019 for the submission of a renewal application for those licensees who were issued with their licence at the beginning of the new regime in 2009. The Board has no discretion to extend this deadline.

3. Consequences of Failure to Renew

- 3.1 The personal licence of anyone who needed to make an application to renew their licence by 31 May 2019 and failed to do so will lapse on 31 August 2019. A personal licensee whose licence has lapsed may apply for a new personal licence but this will take time to process and the Board may decide to hold a hearing before granting any such application.
- 3.2 If the holder of the personal licence is a premises manager, they will no longer be qualified to hold that position and it will have an impact on the premises licence. The holder of the premises licence will need to give the Board notice within 7 days of the lapsing of the premises manager's personal licence to allow a six week period for the appointment of a new premises manager. If no action is taken then the right to sell alcohol from the premises will cease.

4. Local situation

- 4.1 The Board did write to all affected persons on 22 January 2019 to bring to their attention the need to renew their personal licence and the consequences of failure. There has also been publicity in the national media regarding this issue.
- 4.2 There are no authorised training providers within Shetland but a trainer with the necessary qualifications to deliver accredited training has been visiting the islands and provided training in Lerwick and in Yell. Information regarding this training provider was included in the letter of 22 January 2019.

4.3 The current situation within Shetland is that there are 152 personal licences which are due for renewal as at the 1 September 2019. As at 10 May 2019, 53 applications had been received and 30 have already been granted. Some licensees have indicated that they do not intend renewing their licence.

5. Recommendation

The Board is asked to note the terms of this report.

Depute Clerk to the Board

10 May 2019

