

RECORD OF DECISIONS

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Thursday 27 October 2011 at 10am**

Present:

J Budge A T J Cooper
J H Henry A J Hughson
J G Simpson

Apologies:

A J Cluness G Robinson
C L Smith

In Attendance (Officers):

B C Hill, Depute Clerk
M Dunne, Executive Manager - Environmental Health and Trading Standards
Chief Inspector, A MacInnes, Northern Constabulary
L Gair, Committee Officer

Chairperson

Mr J Budge, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

Application under the Licensing (Scotland) Act 2005 for Extension of Licensed Hours

The Board considered a report by the Depute Clerk to the Board, attached as Appendix 1.

1	<u>Application for Extension of Licensed Hours</u>	
1 (a)	<p><u>Royal British Legion - Lerwick</u> The Executive Manager - Environmental Health and Trading Standards advised that the application was inconsistent with the statement of licensing policy, however the application made it clear that the extension was not for the sale of alcohol to members of the public but for those involved in the parade to be allowed a free drink before it begins.</p> <p>The Police had no observations to make.</p> <p>The Depute Clerk advised that a representative from the British Legion was present. The Chair invited Mr Mckay to address the Board, who advised that a free drink would be provided for those involved and there would be no sale of alcohol at that time. He added that the Legion was used as a meeting place at 9am and</p>	Granted

	<p>everyone would leave at 10am.</p> <p>Mr Simpson moved that the Board approve the grant of the Extension of Licensed Hours, seconded by Mr Hughson.</p>	
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Christmas and New Year Licensing Hours

The Board considered a report by the Licensing Standards Officer, attached as Appendix 2.

The Executive Manager - Environmental Health and Trading Standards explained that following a meeting of the Licensing Forum, an early indication was sought relating to the issue of 2am extensions. In 2009 a general determination of 2am extensions was made but in 2010 it was not. She advised that there were no issues arising from either decision. The Executive Manager - Environmental Health and Trading Standards added that some establishments already held 2am licences and these would remain.

Chief Insp. MacInnes advised that as he was new to the area he could not comment on the last two years, however he said that as there were no issues from either decision, he was confident that he could provide suitable resources to support any decision made by the Board.

Mr Hughson said that no issues had arisen from last year, and moved that the Board do not make a general determination of 2am extensions for the Christmas and New Year period. Mr Budge seconded.

Age Verification Policy Requirements

The Board considered a report by the Licensing Standards Officer, attached as Appendix 3.

The Executive Manager - Environmental Health and Trading Standards explained that at a recent meeting of the Forum, the new age verification legislation was discussed. She advised that the Forum would like to write to the Scottish Government for some guidance on this legislation as the wording does not allow flexibility to how it is implemented, and does not differentiate between city and rural establishments.

Chief Insp. MacInnes said that the police were keen to see under age drinking controlled, but it was necessary to have a common sense approach to this legislation. He said that he had no problem supporting the forum's views.

The Executive Manager - Environmental Health and Trading Standards explained that she would draft a letter and seek input on behalf of the Board.

Members gave consideration to the issues and tensions that may arise in a local setting and the Board unanimously agreed to approve joint representations to the Scottish Government as described in the report.

Outdoor Drinking Areas

The Board considered a report by the Licensing Standards Officer, attached as Appendix 4.

The Executive Manager - Environmental Health and Trading Standards advised that this matter was also discussed at the recent Forum meeting. She advised that it had been a trend in the UK to provide less seating and tables as this encouraged patrons to drink faster and more. She explained that this culture was changing and in providing more seating this would reduce crowding. She explained that providing outdoor drinking areas would enhance the experience for visitors and the community.

In response to queries, the Executive Manager - Environmental Health and Trading Standards explained that restricting the use of outdoor areas until 11pm would control concerns regarding noise. She also confirmed that it would be reasonable to ask establishments to provide a fence or temporary railings to differentiate and control the designated area.

The Convener said that he supported this common sense approach and the increased use of outdoor drinking areas. The Board unanimously agreed.

Repeated use of Occasional Licences

The Board noted a report by the Licensing Standards Officer, attached as Appendix 5.

The Executive Manager - Environmental Health and Trading Standards introduced the report and explained that some larger establishments, that did not have the sale of alcohol as their main function, would have to pay licensing fees on the rateable value of the property. She said that this would result in extremely high licensing fees. The Executive Manager - Environmental Health and Trading Standards explained that there was no limit on the number of occasional licences that can currently be applied for, by personal licence holders for those premises.

Members acknowledged that the licence fee was based on the whole building and not the area within which alcohol is sold. It was also noted that during the consultation stage of the legislation, it was strongly suggested that a fairer system would be to set fees based on turnover as apposed to rateable value of the property. The Board however decided that no action could be taken under current legislation beyond noting the report.

Alcohol Licensing for Halls at Up Helly Aa and Fire Festivals

The Board considered a report by the Licensing Standards Officer, attached as Appendix 6.

The Executive Manager - Environmental Health and Trading Standards advised that during 2009 the Convener and Vice-Convener of the Board met with the organisers of these events to find a solution to the licensing issues. She said that the approach presented to Members today was applied in 2011. The Executive Manager - Environmental Health and Trading Standards advised Members that the Board could also grant delegated authority to the Clerk for the grant of such extended hours if so minded.

Chief Inspector MacInnes said that having spoken to the inspector there were no issues to report over the last 2 years and he would support the proposals presented.

Mr Cooper said that these measures allows these events to be held within the law and to have drinking regulated, which resulted in less binge drinking. Mr Cooper moved that the Board approve the recommendations contained in the report. Mr Henry seconded.

Mr Simpson said that he would not move an amendment but said that he was not happy with this decision. Mr Simpson referred to the Tall Ships Event, which was the biggest event in Shetland for years and 2am extensions were refused. He said that the Board had turned down applications for extended hours for important local events in other areas of Shetland and this decision was not being consistent with the hours set down.

The Chair commented that this was the best solution as it gives more control and introduces a degree of safety.

Mr Cooper clarified that, with the support of his seconded, he would include within his motion that delegated authority be granted to the Clerk for the determination of such extended hours.

The Executive Manager - Environmental Health and Trading Standards confirmed that details of the dates and venues for the particular events would be provided to the Clerk. She also clarified that any applications for the purpose of providing breakfasts on the day after the events would be made separately and would be brought to the Board for consideration.

The meeting concluded at 10.30am.

Convener