

SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 19 NOVEMBER 2010

1. Premises Licence Review Hearing (s.38)

	<u>Premises Licence Holder</u>	<u>Premises</u>	
(a)	J & J (2008) Ltd 454 Edwell Road Surbiton Surrey KT6 7EL	New Golden Coach Restaurant 17 Hillhead Lerwick Shetland ZE1 0EJ	Licence Revoked

- The background is, as reported to the Board on 3 September 2010, that the premises licence holder has not complied with one of the mandatory conditions of the licence, namely the payment of the annual fee for the past year from 1 October 2009 - 30 September 2010.
- The Board have the powers on review to take any of the following steps as the Board consider necessary for the purposes of the licensing objectives:
 - (a) to issue a written warning to the licence holder
 - (b) to make a variation of the licence
 - (c) to suspend the licence for such period as the Board may determine
 - (d) to revoke the licence
- This was initially considered at the meeting of the Board on 8 October 2010 where the Board decided to defer a final determination, to enable the new owner to be heard, and, in the meantime, instructed that a warning letter be sent to the existing licensee.

2. Application for Variation of Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>		
(a) Raymond Smith	Monty's Bistro & Bar 5 Mounthooly Street Lerwick	Amendment of Terminal hour when alcohol will be sold for consumption on the premises:		
		<u>Existing Hours</u>	<u>Proposed Hours</u>	Granted
		Mon: 11.30am - 11.30pm	Mon: 11.30am - 1am	
		Tues: 11.30am - 11.30pm	Tues: 11.30am - 1am	
		Wed: 11.30am - 11.30pm	Wed: 11.30am - 1am	
		Thurs: 11.30am - 11.30pm	Thurs: 11.30am - 1am	
		Fri: 11.30am - 11.30pm	Fri: 11.30am - 1am	
		Sat: 11.30am - 11.30pm	Sat: 11.30am - 1am	
		Sun: 12 Noon - 11pm	Sun: 12 Noon - 11pm	

- Objections have been received by letter from Messrs Anderson & Goodlad on behalf of their clients who are persons having a notifiable interest in neighbouring land. Copies of the form and letter of objection and photographs are attached.
- The Board are required to have regard to the objections in determining the application. The Board must consider whether any of the grounds for refusal applies and if none of them applies the Board must grant the application and if any of them applies the Board must refuse the application. The relevant grounds for refusal as set out in section 30 of the Licensing (Scotland) Act 2005 are as follows:
 - (5) (b) that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,
 - (c) that, having regard to
 - (i) the nature of the activities carried on or proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation,
 - (d) that, having regard to the number and capacity of
 - (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation),in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

3. Application for Provisional Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>On-Sales/Off Sales/Both</u>	
(a) Shetland Refreshments Limited	M T Building Formerly RAF Saxa Vord Haroldswick Unst Shetland ZE2 9TJ	Off the Premises	Granted

- Core Times

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

- Seasonal Variation – No
- Other Activities – None
- Children or Young Persons admitted (on sales only) – N/A
- Capacity – 8m²
- Premises Manager – None Specified