

RECORD OF DECISIONS

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Friday 19 November 2010 at 10am**

Present:

C L Smith J Budge
A J Hughson J G Simpson

Apologies:

A T J Cooper J H Henry
A J Cluness G Robinson

In attendance:

B C Hill, Depute Clerk to the Board
M Dunne, Service Manager – Environmental Health
Insp. E Graham
L Gair, Committee Officer

Chairperson

Mr C L Smith, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

Applications under the Licensing (Scotland) Act 2005 for a Premises Licence Review Hearing (s.38), Variation of a Premises Licence, Provisional Premises Licence.

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

1.1(a)	Premises Licence Review Hearing (s.38)	
	The Depute Clerk advised that this matter had been presented to the Board on 8 October 2010 where a decision was deferred to allow the new owner to attend the meeting. He advised that he had also written to the previous owner with a warning letter about the licence, but no response had been received. Following brief consideration, Mr J G Simpson moved that the Board revoke the premises licence, seconded by Mr A J Hughson.	Licence Revoked
1.2(a)	Variation of Premises Licence	
	The Chairperson introduced the application and invited the objector to address the Board. Ms L Knarston,	Granted

Anderson and Goodlad, on behalf of the objectors, highlighted the main issues of concern for the objectors as follows:

- Noise from patrons of the bar and restaurant
- Mess from cigarettes
- One of the neighbours leaves for work at 7.30am and a 1 am extension will have an impact upon her.
- The path and courtyard at Kiwi House is used as a corridor and for smoking and urinating.

Mr Smith from Monty's Bistro and Bar explained to the Board that this application followed requests received from the public explaining that many people don't go out till later. He said that he was going through the motions of applying for the extension but was not worried either way, as this would mean more work for himself and his staff. Ms Knarston thanked Mr Smith for his honesty.

The Service Manager Environmental Health advised that with the exception of one incident of a report following a staff party when the establishment opened in the new year, there had been no complaints relating to this establishment. She advised that the complaint received was attended by Police who determined that the noise was not unreasonable at the time of attendance. The Service Manager/Environmental Health also referred to the litter issue and advised that this was not the worst establishment but she encouraged the use of cigarette buckets or wall units.

Mr Smith advised that he had provided bins on the wall but over the last two years they have been stolen regularly.

Inspector. Graham advised that the Police attend premises for noise and nuisance and he explained that the Police had no indications that Monty's was causing any problems.

Mr J Budge said that this was an unusual situation but it was appropriate to be fair to both sides. He said that it was important to give people the opportunity to enhance their businesses and moved that the Board approve the application for variation to premises licence. Mr J G Simpson seconded.

Mr Smith assured Mrs Knarston that he would not be

	using the licence all the time and it was unlikely that he would be open till 1am every night.	
1.3(a)	Provisional Premises Licence	
	<p>The Chairperson invited the applicant to address the Chamber. Mr Priest invited Members to visit his business anytime. He explained the use of the off sales and explained that he would be using separate premises for the shop area to ensure better use of the facility.</p> <p>No objections were received from the Police or the Service Manager/Environmental Health.</p> <p>Mr J G Simpson moved that the Board approve the grant of the Provisional Premises Licence. Mr J Budge seconded.</p>	Granted

Licensing (Scotland) Act

Draft New Three Year Policy Statement 2010-2013

The Board considered a report by the Depute Clerk to the Board, attached as Appendix 2.

The Depute Clerk to the Board introduced the report and advised that the draft was issued and invited representations from the Local Licensing Forum who suggested some amended wording for the Board's consideration. He also referred to paragraph 9 relating to overprovision with highlighted changes and suggested that the Board keep this under review.

The Service Manager/Environmental Health advised that the issue of overprovision had been considered by the Local Licensing Forum and the licensing trade held the view that Lerwick was well catered for. However, in a Shetland context the Forum acknowledge that overprovision would affect establishments across Shetland and they did not want to prevent someone setting up in rural areas.

Inspector Graham advised that the Police had no specific issues with this report.

The Board unanimously approved the recommendations contained within the report.

The meeting concluded at 10.25pm.

Convener