

**SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 14 September 2009****(A) APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005****Briefing Note regarding Applications for Premises Licence under Licensing (Scotland) Act 2005****Applications**

Each application consists of an Application Form, accompanied by an Operating Plan and Layout Plan. Details from the Operating Plan for each application are set out below.

**Notification/Objections**

All the applications have been notified by the Clerk's office, under Section 21 of the 2005 Act, to neighbouring occupiers, the relevant Community Council, the Council (Environmental Health/Building Standards), Police and Fire services, and notified on the Licensing Board page of the Council's website.

Any comments or formal objections received in relation to any of the applications presented to this meeting are noted under each application's details.

**Determination of Application**

Section 23 of the 2005 Act sets out how the Licensing Board is to determine an application for a Premises Licence. This is summarised in the following bullet points:

- At hearing by Board
- To take account of operating and layout plan
- If no ground of refusal applies, must grant application
- If any ground of refusal applies, must refuse application
- Grounds of Refusal –
  - (a) excluded premises (garages – unless serving community need as principal source for petrol or groceries)
  - (b) must be refused under section 25(2) [repeat application within 1 year of earlier refusal], section 64(2) [24 hour opening] or section 65(3) [off-sales before 10am or after 10pm]

(c) inconsistent with one or more of licensing objectives, i.e. –

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children from harm

(d) unsuitable premises for sale of alcohol, having regard to

- nature of activities
- location, character and condition
- persons likely to frequent premises

(e) overprovision

(not applicable in transition period to premises with “grandfather rights”, i.e. having made application by prescribed date and on a like-for-like basis to existing 1976 Act licence)

- Modification of Operating Plan –

Where Board would otherwise refuse application, can propose modification to operating plan which would make it acceptable, and if accepted by applicant Board must grant application as modified.

- Special Procedure for applications in the Transitional Period:

- Where the Board is minded to refuse the application only on ground (d) above, but would not be so minded if certain modifications were made to the character and condition of the premises, the Board is to grant the application. The applicant then has 12 months to make the modifications, and at the end of the 12 month period the Board are to hold a hearing to decide if the modifications have been made and if not satisfied that they have the Board may revoke the licence, or continue for a further 12 month period when a final decision would be made.

1. **Application for Premises Licence**

	<u>Applicant</u>	<u>Premises</u>	<u>On-Sale/Off-Sale/Both</u>	
(a)	East Yell Public Hall Committee	East Yell Public Hall East Yell Shetland ZE2 9AX	On the premises	<b>Granted</b>

- Whether On/Off/Both On and Off Sale – On Sale

- Core Times

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

- Seasonal Variations – None
- Other Activities – Receptions; club meetings; recorded music; live performances; dance facilities; films; quizzes; raffles; agricultural show
- Children or Young Persons admitted (On Sales only) – Yes, all ages
- Capacity – 370 persons
- Premises Manager – Rae Thompson