

RECORD OF DECISIONS

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Friday 3 June 2011 at 10.00am**

Present:

J Budge A T J Cooper
J H Henry A J Hughson
G Robinson J G Simpson
C L Smith

Apologies:

A J Cluness

In attendance:

B C Hill, Depute Clerk to the Board
M Dunne, Service Manager – Environmental Health
Sgt J Beeston, Northern Constabulary
L Gair, Committee Officer

Circular

The Depute Clerk to the Board addressed the Board and the circular calling the meeting was held as read.

Declarations of Interest

None

Appointment of Convener and Vice-Convener to the Shetland Islands Area Licensing Board

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

Mr A J Hughson moved that the Board approve the recommendations contained in the report, seconded by Mr A T J Cooper.

Mr Budge thanked Members for their nomination and took the Chair.

Applications under the Licensing (Scotland) Act 2005 for Occasional Licence, Personal Licence and Provisional Premises Licence.

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

(Mr J H Henry declared an interest in item 1a) as a Member of the Boating Club).

1	Application for Occasional Licence	
1 (a)	<u>Lerwick Boating Club</u> – Mr A Anderson, Representative of the Lerwick Boating Club circulated a letter from the Chairman of the FjordSailing Shetland Race Committee, attached as annex 1A. The Service Manager – Environmental Health advised that an application was presented on 22 April 2011 for	Refused

this event and Members restricted the hours due to this being a daytime event. She said that more information had been received regarding the yachts arrival times, which makes this a 24 hour event.

Sgt. Beeston advised that the Police had no objections to make other than the hours being outwith policy.

Mr Anderson was invited to address the Board. Mr Anderson advised that competitors use the facilities of the boating club and it is not possible to tell when they may arrive. He said that most yachts are expected before 2am, and the occasional licence would allow competitors to have a drink with their crew and other competitors. Mr Anderson said that other events of local or national significance, such as the Simmer Dim Rally, had been granted a 2am licence and asked the Board to consider this application favourably.

Mr G Robinson said that his view had not changed and said that he had not argued that this event was not of local, national or international importance. He said that the Tall Ships was also in this bracket but their licence had been restricted to 1am. Mr Robinson said that 1am terminal hour was in line with policy and said that Shetland could continue being hospitable whilst being responsible. Mr Robinson moved that the Board restrict the grant of an Occasional Licence to 1am each night on this occasion. Mr A J Cluness seconded.

Mr J G Simpson said that this was an important event on the Shetland Calendar and there was a lot of activity around the pier at this time. He said that 2am had been granted to music festivals and moved, as an amendment that the Board approve the grant of an Occasional Licence, as applied for. Mr A T J Cooper seconded.

During discussions Mr A J Hughson said that this was focussed on the sea and expressed concern that there was a real risk of tragedy as patrons returned to their yachts. Mr C L Smith said that the Board was trying to be consistent and approval of this application would encourage other applications of a similar nature.

Following summing up, voting took place with a show of hands and the results were as follows:

Amendment: Mr Simpson	2
Motion: Mr Robinson	3

2	Applications for Personal Licence	
2 (a)	<p><u>Mr Chey Manson</u> – Mr Manson was invited to address the Board. Mr Manson explained that this was the first application he had made and he sought a Personal Licence to allow him to work in a marquee on the harbour during the tall ships event.</p> <p>Sgt Beeston advised that the Police had carried out a personal visit and it appeared that these observations concerned an isolated incident and Mr Manson was a suitable character to hold a licence.</p> <p>The Service Manager – Environmental Health had no comments to make.</p> <p>Mr G Robinson moved that the Board approve the grant of a Personal Licence on this occasion. Mr C L Smith seconded.</p> <p>Mr Manson thanked the Board.</p>	Granted
3 (a)	<p><u>Shetland Arts Development Trust (Mareel)</u> – The Police agreed with the various notes from the Service Manager – Environmental Health and commented that the 2am terminal hour was outwith policy.</p> <p>The Depute Clerk to the Board circulated an amended operating plan that had been received from the applicants' agents.</p> <p>The Service Manager – Environmental Health drew attention to the comments set out in the appendix and said there were a number of comments about the wording of the operating plan. She advised that a new plan had been received and the wording relating to children had been altered and addressed the comments made.</p> <p>Following lengthy discussion, it was agreed, on the motion of Mr G Robinson, seconded by Mr J H Henry that a decision on this application be deferred to allow Members of the Board to consider the new information tabled at the meeting. The Board agreed that an early date for a special meeting should be sought to hear this application in full.</p>	Deferred

The meeting concluded at 10.30am.

Convener