

RECORD OF DECISIONS

**Special Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Monday 13 June 2011 at 12.30pm**

Present:

J Budge J H Henry
A J Hughson G Robinson
J G Simpson

Apologies:

A J Cluness A T J Cooper
C L Smith

In attendance:

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

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.

1	Application for Provisional Premises Licence	
1 (a)	<p><u>Shetland Arts Development Trust (Mareel)</u> – Inspector Graham advised that within the application was a 2am terminal hour to cover the operation of a nightclub. He said that given the location this would help with the dispersal of patrons, however it would split Police resources. He said that this was a matter for the Police to overcome.</p> <p>The Service Manager/Environmental Health raised the issues identified in the Licensing Standards Officer comments.</p> <p>Members sought clarity with regard to capacity as the figures provided were at odds. The Service Manager/Environmental Health advised that the correct figure was 1602.</p>	Granted to 1am

Members discussed the use of temporary displays and temporary sales tables. It was explained that the temporary drinks tables would only be used during events to relieve the queues at the main bar and the display boards would be used to guide patrons to these tables. The Service Manager/Environmental Health advised that there was concern regarding their location in terms of obstruction to fire exits. Mr Gibbons explained the purpose of these tables and how they would be used in the venue. He said that he would be willing to liaise with the Service Manager/Environmental Health and the Fire Service to satisfy the licensing and fire safety requirements.

During lengthy discussions regarding the terminal hour of 2am, Mr Gibbons explained that he expected the venue to be used for nightclub events on 12-14 occasions each year. He explained the culture attached to booking A and B list DJs from the mainland was to have a support act playing before hand up to midnight with the main act taking over from 12am to 2am. Members noted that should the licence be granted, the licence holder would be able to hold as many 2am events as they wished, not just the 12-14 indicated.

During further discussion, it was suggested to Mr Gibbons that these events could be run to 1am with an entertainments licence being sought with a 2am close without alcohol for the last hour. Mr Gibbons was advised that he could apply for occasional licences where events would be considered by the Board individually.

The clarity was also provided to Members, from the Service Manager/Environmental Health and Mr Gibbons on the following points:

- Children and Young Persons' access (with that being as proposed in the revised operating plan sent by the applicants)
- Outdoor Drinking Facilities (to be the triangular area at the back of the premises, with no drinking in that area after 11pm on any night)

Mr Robinson said that the Board had been consistent in the past and they were open to hearing any justification for a 2 am licence, such as an event of local or national significance, he said however that he had not heard any such justification in this case.

In response to a query the Depute Clerk confirmed to the Board that if the Board granted a 2am Premises Licence it would be effective indefinitely into the future

	<p>(unless reviewed), as there is no renewal process like that under the previous Licensing (Scotland) Act 1976.</p> <p>Mr Robinson moved that the Board approve the grant of the provisional premises licence with the on-sales terminal hour being restricted to 1am. He said that consideration would be given to each 2am occasional licence application based on its own merits. Mr Hughson seconded.</p> <p>Mr J G Simpson moved that the Board grant the application as it stands, seconded by Mr J H Henry.</p> <p>Following summing up, voting took place with a show of hands and the results were as follows:</p> <table data-bbox="352 757 869 831"> <tr> <td>Amendment (Mr Simpson)</td> <td>2</td> </tr> <tr> <td>Motion (Mr Robinson)</td> <td>3</td> </tr> </table> <p>The Board confirmed that that the Licence would be approved subject to the modifications to the operating plan concerning access for children and young persons, the clarification of the location of the outdoor drinking area with drinking there restricted to 11pm on any night, that the temporary display areas would be discussed and agreed with Environmental Health Service, and also if the changes to 1am for the terminal hour for on-sales were accepted by the Applicant, otherwise the application would be refused.</p> <p>The Applicant confirmed that the changes would be acceptable and indicated his intention to submit occasional licence applications in the future.</p>	Amendment (Mr Simpson)	2	Motion (Mr Robinson)	3	
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The meeting concluded at 1.35pm.

Convener