

## **RECORD OF DECISIONS**

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Friday 3 September 2010 at 10am**

### **Present:**

C L Smith            J Budge  
A J Hughson        A T J Cooper  
G Robinson

### **Apologies:**

A J Cluness        J H Henry  
J G Simpson

### **In attendance:**

B C Hill, Depute Clerk to the Board  
Inspector Graham, Northern Constabulary  
E Mainland, Northern Constabulary  
E Leach, Environmental Health Officer  
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 Variation of Premises Licence**

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

<b>1(a)</b>	The Depute Clerk advised that he had written to Baroc advising that the application had been deferred in order to allow them to attend this meeting, but no response had been received. The Chairperson said that this item would be heard last to give them time to arrive.	
<b>1(b)</b>	The Chairperson advised that this application had been deferred to allow the applicant to attend. Mr Sage of North Isles Restaurants was present. Mr Sage advised that the off sales application had been submitted in response to a demand from passengers departing from Shetland. There were also passengers arriving in the evening who wished to buy a bottle of wine to take home with them. Mr Sage said that it was not his intention to	<b>Granted</b>

	<p>provide a supply for the local area.</p> <p>Inspector Graham confirmed that the Police had no objections.</p> <p>In response to a query regarding the change of layout, Mr Sage explained that due to the bar's current location, the whole shop/cafe area was licensed. This meant that children could not go to the shop without being accompanied by an adult. He advised that the variation would take the shop out of the licensed area, but would allow children to pass through the licensed area to go to the shop.</p> <p>Mr J Budge moved that the Board approve the variation of premises licence, seconded by Mr G Robinson.</p>	
<b>1 (c)</b>	<p>The Depute Clerk advised that this was a single request to change only the Sunday hours. Mr G Robinson moved that the Board approve the application for a variation to premises licence. Mr J Budge seconded.</p>	<b>Granted</b>
<b>1(a)</b>	<p>As no one from Baroc had attended the meeting, Mr G Robinson moved that the Board again defer a decision on the application for a variation to a premises licence. Mr A T J Cooper seconded.</p> <p>The Depute Clerk said that he would more actively contact the applicant and request that they attend the next meeting of the Board.</p>	<b>Deferred</b>

### **Premises Licences – Proposal for Review Hearing for Non-Payment of Annual Fee**

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 contact had been made with the licensees listed and payments had since been received from 4 of them with indications of another 2 payments being posted. He said that the report therefore would recommend the remaining 2 licensees be brought for hearing.

Ms E Leach advised that the premises at 17 Hillhead was currently vacant and no alcohol was being sold from those premises.

The Convener expressed his disappointment that this report had not been brought to the Board sooner. He said that the Board had fought to have the fees reduced and he was of the opinion that the licensees listed could well afford the sums payable.

In response to a query the Depute Clerk confirmed that non-payment was a breach of one of the conditions but stated that the licence would not automatically cease, as there was a process to be followed.

Following further discussions, the Board agreed that from 1 October 2010 all non-payments should be reported within 3 months, the first being reported in December 2010. This is also required for non-payment through instalments.

Mr A T J Cooper said that the Board were trying to take a responsible approach to drinking and there was a need to have responsible licensees. Mr Cooper moved that the Board take the non-paying licensees forward to hearing. Mr G Robinson seconded.

The meeting concluded at 10.15am.

Convener