

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Friday 13 September 2013 at 10.00am**

Present:

P Campbell	A Cooper
A Duncan	G Robinson
G Smith	C Smith

Apologies:

M Bell
A Westlake

In Attendance (Officers):

K Adam, Solicitor
Inspector Graham, Northern Constabulary
M Sandison, Executive Manager - Environmental Services
L Gair, Committee Officer

Chairperson

Mr G Smith, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

1. Hearing for a Personal Licence Holder (Section 83)

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

The Board were advised that Mr Boston was not present as he is outwith Shetland.

Inspector Graham provided background to an incident on 15 June where Mr Boston was found to be under the influence of alcohol whilst driving within the area of the Cycle Event. Having been breathalysed his reading was significantly higher than the legal limit. He was processed and reported accordingly.

The Solicitor advised that under the Licensing Scotland 2005 Act the personal licence holder is obliged to notify the Board of any convictions received. He sent a letter setting out his side of the story and explaining his actions. The Solicitor advised that the Board's decision was either to take no action, endorse, suspend or revoke the personal license.

Mr Robinson noted that at paragraph 2.5 of the report, the Police made no recommendation as to the course of action that they consider should be taken. Mr Robinson asked what the effect of an endorsement would be. The Solicitor advised that an endorsement would remain on Mr Boston's records and should he come before the Board again the Members would take this into consideration and may decide to revoke the licence on that occasion.

In response to a question, the Executive Manager - Environmental Services advised that as the British Legion is a members' club it therefore does not need a premises manager

or personal licence holder. Although it is good practice to have a personal licence holder, and there was likely to be more than one personal licence holder at this establishment an individual group holding events at the premises would have their own personal licence holders and would not be reliant on the venue for this.

Mr Robinson noted that when in Court, the Sheriff issued the lowest ban and fine and therefore moved that the Board endorse Mr Boston's personal licence. Mr C Smith seconded.

Mr Duncan moved as an amendment that the personal licence be revoked.

Inspector Graham reminded Members that the offence took place within the area closed off for the cycling event with a lot of people around. He said that Mr Boston could have taken different action given the level of alcohol consumed. He concluded that there could have been a different outcome.

Mr Cooper seconded the amendment.

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

Amendment (Mr Duncan)	2
Motion (Mr Robinson)	4

Decision:

The Board RESOLVED to endorse Mr Boston's Personal Licence on the grounds of preventing crime, disorder and securing public safety.

The meeting concluded at 10.15am.

Convener