

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Friday 17 January 2014 at 10.00am**

Present:

M Bell P Campbell
A Cooper A Duncan
G Robinson C Smith
G Smith A Westlake

Apologies:

None

In Attendance (Officers):

K Adam, Solicitor
P Dinsdale, Environmental Health Officer
D Manson, Lead Environmental Health Officer
S Simpson, Student
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

Mr G Smith declared a non pecuniary interest in agenda item 1 as a member of the Sandwick Social Club and advised that he would leave the Chamber during consideration of their application.

1. **Applications under the Licensing (Scotland) Act 2005 for a Premises Licence, Variation other than a Minor Variation of Premises Licence and Extension of Licensed Hours**

The Board considered a report by the Depute Clerk to the Licensing Board (Appendix 1).

1.	Applications under the Licensing (Scotland) Act 2005 for a Premises Licence	<u>Decision</u>
(a)	<p><u>Fjara Café Bar Ltd</u> The Solicitor introduced the application, and it was confirmed that there were no concerns from the Police and no further comments from the Licensing Standards Officer.</p> <p>Mr Campbell moved that the Board approve the application for a premises licence, Ms Westlake seconded.</p>	Granted

(b)	<p><u>Phu Siam Thai Restaurant</u> The Solicitor introduced the application and it was confirmed that there were no concerns from the Police and no further comment from the Licensing Standards Officer.</p> <p>Mr G Smith moved that the Board approve the application for a premises licence, Mr C Smith seconded.</p>	Granted
2.	Applications for Variation other than a Minor Variation of Premises Licence	<u>Decision</u>
(a)	<p><u>Bressay Public Hall Committee</u> The Solicitor introduced the application, and it was confirmed that there were no concerns from the Police and no further comment from the Licensing Standards Officer.</p> <p>Mr Bell moved that the Board approve the application for a Variation other than a Minor Variation of Premises Licence. Mr C Smith seconded.</p>	Granted
(b)	<p><u>Da Wheel Bar LLP</u> The Solicitor introduced the application, and it was confirmed that there were no concerns from the Police and no further comment from the Licensing Standards Officer.</p> <p>In response to a question, the Wheel Bar representative confirmed that the whole premises forms part of the nightclub, however the downstairs bar would not open beyond normal opening hours if the upstairs dancing area is not open.</p> <p>Ms Westlake moved that the Board approve the application for a Variation other than a Minor Variation of Premises Licence. Mr Bell seconded.</p>	Granted
(c)	<p><u>KGQ Hotels Limited</u> The Solicitor introduced the application highlighting the concerns from the downstairs neighbours which the Solicitor explained related to the hours of 2am-3am only. It was confirmed that there were no concerns from the Police and no further comment from the Licensing Standards Officer.</p> <p>The Chair noted that no representative from the objectors was present. The Chair invited Mr Johnson, representative for KGQ Hotels, to address the Board. Mr Johnson explained that there had been a problem with flooding caused by the patrons of the nightclub blocking the toilets. Water would flow downstairs and as a result the toilets have been changed to aluminium toilets that cannot be blocked. He further explained that the sinks have also been replaced and the toilets are checked every half hour to ensure that there are no problems. He added that Mr Lennon's letter addresses all points raised by Mr</p>	Granted

	<p>Begg.</p> <p>In responding to a query regarding broken glass on the street and in the lanes, Mr Johnson said that no one is allowed to enter or leave the premises with glasses or bottles. These items are removed from individuals and he was confident therefore that the broken glass was not coming from the Grand Hotel. Mr Johnson added that staff clean up what they can but in referring to the alcohol byelaw he said that anyone drinking on the street is breaking the law.</p> <p>Members commented that this premises had operated as a nightclub for a long time and did not see that the problems would increase during the extra hour of opening. Members accepted the mitigating measures already taken however it was agreed that this matter be kept under review and if a pattern of nuisance can be identified it should be brought back to the Board.</p> <p>Mr Cooper moved that the Board approve the application for a Variation other than a Minor Variation of Premises Licence, Mr C Smith seconded.</p> <p>The Solicitor confirmed that any party can apply for a review of a licence and if a problem has arisen from the 1 hour extension it will be notified to the Board.</p>	
<i>(Mr G Smith left the Chamber and Mr C Smith took the Chair)</i>		
3.	<u>Application for Extension of Licensed Hours</u>	<u>Decision</u>
(a)	<p><u>Sandwick Social Club</u> The Solicitor introduced the application, and it was confirmed that there were no concerns from the Police.</p> <p>The Chair invited Mr Martin, representative for the Sandwick Social Club, to address the Board. Mr Martin explained that the Sandwick Social Club had been providing breakfast on the morning after the Lerwick Up Helly Aa for the last 20 years. He explained that this was a community organisation and a lot of people, mainly from the South mainland, usually 2 bus loads, arrive at the club at 9am. Last year 50 breakfasts were sold. Mr Martin explained that apart from one occasion where the terminal hour was reduced to 10am, the Club has always shut at 11am on that day. He said that the majority of folk have filtered away by 11am and it is easier for the Club to have an 11am terminal hour.</p> <p>The Licensing Standards Officer (LSO) explained that this was not the Jarls breakfast. She explained that considering the general legislation requirement, to protect and improve public health, the consumption of alcohol in</p>	Granted

this case is covering an extended period from the previous night. The LSO acknowledged that this was a well run event and her colleague had visited last year noting that despite the shorter than normal terminal hour she noted that drinking up time had been adhered to. The LSO suggested that posters be put up from Drink Aware Scotland. She said that staff know to provide drinking water and not to serve drunk persons.

Mr Martin responded to a question and advised that in the past the event was held between 8am and 11am although last years was 8am to 10am. He said that the Sandwick Social Club staff take a very responsible approach to the sale of alcohol and even when a 2am licence is available the establishment closes at 12.30am as it is seen as enough time for the consumption of alcohol.

Mr Duncan said that he had heard that this was a well run event and the police had no objections. Mr Duncan moved that the Board approve the grant of an Extension to Licensed Hours between 8am and 11am on Wednesday 29 January 2014. Mr Robinson seconded.

Mr Martin confirmed to Members that although the Club has a licence for opening hours of 11am to 1am everyday those hours are only used on Saturday and Sunday. He advised that the Club does not open until 5pm during the week and that would be the case on 29 January 2014.

Ms Westlake expressed her concern that the sale of alcohol would be prolonged after the UHA event. She said that this did not meet the Board's policy objectives in protecting and improving public health.

Mr Martin said that during the breakfast there is not a big sale of alcohol and more money is taken in from the breakfast. He said that people are not drinking excessively in the morning and if they were they would not be served.

Following further discussions, it was noted that should the Club not adhere to the 8am to 11am hours on that day consideration would be given to its conduct when being considered for a licence for extended hours the following year.

(Mr G Smith returned to the Chamber and resumed the Chair)

The meeting concluded at 10.30am

Convener

