

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Friday 21 November 2014 at 10.00am**

**Present:**

P Campbell            A Cooper  
G Smith                C Smith  
A Westlake

**Apologies:**

M Bell  
A Duncan  
G Robinson

**In Attendance (Officers):**

P Wishart, Solicitor  
Inspector L Tulloch  
M Craigie, Executive Manager – Transport Planning  
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. **Application under the Licensing (Scotland) Act 2005 for Provisional Premises Licence**

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

1a.	<b>Application for Provisional Premises Licence</b>	<b><u>Decision</u></b>
	<p><u>The Co-operative Group Food Limited</u> The Solicitor introduced the report and explained that there was an understanding between the buyer and seller of the premises that the “Da Keg” would cease trading.</p> <p>Ms Knarston, Representative for the Co-operative Group Food Limited, confirmed that “Da Keg” is to close before work on the main shop commences and is the basis of the contract between the parties involved.</p> <p>In response to a question from a Member the Solicitor advised that were Members minded to grant the provisional licence that would be done on the basis that “Da Keg” would close. He said that were circumstances to change and “Da Keg” remain open, there would be an opportunity for the Board to consider overprovision before the granting of a full</p>	<b>Granted with condition</b>

	<p>Premises License. Ms Knarston confirmed however that this was a condition of the sale of the business and sale would therefore not proceed if “Da Keg” were to remain open.</p> <p>Mr Cooper moved that the Board approve the grant of a Provisional Premises Licence on the understanding that “Da Keg” would close. Ms Westlake seconded.</p> <p>Members noted that clarification would be provided in due course on the size of the display area.</p> <p>Members acknowledged that this it was good news that the retail shop would remain in this area. Members also paid tribute to Mr &amp; Mrs Henderson on the running of the premises and hoped that the Coop would continue their good work.</p>	
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## 2. **Christmas and New Year Licensing Hours**

The Board considered a report by the Depute Clerk to the Board (Appendix 2), which sought a decision regarding a general extension for the festive period 2014/15.

The Solicitor introduced the report and advised that to date no application had been received for this period and suggested that this might be due to the understanding by licensees that a report would be presented on general extensions.

The Chairperson explained that the Chair of the Licensing Forum had indicated that should a general extension not be granted there would be applications submitted.

Members acknowledged that last year only certain licensees used the general extension and only on certain days. Members took the view that the general extension had been used responsibly.

Inspector Tulloch confirmed that there were no issues identified although there is an impact on resourcing for the Police over the festive period.

Members spoke in support of granting a general extension but it was pointed out that the dates need to clearly set out the decision of the Board. Therefore the general extension should allow normal hours on Friday 19 December 2014, extending into Saturday morning 20 December 2014 and that this ends on Saturday 3 January 2015 extending into Sunday 4 January 2015, returning to normal licensing hours during Sunday.

Members also discussed the new drink driving alcohol limit that comes into force on 5 December 2014. Members held the view that as much advertising of the new limit should be undertaken and it was agreed that a statement would be provided to all licence holders asking them to make the public aware of the change in legislation. It was noted that this should be advertised beyond the festive period.

Inspector Tulloch cautioned that the public should be advised not to rely on the self breathalysing test kits that are available.

Ms Westlake moved that the Board approve the general extension for all premises with the revised dates being Saturday 20 December 2014 until Sunday 4 January 2015.

**Decision:**

The Board **RESOLVED** to grant a general extension, namely to:

- Permit all onsales licensed premises to stay open until 2am and to permit nightclubs, which hold a licence to remain open until 3am at weekend nights, to open until 3 am on any night during the extension period, as follows;

From Saturday 20 December 2014 to Sunday 4 January 2015

Licensed premises

Night clubs

1am – 2am

3am weeknights

The meeting concluded at 10.25am.

Convener