

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Tuesday 14 April 2015 at 10.00am**

**Present:**

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

**Apologies:**

A Duncan

**In Attendance (Officers):**

P Dinsdale, Team Leader – Environment  
K Adam, Solicitor  
Acting Inspector Daly, Police Scotland  
B Kerr, Communications Officer  
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 Robinson declared an interest in item 1. 1(a) "Application for Extension of Licensed Hours – Mareel" stating that this is a Shetland Folk Festival Event, of which he is a Member, therefore he would leave the Chamber during consideration of this item.

**1. Licensing (Scotland) Act 2005 – Application for Extension of Licensing Hours and Occasional Licences**

*Mr Robinson left the Chamber*

1.	<b><u>Extension of Licensing Hours</u></b>	<b><u>Decision</u></b>
(a)	<u>Shetland Arts Development Agency (Premises – Mareel)</u> The Board were advised that extensions for the folk festival events had been granted before but this was the first time for Mareel as the venue.  Mr Bell moved that the Board approve the grant of the extension of licensing hours application. Mr Campbell seconded.	<b>GRANTED</b>

*Mr Robinson returned to the Chamber.*

2.	<b><u>Occasional Licences</u></b>	<b><u>Decision</u></b>
(a) – (c)	<u>Simmer Dim Rally Committee</u> The Board were advised that Mr Murchison, Simmer Dim Rally Committee Representative was present.	<b>GRANTED</b>

	<p>Members were advised that the application was in the same terms as was approved last year. Members noted that this was a well established and well run event.</p> <p>Ms Westlake moved that the Board approve the grant of occasional licence applications (a)-(c). Mr Robinson seconded.</p>	
(d) – (f)	<p><u>Michael Johnston – Gemini Cruise Liner</u></p> <p>The Board were advised that three consecutive fortnightly occasional licences had been applied for. The Solicitor said that various vessels were working under occasional licences and the application was made to encourage staff to stay on board.</p> <p>During consideration of the applications Members questioned why a full licence had not been applied for as the occasional licences were covering an extended period for a smaller fee. The Solicitor said that he understood that the intention was that vessels would only be used for a short period of time but in reality they had remained for longer.</p> <p>The Chair said that this was a fair point to make and recalled representation received from the Forum on a similar use of occasional licences in the past. He said that the agents should be encouraged to apply for a full licence following the last date of the occasional licence presented today. The Chair said that there was no rule in place against using occasional licences but this was not in the spirit of what was intended in the Board's Statement of Licensing Policy.</p> <p>In response to a question, the Solicitor confirmed that the licensing procedures were no different for vessels afloat than for premises on land.</p> <p>Mr C Smith moved that the Board approve the grant of occasional licence applications (d)-(f), in respect of the Gemini Cruise Liner, with the addition that the Agents be advised of the clear expectation, by the Board, that a full licence will be applied for thereafter. Mr G Smith seconded and the Board concurred.</p>	<b>GRANTED</b>
(g)-(j)	<p><u>Michael Johnston – Ocean Atlantic Cruise Liner</u></p> <p>The Board were advised that four consecutive fortnightly occasional licences had been applied for.</p> <p>A Member questioned whether it was competent to grant a licence to a vessel that had not arrived yet and had not been inspected by the Licensing Standards Officer.</p> <p>The Licensing Standards Officer said that the vessel would be inspected by staff as soon as it arrived and this would include the inspection for licensed premises. It was noted that the application was from 5pm on Monday 20 April and Members were informed that the vessel has to be inspected to ensure that it is fit for purpose before it is used for accommodation.</p>	<b>GRANTED</b>

	Mr Robinson moved that the Board approve the grant of occasional licence applications (g) – (j) on the same basis than for the Gemini Cruise Liner, namely that there is an expectation that if the vessel is to be used in the long term, then the Agent should apply for a full licence. Mr Campbell seconded.	
--	--	--

The meeting concluded at 10.15am.

Convener