

Shetland Area Licensing Board
3 February 2016
Nesting and Girsta Up Helly Aa and an extension of licensed
hours for Tingwall Public Hall

1. Introduction

- 1.1 Since the introduction of the Licensing (Scotland) Act 2005 the Licensing Board has sought to regulate Up Helly Aa events in order to ensure that alcohol is consumed lawfully at events. At its meeting on 3 November 2015 the Licensing Board granted a general extension for Up Helly Aa Halls, and in particular granted an extension to Whiteness and Weisdale Public Hall on the occasion of the Nesting and Girsta Up Helly Aa on 6 February 2016.
- 1.2 During the week commencing 1 February 2016, the Committee of the Whiteness and Weisdale Public Hall learned of the death of its former premises manager. As sign of respect the Hall Committee decided not to open the hall for the Nesting and Girsta Up Helly Aa which is on the same day as the funeral, 6 February 2016. This closure has resulted in a replacement venue having to be sought as a hall for Up Helly Aa.
- 1.3 Tingwall Public Hall has indicated a willingness to be a replacement venue, but its terminal licensing hour is 01:00 on 6 February 2016. The purpose of this report is to invite the Board to consider an application made on behalf of Tingwall Public Hall Committee to extend the terminal hour to 04:00 on 6 February, with the final sale of alcohol being not later than 03:30.

2. Discussion

- 2.1 It is an offence under the Licensing (Scotland) Act 2005 for a person to sell alcohol or to allow alcohol to be sold, or to allow the consumption of alcohol on licensed premises outwith licensed hours (and after the 15-minute time allowed for drinking up).
- 2.2 In 2009 and in years following, Up Helly Aas and Fire Festivals have been recognised by the Licensing as special events of national and local significance in terms of section 67 of the Licensing (Scotland) Act 2005 and licensed halls have been granted a general extension to permit the consumption of alcohol lawfully for the duration of the event, and to permit the sale of alcohol until 3.30am.
- 2.3 On 3 November 2015 an general extension to normal licensed hours was granted, *inter alios*, to the Whiteness and Weisdale Public Hall for the occasion of the Nesting and Girsta Up Helly Aa on 5/6 February 2016. The terms of the extension were the Public Hall was permitted to remain open until the event close at 04:00 on 6 February 2016,

although the bar was to close at 03:30. Tingwall Public Hall is licensed normally until 01:00 on 6 February 2016.

- 2.4 On the making of an application for an extension the Chief Constable and the Licensing Standards Officer must, in terms of section 69 of the Licensing (Scotland) Act 2005, be given notice of the application and are allowed the opportunity within 10 days to object to the application. Section 69(5) allows that the period of 10 days may be shortened to a period of not less than 24 hours as the Licensing Board may determine.

3. Recommendation

- 3.1 That, to allow the Nesting and Girlsta Up Helly Aa to be celebrated at Tingwall, the Shetland Islands Area Licensing Board allow an extension to the licensed hours of the Tingwall Public Hall, on 6 February 2016 until the event close at 04:00, although the bars close at 03:30.
- 3.2 That in terms of section 69(4) of the Licensing (Scotland) Act 2005 the Licensing Board shorten to 24 hours the period of notice required to allow objections.

Assistant Clerk to the Board

2 February 2016