

SHETLAND ISLANDS AREA LICENSING BOARD – 14 MARCH 2017

1. Applications for Occasional Licence

| <u>Applicant</u> | <u>Premises</u> | <u>Hours Applied For</u> | <u>Event or Occasion</u> |
|--------------------------------|--|--|---------------------------------|
| (a) Simmer Dim Rally Committee | Marquee to rear of Ollaberry Hall | <u>Hours for Sale of Alcohol for Consumption on Premises</u> 12pm Thursday 15 June 2017 - 2am Friday 16 June 2017 <u>Hours for Sale of Alcohol for Consumption off Premises</u> 12pm - 10pm Thursday 15 June 2017 | Simmer Dim Rally |
| LSO comments: | The times requested for the sale of alcohol on the premises are until 2am. The Licensing Board's Statement of Licensing Policy section 12.9, state that extended hours may be considered appropriate in the case of a special event of local or national significance. The Licensing Board has previously considered that the Simmer Dim Rally meets the criteria of a special event of local or national significance and may wish to consider this again. | | |
| Police comments: | No objections | | |
| (b) Simmer Dim Rally Committee | Marquee to rear of Ollaberry Hall | <u>Hours for Sale of Alcohol for Consumption on Premises</u> 12pm Friday 16 June 2017 - 2am Saturday 17 June 2017 <u>Hours for Sale of Alcohol for Consumption off Premises</u> 12pm - 10pm Friday 16 June 2017 | Simmer Dim Rally |
| LSO comments: | The times requested for the sale of alcohol on the premises are until 2am. The Licensing Board's Statement of Licensing Policy section 12.9, state that extended hours may be considered appropriate in the case of a special event of local or national significance. The Licensing Board has previously considered that the Simmer Dim Rally meets the criteria of a special event of local or national significance and may wish to consider this again. | | |
| Police comments: | No objections | | |

| | | | | |
|------------------|---|--------------------------------------|--|------------------|
| (c) | Simmer Dim Rally Committee | Marquee to rear of Ollaberry Hall | <u>Hours for Sale of Alcohol for Consumption on Premises</u> 12pm Saturday 17 June 2017 - 2am Sunday 18 June 2017 <u>Hours for Sale of Alcohol for Consumption off Premises</u> 12pm - 10pm Saturday 17 June 2017 | Simmer Dim Rally |
| LSO comments: | <p>The times requested for the sale of alcohol on the premises are until 2am. The Licensing Board's Statement of Licensing Policy section 12.9, state that extended hours may be considered appropriate in the case of a special event of local or national significance.</p> <p>The Licensing Board has previously considered that the Simmer Dim Rally meets the criteria of a special event of local or national significance and may wish to consider this again.</p> | | | |
| Police comments: | No objections | | | |

2. Application for Premises Licence

| <u>Applicant</u> | <u>Premises</u> | <u>On-Sales/Off Sales/Both</u> |
|--|--|--------------------------------|
| (a) Maryfield House Hotel Maryfield Bressay Shetland ZE2 9EL | Maryfield House Hotel Maryfield Bressay Shetland ZE2 9EL | Both On and Off Sales |

- Core Times

On Sales

| | Opening | Terminal |
|-------|---------|----------|
| Mon | 11am | Midnight |
| Tue | 11am | Midnight |
| Wed | 11am | Midnight |
| Thurs | 11am | Midnight |
| Fri | 11am | 1am |
| Sat | 11am | 1am |
| Sun | 11am | Midnight |

Off Sales

| | Opening | Terminal |
|-------|---------|----------|
| Mon | 11am | 10pm |
| Tue | 11am | 10pm |
| Wed | 11am | 10pm |
| Thurs | 11am | 10pm |
| Fri | 11am | 10pm |
| Sat | 11am | 10pm |
| Sun | 11am | 10pm |

- Seasonal Variation – No
- Other Activities – Accommodation; Conference Facilities; Restaurant Facilities; Bar Meals; Receptions; Club Meetings; Recorded Music; Live Performances; Dance Facilities; Theatre; Gaming; Indoor/Outdoor Sports; Televised Sports and Outdoor Drinking Facilities
- Children or Young Persons admitted - Yes
- Capacity in bar area - 45 - Bar area (excluding fixed counter)
- Premises Manager – James William Thomas

LSO comments: No objections

Police comments: No objections

Building Standards comment: Section 50 certificate previously issued on 28/11/2016
Occupant capacity of areas as follows:

- 45 - Bar area (excluding fixed counter)
- 30 - Restaurant
- 27 - Pool Room
- 26 - Dining Room
- 16 - Guest Sitting Room

Community Council comments: None received.

Health Board Comments: We have no objection to the on-sales licence; however, the Faculty of Public Health suggests that off-licence sales can potentially increase health related harm due to the fact that home measures are often larger than pub measures. Reducing the density of alcohol outlets (i.e. the number of alcohol outlets in close proximity) has also been shown to decrease alcohol consumption and harm. There is also strong evidence to suggest that reducing trading hours (i.e. imposing a curfew on licensed venues) results in a reduction in alcohol purchase and consumption and, subsequently, a reduction in alcohol-related harms

We therefore oppose the Off-sales part of the application.

^[i] Babor T, Caetano R, Casswell S, et al. *Alcohol: No Ordinary Commodity*. Oxford: Oxford University Press, 2010.

^[ii] Chikritzhs T, Gray D, Lyons Z, Siggers S. *Restrictions on the Sale and Supply of Alcohol: Evidence and Outcomes*. Perth: National Drug Research Institute, Curtin University of Technology, 2007.

Fire Board Comments: No objections

Neighbour Comments: I write on behalf of my mother Elisabeth Ann Whorwood, who is the owner of Pierhus, Bressay, as this property closely neighbours the Maryfield House Hotel.

My mother does not wish to object to the license being granted but she would like to be able to enjoy a degree of peace and privacy in her own home. She would, therefore, ask that the licensing board consider requesting that patrons of the hotel bar/ restaurant be asked to park their vehicles in the big, top customer car park. (I understand that Shetland Council used public funds to build a road exclusively for patrons to access the pub this way, and that this was the way 'things' had been done in previous years. It is also a far better access in terms of safety and visibility).

The reason for the request is that the bedrooms of Pierhus are sited closely to the small gravel carpark which abuts my mother's land and car doors being banged late at night and in the early hours are not acceptable. To date there have only been a few circumstances where car horns have been used or car doors have been slammed and it has not been noisy. We have no complaints about the hotel, this is just a request & I trust that this should not cause any issues for anyone. Perhaps a sign might be erected at the narrow entrance to the small gravel carpark informing people that the patrons carpark is sited a little further along the road?

Diana Sutherland
On behalf of Ann Whorwood

Shetland Islands Area Licensing Board**14 March 2017****Licensing (Scotland) Act 2005 - Variation of Certain Fees****1. Introduction**

- 1.1 The purpose of this report is to invite the Board to increase the fees for certain applications in respect of licensed premises.
- 1.2 The Licensing (Fees) (Scotland) Regulations 2007 (“the Regulations”) made under the Licensing (Scotland) Act 2005 (“the Act”) provide a system of fees payable to licensing boards in respect of applications made under the Act. The fees set down in the Regulations are intended to reflect the Scottish Government’s intention that the licensing system is self-funding and the payment of an annual fee is intended to ensure that the system is sufficiently resourced.

2. Background

- 2.1 The Licensing (Fees) (Scotland) Regulations 2007 (the “Regulations”) made under the Licensing (Scotland) Act 2005 make provision for the charging of fees in respect of application and the performance of functions by licensing boards in Scotland. The maximum fees chargeable in respect of applications for licences and the annual fees are set by the Scottish Ministers; this Board charges the maximum amount permissible under the Regulations.
- 2.2 The fees chargeable for minor variations and certain other applications are set by the Scottish Ministers and specified in the Regulations. These apply throughout Scotland and are only variable by the Ministers.
- 2.3 Every licensing board in Scotland has the power to determine the fees chargeable for seven types of application and function shown in column 1 of the table in Appendix 1 to this report. The Board initially set these fees in 2008 and revised them on 9 October 2014, since which time they have not been varied. These applications and functions and are set out in the column 2 of the table.
- 2.4 The Board has a duty in terms of regulation 13 of the Regulations to have regard to the desirability of ensuring that the total fees payable to the Board in respect of any period are likely to be broadly equivalent to the expenses incurred by the Board, and the council for the area of that Board, in administering the Act. The Board financial advisers consider that that duty includes a duty to take into account the effect of inflation in the economy.
- 2.5 The financial advice received is that it would be appropriate to increase the fees now chargeable by the Board by 2% with effect from the commencement of the financial year 2017/18. The Board is asked to consider increasing the fees to the levels shown in column 3 of the table.

3. Summary

- 3.1 The Board has a duty under the Regulations to ensure that the total fees payable to the Board are likely to be broadly equivalent to the expenses incurred.
- 3.2 The Board has the power to increase some of the fees chargeable.
- 3.3 An increase in fees by the amount equivalent to the rate of inflation would reflect the Board's increased operating costs.

4. Recommendation

- 4.1 I recommend that: the Board increases the fees in respect of the applications and functions specified in the table in the Appendix to this report by an amount equivalent to the rate of inflation since they were most recently revised or by such other amount as the Board considers appropriate.

Depute Clerk to the Board

7 March 2017

Appendix 1 –

| Column 1 - Application type | Column 2 – Current Fees | Column 3 – Proposed Fees |
|--|-------------------------|--------------------------|
| Transfer on application of licence holder | £150 | £153 |
| Transfer on application of licence holder, which includes an application for variation | £225 | £230 |
| Transfer on application of person other than licence holder | £150 | £153 |
| Transfer on application of person other than licence holder, which includes an application for variation | £225 | £230 |
| Temporary premises licence | £225 | £230 |
| Replacement personal or premises licence | £30 | £31 |
| Variation of licence other than a minor variation | £150 | £153 |