

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 1 May 2018 at 10 a.m.**

Present:

A Cooper C Hughson
I Scott B Wishart

Apologies:

M Bell S Leask
C Smith G Smith

In Attendance (Officers):

P Wishart, Solicitor
Inspector Brill, Police Scotland
P Dinsdale, Team Leader – Environmental Health
L Moar, Environmental Health Officer
H Liquorish, Environmental Health Officer
S Irvine, Business Support
L Malcolmson, Committee Officer

Chairperson

Mr I Scott, 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

1.	<u>Application for a Provisional Premises Licence</u>	<u>Decision</u>
(a)	<p><u>J & G (Shetland) Limited</u> The Solicitor introduced the application, and noted that the applicant and their legal representative was present. In referring to the Licensing Standards Officer's comments he explained that the premises was excluded from selling alcohol under the terms of the Licensing (Scotland) Act, but that the applicant had provided evidence to back up their application and sought an exemption to the exclusion. He advised that there was no objections from the Police and no responses were received from the Health Board or Fire Board.</p> <p>The Solicitor explained in more detail that the first ground for refusal would be that the premises was excluded under section 123 of the Act. However the applicant had submitted to the clerk a list of 630 signatures that demonstrated that an exception to exclusion is something that the applicant wishes the board to consider. The Solicitor read the exception paragraph from the Act for the benefit of the Board.</p> <p>Members were given an opportunity to view the signatures</p>	GRANTED

	<p>and the range and locations that these signatures covered. The Solicitor explained that the signatures were sought to determine whether residents rely on the Sound Service station and if they would be disadvantaged if groceries and fuel were not available to them in that area. He provided a breakdown of the signatures by locality and advised that approx. 350 were from the surrounding area at the South of Lerwick and many more beyond Lerwick. The Solicitor advised that he considered the premises to have passed the test for exception to the exclusion under the Act and asked Members to give this their attention.</p> <p>In responding to a question on the number of similar premises that hold a Premises License to sell alcohol, the Solicitor advised that most of the similar businesses had received their licences through grandfather rights as a result of the transition from the old act to the new Licensing (Scotland) Act 2005 therefore this was not a consideration for the Board.</p> <p>The Solicitor further advised that other points to consider would be matters such as over provision.</p> <p>During discussion the Board commented on the number of other licensed premises in close proximity and it was noted that there were other premises at the North side of Lerwick that provide fuel, groceries and alcohol in close proximity to the Coop.</p> <p>Mr Scott moved that the Board approve the grant of a provisional premises licence to J & G (Shetland) Limited. Mr Cooper seconded.</p>	
2.	<u>Application for an Occasional Licence</u>	
(a)	<p><u>Shetland Rugby Club</u></p> <p>The Solicitor introduced the report and advised that the application covers a period more than 48hours which requires a decision of the Board. He set out the terms of the application and advised that no objections had been received.</p> <p>In response to a question the Solicitor confirmed that the hours were the same as applied for the previous year.</p> <p>Mr Scott moved that the Board approve the grant of an Occasional Licence to the Shetland Rugby Club. Ms Wishart seconded.</p>	GRANTED

The meeting concluded at 10.20am.

Convener

