

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Monday 3 September 2018 at 10 a.m.**

Present:

M Bell A Cooper
C Hughson S Leask
I Scott C Smith
G Smith B Wishart

Apologies:

None

In Attendance (Officers):

K Adam, Solicitor
D Manson, Licensing Standards Officer
H Liquorish, Environmental Health Officer
Sgt. Douglas, Police Scotland
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 Extension of Licensed Hours</u>	<u>Decision</u>
(a)	<p><u>Graeme Howell - Mareel</u> The Solicitor introduced the report and the Board were informed that the Licensing Standards Officer's (LSO) comments had been received after the circulation of the agenda.</p> <p>The LSO advised that the application was outwith the normal period applied for, that it was outwith policy and it was for the Board to decide if they wished to accept the application on that basis.</p> <p>In response to a request for more information on the event, the applicant was invited to provide more information and confirmed that the same arrangements would be in place as last year with the building capacity of 600 being limited to 450 throughout the night. He said that that the event had been successful in the last 2 years so they would continue with the same format.</p>	Granted

Mr Scott moved that the Board approve the grant of an Extension for Licensed Hours, Mr Leask seconded.
--

2. Application for Premises Licence Review Proposal - Linkshouse Stores

The Board considered a report by the Depute Clerk that presented a proposal to review the premises license for Linkshouse Stores.

The Solicitor introduced the report and advised that annual fees are charged in *order that the work of the board is self-financing*. He advised that the applicant has the option to make a one-off payment or monthly instalments. It is a condition of the license that an applicant must pay but failure to do so under section 37 of the Licensing (Scotland) Act 2005 states that the Licensing Board may review on the grounds of review.

The Solicitor advised that although Linkshouse exists on the register at Companies House and having tried to make contact, he was unsure if the shop was still trading. During discussions the Board was advised through local knowledge that the applicant no longer lives in the area and that the premises had been purchased by another individual.

The Board questioned why the non-payment of fees had not come to the Board sooner. The Solicitor advised that applicants have a year in which to pay their fee and although he knew reminders had been issued he did not have that detail to hand. He confirmed that the premises remains licensed until the Board takes that license away. Following some discussion the Solicitor agreed to take forward a request that the future reporting of non-payment of fees be carried out three months after issue of the license.

Mr Cooper moved, and Mr Scott seconded, that the Board:

- review the Linkshouse Stores Ltd license on the grounds that it has breached a condition of the license by failing to pay the annual fee;
- that the applicant be asked to attend the review meeting; and
- non-payment of fees be reported 3 months after issue of the license.

The meeting concluded at 10.15am.

Convener