

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Wednesday 13 February 2019 at 10 a.m.**

Present:

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

Apologies:

C Hughson

In Attendance (Officers):

K Adam, Solicitor
P Dinsdale, Licensing Standards Officer
Sgt D Smith, Police Scotland
M Hodgeson, Trainee Solicitor
L Malcolmson, Committee Officer

Chairperson

Mr I Scott, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read. The Board were advised that agenda item 3 "Overprovision Assessment" had been withdrawn from the agenda and would be presented at a future meeting.

Declarations of Interest

None

1. Applications under the Licensing (Scotland) Act 2005

1.	<u>Application for Extension of Licensed Hours</u>	<u>Decision</u>
(a)	<p><u>Brae Community Hall</u></p> <p>The Solicitor introduced the application and advised that the applicant had indicated that it was intended that the hour between 1am and 2pm would be used to allow easier dispersal of patrons. The Board were advised that this was similar to the application approved at the last meeting for Hillswick Community Hall. He advised that there were no observations from the Police and the Licensing Standards Officer had indicated that the application was outwith the Board's Policy.</p> <p>During discussions Officers were asked how this application could be monitored to ensure the intention was carried out. It was noted that this was not possible and that if granted the applicant could continue to sell alcohol until 2am with drinking up time until 2.15am. Members acknowledged that the intention to close at 1am but allow patrons to remain with their drinks until 2.15am, however concern was expressed</p>	<p>DEFERRED to 12 March 2019</p>

	<p>that this may be an attempt to circumvent the process.</p> <p>There followed further discussion on the matter and in recognising that there was no representative present to clarify matters for the Board it was agreed, on the motion of Mr Bell, seconded by Mr G Smith, that the application be deferred until the 12 March 2019 meeting when the relevant representative could be present.</p>	
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2. **Application for a Personal Licence - Calan Joe Watt**

The Solicitor introduced the application which he advised had convictions reported by Police Scotland.

The Solicitor provided an overview of the situation and in consideration of what information had been presented Mr C Smith moved that the Board fix a hearing for the next Board meeting, to consider and determine the application, as set out in paragraph 4.1b of the report. Mr Bell seconded.

Decision:

The Board approved recommendation 4.1b to fix a hearing for the next Board meeting, to consider and determine the application.

3 **Licensing (Scotland) Act 2005 – Variation of Certain Fees**

The Depute Clerk presented a report to the Board to consider an increase in the fees for certain applications in respect of licensed premises.

The Solicitor introduced the report and advised that there are certain fees in the control of the Board and having consulted Finance Services a 3% increase had been applied as set out in Appendix 1.

In responding to a question on whether the increase in charges is sufficient to ensure a break even position, the Solicitor advised that there is no time recording but that could be done. He advised that the Council does subsidise the administration of licensing and licensing standards. It was considered that to seek more information would not be a good use of time.

During further discussion it was noted that the fees compare similarly with the rest of Scotland. It was noted however that these charges were last reviewed in 2017. It was suggested that these fees should be reviewed annually.

Mr Leask commented that the increase was similar to other local authorities and moved that the Board approve the increase of fees as set out in Appendix 1. Mr Scott seconded, with the addition that the fees be reviewed annually, Mr Leask agreed.

Mr Cooper noted that the fees had not been increased for two years and suggested that a 5% increase was not unreasonable on charges for Licenses that are not regularly sought. Mr Cooper moved as an amendment that the fees be increased by 5% and that the fees be reviewed annually. Mr C Smith seconded.

Mr Cooper and Mr Leask were content that no summing up was required and the Board proceeded to a vote by way of a show of hands, and the results were as follows:

Amendment (Mr Cooper)	4
Motion (Mr Leask)	2
Abstention	1

Decision:

The Board agreed to increase the fees in respect of the applications and functions specified in the table in Appendix 1 to this report by 5%, and agreed that these fees be reviewed annually.

The meeting concluded at 11.35am.

Convener