

SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise
Depute Clerk: Kristen Johnston

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If calling please ask for
Leisel Malcolmson
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Dear Sir/Madam

Date: 4 November 2019

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Monday 11 November 2019 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Depute Clerk to the Board

Clerk to the Board: Jan R Riise

AGENDA

- (a) Hold circular calling the meeting as read.
 - (b) Apologies for absence, if any.
 - (c) Declarations of Interest.
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- 1. Application for Variation other than a Minor Variation of Premises Licence, Extension of Licensed Hours and Extension of Licensed Hours. Enclosed.
 - 2. Christmas and New Year Licensing Hours 2019/20. Enclosed

SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 11 NOVEMBER 2019

1. Application for Variation other than a Minor Variation of Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>
(a) Trevor M Henderson & Steven D Henderson	R S Henderson Cullivoe Yell Shetland ZE2 9DD	To move licensed area to office to provide additional support if necessary and to increase licensed area. Current alcohol display area – 4 square metres Proposed alcohol display area – 13 square metres
LSO comments:	Although Environmental Health have no objections to this application for variation, I would comment that the proposed area for display of alcohol is to increase from 4m ² (2 x 2m) to 13m ² (4 x 2.5m & 2.5 x 1.2m).	
Police comments:	No objections	
Building Standards comment:	No objections	
Community Council comments:	No objections	
Health Board Comments:	No response received	
Fire Board Comments:	No response received	

2. Application for Extension of Licensed Hours

	<u>Applicant</u>	<u>Premises</u>	<u>Extended Hours Applied For</u>	<u>Event or Occasion</u>
(a)	Shetland Arts Development Agency Mareel Gutter's Gaet Lerwick Shetland ZE1 0WQ	Mareel Gutter's Gaet Lerwick Shetland ZE1 0WQ	1am - 3am Wednesday 1 January 2020	Hogmanay Celebration

LSO comments: Whilst I have no objections to the above application, I would make the following comments:

The applicant has requested to extend the sale of alcohol on the premises from 1am until 3am on 1st January 2020.

Section 21.2 of the Licensing Board's Statement of Licensing Policy provides that during any such general extensions of licensed hours for the Christmas and New Year period the Board will consider permitting all licensed premises to remain open until 2am. However, Sections 12.7 and 12.8 of the Licensing Board's Statement of Licensing Policy, relating to extended hours and licensed premises, state that extended hours may be considered appropriate in the case of a special event of local or national significance. The Licensing Board therefore should decide if this event falls within that definition.

Police comments: No objections

3. Application for Occasional Licence

<u>Applicant</u>	<u>Premises</u>	<u>Hours Applied For</u>	<u>Event or Occasion</u>
(a) Amanda R J Arcus	Ground Floor Hall & Central Lounge Islesburgh Community Centre King Harald Street Lerwick Shetland ZE1 0EQ	8pm Friday 13 December 2019 – 2am Saturday 14 December 2019	Staff Christmas Party for any SIC Department and partner agencies
LSO comments:	Although I do not have any objections to this application, I would however comment that the application terminal hours applied for are beyond that set out in the Shetland Islands Area Licensing Board – Statement of Licensing Policy of 1am.		
Police comments:	No Police objections.		

**Shetland Islands Area Licensing Board
11 November 2019
Christmas and New Year Licensing Hours 2019/20**

1. Introduction

- 1.1 Section 67 of the Licensing (Scotland) Act 2005 allows Shetland Islands Area Licensing Board, if it considers it appropriate to do so, to grant a general extension to licensed hours for a special event of local or national significance.
- 1.2 In its Statement of Licensing Policy the Board has stated that it will consider annually whether to grant a general extension covering the Christmas and New Year period (the “holiday period”). It further provides that during the period of such a general extension the Board will consider permitting –
- (a) all licensed premises to remain open until 02:00, and
 - (b) nightclub premises already permitted to remain open until 03:00 at weekends to remain open until 03:00
- for every day during the period of the general extension, provided such premises meet conditions required to ensure the promotion of the licensing objectives.

2. Discussion

- 2.1 A benefit of a general extension to licensed hours is the avoidance of potential inconsistency resulting from the Board’s being asked to consider individual applications for extensions. It also addresses the tendency that developed under the previous licensing regime for licence holders to seek increasingly longer extensions to licensed hours during the festive period. The majority of on-sales premises licences formerly included a reference to the holiday period in their seasonal variations in their operating plan but these tended not to be specific in the dates and times.
- 2.2 In light of the above, in 2009/10 the Board granted a general extension to licensed hours during the holiday period. In 2010/11, 2011/12 and 2012/13, however, the Board decided against granting any general extension.
- 2.3 The Board again granted a general extension to licensed hours during the holiday period in 2013/14, and has done so for every subsequent year up to and including 2018/19. In each of these years the duration of the general extension was a fortnight. The general extensions have been granted to commence on the Saturday immediately before Christmas Day and ending on the Sunday next following New Year’s Day, although in a year when the Christmas Day occurred on a Sunday (2016) the Board granted a general extension commencing on the second Saturday before Christmas Day and ending on Sunday 1 January.

- 2.4 During the general extensions referred to above all licensed on-sales premises were permitted to remain open until 02:00; nightclubs that were already permitted to stay open at weekends until 03:00 were additionally permitted to remain open until 03:00 on any night during the period of the general extension.
- 2.5 The Board has not received any application from individual premises licence holders for extensions during the 2019/20 holiday period.
- 2.6 The Board is, therefore, invited to consider whether it wishes to issue a general extension for the holiday period in 2019/20, to permit –
- (a) all licensed on-sales premises to remain open daily until 02:00;
 - and
 - (b) all licensed nightclub premises that are already permitted to remain open for any part of the week until 03:00, to remain open daily until 03:00.

Some premises already specify as normal licensing hours in their operating plans that they will be able to open to 02:00 on Saturdays and Sundays during the festive period.

- 2.7 Alternatively, it is open to the Board may adopt the same approach as in 2010, 2011 and 2012, when no general extensions were granted (paragraph 2.2 above).
- 2.8 In the event that the Board grants such an extension, the Board will, at its own expense, require to intimate such extension to holders of premises licences.

3. Recommendation

- 3.1 I recommend that the Board considers whether it wishes to grant a general extension to licensing hours covering the Christmas and New Year period in 2019/20.
- 3.2 In the event that the Board determines in terms of 3.1 to grant a general extension, to resolve to permit –
- (a) all licensed on-sales premises to remain open daily until 02:00 during the period from Saturday 21 December 2019 until Sunday 5 January 2020, both dates inclusive, and
 - (b) all licensed nightclub premises that are already permitted to remain open on a specified day or days of the week until 03:00, to remain open daily until 03:00 during the same period,
- or to permit such extensions during such other period and to such other hours as to the Board seem appropriate.

Depute Clerk to the Board