

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Monday 17 February 2020 at 10 am**

**Present:**

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

**Apologies:**

C Hughson

**In Attendance (Officers):**

Insp. M Brill, Police Scotland  
D Robertson, Team Leader – Environmental Health  
P Wishart, Solicitor  
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.     Applications under the Licensing (Scotland) Act 2005**

1.	<b><u>Application for Extension of Licensed Hours</u></b>	
(a)	<p><b><u>Brae Community Hall</u></b></p> <p>The Solicitor introduced the application and advised that, at the time of issuing the agenda, comments had not been received from the Licensing Standards Officer (LSO). He said that comments had since been received and although there were no objections to the application the LSO noted that the hours were outwith the Statement of Licensing Policy. The Solicitor further advised that the Police had no objections to the application. The Solicitor drew attention to Section 38 of the Licensing (Scotland) Act 2005 and advised that the Board should consider whether it is appropriate to grant the application for an extension of licensed hours and whether it is in connection with a special event of local or national significance.</p> <p>The Board noted that there was no representative from the Brae Hall present.</p> <p>In responding to a question, the Solicitor confirmed that last year there had been a comment on an identical application</p>	<b>GRANTED</b>

	<p>from the Brae Hall that the additional hours would be used for drinking up time, but that had not been stated on this application.</p> <p>During discussion, comment was made that there was a danger that future applications could come forward for a 3am finish citing the 2am to 3am period as drinking up time.</p> <p>The Police were asked whether the additional hour had caused any additional problems for them last year. Insp. Brill said that there had been very few problems and the extra hour caused no issues and their “no objections” had been made on that basis.</p> <p>The point was made that a clear message was needed to let licensees know that safety was paramount and that an application would not simply be granted year on year but would be considered on its individual merits. Further comment was made on the control that a licensee has and that they do not have to serve someone who clearly does not need another drink. It was also questioned whether the hop was considered to be a “special event”.</p> <p>Mr Cooper said that this event marked the last Up Helly Aa in the season, it was now a big event that was well supported in terms of folk attending. He said that there had been no problems in the past and he was in support of Hall Committees staying within the licensing rules. Mr Cooper said that this was a significant local event and moved that the Board approve the grant of an Extension to Licensed Hours. He added that he recognised that this would not be the case for every event in the Brae Hall and that each application would be considered for its own merits. Mr Scott seconded.</p> <p>Mr C Smith said that he would not propose an amendment but wished it to be recorded that the application would not be granted automatically every year.</p>	
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**The meeting concluded at 10.10 am.**

Convener