

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 10 March 2015 at 10.00am**

Present:

M Bell A Cooper
G Smith C Smith
A Westlake G Robinson

Apologies:

P Campbell A Duncan

In Attendance (Officers):

P Dinsdale, Team Leader – Environment
K Adam, Solicitor
L Gair, Committee Officer

Chairperson

Mr G Smith, Convener to the Board, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

Mr Cooper declared an interest in item 1(a) "Application for a Premises Licence – Drumquin Guest House Ltd" as a relative of the Director of Drumquin. He advised that in the event of a vote he would not take part but would remain in the Chamber.

1.	<u>Licensing (Scotland) Act 2005 – Application for Premises Licence</u>
(a)	<p><u>Drumquin Guest House Ltd</u> The Board were advised that there were no objections from the Licensing Standards Officer or Police Scotland and referred Members to the Community Council comments.</p> <p>During discussions, Members questioned the contradictory comments from the Community Council on overprovision and sought clarification on whether this was an issue in this case.</p> <p>The Solicitor said that although the comments did not oppose this application they suggested that the Board may wish to consider whether overprovision would be an issue for future applications. Members noted that there were now nine licensed premises in Brae for either on sales, off sales or both. Mr Cooper said that he understood that the Community Council were supportive of Drumquin's application but with an indication of future developments there could become a situation of overprovision that would have a detrimental impact on existing premises.</p> <p>In response to a query on when the Board last looked at and assessed overprovision, the Chair explained that overprovision was discussed as part of the Board's approval of its Statement of Policy 2013-14. However he advised that Members are obliged to keep this under constant review and each application is considered in terms of the Board's objectives.</p> <p>In response to a request that overprovision be considered again, the Chair explained that overprovision is considered when each application is submitted.</p>

Mr Robinson moved that the Board approve the grant of a Premises Licence.

2.	Hearing for a Personal Licence Holder (Section 83)	
	<p><u>Mr Bela Gabor Szanyi</u> The Board were advised that Mr Szanyi was present. The Solicitor introduced the report and explained the background to Mr Szanyi's application for a Personal Licence which was obtained in February 2014. He advised that Mr Szanyi correctly informed the Clerk as to his conviction for drink driving for which he was convicted in December 2014. The Solicitor went on to explain that the conviction was received at the time of the change in legislation to reduce the blood/alcohol limit. The Solicitor set out the terms under which the Board should consider the application.</p> <p>The Chair invited Mr Szanyi to address the Board. Mr Szanyi apologised for his mistake and said that he had not appreciated that 2 beers in the afternoon would affect him in the evening. He said that this had been a huge mistake and guaranteed that it would never happen again.</p> <p>Members agreed to hold discussion in public.</p> <p>In response to questions, the Solicitor advised that an endorsement would remain on a licence for five years and that if three endorsements are given the licence can be revoked. The Solicitor also confirmed that a precedent had been set in 2013 whereby the same conviction resulted in a Personal Licence being endorsed but advised Members that each case should be considered on its own merits.</p> <p>Mr Szanyi was asked whether he had any previous alcohol related offences either here or in Hungary, to which he confirmed he had not. Mr Szanyi advised that he had a copy of his criminal record in a translated version and it was agreed that he would provide a copy to the Solicitor following the meeting.</p> <p>Mr Robinson moved that the Board be consistent in its approach and endorse Mr Szanyi's Personal Licence. Mr Bell seconded.</p> <p>Members commented that they appreciated Mr Szanyi's honesty and recognised that he had complied with the licence holder's obligations to inform the Clerk to the Board of any conviction. Members noted that the endorsement reflects the seriousness of the drink driving charge and that it would put out a message to all Personal Licence Holder in terms of their responsibilities.</p>	<p>Licence Endorsed</p>

The meeting concluded at 10.20am.

Convener

