

SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise
Depute Clerk: Susan Brunton

Governance and Law
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If calling please ask for
Leisel Malcolmson
Direct Dial: 01595 744599

Dear Sir/Madam

Date: 20 February 2018

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Monday 26 February 2018 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.
- 1. Licensing Scotland Act 2005
Applications for Occasional Licenses. Enclosed.
- 2. Application for a Personal Licence Holder. Enclosed.

SHETLAND ISLANDS AREA LICENSING BOARD – 26 February 2018

1. Applications for Occasional Licence

<u>Applicant</u>	<u>Premises</u>	<u>Hours Applied For</u>	<u>Event or Occasion</u>
(a) Shetland Folk Festival Society	Islesburgh Community Centre King Harald Street Lerwick Shetland	11am Thursday 3 May 2018 – 2am Friday 4 May 2018	Shetland Folk Festival
LSO comments:	<p>The times requested for the sale of alcohol on the premises are until 2am. 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.</p> <p>The Licensing Board may consider that the Shetland Folk Festival meets the criteria of a special event of local or national significance and also allow extended opening hours until 2am as in previous years.</p> <p>I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the Folk Festival Committee.</p>		
Police comments:	No objections		
(b) Shetland Folk Festival Society	Islesburgh Community Centre King Harald Street Lerwick Shetland	11am Friday 4 May 2018 – 2am Saturday 5 May 2018	Shetland Folk Festival
LSO comments:	<p>The times requested for the sale of alcohol on the premises are until 2am. 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.</p> <p>The Licensing Board may consider that the Shetland Folk Festival meets the criteria of a special event of local or national significance and also allow extended opening hours until 2am as in previous years.</p> <p>I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the Folk Festival Committee.</p>		
Police comments:	No objections		

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| (c) | Shetland Folk Festival Society | Islesburgh Community Centre
King Harald Street
Lerwick
Shetland | 11am Saturday 5 May 2018 – 2am Sunday 6 May 2018 | Shetland Folk Festival |
| | LSO comments: | <p>The times requested for the sale of alcohol on the premises are until 2am. 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.</p> <p>The Licensing Board may consider that the Shetland Folk Festival meets the criteria of a special event of local or national significance and also allow extended opening hours until 2am as in previous years.</p> <p>I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the Folk Festival Committee.</p> | | |
| | Police comments: | No objections | | |
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| (d) | Shetland Folk Festival Society | Islesburgh Community Centre
King Harald Street
Lerwick
Shetland | 11am Sunday 6 May 2018 – 2am Monday 7 May 2018 | Shetland Folk Festival |
| | LSO comments: | <p>The times requested for the sale of alcohol on the premises are until 2am. 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.</p> <p>The Licensing Board may consider that the Shetland Folk Festival meets the criteria of a special event of local or national significance and also allow extended opening hours until 2am as in previous years.</p> <p>I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the Folk Festival Committee.</p> | | |
| | Police comments: | No objections | | |

(e) Shetland Folk Festival Society Islesburgh Community Centre 11am Monday 7 May 2018 – 2am Tuesday 8 May 2018 Shetland Folk Festival
King Harald Street
Lerwick
Shetland

LSO comments: The times requested for the sale of alcohol on the premises are until 2am. 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 may consider that the Shetland Folk Festival meets the criteria of a special event of local or national significance and also allow extended opening hours until 2am as in previous years.

I therefore have no objections to the application based on the assumption that the event will be run in a similar responsible fashion by the Folk Festival Committee.

Police comments: No objections

SHETLAND ISLANDS AREA LICENSING BOARD
26 February 2018
Application for a Personal Licence Holder

1. Summary

- 1.1 Anais Catherine Williamson, an applicant for a Personal Licence, has a relevant conviction. The Licensing Board is asked to make a decision on whether to –
- a. hold a hearing for the purpose of considering and determining the application; or
 - b. grant the application

2. Statutory Provisions

- 2.1 The process for applying for a personal licence is contained in Part 6 of the Licensing (Scotland) Act 2005.
- 2.2 The Act requires the Board to notify the application to the Chief Constable who must inform the Board whether or not the Applicant has any previous conviction relevant for the purposes of the Act.
- 2.3 If the Applicant has been convicted of a relevant offence, the Chief Constable may, if he considers it necessary for the purposes of any of the licensing objectives that the application be refused, include a recommendation to that effect. If the Chief Constable makes a recommendation that the licence be refused, the Board must hold a hearing to consider and determine the application.
- 2.4 If the Chief Constable does not make a recommendation that the application be refused, the Board may hold a hearing or grant the application. The Board cannot refuse the application without a hearing.
- 2.5 The Board are obliged to have regard to the Notice provided by the Chief Constable. The Chief Constable did not make such a recommendation.

3. Current application

- 3.1. Ms Anais Catherine Williamson applied for a personal licence on 20 December 2017.
- 3.2 The application was referred to the Chief Constable on 15 January 2018.
- 3.3 The Chief Constable notified the Council that the Applicant has a conviction for assault to injury. The conviction at Lerwick Sheriff Court was on 9 November 2016 when the Applicant was fined £200.

4. Conclusion

- 4.1 The Chief Constable notified the Board of the relevant conviction of this applicant for a Personal Licence but did not make a recommendation that this application be refused. The Board's may
- a. grant the application; or
 - b. fix a hearing
- to consider and determine the application.