

Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 10 July 2018 at 10 a.m.

Present:

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

Apologies:

C Smith

In Attendance (Officers):

S Brunton, Depute Clerk to the Board
D Manson, Licensing Standards Officer
L Adamson, 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. **Application under the Licensing (Scotland) Act 2005**

1.	<u>Application for an Occasional Licence</u>	<u>Decision</u>
(a)	<p><u>Da Nort Rock Rally</u> In her introduction, the Depute Clerk to the Board advised that the application was presented to the Board as the hours applied for are outwith the 48 hours permitted under the Scheme of Delegation.</p> <p>In response to a question, the Depute Clerk confirmed that this would be the second year of the event being held.</p> <p>On the motion of Mr Bell, seconded by Mrs Hughson, the Board approved the grant of an occasional licence.</p>	GRANTED
(b)	<p><u>Reawick & District Boating Club</u> In introducing the application, the Depute Clerk reported that the application was presented to the Board as a complaint had been received from a local resident following the event last year. She advised that in the letter received the complainant had expressed concern regarding behaviour not directly at the event, but in the surrounding area.</p>	GRANTED

	<p>The Licensing Standards Officer reported that following receipt of the application for the event to be held this year, the complainant had been advised that representation could be made on the application. The complainant however indicated that she would not be raising concern as she was moving away from the area. The Licensing Standards Officer advised however that informal discussion has taken place with the applicant regarding the complaint received last year, and the applicant has advised on steps that will be taken to make sure the event this year will run as smoothly as possible.</p> <p>At the invitation of the Chair, Ms Fraser, representative of the Skeld Regatta spoke in support of the application, advising on the additional toilet provision and increased stewarding of the surrounding area during this year's event.</p> <p>The Chair thanked Ms Fraser for the information provided.</p> <p>In response to questions from Members, Ms Fraser advised that there was some uncertainty as to whether the individuals who had caused the disturbance had actually been at the Regatta. The Licensing Standards Officer confirmed that the complainant had not reported the disturbances to the Police.</p> <p>In noting that it was difficult to determine whether the individuals who caused the disturbance had actually been at the Regatta marquee, and on the assurances given by the representative of the Regatta in her address to the Board, Mr Bell moved that the Board approve the grant of the occasional licence. In seconding, Mrs Hughson commented that the Skeld Regatta was a well-run event.</p>	
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2.	<p><u>Licensing (Scotland) Act 2005</u> <u>New Three Year Policy Statement – 2018/2021:</u> <u>Overprovision Assessment</u></p> <p>The Board considered a report by the Depute Clerk to the Board, which presented the comments received from the consultation exercise carried out to assist the Board in the preparation of a new three-year Licensing Policy Statement and Overprovision Assessment.</p> <p>In introducing the report, the Depute Clerk advised that the number of responses to this consultation had been encouraging, and that the comments received on the Policy Statement and Overprovision were set out in Section 4. She advised that the Board could either agree to the proposals put forward, or alternatively the timeframe would allow for a further report with an updated draft Statement to the Board to meet the deadline for the new policy to be in place by 4 November 2018.</p> <p>Responding to questions on the Overprovision Assessment,</p>	
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the Depute Clerk referred to the information provided by the Health Board regarding evidence of overprovision of off-sales in the Lerwick area. She explained that it was for the Board to decide, whether on the basis of that evidence, whether there is overprovision, and that the overprovision is in Lerwick. She explained that it was also for the Board to decide what constitutes a locality, and should the Board agree to the Health Board's findings in terms of overprovision in Lerwick, this could be by particular street areas or by a map based system.

A Member said that should the Board determine there are certain localities of overprovision, further consultation should be undertaken within those communities/areas to elicit additional comments from community groups and residents. The Depute Clerk confirmed that time would allow further consultation as suggested. She confirmed that as there is no statutory process or guidance on the overprovision assessment, it is a decision of the Board how best to determine the extent of any overprovision in their area.

The Depute Clerk explained that should a statement of overprovision of off-sales premises be adopted by the Board for any particular area of Shetland this would not mean automatic refusal of applications for off-sales in that area, but each application would be considered on its own merits.

During the discussion, Members acknowledged the massive problem with alcohol in Shetland, and particularly with alcohol consumption.

A comment was also made that restricting the number of licensed premises within a locality could lead to a downturn in the quality of premises, where for Shetland and Lerwick better quality premises should be the aspiration.

During the discussion, reference was made to the comments received from Alcohol Focus Scotland (AFS) at Appendix 2, where it was noted that while some good and helpful points had been made, AFS have limited knowledge of Shetland to make informed comments. It was also noted that some of the evidence provided by AFS in Appendix 5 was conflicting, and a suggestion was made that 10 year statistics would identify any correlation to the evidence provided.

In responding to questions, the Licensing Standards Officer confirmed that all people who sell alcohol have undergone appropriate training. She advised on the checks undertaken by Licensing Standards Officers at premises selling alcohol, in terms of adhering to the licensing laws for not selling to underage or those presenting as under the influence. She advised that this includes sight of the refusal book for both alcohol and cigarettes. She advised that should any concerns be identified, a letter would be sent reminding the License holder of the licensing laws, and any breach of licensing

	<p>conditions which were confirmed would be referred to the Board.</p> <p>During discussion, a suggestion was made for a joint meeting to be arranged with the Shetland Licensing Forum (SLF). It was noted the Health Board was a member of the SLF and that Health Board representatives should be encouraged to attend to allow further discussion by all interested parties on over consumption, overprovision and links to the Licensing Policy. In that regard, Mr G Smith moved that a joint meeting be arranged with the SLF to allow for further discussion on all aspects of the Licensing Policy and Overprovision. Mr Scott seconded, and the Board agreed.</p> <p>During further discussion, the Licensing Standards Officer advised on the requirement for an annual joint meeting between the Board and the SLF. The Depute Clerk advised that following the joint meeting, a report on the outcome from that meeting would be presented to the Board. The Depute Clerk undertook to advise the Health Board and Police Scotland that their attendance at the joint meeting would be appreciated. In response to a question, the Depute Clerk reported that while the actual Policy Statement needs to be in place by November 2018, further reviews, for example on overprovision, can be ongoing.</p>	
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The meeting concluded at 10.45am.

Convener