

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Tuesday 18 December 2018 at 10 a.m.**

**Present:**

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

**Apologies:**

M Bell

**In Attendance (Officers):**

K Adam, Solicitor  
D Manson, Licensing Standards Officer  
H Licquorice, Licensing Standards Officer  
Insp. Brill, Police Scotland  
L Malcolmson, Committee Officer

**Also:**

R Thomson

**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**

<b>1.</b>	<b><u>Application for a Premises Licence</u></b>	<b><u>Decision</u></b>
(a)	<p><u>Balta Light Limited</u></p> <p>The Solicitor introduced the application and in response to a question he confirmed that the difference in the number of patrons applied for, and that stated by building standards was not an issue as the latter had been calculated on the floor area in metres per person but the requirement is for three fire doors for 60-600 patrons. He explained that as there were three fire doors this was not a problem for the number of patrons stated in the application.</p> <p>Mr G Smith moved that the Board approve the grant of a premises licence to Balta Light Limited. Mr Cooper seconded and the Board concurred.</p>	GRANTED
<b>2.</b>	<b><u>Application for Variation other than a Minor Variation of Premises Licence</u></b>	
(a)	<u>Brae Community Hall SCIO</u>	GRANTED

	<p>The Solicitor introduced the application.</p> <p>Comment was made that this would be positive in terms of bringing the community together and the application regularises the activity.</p> <p>Mr Cooper moved that the Board approve the grant of a variation other than a minor variation of a premises licence in respect of the Brae Community Hall. Mr Leask seconded and the Board concurred.</p>	
3	<b><u>Application for Extension of Licensed Hours</u></b>	
(a)	<p><u>Hillswick Public Hall</u></p> <p>The Solicitor introduced the application and during discussion it was explained that the applicant sought an extension to 2am but that the intention was to close the bar at 1.15am in order to allow more time for patrons to finish their drinks and disperse in a natural way.</p> <p>Through questioning it was made clear that it was not possible to extend the drinking up time to 45 minutes and that the true effect of a 2am license would allow the venue to sell alcohol up to 2am with a drinking up time of 15 minutes to 2.15am. It was recognised that was not the intention but it was considered important that Members understood what approving the grant of the application would mean.</p> <p>Mr Cooper said that having spoken with the applicant the intention behind his request was that no alcohol would be sold beyond 1.15am but having the later Licensed Hours would allow time for patrons to consume their remaining drinks in an relaxed fashion and allow them to remain in the hall whilst waiting for taxis. He said that there were clear safety benefits from keeping patrons inside the hall away from traffic and cold weather and reference was made to a tragedy that happened in the area in the past.</p> <p>Mr Cooper moved that the Board approve the application for an extension to Licensed Hours to 2am at the Hillswick Public Hall, as applied for.</p> <p>The Licensing Standards Officer advised that she too had spoken with the applicant and noted that the band would stop playing at 1am and the venue would be cleared during the remaining time of the license. Mr Cooper added that the Board approves many licences with varying closing times but it does not mean that the venue has to remain open to that last minute. He said that the applicant was a very responsible individual and saw the extension as a means of facilitating a more natural and safe conclusion to the event.</p> <p>Mr Scott seconded Mr Cooper's motion and the Board concurred.</p>	GRANTED

4	<b><u>Application for Occasional Licence</u></b>	
(a)	<u>Royal British Legion</u> The Solicitor introduced the application the Board approved the grant of an Occasional Licence on the motion of Mrs Hughson, seconded by Mr Cooper.	GRANTED
(b)	<u>Scalloway British Legion</u> The Solicitor introduced the report and the Board approved the grant of an Occasional Licence on the motion of Mr Leask, seconded by Mrs Wishart.	GRANTED

## 2 **Premises Licence Review Hearing – Spiggie Hotel**

The Board considered a report by the Depute Clerk to the Board that presented the terms under which the Review Hearing had been called.

The Solicitor introduced the report and advised that Mr Lee of the Spiggie Hotel was present. He explained that since issuing the report to Members, all outstanding fees had been paid and that an application for Premises Manager Licence has been received and Mr Lee is now the Premises Manager. The Solicitor invited the Board to consider whether they wished to do nothing; issue a written warning, make a variation to the licence, suspend or revoke the licence.

Mr Lee was invited to the table and responded to questions relating to his non-payment of fees where he explained the misunderstanding on his part when he paid the 2018/19 fees in full. Mr Lee was advised that his lack of understanding had caused additional work and cost to Officers and Members. Mr Lee was asked if there was a level of naivety on his part in terms of his responsibilities when he bought the business. Mr Lee advised that he had attended all the necessary training in Shetland before arriving to take over the business. He explained that he had instructed a Solicitor to handle everything but he had not taken on Board that the necessary payment or licensing applications had not been carried out. Mr Lee accepted the concerns expressed by the board and took responsibility for doing better in the future and apologised for wasting everyone's time.

Mr Cooper moved that the Board issue a written warning pointing out the omissions on Mr Lee's part. Mr Leask seconded.

### **Decision:**

The Board instructed that an written warning be issued to Mr Lee advising of the areas of concern from the Board.

## 3 **Premises Licence Review Hearing – Linkshouse Stores**

The Board considered a report by the Depute Clerk to the Board that presented information the terms under which the Review hearing had been called.

The Solicitor introduced the report and advised that since writing the report detail had been published in the Edinburgh Gazette in regard to the liquidation of the company and the company was removed from the Companies Register last Thursday.

Mr G Smith moved that the Board revoke the Premises Licence for Linkshouse Stores, Mr Cooper seconded.

Comment was made that, in regard to this and the previous report, it was frustrating as these two hearings could have been avoided, however by proceeding to a hearing demonstrated that the Board takes these matters seriously.

**Decision:**

The Board instructed that the Premises License for Linkshouse Stores be revoked.

The meeting concluded at 10.35am.

Convener