



# LERWICK COMMUNITY COUNCIL

**CHAIRMAN**

Mr Jim Anderson  
66 Breiwick Road  
Lerwick  
Shetland ZE1 0DB

Tel. 01595 693540 or 07803 342304  
Email: [chair@lerwickcc.org.uk](mailto:chair@lerwickcc.org.uk)

**CLERK**

Mrs Katrina Semple  
Community Council Office  
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Shetland ZE1 0AN

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Email: [clerk@lerwickcc.org.uk](mailto:clerk@lerwickcc.org.uk)

29 June 2010

Dear Sir/Madam

You are requested to attend a meeting of Lerwick Community Council to be held in the Town Hall Chamber, Town Hall, Lerwick at 7.00pm on **Monday 5 July**.

The next meeting will be on Monday 13 September 2010.

Yours faithfully

Katrina Semple  
Clerk to the Council

## LCC Members Literature in Office

Voluntary Action Shetland Annual Review 2009-2010  
Community Planning Partnership – The Shetland Compact  
SepaView – Summer 2010

## **BUSINESS**

1. Hold the circular calling the meeting as read
2. Apologies for absence
3. Approve Minutes of the meeting held on 7 June 2010
4. Business Arising from the Minutes
5. Area Commanders Monthly Reports – June 2010
6. Police Report
7. Lerwick Town Centre Association – Position and view of LTCA on Tesco's current development and the plans now being promoted by the store
8. Maggie Dunne, Environmental Health Manager, SIC – Wir Community Wir Choice & Updates on Cigarette Litter Campaign and Dog Fouling
9. Correspondence
  - 9.1 Obstruction Concern, Tables & Chairs on Commercial Street - Mr Neil Robertson, Engineer, Roads, SIC
  - 9.2 Privacy Concern, Esplanade Toilets - Mr Jonathan Emptage, Cleansing services Manager, SIC
  - 9.3 Dog Fouling, King Haakon Street & Ladies Drive, in front of Staney Hill Hostel – Maggie Dunne, Environmental Health manager, SIC
  - 9.4 Single Lerwick Primary School Concern, Blueprint for Education – Mrs Helen Budge, Head of Schools, SIC
  - 9.5 Bench Request, Esplanade Toilets – Mr Paul Wishart, Secretary, Lerwick Old Town Development Association
  - 9.6 Interpretive Panels, Proposed Knab Viewpoint – Mr Davy Cooper, Communications Officer, Shetland Amenity Trust
  - 9.7 Traffic Concern, Staney Hill Road – Sheila Johnson, Outdoor Access Officer, SIC
  - 9.8 Draft Statement of Licensing Policy 2010-2013: Consultation Document – Brian Hill, Depute Clerk to Licensing Board, SIC
10. Applications for Premises Licenses
  - 10.1 Application for Variation of Premises License – Shetland Museum & Archives
11. Traffic & Parking Orders
  - 11.1 SIC (Clickimin Road, Lerwick) (Prohibition of Entry) Order 2010
12. Approve unaudited financial accounts for year end 31 March 2010
13. Financial Report
14. Planning Applications
  - 14.1 **2010/212/PCO** – Erect dwellinghouse (planning permission principle), Phase III Quoys, Sound
  - 14.2 **2010/209/PCD** – To remove 32 no existing chalets, redevelopment of ex-chalet sites and adjacent site to provide 76 no housing units, Hoofields, Lerwick by SIC – Housing Service
15. Lerwick Applications June 2010
16. Any Other Business

**MONDAY 7 June 2010**

At a meeting of LERWICK COMMUNITY COUNCIL held in the Town Hall Chamber, Town Hall, Lerwick, at 7.00pm

**Members**

Mrs A Simpson  
Mrs K Greaves  
Ms K Fraser  
Mr W Spence  
Mr G McGhee

Mr J Anderson  
Mr E Knight  
Mr A Johnson  
Mr R Leith  
Mr D Ristori

**Ex-Officio Councilors**

Cllr A Wishart

**Additional Co-opted Members**

Ms Caitlin Watt

**In Attendance**

Shetland Times Reporter  
Mrs K Semple, Clerk to the Council  
Mrs C Carter, Pupil Support, Anderson High School  
Ms F Dally, Project Manager, Tall Ships Races 2011

**Chairman**

Mr J Anderson, Chairman to the council presided.

10/06/01

**Circular**

The circular calling the meeting was held as read.

10/06/02

**Apologies for Absence**

Apologies for absence were received from PS B Gray, Mr W Stove, Cllr J Wills, Mr J Henry, Cllr C Smith and Mr A Henry.

10/06/03

**Minutes**

The minutes of the meeting held on 10 May 2010 were approved by Mrs A Simpson and seconded by Mr E Knight.

10/06/04

**Business Arising from the Minutes**

**Knab Viewpoint**

The Chairman advised he was confident Shetland Amenity Trust would progress with the re-drafts of the Interpretive Panels.

He stated Tom Jamieson was trying to source stone for the project and it was hoped the viewpoint would be built by the end of this year.

**Restricted Parking – Knab Road**

Ms A Simpson asked if any response had been received regarding Lerwick Community Council's second letter of objection.

The Clerk replied she had spoken to Mr N Hutcheson, Roads, SIC, prior to compiling the agenda and was advised the period of receipt for comments was still open. Mr N Hutcheson stated a response would be sent in time for the July meeting of Lerwick Community Council.

**Main Issues Report**

Ms K Fraser advised she had attended the meeting at the Sound Hall and noted she found the small group discussions useful.

She stated it was important for people to make their views known and expressed disappointment at the low attendance.

Mrs K Greaves suggested that perhaps people may be putting forward their views on-line instead. She stated that she intended to and would add her comments before the end of the consultation period.

**Trees at Clickimin**

Mr E Knight advised that lack of finance was the issue behind the lack of progress with planting trees at Clickimin.

He suggested Shetland Amenity Trust may benefit from further support from Lerwick Community members with the project.

10/06/05

**Co-option – Mr George McGhee**

The Chairman welcomed Mr George McGhee as a fully co-opted member of Lerwick Community Council.

10/06/06

**Area Commanders Monthly Reports – April & May 2010**

Noted

10/06/07

**Police Report**

PS B Gray was unable to attend the meeting but provided the following crime analysis for May 2010 compared to that of the same time last year.

Class 1 - Crimes against the person – Remained the same at 4, all detected  
Class 2 - Crimes involving indecency – Down from 5 to 3, with 1 detections  
Class 3 - Crimes of dishonesty – Down from 92 to 63, of which 34 were detected  
Class 4 – Crimes of vandalism – Down from 50 to 42, of which 26 were detected  
Class 5 - General Crimes – Down from 36 to 27, 26 detected  
Class 6 - Miscellaneous crimes – Down from 119 to 64, with 56 detections  
Class 7 - Traffic Offences – Up from 63 to 92, with 87 detections

10/06/08

**Club XL – Working rip to New York – A learning Opportunity**

Club XL is an initiative of the Prince's Trust which aims to re-engage young people whose interest in mainstream education has waned by supporting and encouraging them in an appropriate environment to assist them achieving their own personal goals.

The students travelled to New York City to learn about the events of 9/11 first hand after a 10-week work experience and citizenship course with Highlands and Islands Fire Service as volunteers.

Their preparation for the trip involved planning and raising funds through making and selling cakes, running a Fair Trade tuck shop and bag packing. The work done assisted the students' learning in enterprise and planning skills and other skills such as team working; additional funding was also received from external organisations.

The group made a visit to Engine Co 10, the fire station situated right next to the World Trade Centre site which was the first to respond on the day of 9/11. There they met and interviewed a fireman who was a first hand witness on the day of 9/11 and played a major part in directing rescue operations.

The students were humbled and saddened by his account of the attacks. What he saw firsthand and his recount of the experience of losing six of his fellow co-workers when the towers finally collapsed.

One highlight of the trip for many was the visit to Ground Zero where the group made a stop at the 9/11 Memorial Preview Site and learned about the day of 9/11 from an interactive set of displays.

Another highlight of the trip was the visit to Ridgewood High and getting to witness the performances of the school's Asian Festival, held every year by the Asian students who number about 15 per cent of the school population.

Cllr A Wishart enquired as to how many pupils went on the trip.

Mrs C Carter replied that there were ten.

Cllr A Wishart asked the students to describe the difference between hearing about 9/11 and actually being at the site.

One student replied that they did not feel effected by the event until they had spoken to the Firefighters who recounted the events and showed graphic photographs.

Ms K Greaves asked how long their visit was to the school.

Mrs C Carter advised the visit to the school was for one day. She stated the trip was partly organised in co-operation and dialogue with Ridgewood High School, Ridgewood, New Jersey, a partner school of Anderson High within the Global Classroom Partnership, and so part of the trip involved spending a day at Ridgewood High.

She stated that two Club XL students planned to go back, one to study and one for employment.

Cllr A Wishart praised the initiative; he recognised the hard work and organisation involved and complimented all involved.

Mrs C Carter thanked Lerwick Community Council for their support.

The Chairman thanked Mrs Carter and the students for their presentation, which concluded at 7.20pm.

10/06/09

**Tall Ships Races 2011 – Fiona Dally, Project Manager**

Mrs F Dally advised preparations were well underway for The Tall Ships Races 2011, which was expected to attract ships and spectators from all over the world.

During the non-competitive Cruise in Company, where the ships will cruise north from Greenock to Lerwick at their leisure between 12 and 21 July, locals and visitors will get a chance to see the visiting ships and get involved in planned events.

Lerwick will welcome the fleet of The Tall Ships Races over four days from 21 to 24 July; hosting such a world class event will establish Shetland as a sailing destination.

She advised it was anticipated the 2011 event would attract 110 ships, 8,000 trainees, 3 million visitors and 500 media representatives.

Ms F Dally stated that as part of the vision' Sail Training Shetland was formed with charitable status, to provide sail training opportunities to 15-25 year olds. Funds had been raised to support 14 trainees for the 2011 event.

Financially the aim was to secure £400,000 host port sponsorship with an aim to securing a £3,000,000 local economic return for Shetland.

Mr D Ristori asked what had been done to secure accommodation for visitors during the event.

Mrs F Dally replied she had already booked Islesburgh, the AHS Hostel and she hoped to encourage locals to offer their homes as temporary B & B's or self catering accommodation.

She advised she would not be keen to go down the route of using Halls or Schools.

Mr R Leith enquired what the criteria was for becoming a trainee.

Ms F Dally replied age was the basic criteria and the chance would be given to those who would get the most out of the opportunity in terms of personal development.

She further explained individuals went through the application process whereby they were asked why they wanted to take part, what they would get out of it, personal achievements, etc.

Ms K Fraser asked Ms F Dally to explain how the finances were sourced.

Ms F Dally stated the delivery costs were 1.6 million; 1.2 million had been committed by the council and the remainder was seen as a reasonable amount to be raised from the private or other sector. She advised the figure was based on other Tall Ships Races and The Island Games but it would be a harder sell. However, she was confident the funding would be raised.

Ms K Fraser enquired how the finances coming in would be calculated.

Mrs F Dally replied Event Scotland had tendered for an economic impact assessment. She advised that a large amount of economic value was in media return and it was all part of building up the tourism sector.

The Chairman enquired if local businesses would be invited to tender for the catering.

Mrs F Dally replied the entire catering database had been invited to tender, there had been good interest but she understood it would be a difficult balance.

She hoped a good solution could be found to satisfy customers and local businesses alike.

The Chairman thanked Ms F Dally for her presentation which concluded at 7.45pm.

10/06/10

**Traffic Concern –Staney Hill Road**

Ms K Fraser raised concern at the number of vehicles which was using the road to drive on when it was really only suitable for walkers. She also remarked on the unsafe speed of the vehicles.

Cllr A Wishart agreed the concerns were legitimate and stated the road was not suitable for heavy traffic.

He advised he would try to get the issue discussed by the infrastructure Committee and request a report to be put into the Council system outlining the concerns of Lerwick Community Council.

**(Action: Cllr A Wishart)**

There was some uncertainty over whether the road was a private or public road.

The Chairman advised he would contact Mr Jeff Goddard, the Financial Controller of SLAP, which had recently purchased 72 acres of land in the Stoney Hill area, to see if he could shed any light on the ownership of the road.

**(Action: Chairman)**

The Chairman stated it should just be a question of getting the road closed to vehicles as it was really unsuitable for anything other than walkers.

Mr R Leith raised concern that closing the road off to all vehicles would mean the loss of an amenity to those who were unable to actually walk to the top of Stoney Hill to enjoy the view.

The Chairman stated that he took Mr R Leith's views on board but stressed that the road was never meant to accommodate vehicles. He advised that money had been spent on improving the road over two years ago, solely for pedestrian access, in order to bring to an end the continuing maintenance required to the unbound surface.

Ms A Simpson stressed the issue of cars on the road had to be dealt with now.

The Chairman advised he would contact Mr I Halcrow, Head of Roads, SIC with regard to the issue.

**(Action: Chairman)**

10/06/11

#### **Correspondence**

##### **11.1 Confirmation of Support for Club XL – Mrs Valerie Nicolson, Head Teacher, Anderson High School**

Noted

##### **11.2 Main Issues Report (Issue C) – Land at Knab – Hannah Nelson, Development Plans Manager, Planning, SIC**

Noted

##### **11.3 Proposed Museum Closures October to the end of March – Mr James Moncrieff, General Manager, Shetland Amenity Trust**

Noted

##### **11.4 Response to letter of appreciation for presentation – Mr Jeff Goddard, Financial Controller, Shetland Charitable Trust**

Noted

##### **11.5 Grant Thanks – Lerwick Boating Club**

Noted

##### **11.6 Litter Issue, Plastic Foam Cups & Trays – Mr Robert Sinclair, Procurement Officer, Capital Programme Service, SIC**

Mrs A Simpson stated she would like to know if the cost of cleaning up the resulting litter had been factored into the equation.

The Chairman noted it would be wise to wait for further comment as promised in the email.

10/06/12

#### **Applications for Premises License**

##### **12.1 Application for Variation of Premises License – Baroc, Lerwick**

No objections

**(Action: Clerk of the Council)**

10/06/13

**Traffic & Parking Orders**

**13.1 SIC (Knab Road, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2010**

Mrs K Greaves raised concern that the proposed disabled parking space may cause difficulties to other vehicles maneuvering and noted there was plenty garden space to accommodate a parking bay.

The Chairman stated the costs involved in taking down the wall and making the ground suitable for parking would likely be financially prohibitive to most.

Mr G McGhee noted the increased loss of parking area to accommodate the necessary visibility splay may cause more of a problem.

No objections

**(Action: Clerk of the Council)**

**13.2 SIC (Brevik Cottages, Burgh Road, Lerwick) (Parking Place for Disabled Person's Vehicle) Order 2010**

No objections

**(Action: Clerk of the Council)**

10/06/14

**Financial Report**

Noted

10/06/15

**Financial Assistance**

**15.1 Request for Loan – Community Benefit Organisation - ASCC**

**(Action: Clerk of the Council)**

Cllr L Wishart declared an interest and left the room.

The Chairman explained the Community Benefit Organisation was intended to assist all communities affected by any future renewable energy projects. However, in the case of the proposed Viking Energy project those nearest the wind turbines, and therefore most affected, would receive greater benefit.

The meeting agreed to loan £100 to ASCC in order to assist the establishment of the Community Benefit Organisation.

**(Action: Clerk of the Council)**

**Applications Traditionally Supported on an Annual Basis**

**15.2 Lerwick Fireworks Display – Islesburgh Pyrotechnics Display Club**

The Chairman declared an interest.

It was agreed that following the 40% funding cut from Shetland Islands Council to Lerwick Community, a reduced offer of funding should be made to applicants traditionally funded on an annual basis.

Mr D Ristori proposed a grant of £1,000.00.

Mr A Johnson seconded the motion.

Mrs K Greaves, concerned that the funding reduction was so much less than the previous year, proposed a grant of £1,500.

Ms K Fraser seconded the proposal stating cutting funding by 50% may cause the display to be cancelled.



Both proposals were put to the vote.

Proposal to offer £1,500 – 3 votes  
Proposal to offer £1,000 – 5 votes

The motion to offer £1,000 was carried.  
**(Action: Clerk of the Council)**

### **15.3 Lerwick Bunting & Banner Scheme – Lerwick Town Centre Association**

Mrs K Greaves noted the bunting enhanced the whole of Lerwick and stated it would be a sad day if the bunting was not put up.

She proposed a grant of £500 towards the scheme.

There was no seconder to the proposal.

Mr G McGhee stated the funding cuts should follow a pattern of reduction.

He proposed a grant of £250.

Mr R Leith seconded the motion and the meeting agreed.  
**(Action: Clerk of the Council)**

### **15.4 Lerwick Floral Basket Scheme – Lerwick Town Centre Association**

Mrs K Greaves proposed a grant of £1,000 towards the scheme.

Mr E Knight seconded the motion.

Mr R Leith proposed funding of £500.00

Mr D Ristori seconded the motion.

Both proposals were put to the vote.

Proposal to offer £1,000 – 3 votes  
Proposal to offer £500 – 6 votes

The motion to offer £500 was carried.  
**(Action: Clerk of the Council)**

### **General Applications**

#### **15.5 Trip for intensive Training - Filsket Riding Club**

Mrs A Simpson declared an interest.

Ms K Fraser proposed a grant of £250 to Filsket Riding Club.

Mr E Knight seconded the motion and the meeting agreed.  
**(Action: Clerk of the Council)**

#### **15.6 Memorial - Shetland Ex-Whalers Association**

Mr D Ristori proposed a grant of £1,000 towards the Memorial.

The Chairman suggested a funding offer could be made from Lerwick Community Council Charitable Trust.

Mrs K Fraser proposed grant funding of £1,000 from Lerwick Community Council and £1,000 from Lerwick Community Council Charitable Trust.

Mr R Leith seconded the proposal and the meeting agreed.

The Chairman stated the funding offer of £1,000 would need to be ratified at the next meeting of Lerwick Community Council Charitable Trust in July.

**(Action: Clerk of the Council)**

#### **15.7 Sailing Campaign – Kirsten Napier**

It was agreed that financial support should not be given to an individual.

The Chairman asked the Clerk of the Council to write to Ms K Napier, wish her all the best and explain that as Lerwick Community Council did not support individuals they were not in a position to offer funding on this occasion.

**(Action: Clerk of the Council)**

Cllr A Wishart returned to the meeting.

10/06/16

#### **Planning Applications**

##### **16.1 2010/179/PCD - Enlargement, partial resurfacing and installation of fenced section and fenced storage compound, to provide use as motorcycle testing facility, Anderson High School, Lerwick**

No objections

**(Action: Clerk of the Council)**

10/06/17

#### **Lerwick Applications May 2010**

Noted

10/06/18

#### **Any Other Business**

##### **Bench Request – Outside Esplanade Toilets**

Mr D Ristori advised several members of the community requesting that a bench be sited outside the Esplanade toilets had approached him.

The Chairman asked the Clerk of the Council to write to Mr Paul Wishart, Secretary, Lerwick Old Town Development Association and request that any one of the new benches, being provided by SIC, be sited outside the toilets.

**(Action: Clerk of the Council)**

##### **Blueprint for Education**

Ms K Fraser expressed concern that the prospect of one single primary school for Lerwick was being looked at.

She stated such a large school would be frightening for young children and would increase travelling distance for many.

The Chairman stated he would not support the idea of a single primary school for Lerwick.

The Chairman asked the Clerk of the Council to write to Mrs Helen Budge, Head of Service, Schools, SIC for clarification and to voice the concerns of Lerwick Community Council.

**(Action: Clerk of the Council)**

##### **Esplanade Toilets**

During a visit to the toilets, Mrs K Greaves noted that the main doors to both the Ladies and Gents toilets had been fastened open and part of the room could be seen; she also raised concern that the glass in the doors was not opaque.

The Chairman asked the Clerk of the Council to write to Mr Jonathan Emptage, Cleansing Service Manager, SIC with the concerns and ask for an explanation as to why the doors were left open.

**(Action: Clerk of the Council)**

**Dog Fouling**

Mrs K Greaves stated there was a large amount of dog mess between Ladies Drive and the Hostel and also on King Haakon Street.

The Chairman asked the Clerk of the Council to write to Maggie Dunne, Environmental Health Manager, SIC and advise her of the situation.

**(Action: Clerk of the Council)**

**Chairs & Tables on Commercial Street**

Mr R Leith raised concern at the problem caused to drivers on the street having to negotiate round tables and chairs set outside business premises.

The Chairman asked the Clerk of the Council to write to Mr I Halcrow, Roads, SIC and ask if this was a lawful act.

**(Action: Clerk of the Council)**

**Traffic Safety**

Mr R Leith made an observation that there was a steep drop on Breiwick Road near The Knob; he wondered if a safety barrier should be erected.

The Chairman stated he had never looked at the area as a point of concern but noted Mr R Leith's observation.

**Lizzie's Lodestar Café**

The Chairman advised he received an email from Cllr J Wills regarding the unceremonious demolition of Lizzie's Lodestar Café, latterly known as 'Last Ditchology'.

Cllr J Wills raised concern that the building was demolished without consultation.

Cllr A Wishart explained the action was taken by the Harbour Trust who have their own planning powers.

He stated the building was completely rotten and should have been demolished some time ago.

The Chairman thanked members for attending the meeting.

There being no other competent business the meeting closed at 9.15pm.

MR J ANDERSON  
CHAIRMAN  
LERWICK COMMUNITY COUNCIL

**NOT PROTECTIVELY MARKED**



**AREA COMMANDER'S MONTHLY REPORT**  
**June 2010**

Shetland Area Command  
Police Station  
Market Street  
Lerwick  
Shetland  
ZE1 0JN

Tel. 01595 692110  
Fax. 01595 693311

Shetland Area Command continues to perform well. Our latest monthly detection figure of 67.1 percent shows that we are doing well at solving crimes that are reported to us. At the same time we are finding fewer crimes being reported to us. As I have said before this is largely due to the excellent community contact and support we have.

Last month we had a rise in vandalisms but that has gone down lately. I would hope this is as a result of us catching some individuals in the past few weeks. We have had an increase in break-ins to commercial premises this last few weeks and it is concerning that many premises have been left insecure. Even though this is one of the safest parts of the country to live in we should all ensure our property is locked up and valuables are put away.

We have recently had success in taking a large amount of suspected Class A drugs from the streets in Shetland and two men have been remanded in custody for this. Dealing with drugs and the effects of it is a priority for us and this latest seizure is a result of an intelligence led operation. I would encourage anyone seeing anything they think is suspicious and drug related to report it to us.

The new traffic warden is settling in well and has already had an impact on driver behaviour in and about Lerwick town centre. I would remind any motorists driving in the town area to be aware of parking rules as several have already been caught out.

**David Bushell**  
**Chief Inspector**  
**Shetland Area Commander**

5.

**NOT PROTECTIVELY MARKED**



Head of Service: Ian Halcrow  
Executive Director: Gordon Greenhill

Lerwick Community Council  
Per, Mrs Katrina Semple, Clerk  
1 Stouts Court  
Lerwick  
Shetland  
ZE1 0AN

Roads  
Infrastructure Services Department  
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Telephone: 01595 744866  
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Roads@shetland.gov.uk  
www.shetland.gov.uk

If calling please ask for  
Neil Robertson  
Direct Dial: 01595 744875

Our Ref: NR/SMG/R/F1 [3263]  
Your Ref: 2010-062/KS

Date: 18 June 2010

Dear Katrina

## Obstruction Concern – Tables & Chairs on Commercial Street

With regard to your correspondence of 8<sup>th</sup> June in relation to the above matter, I can confirm that it is within the law for a business to place tables and chairs on a public thoroughfare.

This is subject to Roads Authority Consent and will likely include certain conditions and restrictions as required.

Yours sincerely

 Head of Roads  
[HL06181001.doc]

9.1

**Clerk to Lerwick Community Council**

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**From:** Jonathan.Emptage@shetland.gov.uk  
**Sent:** 17 June 2010 17:24  
**To:** clerk@lerwickcc.org.uk  
**Subject:** Esplanade Toilets - Privacy of Users

Katrina, hello,

Thank you for your letter dated 8 June 2010 in which you draw attention to a concern about privacy for the users of the ladies' and gentlemen's' toilets at The Esplanade.

I have reminded the Toilet Attendants to ensure that these doors are not fastened open when the building is in use by public.

I shall also investigate the possibility of modifying the clear glass panels in the doors to make them opaque - although the doors were fitted with clear glass for health and safety reasons so people can see that there is no one on the other side when they push it open. I shall let you know about this in due course.

Thank you for bringing this matter to my attention.

Jonathan.

Jonathan Emptage  
Cleansing Services Manager

A: Shetland Islands Council, Environmental Services, Grantfield, Lerwick, Shetland, ZE1 0NT  
T: 01595 74 4898 F: 01595 74 4804  
E: [jonathan.emptage@shetland.gov.uk](mailto:jonathan.emptage@shetland.gov.uk) W: [www.shetland.gov.uk/waste](http://www.shetland.gov.uk/waste)

"Think Green" and only print this email if absolutely necessary.

**Clerk to Lerwick Community Council**

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**From:** Margaret.Dunne@shetland.gov.uk  
**Sent:** 18 June 2010 17:03  
**To:** clerk@lerwickcc.org.uk  
**Subject:** Dog Fouling

Katrina

Thank you for your letter, I can confirm I have advised both Street Cleansing and the NSWs about the dog fouling at King Haakon Street and at the Ladies Drive Hostel. The areas will be included in our proactive dog fouling patrols.

I think I am invited to the next meeting to talk about Wir Community Wir Choice? I can provide an update on a few other things as well too, like our Cigarette Litter campaign and Dog Fouling.

Maggie

Maggie Dunne  
Service Manager Environmental Health  
Shetland Islands Council  
Grantfield  
Lerwick  
Shetland  
ZE1 0NT  
Tel: 01595 744841  
Fax 01595 744802

Please save paper and only print out this email if strictly necessary



Head of Service: Helen Budge  
Executive Director: Hazel Sutherland

Mrs Katrina Semple  
Community Council Office  
1 Stouts Court  
Lerwick  
Shetland  
ZE1 0AN

Schools Service  
Education & Social Care Department  
Hayfield House  
Hayfield Lane  
Lerwick  
Shetland, ZE1 0QD

Telephone: 01595 744000  
Fax: 01595 744010  
schools@shetland.gov.uk  
www.shetland.gov.uk

If calling please ask for:  
Helen Budge  
Direct Dial: 01595 74 4064

Date: 22 June 2010

Our Ref: HB/kk/S40/44/012

Dear Mrs Semple

## Blueprint for Education

I write following your letter of 8 June 2010 and Services Committee on 17 June 2010.

We recognised the wording of the earlier papers regarding the Lerwick feasibility study within the proposals which were to be presented at Services Committee was not clear. We subsequently changed it to: "In addition, consideration will be given to the feasibility study on primary provision in the Lerwick area. This will examine options for replacing current primary provision in 3 schools with one school. This work will involve further separate reports to Council, appropriate consultation and identification of capital costs. Such work does not impact on any other part of any primary proposal". This I hope explains more clearly that there will be further consultation on this one area which will take into account all the options within the feasibility study for Lerwick primary provision.

The consultation timeline will only be confirmed if Shetland Islands Council ratify the minutes of Services Committee on 30 June 2010.

I shall retain your letter which states clearly that you do not, in any way, support the idea of a single Lerwick primary school but you will also get the opportunity to comment further if the report is ratified at Shetland Islands Council on 30 June 2010.

I would be happy to attend Lerwick Community Council in the near future to discuss this and the timeline after 30 June 2010.

Yours sincerely

Helen Budge  
Head of Schools



INVESTOR IN PEOPLE

9.4



**From:** paul.wishart@shetland.gov.uk  
**Sent:** 23 June 2010 15:07  
**To:** clerk@lerwickcc.org.uk  
**Cc:** jonathan.molloy@shetland.gov.uk  
**Subject:** LOTDA. LCC. Bench request.

Hi Katrina,

I refer to your letter of 8th June enquiring about the possibility of a bench to be located outside the Esplanade toilets.

I had hoped to have been in a position to respond earlier but unfortunately the meeting at which it was hoped to discuss it has been postponed until 30th June. I shall respond to you shortly thereafter.

Regards,

Paul

**Clerk to Lerwick Community Council**

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**From:** David Cooper [davy@shetlandamenity.org]  
**Sent:** 18 June 2010 09:51  
**To:** clerk@lerwickcc.org.uk  
**Cc:** Alan Blain  
**Subject:** Knab panels

Dear Katrina,

I thought I should bring you up to speed on the present position with regard to the Knab panels.

I have currently asked our designers Sumo to revise the maps and redraw them in the Shetland Heritage and Culture house style. These should make them clearer and allow us to orientate the names in the right direction as well as making them consistent with other panels throughout Shetland. I am also sourcing better images and taking some myself. All this should be in place by the end of June.

I have also reviewed the content of the panels with Howard Towll, the ranger for the area, and Eileen Brooke-Freeman, our Placenames Officer. I note that most of the amendments you put to us were minor text changes and wondered if the Community Council was happy with the overall layout of the boards. I confess that even with a reasonable knowledge of the site I did find the general panel somewhat confusing and I have some doubts as to its effectiveness in terms of tourist information. If you are happy to proceed "as is" I am willing to do so but equally I would be happy to meet with you and some or all of the CC to discuss. I am on leave until 5<sup>th</sup> July but would be happy to make myself available thereafter including evenings if necessary.

**Davy Cooper**  
**Communications Officer**  
Shetland Amenity Trust, Garthspool,  
Lerwick, Shetland, ZE1 0NY  
Tel: (01595) 694688



The Shetland Amenity Trust is a registered  
Scottish charity, No: SC017505

Clerk to Lerwick Community Council

---

**From:** Sheila.Johnson@shetland.gov.uk  
**Sent:** 25 June 2010 12:59  
**To:** clerk@lerwickcc.org.uk; karen.fraser@shetland.gov.uk  
**Cc:** jonathan.c.duncan@shetland.gov.uk  
**Subject:** Staney Hill Road

Hi Katrina,

Thank you for your letter regarding the Traffic Concern on the Staney Hill road. I'm waiting for the land owner to get back to me regarding the barrier at the Clickimin side of the Staney Hill road which is locked in the open position, but they are away on holiday at the moment. There are existing pedestrian gates already in place both at the Clickimin side and the Hoofields end which were put in for pedestrians, horse riders and people on mountain bikes to use.

I shall get back in touch when I hear from the land owner.

Regards  
Sheila Johnson  
Outdoor Access Officer  
Infrastructure Services  
Grantfield  
Lerwick  
Shetland  
01595 744864

# SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise  
Depute Clerk: Brian C Hill

Legal and Administration  
Executive Services Department  
4 Market Street  
LERWICK  
Shetland  
ZE1 0JN

Clerks - Community Councils throughout Shetland

Telephone: (01595) 744550  
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[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Brian Hill  
Direct Dial: 01595 744088

Your Ref: -  
Our Ref: Z0/16 BCH/AM

Date: 21 June 2010

## **By E-mail**

Dear Sir/Madam

### **Shetland Islands Area Licensing Board Licensing (Scotland) Act 2005 Draft Statement of Licensing Policy 2010 - 2013: Consultation Document**

I enclose herewith for your consideration a draft of a new Statement of Licensing Policy for the 3 year period commencing on 30 November 2010, which the Shetland Islands Area Licensing Board has approved for consultation under the Licensing (Scotland) Act 2005. Included within the draft, at Section 9, is a draft statement concerning overprovision of licensed premises.

If you wish to respond with any comments then those should be sent to my offices as indicated in paragraph 5 of the preamble to the draft Statement. I would ask that you let me have any comments by Friday 1 October 2010.

Yours faithfully

*Signed: B C Hill*

Depute Clerk to the Licensing Board  
Enc

9.8

# DRAFT

## SHETLAND ISLANDS AREA LICENSING BOARD

### LICENSING (SCOTLAND) ACT 2005

### STATEMENT OF LICENSING POLICY

November 2010 – November 2013

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Approved by Shetland Islands Area Licensing Board  
November 2010

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#### PREAMBLE

- Section 6 of the Licensing (Scotland) Act 2005 (the Act) requires all licensing authorities such as the Shetland Islands Area Licensing Board (the Board) to publish every three years a statement of licensing policy (the policy). This statement fulfils that statutory requirement for the Board, and is the second three-year statement to be published by the Board.
- In accordance with the requirements of section 6 of the Act, and prior to the publication of this policy, the Board has consulted with and taken cognisance of the views of:
  - the local licensing forum for the Board area
  - Shetland Islands Council officials in respect of planning, building standards and environmental health
  - the Shetland Child Protection Committee
  - Shetland Alcohol Support Services
  - Shetland Alcohol and Drugs Partnership
  - Alcohol Focus Scotland
  - Visit Shetland
  - Education & Social Care, Housing (vulnerable groups), Highland and Islands Fire & Rescue Service, licence holders, the public (via website and press advertisement)
  - Community Councils
  - Shetland Licensed Trade Association
  - Scottish Beer and Pub Association
- In preparing the policy, the Board has had due regard to the guidance issued by the Scottish Ministers.  
The Board has also recognised its duty to promote the five licensing objectives set out at section 4 of the Act
  - preventing crime and disorder
  - securing public safety
  - preventing public nuisance
  - protecting and improving public health and
  - protecting children from harm
- The Board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In so doing, the Board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives outlined in the Act will provide a starting point.

3

- Comments may be submitted

by email to: [legal.services@shetland.gov.uk](mailto:legal.services@shetland.gov.uk)  
by fax to: 01595 744585  
in writing to: Clerk to the Licensing Board  
Shetland Islands Council  
4 Market Street  
Lerwick  
Shetland  
ZE1 0JN

by telephone to: 01595 744088

If assistance is required to make your comments please discuss this with the Depute Clerk on the above telephone number, who will be glad to assist.

You can also access this document on the Council's website at:  
[www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing)

- The consultation period will commence from 9 June 2010 and will run to 1 October 2010. The Board requires to have its policy in place by 30 November 2010. The policy will be applied during the three year period to November 2013; it will be kept under review and be subject to on-going consultation with stakeholders and revised, if appropriate, by the issue of supplementary statements, during the three year period.

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## SECTION A - GENERAL

### 1 INTRODUCTION

1.1 The Shetland Islands Area Licensing Board is a licensing authority for the purposes of the Licensing (Scotland) Act 2005 ("the Act") and is responsible for granting:

- > extensions of licensing hours
- > occasional licences
- > premises licences
- > personal licences
- > provisional licences
- > temporary licences
- > transfers of licences
- > variations of licences

in respect of:

- the sale of alcohol by retail;
- the supply of alcohol in members' clubs.

1.2 The Shetland Islands are a group of more than 100 islands of which 15 are inhabited, located in the North Atlantic and are virtually equidistant between Norway to the east and the UK mainland to the south. The Islands have a population of approximately 22,000 with the main population centre being Lerwick with approximately 9,000 inhabitants.

1.3 Under the Act, the current number of premises holding premises licences which permit the sale/supply of alcohol as at 1 June 2010 is 143.

Prior to commencement of the 2005 Act on 1 September 2009, there were 153 licensed premises and 17 registered members clubs which were authorised to sell/supply alcohol in terms of the former Licensing (Scotland) Act 1976.

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1.9 The Board acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licence holder of any premises. However, in exercising its licensing function the Board will have due regard to the role and responsibilities of other responsible authorities within the local government area. These include:

- planning controls
- positive measures to create a safe and clean town environment, in partnership with local businesses, transport operators and various services of the local authority
- the provision of close circuit television (CCTV) surveillance, taxi ranks, street cleaning and litter patrols
- enforcement of the general law concerning disorder and anti-social behaviour
- greater use of the powers to deal with those who commit offences, such as selling alcohol to people who are drunk.

1.10 This policy does not seek to undermine the right of any individual to apply under the terms of the Act and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application or to seek a review of a licence where provision has been made for this in the Act.

### 2 CONSULTATION AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION

2.1 In developing this policy, the Board has consulted widely and given due consideration to the views of all those who responded to that consultation process. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration in the promotion of the licensing objectives.

2.2 In administering its responsibilities in respect of licensing the Board believes that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of Shetland Islands Council.

2.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:

- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence
- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law and
- Article 8: that everyone has the right to respect for their home and private life.

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1.4 The Act requires the Board to carry out its various licensing functions so as to promote the five licensing objectives. These are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health and
- protecting children from harm

The pursuit of these five objectives is a principal feature of this Board's policy. The objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence; their breach may lead to the imposition of sanctions on a personal licence holder or provide grounds for the review of a premises licence. The attachment of conditions to a premises licence or occasional licence may be based on any of the objectives.

1.5 The Act further requires that the Board publishes a statement of licensing policy which sets out the policies the Board will generally apply to promote the licensing objectives when making decisions on applications.

1.6 The Board is required to have regard to the guidance issued by the Scottish Ministers and to consult with:

- the local licensing forum for the Board's area
- the following, in so far as they are not represented in the membership of the forum –
  - > holders of premises licences and personal licences
  - > the chief constable for the police area in which the forum's area is situated
  - > persons having functions relating to health, education or social work
  - > young people and
  - > persons resident within the forum's area and
- such other persons as the Board thinks appropriate.

1.7 This policy has been prepared in accordance with the provisions of the Act. It takes effect on 30 November 2010 and will remain in force for a period of not more than three years. It will be subject to regular review and further consultation prior to October 2013. If necessary the Board will prepare and publish supplementary statements of licensing policy.

1.8 It should be recognised that this policy covers a wide variety of activities and premises including public houses, restaurants, nightclubs, private members' clubs, sports clubs, and community halls, as well as off-licences. It cannot provide for every eventuality but seeks to detail those factors and the Board's policies which will influence the achievement of the licensing objectives.

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2.4 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services. The Board has adopted a Disability Equality Scheme and Action Plan under this 1995 Act. It is subject to review every three years.

2.5 The Board recognises its responsibilities under the Race Relations Act 1976 and Sex Discrimination Act 1975. The impact of this policy on race relations will be monitored through the Board's Race Equality Scheme. The impact of this policy on sex discrimination will be monitored through the Board's Gender Equality Scheme.

2.6 The Board will continue to work as an observer with the Shetland Alcohol and Drugs Action Team; the importance of such co-operation is recognised as part of the wider alcohol agenda.

2.7 The Board will have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.

2.8 So far as possible, the Board will avoid duplication with other regulatory regimes and will not use its powers under the Licensing (Scotland) Act 2005 to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies.

2.9 In particular, the Board's licensing functions will be discharged separately from the functions of Shetland Islands Council as the local planning authority. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The Board as the licensing authority will not be bound by decisions made by Shetland Islands Council as the local planning authority. Applicants for licences are reminded that planning permission may be required for certain uses and that planning consents may carry conditions.

2.10 It is appropriate that planning permission is obtained first, or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.

2.11 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.

2.12 There may be a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives.

2.13 The Council's planning policies are set out in its Development Plan. Government guidance in the form of Scottish Planning Policy (SPP) is also relevant.

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- 2.14 The formulation of this policy involved consultation with the Local Licensing Forum, which will keep under review the operation of the Act in this Board's area and will advise and make recommendations to the Board as appropriate. The Board will have regard to any advice given or recommendation made to it. To ensure proper communication with the Local Licensing Forum, the Board may provide reports particular to it from time to time to enable it to have regard to the detail of such matters when deliberating.
- 2.15 All premises for which a licence is being sought will be expected to comply with the building standards requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.
- 2.16 Other statutory requirements may apply to the provision of any activities at premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate food safety legal requirements are met. It is not a requirement of any licence decision to address these matters but a responsible licence holder will conform to all relevant legislation.
- 2.17 There is considerable overlap between the licensing regime and wider health and safety regulatory regimes. Many specific licensing requirements relate to matters potentially affecting public health and public safety, two of the licensing objectives.

### 3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS

- 3.1 The Board will not accept any premises licence application which fails to satisfy the requirements of section 20 of the Act and any regulations made under the Act. Any such application will be returned to the applicant.
- 3.2 The Board will dispose of its business in an open and transparent manner. Information will be made available to those persons who wish to apply for a licence, to make representations or to lodge objections. A statement of agreed procedures will be drawn up and made readily available. The Board will remain at all times mindful of the need to be accessible to all and assistance will be available on request to those who require any special arrangements to be made.
- 3.3 The Board will generally operate in the Chamber of the Shetland Islands Council Town Hall. Timescales will be laid down for applications to the Board, in accordance with any regulations issued and these will be widely publicised. The Board will meet on a regular basis and the meeting dates will be widely advertised.
- 3.4 Training of members will be a priority and will be carried out within the three month period following election of any member to the Board. Members will be kept informed of developments in the licensing arena and further training will be initiated as necessary.

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- 5.2 The Board expects the Northern Constabulary to consider all applications and to give one of the statutory notices as appropriate, referring in particular to the crime prevention objective. The Board will consider all relevant representations or objections from any person as defined in section 22 of the Act. The objection must relate to one of the licensing objectives. The Chief Constable of Police may lodge an objection but only if a connection with serious organised crime is detected and the crime prevention objective is threatened.
- 5.3 Objections or representations which are regarded as frivolous or vexatious will not be considered and in the case of a review of a licence, any representation which is regarded as irrelevant will be discarded. Otherwise, the Board will give a copy of the notice of objection or representation to the applicant, in terms of the prescribed procedure, and will have regard to the objection or representation in determining the application.

### 6. CONDITIONS ATTACHING TO LICENCES

- 6.1 The Board acknowledges the mandatory conditions laid down in Schedules 3 and 4 of the Act and is aware that other conditions have been or are to be published as Regulations. Appropriate use will be made of all such conditions.
- 6.2 Where relevant representations are made, the Board will make an objective judgement as to whether other conditions may need to be attached to a licence to secure achievement of the licensing objectives. Any conditions arising as a result of representations will primarily focus on the impact of the activities taking place at the licensed premises, on those attending the premises and members of the public living, working or engaged in normal activity in the vicinity of the premises, and will cover matters that are within the control of the licence holder.
- 6.3 The Board recognises that all applications should be considered on their own merits. Any condition attached to a licence will either be derived from the licence holder's operating plan, or as a result of a representation and will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. The operating plan is one of the key documents to be included within a premises licence application and its form is prescribed by The Premises Licence (Scotland) Regulations 2007. It will include details as to whether alcohol is to be sold for consumption on or off the premises or both, the core times of sale, the services or activities to be provided besides sale of alcohol, any arrangements for access by children and young persons, the capacity of the premises and details of the premises manager.
- 6.4 To assist applicants, and in the interests of consistency, the Board may consider preparation of a series of model conditions which may be used with or without modification. They will draw upon these model conditions to impose conditions where this is considered necessary, appropriate and proportional, depending on the individual consideration of the merits of each application.

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- 3.5 The Board is committed to the use of e-government technology and to applying its benefits so as to ensure continuous improvement of the Board's operation.

### 4 DELEGATION OF LICENSING FUNCTIONS

- 4.1 It is the Board's policy to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.
- 4.2 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.
- 4.3 The delegations will be made by the Board in accordance with the Act. A table setting out how the Board has delegated its various licensing functions is attached at Appendix 1. Many of the decisions and functions are largely administrative in nature such as the grant of non contentious applications, including for example those licences where no representations have been made. These decisions will be delegated to the Clerk to the Board.
- 4.4 In order to maintain an overview the Board will receive regular reports regarding the use of delegated decision-making powers.
- 4.5 In general the Board will meet in public, although members may retire into private session to consider their decision.

### 5 NOTIFICATION OF APPLICATION, OBJECTIONS AND REPRESENTATIONS

- 5.1 The Board will give notice of each premises licence application it receives to those persons referred to in the Act, namely:
- each person with a notifiable interest in neighbouring land (defined in The Licensing (Procedure) (Scotland) Regulations 2007 as land within 4 metres in any direction of any boundary of the premises in question, and is land which is not part of a road nor is land covered by water)
  - any community council within whose area the premises are situated
  - Shetland Islands Council
  - the Northern Constabulary
  - Highlands & Islands Fire & Rescue Service

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- 6.5 If an applicant volunteers a prohibition or restriction in their operating plan because their own assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibition or restriction if accepted will become a condition attached to the licence and will be enforceable as such.

### 7 NEED FOR LICENSED PREMISES

- 7.1 The Board acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Licensing decisions will not therefore be based upon this issue.

### 8 CONSIDERATION OF APPLICATIONS BY THE BOARD

- 8.1 When considering whether any licence should be granted, the Board will assess the likelihood of it having an adverse impact. The Board will take into account relevant matters including:
- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises
  - the proposed hours of operation
  - the location, character and condition of the premises
- 8.2 Where it is possible to take steps to mitigate or prevent any potential impact it may still be possible to grant a licence subject to conditions if these steps are reliable.
- 8.3 When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Board will take into account the impact on local residents as borne out by any history of complaints and investigations into these. The Board will also look at the measures put into effect by the applicant to mitigate the adverse impact.

### 9 OVERPROVISION

- 9.1 The Board is under a duty in terms of section 7 of the Act to publish in this policy a statement on the extent to which it considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the area of the Board.
- 9.2 Overprovision of licensed premises in a particular locality impacts on the promotion of the licensing objectives. The Board has considered whether there are areas within the Shetland Islands Area where the concentration of particular types of licensed premises is having an adverse impact.
- 9.3 The Board in engaging in its exercise to assess overprovision has taken into account the Ministerial guidance issued in terms of section 145 of the Act. There is close liaison in this matter with the Northern Constabulary, Shetland Islands Council building standards and environmental health officers and the Local Licensing Forum.

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- 9.4 As well as consulting licence holders and persons resident in the locality, as required by section 7(4) of the Act, the Board has consulted more generally throughout the Shetland Islands Area and taken into account all observations as part of its commitment to the wider alcohol agenda.
- 9.5 Reference is made to the provisions of paragraph 10 relating to occupancy capacity.
- 9.6 In consequence of its assessment the Board has concluded that, as at the commencement of this statement (30 November 2010)

[there is no overprovision of licensed premises or licensed premises of a particular description in any locality within the area of the Board]

[there is overprovision of licensed premises, as follows: .....]

[to be deleted/completed following conclusion of consultation and assessment]

## 10 OCCUPANCY CAPACITY

- 10.1 Reference is made to the provisions of paragraph 9 above, which relate to overprovision. The occupancy capacity of premises is one factor in the assessment of overprovision.
- 10.2 Each case will be considered on its merits but the Board will consider very carefully the type, size and capacity of licensed premises in the particular locality in respect of which the application is made. The Board recognises its responsibility to assess overprovision, not only on the number of licensed premises but on the number of premises of a particular description in any locality.

## 11 REVIEW OF PREMISES LICENCES

- 11.1 A licence may be reviewed on the application of any person on the grounds that one or more conditions to which the premises licence is subject has been breached or any other ground relevant to one or more of the licensing objectives. A review will include consideration being given to the suspension, revocation or variation of a licence or alternatively to the issue of a written warning.
- 11.2 The Board may reject a premises licence review application if it is considered to be vexatious or frivolous or if it does not disclose any relevant matter.

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## 13 ENFORCEMENT AND LICENSING STANDARDS OFFICERS

- 13.1 Shetland Islands Council will employ licensing standards officers (LSOs) to investigate allegations of unlicensed activities, to ensure that licence conditions are complied with and to provide information and guidance and a mediation service. At the time of drafting this policy, the Council employs one dedicated full-time LSO, who is based within the Council's Environmental Health Unit.
- 13.2 There is a firm commitment to ensuring that the LSOs are fully trained as early as possible and that they will be enabled to carry out their functions efficiently, including membership of the Local Licensing Forum.
- 13.3 Resources will be targeted towards high-risk premises and activities that require greater attention. A lighter touch will be provided in respect of low-risk premises, where the Board and LSOs identify good management practices in operation.
- 13.4 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field on which businesses can trade fairly. The enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services.
- 13.5 Specifically, the Council has confirmed that it is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 13.6 The Board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licence holders to comply with the law and the five licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit offences.
- 13.7 The Board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the Board anticipates co-operation with the police and to share information where appropriate in order to enhance the promotion of the five licensing objectives.

## 14 MANAGEMENT OF LICENSED PREMISES

- 14.1 Within the operating plan for premises on which alcohol will be sold, a premises manager must be specified. The Board will expect the premises manager to have the day to day responsibility for running the premises. The Board expects that there will be in place appropriate arrangements for monitoring the sale of alcohol and activities taking place on the premises, by the premises manager and/or by another person who is a personal licence holder. The premises licence holder is expected to ensure that the premises manager has experience commensurate with the size, capacity, nature and style of the premises.
- 14.2 The premises manager must hold a personal licence.

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## 12 OCCASIONAL GRANTS

- 12.1 An occasional licence under section 56 of the Act authorises the temporary sale or supply of alcohol on premises which are otherwise not licensed premises.

It may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation

to cover a period of a maximum of 14 days.

- 12.2 Event organisers are encouraged to provide as much notice of their event as possible to the Board. The minimum period of notice which any applicant for such a licence should be required to give will be at least 28 days, to allow for the statutory consultation with the Northern Constabulary and Licensing Standards Officer.
- 12.3 Any applicant for such a licence should be aware of their responsibility to apply for a public entertainment licence and late night catering licence, issued under the Civic Government (Scotland) Act 1982, where appropriate.
- 12.4 The Board recognises the right of any person to object to an application for an occasional licence.
- 12.5 The grant of an occasional licence is subject to the mandatory conditions laid out in schedule 4 to the Act.
- 12.6 Extended hours applications under section 68 of the Act allow for an occasional extension of licensed hours for licensed premises and operate only for a period of up to one month. They may be granted where the Board considers it appropriate in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance. If the Board receives a number of applications to extend licensed hours it will expect the applicant to consider whether an application should be made to vary the premises licence, by adjustment of the operating plan.
- 12.7 A general extension of licensing hours under section 67 of the Act may be granted to enable premises to remain open longer in connection with a special event of local or national significance. The Board will request observations from the Northern Constabulary on the issues of crime prevention and public safety. The Board believes that in many cases, such events can be appropriately accommodated within the Board's normal licensing hours policy and should not be regarded as routinely in need of extended licensing hours. Any extension beyond normal licensing hours policy will only be granted after careful consideration of the particular event and will require increased control measures in place aimed at preventing or limiting problems with their potential impact on the five licensing objectives. Further detail of the licensing hours policy is contained in paragraph 20 below.

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- 14.3 Within all licensed premises, whether or not alcohol is to be sold, the Board will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained persons on the premises and will also ensure compliance with all statutory responsibilities and the terms and conditions of the premises licence.

## 15 PERSONAL LICENCES

- 15.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.
- 15.2 The Board will grant a personal licence if it is satisfied that the applicant:
- is over 18 years of age
  - possesses a relevant licensing qualification
  - has not had revoked in the previous five years, ending with the day on which the application was received, a personal licence
  - has not been convicted of any relevant offence or foreign offence
- 15.3 When an applicant has an unspent conviction for a relevant offence, the Board will liaise with the Northern Constabulary. If the police object to the application, the application will be dealt with at a Board meeting, when it will consider carefully whether the grant of the licence will be in the interests of the crime prevention objective. It will consider the seriousness and relevance of any conviction, the period that has elapsed since the offences were committed and any mitigating circumstances. If not satisfied that grant of the application will promote the crime prevention objective, the Board will refuse it.

## 16 ADULT ENTERTAINMENT

- 16.1 Subject to any regulations which may be promulgated, this Board will seek to regulate standards in relation to licensed premises offering adult entertainment on a case by case basis.
- 16.2 In particular the Board will expect licence applicants to have given consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.
- 16.3 Where premises licence applications include adult entertainment in the planned activities, the Board will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to congregate.
- 16.4 All applications involving adult entertainment of any kind will be considered on their own merits but particular regard will be given to this section of the statement of policy.

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## 17 OFF-SALES

- 17.1 Applicants for licences for premises which are to be used for the sale of alcohol for consumption off the premises will be expected to address the five licensing objectives in their operating plan.
- 17.2 The Board expects licence applicants to note that **Regulations impose restrictions on the areas within premises in which alcohol for consumption off the premises may be displayed.** The areas for display are restricted to one or both of (a) a single area of the premises agreed with the Board or (b) a single area of the premises which is inaccessible to the public.
- 17.3 With regard to **opening hours of off-sales premises** and taking into account the lack of any history of problems associated with the operation of off-sales premises in its area to date, the Board is inclined to the view that the terminal hour should be defined as 10 p.m. In terms of the Act, off-sales will not be permitted before 10 a.m. on any day. Each case will be taken on its merits and the Board is concerned to ensure that the licensing objectives relating to crime, children, public health and public nuisance in particular are promoted in this area and will consider very carefully whether earlier closing hours may be justified in any particular case. Reference is made also to paragraph 26 of this policy, relating to public nuisance.
- 17.4 Shops where sales will not be limited to alcohol should be able to demonstrate the ability to close off areas containing alcohol outwith the licensing hours of 10 a.m. to 10 p.m. any day.

## 18 SMOKING AND NUISANCE

- 18.1 The Board acknowledges that smoking is not a licensing matter but one for other legislation.
- 18.2 The health risks associated with smoking and with passive smoking continue to be well publicised; licence holders will be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.
- 18.3 The Board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes any noise nuisance arising as a result of patrons smoking outside the premises and any associated littering of the area. Where appropriate the Board may impose conditions requiring licence holders to provide litter bins in the vicinity.
- 18.4 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers; the Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non compliance.

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## 19 OUTSIDE SEATING AREAS

- 19.1 When applicants propose to provide outside seating, tables or other facilities in any outdoor area (whether covered or not), the area should be included in the layout plan of the premises to be licensed. Further, the operating plan should indicate that due consideration has been given to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity and effective management controls, supervision and other measures will be put in place to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. Managers of premises in Lerwick should take appropriate steps to alert customers to the effect of the bylaw prohibiting consumption of alcohol in public, if the customers were to take alcohol outwith the licensed area.

Subject to the foregoing, the Board would look favourably on proposals for suitable outside drinking areas aimed at creating a more family friendly environment.

## 20 HOURS OF TRADING

- 20.1 This section primarily relates to premises where alcohol is sold for consumption on the premises with or without any other licensable activity. The Board expects that all applicants for all types of licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Paragraph 17.3 above outlines the Board's policy approach with respect to off-sale trading hours.
- 20.2 In determining its approach to the hours of trading, the Board will give full consideration to the Scottish Executive guidance under the Act and to the provisions at sections 62 to 66 of the Act itself. Each case will be dealt with according to its individual circumstances.
- 20.3 As a starting point, but subject to considering the individual merits of each case, the Board intends to approve an opening hour of 11 a.m. each day for on-sale premises unless this conflicts with any statutory provisions or exceptional circumstances exist. The Board is satisfied with this opening hour, which applied every weekday under previous legislation and also applied on Sundays to some premises within the Board's area through the issue of regular extensions of permitted hours.
- 20.4 Consistent with guidelines which operated under previous legislation, as a starting point, but subject to considering the individual merits of each case, for on-sale licensed premises the Board has approved the following for terminal hours.

The guideline terminal hours are –

1 a.m. on any night for the generality of premises and 2 a.m. on weekend nights for premises which in terms of the operating plan and the Board's understanding will be operating as nightclubs.

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- 20.5 As a starting point, but subject to considering the individual merits of each case, the Board intends to follow the times laid down in those guidelines unless they conflict with any statutory provisions or exceptional circumstances exist. The Board remains satisfied with the opening hours which have operated under their guidelines.
- 20.6 With respect to **occasional licences and extended hours applications** reference is made to paragraph 12 above. Additionally as a guideline the Board would be prepared to approve applications which fall within the general guideline hours set out above for on-sale premises, namely with an opening hour of 11am and a terminal hour of 1am. Exceptionally, and subject to considering the merits of each case, the Board may be prepared to approve a terminal hour of 2am for special events or occasions to be catered for on the premises.
- 20.7 The Board is aware from information gathered from other areas that a view against allowing later opening of licensed premises may develop, particularly in mixed residential and commercial areas. The Board will monitor public concern regarding this matter.
- 20.8 The Board believes that when preparing operating plans there is merit in applicants giving consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving licensed premises may be inclined to behave less boisterously. In addition patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.
- 20.9 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises.
- 20.10 Where no relevant representations are received from either a responsible body or any interested party and there is no departure from the Board's adopted policies, the Board will consider granting an application in accordance with the terms of the operating plan.
- 20.11 The Board believes that by adopting an approach which is sufficiently flexible, it is possible to ensure that:
- all areas of the Islands, including the town of Lerwick, their businesses and residents will be treated equitably and arbitrary restrictions will be avoided
  - restrictions on the hours of trading will only be applied where this is necessary in order to promote the licensing objectives
  - restrictions are not placed on hours of trading which may contribute to rapid binge drinking near closing time.

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## SECTION B - LICENSING OBJECTIVES

### 21 OVERVIEW

- 21.1 The following sub-sections set out the Board's policy relating specifically to the five licensing objectives:
- preventing crime and disorder
  - securing public safety
  - preventing public nuisance
  - protecting and improving public health
  - protecting children from harm
- 21.2 In each section relating to the objectives, the Board has defined its intended outcome. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.
- 21.3 In each sub-section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive or a prescriptive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective.
- 21.4 The selection of control measures should be based upon a risk assessment of the premises, the proposed activities and the type of customers expected to attend – for example their age range and numbers. Risk assessment is considered to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for a variation or in response to changing circumstances or conditions at the premises.
- 21.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or is likely to, attract larger audiences or audiences of a different nature; this can have a significant impact on the achievement of the licensing objectives.
- 21.6 The Board considers that the applicant should make provision for appropriate arrangements for effective and responsible management of the premises and for instruction, training and supervision of staff. This is considered to be an essential control measure for the achievement of all the licensing objectives.

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## 22 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

- 22.1 The Shetland Islands Council together with other agencies supports a strategy aimed at making the Islands Area a safe place to live in and visit. The Board is committed to further improving the quality of life for the people of the Islands Area by continuing to adopt policies and to introduce measures designed to increase community safety and to reduce crime, the fear of crime and disorder.
- 22.2 There are already in existence a wide range of measures for preventing and reducing crime and disorder. The Act reinforces the duty of the Board to make this a top priority.
- 22.3 The promotion of the licensing objective to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the activities at those premises.
- 22.4 The applicant should be able to demonstrate that all those factors, which impact on crime and disorder have been considered. These include:
- underage drinking
  - drunkenness on premises
  - public drunkenness
  - illegal possession and/or use of drugs
  - violent behaviour
  - anti-social behaviour
  - litter
  - unauthorised advertising
- 22.5 The following examples of control measures are given to assist applicants who may need to take account of them, having regard to their particular type of premises and/or licensable activities:
- effective and responsible management of premises
  - training and supervision of staff
  - adoption of best practice guidance where available, including those relating to drinks promotions
  - acceptance of accredited proof of age cards or photographic driving licences or passports
  - provision of effective CCTV in and around the premises, which complies with all current legislative provisions and provision of external lighting and other security measures
  - employment of Security Industry Authority licensed door supervisors
  - provision of litterbins outside premises
  - membership of any local pubwatch schemes or similar organisations
  - responsible advertising
  - distribution of promotional leaflets and posters.

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## 25 MODEL CONDITIONS - SECURING PUBLIC SAFETY

The Board will consider whether model licence conditions relating to public safety should be drafted.

## 26 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE

- 26.1 The Board believes that licensed premises may have a significantly adverse impact on communities, through public nuisances which arise from their operation. It wishes to maintain and protect the amenity of residents and occupiers of other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 26.2 The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 26.3 The Board acknowledges the provisions of section 65 of the Act in relation to off-sales by shops, stores, supermarkets and other premises selling alcohol for consumption off the premises. Subject to the overall limits in section 65, the Board may permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are reasons for not doing so, such as disturbance or disorder attributable to the location and/or the premises. Reference is made in this connection to paragraph 17 of this policy, relating to off-sales.
- 26.4 However, applicants need to be aware that the Board may apply stricter conditions, including controls on licensed hours, where premises are in residential areas or where their activities may impact on residents or other business premises and where relevant representations have been received.
- 26.5 The Board believes that the impact licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open. The Board may stipulate shorter hours when considering a premises licence application, if it considers this to be appropriate for instance where the premises are, or may be, a source of antisocial behaviour. The Board will consider each case on its merits.
- 26.6 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 26.7 When addressing the issue of prevention of public nuisance, the following facts are relevant:-
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship

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## 23 MODEL CONDITIONS - PREVENTING CRIME AND DISORDER

- 23.1 The Board will consider whether model licence conditions relating to crime and disorder should be drafted.

## 24 LICENSING OBJECTIVE - SECURING PUBLIC SAFETY

- 24.1 The Board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.
- 24.2 When addressing the issue of public safety, an applicant must demonstrate that those factors which impact on standards of public safety have been considered, including –
- the occupancy capacity of the premises
  - the age, design and layout of the premises, including means of escape in the event of fire
  - the nature of the activities to be provided, in particular the sale or supply of alcohol and the provision of music and dancing, including whether those activities are of a temporary or permanent nature
  - the hours of operation – differentiating the hours of opening from the hours when licensable activities are provided, if different
  - customer profile – for instance age, disability
  - the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines
- 24.3 The following examples of control measures are given to assist applicants who may need to take account of them, having regard to their particular type of premises and/or activities:
- suitable and sufficient risk assessments
  - effective and responsible management of premises, including installation of a CCTV system which complies with current legislative requirements in and around premises
  - provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
  - appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
  - adoption of best practice guidance
  - implementation of crowd management measures
  - proof of regular testing and certification where appropriate of procedures, appliances and safety systems.

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- the hours of opening, particularly between 11 p.m. and 7 a.m.
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features and a CCTV system, which complies with current legislative requirements
- the occupancy capacity of the premises
- the availability of public transport
- the wind down period between the end of the licensable activities and the closure of the premises
- the last admission time

- 26.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan, having regard to their particular type of premises and/or activities:-

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance – for instance to ensure that customers leave quietly
- control of operating hours for all or parts of the premises – for instance garden areas – including deliveries
- adoption of best practice guidance
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff and vehicular traffic and resulting queues, arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting and installation of an effective CCTV system which complies with current legislative requirements
- management arrangements for collection and disposal of waste and empty bottles, including reference to the management's Duty of Care Note in terms of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991
- effective ventilation systems to prevent nuisance from odour.

## 27 MODEL CONDITIONS - PREVENTING PUBLIC NUISANCE

The Board will consider whether model licence conditions relating to prevention of public nuisance should be drafted.

## 28 LICENSING OBJECTIVE - PROTECTING AND IMPROVING PUBLIC HEALTH

- 28.1 The Board wishes to see premises thriving in the Islands Area, but this cannot be at the expense of patrons' health and wellbeing. The Board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the Islands Area. It will take advice from those relevant bodies.

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- 28.2 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. This will include such measures as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is required with problem drinking.
- 28.3 One concern about excessive alcohol consumption is the impact on people's health. This may in part be due to ignorance of the advisable daily and weekly units of alcohol which should be consumed and the number of units in commonly consumed drinks. Although some manufacturers are taking an initiative in this regard and publishing information on the labels of their products, it is considered that greater awareness of this issue would be achieved by more overt displaying of information. The Board wish to impress upon licence holders the importance of raising awareness of this issue and therefore will expect prominent informative signage to be displayed in appropriate places within their premises. If necessary, and as the result of a relevant representation, such a requirement may be imposed by way of a condition on a premises licence.
- The measures identified by an applicant may depend on the individual characteristics of the premises for which the licence is sought. The Board will be receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.
- 28.4 The Board is very aware of the risk of harm to children's health and this will be of paramount consideration when determining applications. Children may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate every situation but applicants will be expected to demonstrate that they have given particular care to introduce measures designed to protect children's health while in or around their premises.
- 28.5 Licence applicants, door supervisors where employed and premises managers, as well as other staff employed in the premises, must remain vigilant at all times to the risks of excessive consumption; there should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or drunk persons.
- 28.6 With reference to Schedule 3 of the Act, applicants should demonstrate that they are aware that they must provide tap water fit for drinking free of charge on request and a wide selection of non alcoholic beverages must be available for purchase at a reasonable price during the whole period the premises are open. Applicants will also be encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcoholic beverages if they wish.

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- children from harm
  - appropriate instruction, training and supervision of those employed to secure the protection of children from harm
  - adoption of best practice guidance
  - limitations on the hours when children may be present, in all or parts of the premises
  - limitations or exclusions by age when certain activities are taking place
  - imposition of requirements for children to be accompanied by an adult
  - acceptance of accredited proof of age cards with photographs or photographic driving licences or passports
- measures to ensure children do not purchase, acquire or consume alcohol
  - measures to ensure children are not exposed to incidences of violence or disorder
- 30.7 The Board requires applicants who submit operating plans including children to ensure that they are not given access to premises when activities such as adult entertainment are taking place. The Board has given particular consideration to these types of entertainment and has included within this statement of policy at paragraph 16 its expectation of applicants in respect of adult entertainment.

### 31 MODEL CONDITIONS – PROTECTING CHILDREN FROM HARM

The Board will consider whether model licence conditions relating to protecting children from harm should be drafted.

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### 29 MODEL CONDITIONS – PROTECTING AND IMPROVING PUBLIC HEALTH

The Board will consider whether model licence conditions relating to protecting and improving public health should be drafted.

### 30 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

- 30.1 The Board will have particular regard for the views of the Shetland Child Protection Committee.
- 30.2 The Board wishes to see family friendly premises thriving in the Islands Area; it would welcome applications from those who wish to operate licensed premises which will accommodate children. In determining any such application the risk of harm to children will be paramount.
- 30.3 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them, at the same time recognising that parents and other adults accompanying children also have responsibilities.
- 30.4 Applicants may be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.
- 30.5 Children may be adequately protected from harm by the action taken to protect adults, but they may also need particular measures to be taken; no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors, which may particularly impact on harm to children have been considered.
- These include whether:-
- entertainment or services of an adult or sexual nature are commonly or regularly provided
  - there have been convictions of members of the current staff at the premises for serving alcohol to children
  - the premises have a reputation for under age drinking
  - there has been a known association with drug taking or dealing and
  - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there
- 30.6 The following examples of control measures are given to assist applicants who may adopt them in any combination. They are considered to be among the most essential that applicants should take account of, having regard to their particular type of premises or activities:
- effective and responsible premises management
  - provision of a sufficient number of people employed to secure the protection of

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## APPENDIX 1

### SHETLAND ISLANDS AREA LICENSING BOARD

#### LICENSING (SCOTLAND) ACT 2005 SCHEME OF DELEGATION

The Shetland Islands Area Licensing Board has delegated to the Clerk (which includes such Depute or Assistants as may be appointed by the Clerk for the purpose) authority to grant the following descriptions of application under the Licensing (Scotland) Act 2005 –

- (a) minor variation of premises licence – where no objections or representations have been received (section 29)
- (b) variation to substitute new premises manager – where the applicant has not been convicted of any relevant or foreign offence (section 31 and with reference to section 54)
- (c) transfer of premises licence – where the transferee has not been convicted of any relevant or foreign offence (reference to sections 33 to 35)
- (d) confirmation of a provisional premises licence – where no objections or representations have been received (section 46)
- (e) occasional licence – where no objections or representations have been received and the Northern Constabulary have not lodged a notice recommending refusal of the application (section 56) and where the proposed licensed hours are within the guideline licensing hours of 11am to 1am
- (f) extension of licensed hours – within the Board's guideline licensing hours of 11am to 1am – where no objections or representations have been received, the Northern Constabulary have not lodged a notice recommending refusal of the application and the report by the Licensing Standards Officer does not recommend refusal (section 68)
- (g) personal licence or renewal of a personal licence where the applicant has not been convicted of a relevant or foreign offence

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# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Brian C Hill

Legal and Administration  
Executive Services Department  
4 Market Street  
LERWICK  
Shetland  
ZE1 0JN

Mrs Katrina Semple  
Community Council Office  
1 Stouts Court  
Lerwick  
Shetland  
ZE1 0AN

Telephone: (01595) 744550  
Fax : (01595) 744585

[legal@sic.shetland.gov.uk](mailto:legal@sic.shetland.gov.uk)  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
Brian Hill  
Direct Dial: 01595 744088

Your Ref: -  
Our Ref: BCH/AM

Date: 22 June 2010

Dear Madam

**Licensing (Scotland) Act 2005  
Premises: Shetland Museum and Archives  
Application for Variation of Premises Licence**

Shetland Islands Area Licensing Board has received an application for variation of a premises licence under the above Act and is obliged to give notice of the application to the relevant community council. I therefore attach a notice of the application received.

If the community council wishes to make objections or representations, you may access a pro-forma form (preferred) and guidance for your use on the Council's website at [www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing).

Any objections must be lodged with the Clerk to the Licensing Board via this office **by 18 July 2010**.

If you have any queries, please don't hesitate to contact me.

Yours faithfully



Depute Clerk to the Licensing Board  
Enc

**10.1**

**LICENSING (SCOTLAND) ACT 2005**

**PREMISES LICENCE VARIATION APPLICATION**

Applicant's Name	Name & Address of Person (if any) representing the applicant	Name & Address of Premises to which application relates	Whether for sale of alcohol for consumption on the premises, off the premises, or both	Proposed Variation	Date by which objections or representations may be made to the Board
Trustees of Shetland Community Trust		Shetland Museum & Archives Hay's Dock Lerwick Shetland ZE1 0WP	On the premises	Amendment of Start and Terminal hour when alcohol will be sold for consumption on the premises on Sunday	18 July 2010



Head of Service: Ian Halcrow  
Executive Director: Gordon Greenhill

Lerwick Community Council  
Per, Mrs Katrina Semple, Clerk  
Community Council Office  
Stouts Court  
Lerwick  
ZE1 0AF

Roads  
Infrastructure Services Department  
Gremista  
Lerwick  
Shetland  
ZE1 0PX

Telephone: 01595 744866  
Fax: 01595 744869  
Roads@shetland.gov.uk  
www.shetland.gov.uk

If calling please ask for  
Neil Hutcheson  
Direct Dial: 01595 744882

Our Ref: NH/SMG/R/E3/37  
Your Ref:

Date: 16 June 2010

Dear Mrs Semple

## **SIC (Clickimin Road, Lerwick) (Prohibition of Entry) Order 2010**

A copy of the above draft Order is enclosed for your information and record keeping.

The effect of the proposed Order would be to prohibit vehicles from entering Clickimin Road via its junction with Cairnfield Road. This would prevent the "rat running" along Clickimin Road that occurs when there is traffic congestion on the South Road on the approach to the roundabout. The emergency services and Town Service buses would be exempt from this prohibition.

Should you wish to make any comments regarding this Order please contact Neil Hutcheson at the above address. The period for receipt of comments is prior to 16 July 2010.

Yours sincerely

Head of Roads  
[HL06161001.doc]

Enc.

11.1

**SHETLAND ISLANDS COUNCIL  
(CLICKIMIN ROAD, LERWICK)  
(PROHIBITION OF ENTRY)  
ORDER 2010**

SHETLAND ISLANDS COUNCIL in exercise of their powers under Sections 1 to 4 of the Road Traffic Regulation Act 1984 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Section 124(1)(c) of, and paragraph 20 of Schedule 9 to the said Act, hereby make the following Order:-

1. This Order may be cited as the "Shetland Islands Council (Clickimin Road, Lerwick) (Prohibition of Entry) Order 2010" and shall come into operation on ..... 2010.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. In this Order:  
"bus" means
  - (i) a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver), and
  - (ii) a local bus not so constructed or adapted,the same meanings as given in regulation 22 of "The Traffic Signs Regulations and General Directions 2002;"  
"local bus" means a public service vehicle used for the provision of a local service not being an excursion or tour, the same meaning as given in regulation 4 of the "The Traffic Signs Regulations and General Directions 2002."
4. Save as provided for in Article 5 of this Order, no person shall, except upon the direction of a Police Officer in uniform, cause or permit to be driven any vehicle from the road specified in Column 1 of the Schedule, annexed and executed as relative to this order, so as to enter the road specified in Column 2 of the said Schedule. The prohibited turning manoeuvres are shown coloured red on the plan, Drawing No P24/2010, annexed and executed as relative to this Order.

5. Exceptions

Nothing in Article 4 of this Order shall apply so as to prevent the driving of:

(a) a "local bus;"

(b) any vehicle that is being used for the purposes of the emergency services, including the Fire Brigade, Ambulance or Police vehicles and any other vehicle with the permission of a Police Officer in uniform.

Made and enacted by Shetland Islands Council at Lerwick on the .....day of .....Two Thousand and Ten.

.....  
Gordon Greenhill,  
Executive Director of Infrastructure Services  
Proper Officer for Shetland Islands Council,  
Infrastructure Services Department  
Grantfield,  
Lerwick,  
Shetland  
ZE1 0NT



## Schedule

### Column 1

Cairnfield Road, Lerwick

### Column 2

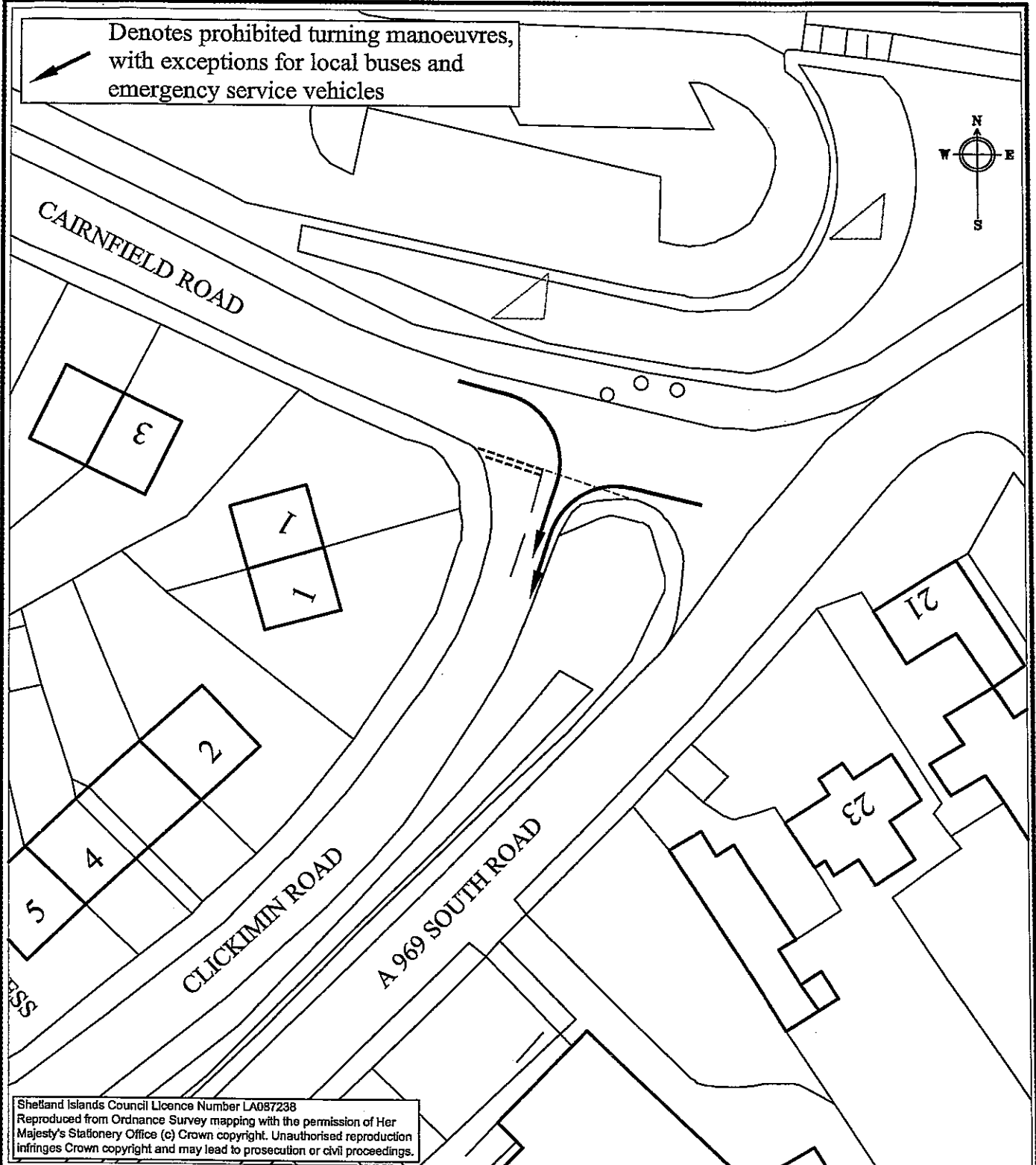
Clickimin Road, Lerwick

This is the Schedule referred to in the foregoing "Shetland Islands Council (Clickimin Road, Lerwick) (Prohibition of Entry) Order 2010"

.....  
Gordon Greenhill,  
Executive Director of Infrastructure Services  
Proper Officer for Shetland Islands Council,  
Infrastructure Services Department  
Grantfield,  
Lerwick,  
Shetland  
ZE1 0NT

## **STATEMENT OF REASONS**

1. In the interests of safety by preventing the use of Clickimin Road by speeding traffic that diverts from the A970 South Road when there is traffic congestion on the approach to the roundabout.



This is the plan referred to in the foregoing  
"Shetland Islands Council  
(Clickimin Road, Lerwick)  
(Prohibition of Entry)  
Order 2010"

# Shetland Islands Council

Roads Service  
Department of Infrastructure Services  
Gremista, Lerwick, Shetland



Tel: 01595 744866 Fax: 01595 744869

Date: 2 May 2010	Drawn: N.E.H.	Checked:	Scale: 1:500
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.....  
Executive Director  
of Infrastructure Services

Drg No: <b>P24/2010</b>	Rev:
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Lerwick Community Council

UNAUDITED FINANCIAL ACCOUNTS

for the year ended

31 March 2010

## TO THE MEMBERS OF LERWICK COMMUNITY COUNCIL

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As described on the balance sheet you are responsible for the preparation of the financial statements for the year ended 31 March 2010 set out on pages 2 to 6, and you consider that the community council is exempt from audit. In accordance with your instructions, we have conducted a limited review of these unaudited financial statements in order to assist you to fulfil your responsibilities. Based on our limited review, and the information and explanations supplied to us by yourselves, we consider that you have reasonably concluded that you have satisfied the requirements of your constitution.

Baker Tilly Tax and Accounting Ltd  
Chartered Accountants  
122 Commercial Street  
Lerwick  
Shetland  
ZE1 0HX

**Lerwick Community Council**  
**INCOME AND EXPENDITURE ACCOUNT**  
for the year ended 31 March 2010

	<i>Notes</i>	2010	2009
		£	£
<b>INCOME</b>			
SIC Grant		42,941	42,534
Bank interest receivable		-	728
Grants repaid		-	3,539
Profit from sale of booklets	2	125	3,338
		<hr/>	<hr/>
		43,066	50,139
<b>Less:</b>			
<b>EXPENDITURE</b>			
Clerk's salary		8,967	9,282
Stationery, photocopying & postages	4	642	1,729
Telephone		603	641
Rent, rates & insurance		3,953	2,318
Heat, light & power		699	917
Association of Shetland Community Council		200	175
Grants donations and projects	3	19,271	22,814
Depreciation		1,208	365
Audit & accountancy		1,028	524
Room hire		300	248
Office decoration		995	-
Miscellaneous expenses		311	353
Merchandise adjustment		53	6
Leasing charges		-	774
Bank charges		-	29
Loss on disposal		-	10
		<hr/>	<hr/>
		38,230	40,185
		<hr/>	<hr/>
Surplus for year		<u>4,836</u>	<u>9,954</u>

# Lerwick Community Council

## BALANCE SHEET

at 31 March 2010

	<i>Notes</i>	£	2010 £	£	2009 £
FIXED ASSETS	5		2,894		3,267
<b>CURRENT ASSETS</b>					
Stocks		8,425		8,477	
Debtors		773		1,023	
Bank		16,296		10,473	
		<u>          </u>		<u>          </u>	
		25,494		19,973	
		<u>          </u>		<u>          </u>	
<b>CURRENT LIABILITIES</b>					
Sundry creditors		1,692		1,380	
		<u>          </u>		<u>          </u>	
		1,692		1,380	
		<u>          </u>		<u>          </u>	
NET CURRENT ASSETS			23,802		18,593
			<u>          </u>		<u>          </u>
NET TOTAL ASSETS			26,696		21,860
			<u>          </u>		<u>          </u>
<b>SPECIAL RESERVE</b>					
	6,7		130		130
<b>GENERAL RESERVE</b>					
	8				
Balance brought forward		21,730		11,776	
Surplus/(deficit) for year		4,836		9,954	
		<u>          </u>		<u>          </u>	
Balance carried forward			26,566		21,730
			<u>          </u>		<u>          </u>
			26,696		21,860
			<u>          </u>		<u>          </u>

The committee acknowledge their responsibilities for:

- (i) ensuring that the community council keeps proper accounting records
- (ii) preparing financial statements which give a true and fair view of the state of affairs of the community council as at the end of the financial year and of its profit or loss for the financial year in accordance with their constitution.

The financial statements were approved by the executive committee on

and are signed on their behalf by:

.....

Community Councillor

**Lerwick Community Council**  
**NOTES TO THE FINANCIAL STATEMENTS**  
for the year ended 31 March 2010

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1 PRINCIPAL ACCOUNTING POLICIES

BASIS OF ACCOUNTING

The financial statements have been prepared in accordance with applicable accounting standards and under the historical cost accounting rules.

SHETLAND ISLANDS COUNCIL GRANTS

No provision has been made in the financial statements for funds from the Shetland Islands Council other than those remitted to the Community Council by the balance sheet date.

FIXED ASSETS

Fixed assets are stated at cost. Depreciation is provided on all tangible fixed assets at rates calculated to write off the cost, less estimated residual value, of each asset evenly over its expected useful life, as follows:

Office Equipment - over 4 years

FIXED ASSET FUNDING

Funding received in respect of capital expenditure is credited to a deferred income provision and is released to income over the expected useful lives of the relevant assets.

STOCKS

Stocks have been valued at the lower of cost or estimated net realisable value, on a first-in, first-out basis.

2 TOWN HALL BOOKLETS

	2010		2009	
	£	£	£	£
Sales		177		5,826
Purchases	-		10,556	
Opening stock	8,068		-	
	—		—	
	8,068		10,556	
Less Closing Stock	8,016		8,068	
	—		—	
		52		2,488
		—		—
Profit		125		3,338
		==		==



**Lerwick Community Council**  
**NOTES TO THE FINANCIAL STATEMENTS**  
for the year ended 31 March 2010  
(continued)

3	GRANTS, DONATIONS AND PROJECTS	2010	2009
		£	£
	Peerie Galley Shed rental	67	64
	Electricity Clickimin Broch	1,764	575
	Lerwick Town Centre Association	1,000	1,000
	Islesburgh Pyrotechnics	2,000	2,000
	Lerwick Garden Competition	342	437
	Tunester exchange trip	500	-
	Sail training Shetland	1,000	-
	Bunting and banner scheme	400	-
	Mr and Mrs Ramsay	2,769	-
	Repair of Sound peat hill road	650	-
	Shetland Island Games athletic team 2009	1,488	-
	Lerwick T A	1,218	-
	St Magnus Church	1,000	-
	Lerwick Allotments Association	500	-
	Shetland Stroke Support group	1,000	-
	Da Soond O' Shetland	500	-
	Knab – Planning fee	73	-
	North Staney Hill	3,000	-
	Clickimin Broch – repairs to lights	-	3,068
	Shetland Blues Festival	-	500
	Mr C H Simpson (Town Hall Booklets)	-	570
	Celtic Badminton Club	-	200
	Cunningsburgh Show	-	500
	Lerwick Boating Club	-	2,000
	St Columba's Church Organ repair/renew	-	10,000
	Filsket Riding Club	-	500
	Westerloch Residents Association	-	500
	Shetland Amateur Swimming Club	-	900
		<hr/>	<hr/>
		19,271	22,814
		<hr/>	<hr/>

4 STATIONERY, PHOTOCOPYING & POSTAGES

This cost has decreased this year, as the photocopier is no longer leased.

Lerwick Community Council  
 NOTES TO THE FINANCIAL STATEMENTS  
 for the year ended 31 March 2010  
 (continued)

5	TANGIBLE FIXED ASSETS		2010	2009
			Office	Office
			Equipment	Equipment
				£
	Cost			
	Brought Forward		3,998	7,989
	Additions		835	2,526
	Disposals		-	(6,527)
			<u>          </u>	<u>          </u>
	Carried Forward		4,833	3,998
	Depreciation			
	Brought Forward		731	6,882
	Charge for year		1,208	366
	Disposals		-	(6,517)
			<u>          </u>	<u>          </u>
	Carried Forward		1,939	731
			<u>          </u>	<u>          </u>
	Net book value		<u>2,894</u>	<u>3,267</u>
6	SPECIAL RESERVE		2010	2009
			£	£
	This Reserve represents the balance of peat road grants unspent at the balance sheet date.			
	Balance brought forward		130	512
	Road grant paid in year		-	-
			<u>          </u>	<u>          </u>
	Balance carried forward		<u>130</u>	<u>512</u>
7	BREAKDOWN OF FUNDS			
		Cash	Fixed	Total
		Funds	Assets	Funds
		£	£	£
	General Reserve	15,247	8,425	26,566
	Special Reserve	130	-	130
		<u>          </u>	<u>          </u>	<u>          </u>
		<u>15,377</u>	<u>8,425</u>	<u>26,696</u>
8	COMMITTED FUNDS			
	At 31 March 2010, the Community Council had committed funds of £10,000 to the Knab Viewpoint, £500 to Shetland Junior Netball Development Group, £2,500 to Lerwick Boating Club, £1,000 to Club XL and £1,000 to Sail Training Shetland, giving a total of £15,000.			

# LERWICK COMMUNITY COUNCIL

## Financial Report as at 29 June 2010

	£	£
<b><u>INCOME</u></b>		
Balance as at 1 April 2010		16,296.02
SIC Grant 2010-2011		29,642.00
Invoice Payment 022		41.60
Invoice Payment 023		20.80
		<hr/>
		46,000.42
 <b><u>EXPENDITURE</u></b>		
Administration	190.22	
Office Costs	3,740.15	
Employment Costs	1,204.80	
Grants/Projects	4,129.23	
	<hr/>	
		9,264.40
		<hr/> <b>36,736.02</b> <hr/>
 <b><u>REPRESENTED BY</u></b>		
Balance as at 29 June 2010		<hr/> 41,774.17 <hr/>
<u>For Information Only:</u>		
Balance as at 29 June 2009		48,511.97
 <b><u>Indication of Free Funds:</u></b>		
Main Annual Running Costs-£17,702.90		
Costs Remaining	13,186.03	
Annual Grants & Projects Costs £5948.00		
Payments Remaining	3,668.77	
<b>Committed Funding:</b>		
Knab Viewpoint (plus £8,000 LCCCT)	10,000.00	
Shetland Junior Netball Development Group	500.00	
Sail Training Shetland	1,000.00	
Shetland Ex-Whalers Ass.(plus £1,000 LCCCT-to be ratified)	1,000.00	
Filsket Riding Club	250.00	
		<hr/>
		28,354.80
		<hr/> <b>8,381.22</b> <hr/>
	<b>Estimated Free Funds</b>	

13.



# Shetland Islands Council

## Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

**Janet Barclay Tel: 01595 744829**  
**Planning Officer**

**Lerwick Community Council Clerk**  
**Katrina Semple**  
**Community Council Office**  
**1 Stouts Court**  
**Lerwick**  
**ZE1 0AF**

Application:

<b>2010/212/PCO</b>	<b>Erect dwellinghouse (planning permission in principle), Phase III Quoy, Sound, Lerwick by Mr &amp; Mrs S. Henderson</b>
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Date of Consultation: 14 June 2010

<b>Applicable Policies and Guidance:</b>  <b>Structure Plan -</b> <b>Local Plan -</b> <b>Other -</b>
--

<b>Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)</b>  <b>YES</b> <b>NO</b>
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<b>Comments:</b>  (NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)
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(Cont'd overleaf)

14-1



# Shetland Islands Council

## Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

**Janet Barclay Tel: 01595 744829**  
**Planning Officer**

**Lerwick Community Council Clerk**  
**Katrina Semple**  
**Community Council Office**  
**1 Stouts Court**  
**Lerwick**  
**ZE1 0AF**

Application:

2010/209/PCD	To remove 32 no existing chalets, redevelopment of ex chalet sites and adjacent site to provide 76 no housing units, Hoofields, Lerwick by SIC - Housing Service
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Date of Consultation: 14 June 2010

Applicable Policies and Guidance:

Structure Plan -  
Local Plan -  
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

14.2

Shetland Islands Council - Infrastructure Services Department

**Weekly List for 01/06/2010 to 28/06/2010**

Planning Applications received under the Town and Country Planning (Scotland) Act 1997  
www.shetland.gov.uk/planningcontrol/apps

Number	Date Registered Date Valid	Proposal	Applicant	Agent
<b>2010/211/PCD</b>	08/06/2010	To construct additional car park area for the use of Shetland College Gremista Lerwick.	Shetland Islands Council	Shetland Islands Council
Janet Barclay	04/06/2010		Town Hall Lerwick ZE1 0HB.	Infrastructure Services Roads Service Gremista Lerwick ZE1 0PX.
<b>2010/212/PCO</b>	08/06/2010	Erect dwellinghouse (planning permission in principle) Phase III Quoys Sound Lerwick.	Mr & Mrs S. Henderson	Redman & Sutherland Architects
Janet Barclay	02/06/2010		18 Longland Upper Sound Lerwick	Main Street Scalloway ZE1 0TR.
<b>2010/217/PCD</b>	08/06/2010	To erect sun-room extension to existing dwellinghouse and erect timber balcony 2 Helendale Terrace Lerwick.	Mr G Newcombe	Vega Technical Services
Dawn Stewart	04/06/2010		2 Helendale Terrace Lerwick	Hoswick Visitor Centre Sandwick ZE2 9HL.
<b>2010/222/PCD</b>	10/06/2010	Form loading bay pod Tesco Stores Limited South Road Lerwick.	Tesco Stores Ltd	Finch Associates
Richard MacNeill	09/06/2010		Tesco House Delamare Road Cheshunt Herts EN8 9SL.	Westfield 55 Carlogie Road Carnoustie Angus DD7 6EW.
<b>2010/230/ADV</b>	15/06/2010	Replacement signage converting the current Alliance & Leicester signs to Santander Alliance & Leicester Bldg Soc 66 Commercial Street Lerwick.	Mr R. Yeates	Insignia Project Ltd
Steven Pattie	11/06/2010		Santander Santander House 201 Grafton Gate East Milton Keynes MK9 1AN.	Marlowe Inovation Centre Marlowe Way Ramsgate CT12 6FA.

**2010/242/ADV**

	23/06/2010	Erect 5 no signs "Sandy's Taxis" 55 Commercial Road Lerwick.	Mr Alexander Stewart
Richard MacNeill	22/06/2010		55 Commercial Road Lerwick ZE1 0NL.

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**2010/243/PCD**

	23/06/2010	Change use from commercial premises to taxi office 55 Commercial Road Lerwick.	Alexander Stewart
Richard MacNeill	22/06/2010		1 Sandveien Lerwick ZE1 0RS.