

Minute

Orkney Islands Area Licensing Board

Thursday, 27 April 2023, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Duncan A Tullock, David Dawson, Rachael A King, W Leslie Manson, Gwenda M Shearer and Owen Tierney.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Sheila Tulloch, Service Manager (Legal Services).
- Elaine Sinclair, Legal Clerk.
- Angela Kingston, Committees Officer.

Observing

- Lillian Rendall, Legal Clerk.

Apologies

- Steven B Heddle.
- Kristopher D Leask.

Declaration of Interest

- Gwenda M Shearer – Item 3.

Chair

- Duncan A Tullock, Convener.

1. Draft Minute of Meeting held on 19 January 2023

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 19 January 2023, copies of which had been circulated, the Board:

Resolved, on the motion of Mr Duncan A Tullock, seconded by Mr David Dawson, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 19 January 2023 be approved as a true record.

2. Draft Minute of Meeting held on 1 February 2023

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 1 February 2023, copies of which had been circulated, the Board:

Resolved, on the motion of Ms Rachael A King, seconded by Mr Owen Tierney, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 1 February 2023 be approved as a true record.

3. Review of Statement of Alcohol Licensing Policy - Overprovision

Mrs Gwenda M Shearer declared an interest in this item, her connection being that a close family member was a director of two organisations referred to in the report by the Clerk to the Board, and left the meeting at this point.

After consideration of a report by the Clerk to the Board, copies of which had been circulated, the Board:

Noted:

3.1. That, on 19 January 2023, the Board resolved that the Clerk to the Board should undertake statutory consultation on whether or not there was overprovision of alcohol licensed premises within the locality determined by the Board, namely Orkney as a whole.

3.2. That the statutory consultation process was undertaken during the period 20 January to 17 March 2023, with the outcome detailed in section 9 of the report by the Clerk to the Board.

The Board resolved:

3.3. That the consultation responses, referred to at paragraph 3.2 above, met the terms of the legislation and guidance issued by the Scottish Government.

3.4. That the results of the consultation on overprovision of licensed premises or licensed premises of a particular description within Orkney did not demonstrate, on a balance of probabilities, a “dependable causal link” between the availability of alcohol in Orkney and alcohol-related harm, whereby, based on the evidence of harm in Orkney, it was more likely than not that alcohol availability was a cause of harm, or that increasing the availability of alcohol in Orkney would increase that harm.

3.5. That, as no evidence of overprovision of licensed premises or licensed premises of a particular description existed in the locality of Orkney, the undernoted statement on overprovision of alcohol licensed premises be incorporated within the Board’s draft Statement of Alcohol Licensing Policy 2023:

“Overprovision of licensed premises or licensed premises of a particular description.

Under Section 7 of the Act, the Board is required to produce a statement as to the extent that the Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board’s area.

On 19 January 2023, the Board determined that, for the purposes of consultation on the assessment of overprovision of alcohol licensed premises, the locality should be Orkney as a whole.

On 27 April 2023, the Orkney Islands Area Licensing Board determined that there is no overprovision of licensed premises or licensed premises of a particular description within the locality of Orkney defined by the Board.

The Board concluded that, on a balance of probabilities, there was not a dependable causal link between the availability of alcohol in Orkney and alcohol-related harm, in that, based on the evidence of harm in the locality of Orkney as defined by the Board, it was not more likely than not that alcohol availability was a cause of harm in Orkney, or that increasing the availability of alcohol in Orkney would increase that harm.”.

4. Conclusion of Meeting

At 10:54 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.