

## Minute

### Orkney Islands Area Licensing Board

Thursday, 5 December 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Duncan A Tullock, Barbara Foulkes, Alexander G Cowie, Norman R Craigie, Robin W Crichton, J Harvey Johnston and Owen Tierney.

### Clerk

- Gavin Mitchell.

### In Attendance

#### Orkney Islands Council:

- Gillian Morrison, Executive Director of Corporate Services.
- David Brown, Environmental Health Manager and Licensing Standards Officer.
- Elaine Sinclair, Legal Clerk.
- Hazel Flett, Senior Committees Officer.

#### Police Scotland:

- Sergeant Andy MacDonald.

### Apology

- Steven B Heddle.

### Declaration of Interest

- Robin W Crichton – Item 3.

### Chair

- Duncan A Tullock.

## 1. Draft Minute of Meeting held on 10 October 2019

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 10 October 2019, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by Barbara Foulkes, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 10 October 2019 be approved as a true record.

## **2. The Edinburgh Woollen Mill Ltd**

### **Application for Variation of Premises Licence**

Serena Sutherland, Solicitor, Ruth Smith, Store Manager, and Angela Spence, Temporary Supervisor, representing the applicant, The Edinburgh Woollen Mill Ltd, were present during consideration of this item.

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

Noted:

**2.1.** That a premises licence had been held at 17 Albert Street, Kirkwall, since 1 September 2009, by The Edinburgh Woollen Mill Ltd.

**2.2.** That, on 2 September 2019, The Edinburgh Woollen Mill Ltd submitted an application for a variation of the premises licence, which sought the following:

- Amended off-sale operating hours.
- Provision of activity of club or other group meetings.
- Provision of activity of live performances.

**2.3.** That no objections or representations had been received in respect of the application from The Edinburgh Woollen Mill Ltd for a variation of the premises licence in respect of 17 Albert Street, Kirkwall.

After hearing representations from Serena Sutherland in support of the application from The Edinburgh Woollen Mill Ltd for a variation of the premises licence in respect of 17 Albert Street, Kirkwall, the Board:

Resolved:

**2.4.** That the application from The Edinburgh Woollen Mill Ltd for a variation of the premises licence in respect of 17 Albert Street, Kirkwall, be granted, as follows:

- Off-sale operating hours as follows:
  - 10:00 to 22:00 on Mondays to Sundays inclusive.
- Provision of the following activities for the first time:
  - Club or other group meetings.
  - Live performances.

## **3. Iain Laird**

### **Application for Occasional Licence**

Robin W Crichton declared a financial interest in this item, in that he was providing managerial support for the venue, and was not present during discussion thereof.

Iain Laird, applicant, was present during consideration of this item.

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

Noted:

**3.1.** That, on 16 October 2019, Iain Laird submitted an application for an occasional licence in respect of two Christmas Party Nights with Live Music at Orkney Auction Mart, Hatston, Kirkwall, on 28/29 and 29/30 December 2019.

**3.2.** That the application for occasional licence was for on-sale operating hours only from:

- 21:00 on Saturday, 28 December to 02:00 on Sunday, 29 December 2019.
- 20:00 on Sunday, 29 December to 01:00 on Monday, 30 December 2019.

**3.3.** That the operating hours requested on 28/29 December 2019 were outwith those permitted in terms of the Board's Statement of Alcohol Licensing Policy.

**3.4.** The supporting information regarding the events submitted by the applicant, Iain Laird, attached as Appendix 1 to the report by the Clerk to the Board.

**3.5.** That no objections or representations had been received in respect of the application for an occasional licence from Iain Laird in respect of two Christmas Party Nights with Live Music at Orkney Auction Mart, Hatston, Kirkwall, on 28/29 and 29/30 December 2019.

Duncan A Tullock, seconded by Norman R Craigie, moved that the application be granted, but with the terminal hour on Sunday, 29 December 2019 being 01:00.

Barbara Foulkes, seconded by J Harvey Johnston, moved an amendment that the application be granted, as submitted, namely with the terminal hour on Sunday, 29 December 2019 being 02:00.

On a vote being taken 3 members voted for the amendment and 3 for the motion. On the casting vote of the Chair, the Board:

Resolved:

**3.6.** That the application from Iain Laird for an occasional licence in respect of two Christmas Party Nights with Live Music at Orkney Auction Mart, Hatston, Kirkwall, on 28/29 and 29/30 December 2019 be granted as follows:

- 21:00 on Saturday 28 December to 01:00 on Sunday 29 December 2019.
- 20:00 on Sunday 29 December to 01:00 on Monday 30 December 2019.

#### **4. Conclusion of Meeting**

At 10:50 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.