

Minute

Orkney Islands Area Licensing Board

Thursday, 2 December 2021, 14:45.

Microsoft Teams.



Present

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

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Elaine Sinclair, Legal Clerk.
- Angela Kingston, Committees Officer.

Police Scotland:

- Sergeant Katy Duncan.

Observing

- Nick Blowfield, Licensing Standards Officer.
- Lillian Rendall, Legal Clerk.

Apology

- Owen Tierney.

Declaration of Interest

- Councillor Robin W Crichton – Item 2.

Chair

- Duncan A Tullock.

1. Draft Minute of Meeting held on 7 October 2021

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 7 October 2021, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by Robin W Crichton, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 7 October 2021 be approved as a true record.

2. The Queen's Platinum Jubilee

On-sale Alcohol Licensed Hours

Robin W Crichton declared a non-financial interest in this item, in that a family member operated businesses in the hospitality sector, and was not present during discussion thereof.

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

Noted:

2.1. That the UK Government had announced an additional public holiday on Friday, 3 June 2022, to mark the Queen's Platinum Jubilee celebrations.

2.2. That, in addition, it had been announced that the late May Bank Holiday had been moved to Thursday, 2 June 2022, providing for a four-day weekend to mark the Queen's Platinum Jubilee celebrations.

2.3. That section 67 of the Licensing (Scotland) Act 2005 permitted licensing boards to grant general extensions of licensed hours in connection with a special event of local or national significance without any requirement for an application to be presented by the relevant licence holder.

2.4. That section 68 of the Licensing (Scotland) Act 2005 permitted licensing boards, on application by the premises licence holder of specific licensed premises, and if the Board considered 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, to extend the licensed hours of those premises by such period as was specified in the application or such other period as the Board considered appropriate.

2.5. That licensing boards were required, in terms of section 65 of the Licensing (Scotland) Act 2005, to refuse any application for extension of licensed hours in relation to off-sales where alcohol would be sold:

- Before 10:00.
- After 22:00.
- Both.

2.6. That Part 4 of the Licensing (Scotland) Act 2005 permitted licensing boards to grant occasional licences to authorise the temporary sale of alcohol on premises other than licensed premises.

2.7. That, when arrangements for the celebration of the Queen's Diamond Jubilee in 2012 were announced, the Board granted a general extension of licensed hours under section 67 of the Licensing (Scotland) Act 2005.

The Board resolved:

2.8. That, in respect of the Queen's Platinum Jubilee celebrations to be held from 2 to 5 June 2022, the Board should:

2.8.1. Grant a general extension of licensed hours for on-sale premises under section 67 of the Act for the following terminal hours:

- Thursday, 2 June 2022 until 01:00 on the morning of Friday, 3 June 2022.
- Friday, 3 June 2022 until 01:30 on the morning of Saturday, 4 June 2022.
- Saturday, 4 June 2022 until 01:30 on the morning of Sunday, 5 June 2022.
- Sunday, 5 June 2022 until 24:00.

2.8.2. Delegate powers to the Clerk to grant applications for on-sale occasional licences under Part 4 of the Act for the terminal hours specified at paragraph 2.8.1 above and in respect of which no objections had been received.

3. Orkney Distilling Limited

Distillery and Visitor Centre, Ayre Road, Kirkwall

Application for Variation of Premises Licence

Stephen Kemp, representing the applicant, Orkney Distilling Limited, 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 a premises licence had been held at Distillery and Visitor Centre, Ayre Road, Kirkwall, since 14 June 2018 by Orkney Distilling Limited.

3.2. That, on 23 September 2021, Orkney Distilling Limited submitted an application for a variation of the premises licence, which sought the following:

- An increase in the extent of the licensed premises by the inclusion of outdoor seating areas for the first time.
- An increase in the on-sale capacity of the premises by 100 persons, from 100 to 200 persons, with the inclusion of the outdoor seating areas.
- An increase of the areas accessible by children and young persons with the inclusion of the outdoor seating areas.
- Amended operating hours in respect of on-sales to provide outdoor drinking facilities, as follows:
 - 10:00 to 23:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 on Fridays/Saturdays and Saturdays/Sundays.

3.3. That no objections or representations had been received in respect of the application from Orkney Distilling Limited for a variation of the premises licence in respect of Distillery and Visitor Centre, Ayre Road, Kirkwall.

After hearing representations from Stephen Kemp in support of the application from Orkney Distilling Limited for a variation of the premises licence in respect of Distillery and Visitor Centre, Ayre Road, Kirkwall, on the motion of Duncan A Tullock, seconded by Norman R Craigie, the Board:

Resolved:

3.4. That the application from Orkney Distilling Limited for a variation of the premises licence in respect of Distillery and Visitor Centre, Ayre Road, Kirkwall, be granted, as follows:

- An increase in the extent of the licensed premises by the inclusion of outdoor seating areas for the first time.
- An increase in the on-sale capacity of the premises by 100 persons, from 100 to 200 persons, with the inclusion of the outdoor seating areas.
- An increase of the areas accessible by children and young persons with the inclusion of the outdoor seating areas.
- Operating hours in respect of on-sales to provide outdoor drinking facilities, as follows:
 - 10:00 to 23:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 on Fridays/Saturdays and Saturdays/Sunday.

4. Conclusion of Meeting

At 15:06 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.