

Minute

Orkney Islands Area Licensing Board

Thursday, 7 July 2022, 11:15.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

David Dawson, Steven B Heddle, Kristopher D Leask, W Leslie Manson, Gwenda M Shearer and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Rachael A King.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Hazel Flett, Team Manager (Committees).
- Angela Kingston, Committees Officer.
- Lillian Rendall, Legal Clerk.

In Attendance via remote link (Microsoft Teams)

Orkney Islands Council:

- Elaine Sinclair, Legal Clerk.

Police Scotland:

- Sergeant Hugh Moonie (for Items 4 to 8).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Gavin Mitchell, Clerk to the Board – for Item 1.
- Duncan A Tullock – for Items 2 to 8.

1. Appointment of Chair

The Clerk to the Board called for nominations for Convener of the Orkney Islands Area Licensing Board, and the Board:

Resolved that Duncan A Tullock be appointed Convener of the Orkney Islands Area Licensing Board.

Duncan A Tullock took the Chair for the remainder of the meeting.

2. Appointment of Vice Convener

The Convener called for nominations for Vice Convener of the Orkney Islands Area Licensing Board, and the Board:

Resolved that Kristopher D Leask be appointed Vice Convener of the Orkney Islands Area Licensing Board.

3. Draft Minute of Meeting held on 10 March 2022

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 10 March 2022, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by Steven B Heddle, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 10 March 2022 be approved as a true record.

4. Licensing (Scotland) Act 2005 – Alcohol Licensing

Combined Annual Functions and Financial Report 2021/22

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

Noted:

4.1. That, with effect from 15 May 2017, licensing boards were required to publish an annual financial report in relation to the exercise of their functions in terms of the Licensing (Scotland) Act 2005, within three months of the end of the relevant financial year.

4.2. That, with effect from 20 December 2017, licensing boards were required to publish an annual functions report in terms of the Licensing (Scotland) Act 2005, within three months of the end of the relevant financial year.

4.3. That, in terms of the Coronavirus (Scotland) Act 2020, the period for publishing the annual financial report and the annual functions report had been extended to nine months.

4.4. The combined annual functions and financial report for the Licensing Board for financial year 2021/22 in terms of the Licensing (Scotland) Act 2005, attached as Appendix 1 to the report by the Clerk to the Board.

5. Orkney Street Food Limited

Application for Premises Licence – Waterside Café, Atlantis Lodges, Finstown

Kit Bichan, representing the applicant, Orkney Street Food 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:

5.1. That, on 3 May 2022, Orkney Street Food Limited submitted an application for a premises licence in respect of Waterside Café, Atlantis Lodges, Finstown, which sought the following:

- On-sale operating hours as follows:
 - 11:00 to 24:00 on Sundays to Thursdays inclusive.
 - 11:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 30 persons.

5.2. That no objections or representations had been received in respect of the application from Orkney Street Food Limited for a premises licence in respect of Waterside Café, Atlantis Lodges, Finstown.

After hearing representations from Kit Bichan in support of the application from Orkney Street Food Limited for a premises licence in respect of Waterside Café, Atlantis Lodges, Finstown, on the motion of Duncan A Tullock, seconded by David Dawson, the Board:

Resolved:

5.3. That the application from Orkney Street Food Limited for a premises licence in respect of Waterside Café, Atlantis Lodges, Finstown, be granted, as follows:

- On-sale operating hours as follows:
 - 11:00 to 24:00 on Sundays to Thursdays inclusive.
 - 11:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 30 persons.

6. Partnership of Saintear

Application for Premises Licence – Saintear, Westray

Rebekah Wilson, representing the applicant, the Partnership of Saintear, was present via remote link (Microsoft Teams) 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:

6.1. That, on 13 May 2022, the Partnership of Saintear submitted an application for a premises licence in respect of Saintear, Westray, which sought the following:

- On-sale operating hours as follows:
 - 10:00 to 24:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 30 persons.
- Off-sale operating hours as follows:
 - 10:00 to 22:00 on Mondays to Sundays inclusive.

6.2. That no objections or representations had been received in respect of the application from the Partnership of Saintear for a premises licence in respect of Saintear, Westray.

After hearing representations from Rebekah Wilson in support of the application from the Partnership of Saintear for a premises licence in respect of Saintear, Westray, on the motion of Duncan A Tullock, seconded by Kristopher D Leask, the Board:

Resolved:

6.3. That the application from the Partnership of Saintear for a premises licence in respect of Saintear, Westray, be granted, as follows:

- On-sale operating hours as follows:
 - 10:00 to 24:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 30 persons.
- Off-sale operating hours as follows:

- 10:00 to 22:00 on Mondays to Sundays inclusive.

7. Highland Brewing Company Limited

Application for Variation of Premises Licence – Swannay Brewery, Swannay by Evie, Birsay

David Fairnie, solicitor representing the applicant, Highland Brewing Company 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:

7.1. That a premises licence had been held at Swannay Brewery, Swannay by Evie, Birsay, since 30 June 2016 by Highland Brewing Company Limited.

7.2. That, on 13 May 2022, Highland Brewing Company Limited submitted an application for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay, which sought the following:

- On-sale operating hours for the first time, as follows:
 - 10:00 to 24:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 75 persons.
- An increase in off-sale operating hours, as follows:
 - From 10:00 to 18:00 on Mondays to Saturdays to 10:00 to 22:00 on Mondays to Sundays inclusive.
- An increase in off-sale capacity of 21.01 square metres, from the existing 4.6 square metres within the office at the brewery complex to 25.61 square metres within the new shop and café bar areas.
- Increase access by children and young persons by amending the mandatory information within the Operating Plan as follows:
 - Children and young persons will be permitted entry unaccompanied between 10:00 and 22:00. Outwith those times or for the duration of a function, they will require to be accompanied by a person aged 18 years or older.

7.3. That no objections or representations had been received in respect of the application from Highland Brewing Company Limited for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay.

7.4. That, whilst the Planning Authority had no concerns in principle regarding the application from Highland Brewing Company Limited for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay, there was a condition relating to

the hours of operation attached to a planning approval requiring that the café/bar should operate between the hours of 10:00 and 24:00 only.

7.5. That, should the application from Highland Brewing Company Limited for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay, be granted, the applicant had provided an undertaking to operate in line with any planning requirement until such time as negotiations regarding the operating hours was addressed.

After hearing representations from David Fairnie in support of the application from Highland Brewing Company Limited for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay, on the motion of Duncan A Tullock, seconded by W Leslie Manson, the Board:

Resolved:

7.6. That the application from Highland Brewing Company Limited for a variation of the premises licence in respect of Swannay Brewery, Swannay by Evie, Birsay, be granted, as follows:

- On-sale operating hours for the first time, as follows:
 - 10:00 to 24:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 Fridays/Saturdays and Saturdays/Sundays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season.
- Terminal on-sale operating hour of 01:30 any morning for weddings.
- On-sale capacity of 75 persons.
- An increase in off-sale operating hours as follows:
 - From 10:00 to 18:00 on Mondays to Saturdays to 10:00 to 22:00 on Mondays to Sundays inclusive.
- An increase in off-sale capacity of 21.01 square metres, from the existing 4.6 square metres within the office at the brewery complex to 25.61 square metres within the new shop and café bar areas.
- Increase access by children and young persons by amending the mandatory information within the Operating Plan as follows:
 - Children and young persons will be permitted entry unaccompanied between 10:00 and 22:00. Outwith those times or for the duration of a function, they will require to be accompanied by a person aged 18 years or older.

8. Conclusion of Meeting

At 11:58 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.