

Minute

Orkney Islands Area Licensing Board

Thursday, 5 October 2023, 11:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Hazel Flett, Service Manager (Governance).
- Stuart Bevan, Solicitor.
- Nick Long, Licensing Standards Officer.
- Elaine Sinclair, Legal Clerk.

Police Scotland:

- Sergeant Eric Bruce.

Observing

- Lillian Rendall, Legal Clerk.

Apology

- Kristopher D Leask.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Duncan A Tullock, Convener.

1. Draft Minute of Meeting held on 6 July 2023

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 6 July 2023, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by David Dawson, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 6 July 2023 be approved as a true record.

2. Application for Variation of Premises Licence

Jennifer A McLeod – Deerness Stores, Deerness

Jennifer A McLeod, 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:

2.1. That a premises licence had been held at Deerness Stores, Deerness, since 1 September 2009, firstly by Dionne J Butcher and then by Jennifer A McLeod.

2.2. That, on 23 December 2022, Jennifer A McLeod submitted an application for a variation of the premises licences in respect of Deerness Stores, Deerness, which sought the following:

- Relocation of the off-sale alcohol display area in the redeveloped shop on the site, retaining the same capacity of 8 square metres.

2.3. That no objections or representations had been received in relation to the application from Jennifer A McLeod for a variation of the premises licence in respect of Deerness Stores, Deerness.

Jennifer A McLeod confirmed she had nothing further to add to her application for a variation of the premises licence in respect of Deerness Stores, Deerness, and, on the motion of Duncan A Tullock, seconded by David Dawson, the Board:

Resolved:

2.4. That the application from Jennifer A McLeod for a variation of the premises licence in respect of Deerness Stores, Deerness, be granted as follows:

- Relocation of the off-sale alcohol display area in the redeveloped shop on the site, retaining the same capacity of 8 square metres.

3. Alcohol Licensing and Gambling – Functions Report

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

Noted the report in relation to the exercise of the Board's functions in terms of the Gambling Act 2005 and the Licensing (Scotland) Act 2005, for the period from 1 July 2022 to 30 June 2023, attached as Appendix 1 to the report by the Clerk to the Board.

4. Equalities Mainstreaming and Outcomes

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

Noted:

4.1. That the Board's current Equality Outcomes were published in September 2018.

The Board scrutinised:

4.2. The final progress report in respect of the Equalities Mainstreaming and Equality Outcomes, as set out on pages 17 to 30 of the report attached as Appendix 1 to the report by the Clerk to the Board, and obtained assurance that the Board had made progress against the Equality Outcomes.

The Board resolved:

4.3. That the Equalities Mainstreaming and Outcomes Report, incorporating Equality Outcomes for the period 2023 to 2027, attached as Appendix 1 to this Minute, be approved in so far as it related to the remit of the Orkney Islands Area Licensing Board.

5. Review of Statement of Alcohol Licensing Policy

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

Noted:

5.1. That, on 1 June 2023, the Board resolved that the Clerk to the Board should undertake statutory consultation in respect of the Board's Statement of Alcohol Licensing Policy.

5.2. That the statutory consultation process was undertaken during the period 22 June to 25 August 2023, with the outcome detailed in section 6 of the report by the Clerk to the Board.

The Board resolved:

5.3. That the revised Statement of Alcohol Licensing Policy, attached as Appendix 2 to this Minute, be adopted.

6. Conclusion of Meeting

At 11:21 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.



Equalities Mainstreaming and Outcomes Report 2023 - 2027

Orkney Islands Council

Orkney Islands Council Education Authority

Orkney Islands Area Licensing Board

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Orkney Islands Council Equality Statement

We are committed to fulfilling the three key elements of the general equality duty as outlined in the Equality Act 2010:

- Eliminating discrimination, harassment and victimisation.
- Advancing equality of opportunity between people who share a protected characteristic and those who do not. This means removing barriers, meeting different needs and encouraging participation.
- Fostering good relations between people who share a protected characteristic and those who do not, improving integration, building understanding, and reducing bullying and harassment.

The protected characteristics as defined by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race, this includes ethnicity, colour, and national origin
- Religion or belief
- Sex
- Sexual orientation
- Marriage or civil partnership

Everyone has protected characteristics, but it is the treatment individuals and groups experience, the level of autonomy they have, and the positive or negative outcome for them, that are its focus. As a Council we will seek to:

- Remove or minimise disadvantages experienced by people due to their protected characteristics.
- Meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people with protected characteristics to participate in public life or other activities where their participation is disproportionately low.
- Be transparent, accessible and accountable.

Equality Challenges in Scotland and Orkney

The total population of Orkney in 2020 was approximately 22,400, this has now increased by 0.6% to 22,540, which is higher than the national increase of 0.3%. In Orkney, life expectancy is higher than across Scotland, but the demographic profile has aged significantly in recent years, with 54% of the Orkney population over 45 years old, compared to the national figure of 47%. There is a trend of depopulation from the outer isles into the mainland of Orkney and we continue to see migration of young people away from Orkney.

The rurality of Orkney can pose many challenges for people to participate in activities or access services required, and for providers in planning and delivering services. Within the Scottish Index of Multiple Deprivation, 14 of Orkney's 29 data zones are among the most deprived 10% in Scotland for access to services.

Orkney does not have any data zones in the most socio-economically deprived 20% in Scotland but due to the scattered pattern of poverty in Orkney, there are individuals and families in all areas experiencing multiple deprivation. Rural and island poverty has its own set of characteristics and presents its own set of unique challenges that may not be the uniform experience of poverty across Scotland. Rural households face an increased cost of living between 10% to 30% more than children and families living in urban Scotland, and for those living on islands the premium can exceed 40%. Children in low-income families has risen to 16% in 2022, the Scottish average is 15.9%. In 2021-22, 20.1% of children in Orkney are in Child poverty.

More than 50% of households in Orkney live in fuel poverty. The number of residents stating they have access to good public transport facilities is approximately 55% compared with 91% in the rest of Scotland. Many specialist health / support services are distant from rural communities, creating social inequalities for those without private transport.

The annual participation measure (16–19-year-olds in positive destinations) increased to 93.9% in 2022.

Prior to the pandemic, Orkney had a strong economy with very high employment levels however it had a relatively low wage economy with underemployment rather than unemployment tending to be a factor. Orkney has one of the highest rates of self-employment in Scotland.

The 75-and-over age group is projected to see the largest percentage increase between 2018 and 2028 at 37%, a trend similar to other rural and island areas, and significantly higher than at the Scotland level (22%). This will have implications in the provision of housing, and all support and care services.

Poverty is the single largest determinant of health, and ill-health is an obstacle to social and economic development. Unemployment in Orkney has historically been, and remains, much lower than the Scottish and UK figure, with employment rates consistently close to 90%. However, some residents remain out of work for a variety of reasons, and there continues to be poverty-based challenges for those in low-income employment. Part-time work is much more prevalent in Orkney than it is in other parts of the country.

The public sector is a major employer in Orkney accounting for 31% of all employment – compared to a Scottish average of 26%. Much of this employment continues to be concentrated in Kirkwall, although COVID-19 has seen the establishment of working from

home practices; public sector employment, particularly in schools, is important in more rural and island communities across Orkney, although in a much lower concentration than the number of jobs based in Kirkwall.

The issues to be addressed include an ageing population, under-employment, low wages and a seasonal economy, high costs of living, fuel poverty, limited affordable housing, limited transport and digital connectivity and constrained access to essential services.

Many of these issues may be felt by some groups more than others and can require targeted measures in order to redress the inequality experienced.

It is envisaged that the 2022 Census will better show the population picture compared to these projections, although it may be some time until results from the Census are available.

Mainstreaming Equality

Mainstreaming is an approach to delivering equality within an organisation and it contributes to continuous improvement, better performance and better value. It is primarily a long-term strategy aimed at ensuring that equality principles and practices are integrated into every aspect of an organisation from the outset. The focus should not only be internal (mainstreaming equality principles into procedures and systems) but also external (mainstreaming equality principles into policies and customer service delivery). Mainstreaming provides a framework that facilitates and complements equalities legislation and other equality measures.

This simply means integrating equality into our day-to-day work. We take equality and fairness into account in the way we go about our business when acting as an employer, when planning and providing services and when making decisions.

Mainstreaming ensures that equality becomes part of our culture. This benefits both employees and service users who know that they will be treated fairly and contributes to a continuous improvement and better performance.

We are committed to promoting equality, which means recognising that everyone has different needs and taking action to ensure that we are all able to participate in society. Our aim is that Orkney is a community where we all have the opportunity to fulfil our potential.

Orkney Islands Council is the public body responsible for all local government services in Orkney. We have an impact on many aspects of everyday life and our activities touch the lives of everyone living in our island community, from schools to the care of older people. Our councillors meet regularly to make decisions about local services and about various aspects of life. These decisions are then implemented by our workforce. With equality at the heart of everything we do, we never forget that we are here to serve the public and have a big role to play in improving the quality of life enjoyed by people throughout the islands.

Leadership

Our Elected Members have responsibility for promoting equality and diversity within the Council and externally. They engage and listen to the views of our local communities through a range of methods enabling them to take a more collaborative approach to addressing inequalities within Orkney.

Policies and practices

Policies and practices internal to our organisation should not be discriminatory. Equality, diversity and inclusion issues are fully considered when developing new policies and processes and when they are reviewed periodically.

HR and Organisational Development (HR and OD) delivers a programme of workshops and training events for staff to ensure that our human resources policies and procedures are understood. This includes training on Recruitment and Selection, Grievance, Managing Sickness Absence, Dignity at Work and Learning and Development policies. Mental Health and Wellbeing remain a priority for the Council and HR and OD have launched a revised Mental Health and Wellbeing policy along with employee and manager guides, and continue to promote a variety of support services and resources that are available for employees and managers.

Assessing impact

The Council has systematic arrangements in place to ensure equalities issues are part of decision-making processes. The Equality Impact Assessment process ensures that we consider the impact that various policies, strategies, activities and approaches have on different groups, both within our organisation and for the wider public. Equality impact assessments aim to help ensure our services are fair. They provide an opportunity to stop or revise a policy or function which is potentially unfair or unlawful. They identify mitigating actions wherever possible to minimise any adverse impacts. They also identify opportunities for positive impacts such as advancing equality of opportunity and fostering good relations. We use internal and external data to provide evidence for the assessments and consult directly with equalities groups as required. Impact assessments are organic documents and are developed and added to as a project or plan progresses.

The impact assessment takes an integrated approach to include assessment of impact relating to socio-economic disadvantage as required by the Fairer Scotland Duty along with care experienced people. We will continue to utilise feedback and best practice when reviewing the impact assessment process and will also consider best practices approaches to incorporating Children's Rights and Wellbeing Impact Assessments.

Raising and maintaining awareness

It is important in mainstreaming equality that the Council builds and maintains awareness of our duties as an employer and service provider.

As part of induction to Orkney Islands Council, all new employees are required to complete an e-learning course which aims to raise awareness about the importance of equality and diversity. The course covers equality legislation and is designed to encourage employees to think about and challenge their own perceptions. Equality and diversity awareness is also one of the core mandatory courses and is completed periodically by all employees. Equality and diversity awareness forms part of the induction programme for Elected Members, as well as ongoing briefings relating to the general equality duty, updates on changes to equality legislation and other equality related topics.

Increasing awareness of the value of diversity can help further mainstream equality within the Council.

To raise awareness and demonstrate commitment to equality, diversity and inclusion in the community, the Council flew the Progress flag for the Pride weekend in June. The press release accompanying the flying of the flag acknowledged our LGBTQ+ communities in particular have endured prejudice and inequalities historically and unfortunately, continue to do so in some quarters. We highlighted our commitment to ensuring a compassionate approach to serving all and by flying the Progress flag, as well as spotlighting the importance of building an inclusive culture for OIC colleagues.

We are committed to creating a safe and inclusive workplace, our people policies and employee benefits are an important part of working at the Council and we want to ensure that these are inclusive to all.

Human Resources and Organisational Development



Orkney Island Council has successfully achieved level two of the Disability Confident Scheme and is a Disability Confident Employer. Under the framework we are committed to actively attracting, recruiting a retaining

disabled people by providing an inclusive recruitment process. As part of this, Orkney Islands Council guarantees disabled candidates an interview if they meet the minimum criteria. This guaranteed interview scheme is also offered to Veterans who meet the minimum criteria as part of the Armed Forces Covenant.

HR and OD are reviewing the recruitment and selection processes and policy and are considering a variety of ways to improve the experience of candidates, in particular those facing barriers to employment.



Employer
Recognition
Scheme

SILVER AWARD

In collaboration with Orkney College, a six-week taster course, Introduction to a Career in Social Care, is running aimed at people aged 16 and over who are interested in working in social care, including senior phase pupils, people who are unemployed, under threat of unemployment or considering a change in career. The part-time course is free and students work through materials at their own pace and no prior qualifications or experience are required.

Students gain an SCQF Level 5 certificate and all students who complete the course are guaranteed interviews for roles within social care. A number of students from previous cohorts have successfully secured employment with the Council and Third Sector organisations on the islands.

Housing

The Housing team hosted tenant participation pop-up events in partnership with Orkney Housing Association Ltd to promote tenant participation and engagement. The sessions were an opportunity to listen to feedback and to engage with tenants and participation events offer the benefit of increased sense of community. Tenant participation is a tenant-centred approach that includes informing, engaging and consulting with tenants. It involves the collaboration between both landlord and tenants with the aim of working together to continuously improve housing services.

Customer satisfaction is at the forefront of tenant participation and it provides tenants with a means of sharing their thoughts and opinions with their landlord. Feedback from the event is used to inform changes to the services and is given due consideration in any decision-making process.

In 2023 the Housing service launched a Domestic Abuse Policy which commits to:

- Provide a sensitive, supportive, non-judgemental and confidential service, and, by creating a safe environment victim-survivors, children and young people feel able to approach the Council and that they are listened to.
- Work in partnership with other internal and external services and agencies to best meet the needs of victim-survivors and any children and young people, and, to take steps to try and prevent future domestic abuse.
- Assist victim-survivors to access information, advice and support on the range of housing options available to enable them to make informed choices, including the possibility of sustaining their current accommodation safely and to prevent homelessness where possible.
- Continue to assess the need for, and where appropriate, develop, or support the development of, further services.
- Hold the perpetrators of domestic abuse to account.

The Housing service support the delivery of actions identified in Orkney's Violence Against Women Partnership Action Plan and will continue to participate in awareness raising activities and in challenging attitudes and behaviours in relation to domestic abuse and violence against women.

Inclusive services

The Sensory Exploration Project builds on the digital offerings already in place in the library, such as virtual reality headsets and interactive smartboards. Orkney Library and Archive have utilised the Scottish Government's Public Library Improvement Fund to purchase a mobile digital interactive floor projector. The floor projector offers over 5000 built in media assets, offering access to stimulating content that is suitable for multi-sensory exploration, play, learning, therapy and relaxation.

More than one person can use it at a time so there's an interaction and inclusivity element to the experience. The sessions can be tailored to suit those using the equipment, for example, stimulate movement, light and sound, as well as reminiscence and memory functionality for people with dementia.

The purpose is to remove barriers for those what may be vulnerable and missing out due to a range of circumstances, helping to achieve the wider Council objective of promoting and enhancing community health and wellbeing.

Transport and travel

We are committed to continue the ongoing programme to improve accessibility to all transport services, taking advantage of contract, vehicle, infrastructure and vessel replacement and renewal opportunities where possible.

In 2022 Orkney welcomed a fleet of 34 brand new fully accessible and low carbon emission buses for the public and school bus services. The new fleet feature contactless payments and live bus tracking on board public bus services that bus users can access by downloading the free Stagecoach mobile app.

Passenger figures in for January to May 2023 on public bus services subsidised by the Council were over 7% higher than pre-pandemic 2019 levels. Increased tourism, the



cost-of-living crisis, in-migration to the county and the introduction of the Scottish Government's Under 22 Free Bus Scheme have all contributed to the increased passenger numbers as well as the new, fully accessible fleet.

Earlier this year an Orkney Travel Matters survey was launched in partnership with Sustrans, a charity that aims to make walking and cycling easier for people. This survey follows up on the Orkney Matters consultations the previous year which highlighted the importance of transportation across the county and indicated that many people aspired to walk and cycle more.

The results of the Orkney Travel Matters survey helps to understand travel behaviour in more detail including how, why and where local people travel and the barriers to active travel which is using walking, wheeling and cycling to make everyday journeys. The results from the survey are being used to inform policy decisions and guide investments.

Education

The main goals of the education service centre around raising the bar and closing the gap; achieving excellence through raising attainment and ensuring ever child has the same opportunity to succeed. The refreshed local plan set out in 2022 outlines the steps to delivering three main themes of inclusion and wellbeing, learning and achievement and systems and processes.

Mainstreaming equalities is integral to the delivery of education services and are embedded through supporting strategies, plans and activities including Orkney Children's Services Plan, Good Parenting Plan, Community Learning and Development Partners Plan, Local Employability Plan and within work relating to the Scottish Attainment Challenge.

The Anti-Racism Group – under the guidance of Theo Ogbhemhe, Religious, Moral and Philosophical Studies teacher at Kirkwall Grammar School – have received funding of just over £4,000 from the Scottish Government to drive forward the anti-racism events. The students will also be fundraising for a further £2,500 to enable them to carry out all that they have planned through non-uniform days, bake sales and a raffle.

The activities include a free musical festival, a new anti-racism story book for children telling the story of Beuy the black Orkney vole, the purchase of anti-racism books for the school library and community libraries in Orkney, a talk by an anti-racism speaker and anti-racism hoodies as school uniform.

The Anti-Racism Group at KGS is made up of 25 pupils who are continuing this great work and are making arrangements for a number of important events to raise

Licensing

Although the Licensing Board has a separate legal status from Orkney Islands Council it is resourced entirely by the Council.

The close connection between the Board and the Council enables the Board to benefit directly from the Council's awareness building, training and actions relating to equality, diversity and inclusion. This means taking into account the way in which the Board achieve their day-to-day business and integrating equalities into everything they do such as regularly equality impact assessing licensing related policies.

Equality Outcomes 2023 – 2027

We are committed to pursuing objectives that make real improvements for people by reducing inequalities and increasing inclusion, whilst fostering good relations and building connections between communities.

These equality outcomes are designed to focus on the areas that we consider most important, and that we have the scope to realistically influence in the next four years as an employer, services provider, and as a partner with communities and other organisations within Orkney.

We have reviewed national evidence and local information to inform these outcomes; this has included looking at information from recent consultations that are relevant to equalities such as those for the creation of our Council Plan, and other community consultations.

We note that the following outcomes do not cover all protected groups and that is because we have assessed the most pressing inequalities in Orkney and have focused on them.

We will continue to advance the public sector equality duty, using Equality Impact Assessment to inform policy design, implementation and monitoring and through our ongoing mainstreaming activities.

Outcome	Measures
The Council will aim to attract more diverse talent by reviewing policies and practices to ensure that there are no barriers to entering and sustaining employment for under-represented groups.	Aim to increase the diversity of employees throughout the organisation. Number of people who declare protected characteristics accessing employment, in particular disability.
The Council will aim to reduce the gender pay gap.	Aim for a sustained reduction in the gap between women and men's rate of pay.
People have increased confidence and opportunities to express their views and influence decision making and service design.	Improved engagement with consultation on services across a range of community groups.
People in Orkney have improved accessibility to all transport services.	As identified in Local Transport Strategy.
Pupils have a greater sense of belonging and safety in schools.	Increased awareness in schools of gender-based bullying and harassment. Increased awareness in schools of LGBTQ+-based bullying and harassment.

Outcome	Measures
	Continued implementation of the United Nations Convention on the Rights of the Child (UNCRC)
Young people facing barriers are supported and leave school with sustained positive destinations.	Percentage of pupils entering positive destinations.
People in Orkney will have improved choice and accessibility to licencing application processes.	Number of online licencing applications received via the Customer Services Platform.

Following agreement of the Equality Outcomes a detailed delivery plan will be developed containing agreed actions and measures to support these. The measures listed alongside the outcomes above are indicative.

Informing our Equality Outcomes

There have been extensive and recent consultation and engagement through a number of other plans and policies and groups, with content substantively relevant also to the development of the Equalities Outcomes for Orkney Islands Council, Education Services and Licensing Board.

Orkney Matters, an initiative set up by the LEADER Local Action Group, OIC and Voluntary Action Orkney (VAO) undertook an Orkney-wide community survey to find out what is important to the people of Orkney within their own communities – whether that be development, the countryside, play areas, sports and leisure, shops and services, activities, connectivity, etc.

An Orkney Matters survey ran from October 2021 to February 2022 – with more than 1,000 responses to the survey obtained, representing around 12% of Orkney's households. Orkney Matters recorded the views of all of Orkney's communities, including residents of the ferry-linked isles, young people, and lesser heard voices.

Some of the issues highlighted through consultation require action to be taken by agencies working together, and the Orkney Partnership have chosen them to be strategic priorities.

The partnership's plans to address these priorities are set out in the new Community Plan (also called the Local Outcomes Improvement Plan) for 2023-2030. Other issues are matters primarily for the Council to address, and these are included in our council plan.

The Council Plan pledges to maintain existing high standards of service wherever possible, improve services and outcomes for the people of Orkney where needed, and to develop and deliver projects for the benefit of our communities. This plan sets the framework for achieving a number of aims and outcomes for the next five years and are underpinned but core principles to guide future decision-making. These core principles include key equalities themes of:

- Equality, fairness and inclusion, in particular for vulnerable and remote communities like the ferry-linked isles.
- Sustainable and accessible services for all.
- Community wellbeing and mental health.

Orkney families with experience of poverty and hardship contributed a wealth of information in response to the Partnership's 'Making Ends Meet' survey, conducted in autumn 2021 to inform the Child Poverty Strategy 2022-26.

Following COVID-19, a Positive Destinations Group was established in Orkney to ensure that young people leaving school are appropriately supported into a positive postschool destination. As part of the work they were undertaking, the group developed a Youth Employment Survey to better understand how COVID-19 has impacted young people and their options regarding education, training and employment, as well as better understand young people's knowledge of the support services that currently exist in Orkney. When asked if they had any barriers to engaging with support services, 23 people (48%) indicated they did, or sometimes did. The biggest barrier was suffering from anxiety (13 people = 68%) followed by limited or no access to transport (nine people = 47%).

National consultation also played a part in the development of these outcomes. A total of 790 Orkney residents participated in the first National Islands Plan survey, conducted in

October 2020, answering questions on their experience of employment and business opportunities, transport, housing, fuel poverty, digital connectivity, health, social care, the environment, climate change, culture, and education. The survey is due to be repeated in 2023 and every two years thereafter for the lifetime of the National Islands Plan. Results are published online with responses from Orkney Mainland and Isles respondents split out, making this a useful resource for measuring future progress.

Equal Pay

Orkney Islands Council is required to publish information on the percentage difference among our employees between men's average hourly pay (excluding overtime) and our women's average hourly pay (excluding overtime). This is known as the gender pay gap.

The gender pay gap figures are calculated using the average (mean) as well as the median average which gives a greater indicator of any gender inequalities in pay.

The figures have been calculated based on permanent employee's and relief workers have not been included.

There are some service areas that are traditionally more male-dominated, such as Marine Services and Towage staff, which are not part of most councils' remit in Scotland. These services are competing for some staff with private industry in the islands such as the oil and renewable energy sectors and therefore the level of pay reflects this.

We are committed to ensuring the process to determine pay and conditions of employment for all our employees should be free from bias and should not discriminate.

Reducing pay gaps at Orkney Islands Council is a long-term goal and we acknowledge that it is affected by societal and educational factors and we employ a complex and diverse workforce across a range of services and professional areas.

The following data are the most recent snapshot figures as at 31 March 2023 relating to pay gaps. These figures are used to inform ongoing actions within the plan.

Gender Pay Gap

Category	2022/2023	2021/2022
Total number of employees in top 5% of earners	94	92
Total number of women employees in top 5%	36	28
Percentage of women employees in top 5%	38.3%	30.4%

Category	Post type	Count	Average (Mean) Hourly Rate	Median Hourly Rate
Female	All	1,791	16.24	13.13
	Full-time	592	19.16	13.13
	Part-time	1,199	14.79	13.13
Male	All	700	17.39	13.83
	Full-time	475	18.95	13.83
	Part-time	225	14.08	13.83
Gender Pay Gap %			6.62	

The Gender Pay Gap for 2021/2022 was reported at 11.6% Action was taken in 2022/23 to restructure the lower end of the pay and grading structure within the Council which has had a positive impact on pay rates and has reduced the gender pay gap.

Ethnicity Pay Gap

Our pay gap information for black and minority ethnic employee groups are based on a calculation for minority ethnic combined employees in comparison to white combined employees and does not include data for employees not stating their ethnicity.

No pay gap has been identified based on ethnicity however we acknowledge that we report low figures for ethnic diversity within our workforce. Work continues to address the gaps in employee diversity data.

Disability Pay Gap

Identified pay gaps are based on a calculation for disabled employee groups in comparison against employees with no disability. These calculations do not include the data for employees not providing information in this area.

Work continues to address the gaps in employee diversity data.

Category	Post Type	Count	Average (Mean) Hourly Rate	Median Hourly Rate
Yes Disability	All	106	16.02	12.91
	Full-time	48	18.64	16.28
	Part-time	58	13.85	12.14
No Disability	All	1,777	16.56	13.13
	Full-time	731	19.29	16.49
	Part-time	1,046	14.65	12.79
Prefer not to say	All	45	15.46	13.13
	Full-time	18	17.73	16.39
	Part-time	27	13.94	12.29
No data	All	563	16.75	13.65
	Full-time	270	18.62	16.28
	Part-time	293	15.02	12.29
Disability Pay Gap (%)			3.26	

Appendix 1 - Overview of progress

In 2018 Orkney Islands Council set out its equality outcomes to help us to deliver on our duties under equality legislation.

Significant progress has been made against these outcomes and has previously been reported in the Equality Outcome progress updates. The COVID-19 pandemic in March 2020 impacted the way in which many of our services have been delivered through the duration of this plan and large-scale changes were introduced in many areas of the organisation to meet these challenges.

Many of the outcomes and actions identified in this set of equality outcomes continue to be priorities and work has been undertaken to ensure that these are now mainstreamed into the delivery of our everyday services.

This is the final progress report of the Equality Outcomes 2022-2023.

Equality Outcomes 2022 – 2023 Final progress report

Outcome	Progress
<p>People in Orkney have the opportunity to fulfil their potential throughout life.</p>	<p>Pathways from education into positive destination and employment.</p> <p>The Local Employability Partnership (LEP) has taken a lead to develop a local data dashboard to monitor and analyse sustainable destinations for young people and this work is ongoing.</p> <p>The LEP has produced an overview guide of the employability provisions to simplify the routes into employment available for people in Orkney. This is published on the Council website and widely promoted by a range of partners.</p> <p>To view the resources, visit: https://www.orkney.gov.uk/Service-Directory/C/employability.htm</p> <p>The Pathway Planning meetings implemented in 2020/21 continue with the aim to identify those most at risk of not entering a positive destination and to ensure that they have the support to make the right decisions for themselves. In 2021/22 figures show that 96.7% of pupils have sustained a positive destination – an increase of 1.9% on the previous year, and 3.3% above the Scottish figure of 93.5%.</p> <p>A School Leavers Programme has been developed and is delivered in partnership by Developing the Young Workforce (DYW) Orkney and Skills Development Scotland (SDS). The programme is aimed at pupils who are leaving school at the end of the academic year and need support to take their next steps. Held in February each year, it is delivered as a two-day intensive programme helping young</p>

Outcome	Progress
	<p>people to plan what they want to do when they leave school and to develop the skills to write a CV, apply for a job, complete an application form, and prepare for a job or college interview.</p> <p>27 pupils attended the 2023 programme. 12 were offered employment, eight entered further education, three were offered Modern Apprenticeships, three were in education S5 and one is seeking employment.</p> <p>The Young Persons Guarantee (YPG) transition programme was identified in early 2023 and is designed to provide additional support to young people who may struggle to achieve a positive post 16 transition. The eight-week youth intervention programme is delivered in partnership between schools, SDS, DWY Orkney and the Community Learning, Development and Employability team.</p> <p>The programme includes various activities and opportunities for young people to help develop skills such as teamwork, reliability, timekeeping, effective communication, budgeting, problem solving and other transferable employability skills.</p> <p>All young people who have attended the programme have identified they have gained confidence, skills, certificates and networks that can support them in their future transitions.</p> <p>Feedback from the transition programme has identified further work to develop a Planning for the Future programme to support similar young people both in and outwith compulsory education.</p> <p>During 2021/22, eight Kickstart placements were established across a variety of teams within Orkney Islands Council. In March 2022 seven young people had been offered a six-month, 25 hours per week Kickstart placement. Of the initial seven participants, 71% completed the six months and 57% progressed into sustainable employment. In June 2022, Orkney Islands Council funded additional Kickstart placements for a broader group of candidates. Two placements have been established and will be delivered during 2023/24.</p> <p>Work has also been undertaken to establish three permanent posts within the Council and Orkney College, offered through a supported employment arrangement. These carved roles offer work opportunities to candidates identified under No One Left Behind scheme (NOLB) and are designed to meet the needs of the individual whilst also meeting service demands and requirements.</p>

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	<p>Modern apprenticeship scheme by gender. Figures for the 2022/2023 highlight that there were 81 Modern Apprentice (MA) starts in Orkney.</p> <p>Current data shows that there has been an overall decrease in MA starts over the past four years.</p> <table border="1" data-bbox="576 479 1434 555"> <thead> <tr> <th>2019/20</th> <th>2020/21</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>142</td> <td>99</td> <td>83</td> <td>81</td> </tr> </tbody> </table> <p>Of the MA starts in 2022/23, 37% were female, an increase on the final 2021/22 figure of 30.1%.</p> <p>The age profile of MA starts shows a decline in 16-24 year olds' over the past four years:</p> <table border="1" data-bbox="576 734 1434 810"> <thead> <tr> <th>2019/20</th> <th>2020/21</th> <th>2021/22</th> <th>2022/23</th> </tr> </thead> <tbody> <tr> <td>76</td> <td>56</td> <td>53</td> <td>52</td> </tr> </tbody> </table> <p>The MA figures for 2022/23 to date show that again Orkney Islands have one of the highest achievement rates (number of certificated leavers) in comparison to other local authorities at 81%.⁹ This is the fourth consecutive year that Orkney has had one of the highest achievement rates.</p> <p>Work continues to support the collection and sharing of data relating to protected characteristics and remains a priority action in the LEP Partners Plan 2021-2024 (2023 Update).</p> <p>In its People Plan 2022-2026 the Council has committed to a programme of increased numbers of trainees and apprenticeships over the duration of the plan.</p> <p>Challenge gender stereotypes that influence education, training and career choices. Activities in this area have included the regular No Wrong Path campaign highlighting that many people don't necessarily take a straight, obvious, or traditional path into their jobs.</p> <p>Careers Week activities have increased exposure to a variety of different jobs, including many that pupils may not have initially considered. One talk was delivered by a former pupil Corrine Sinclair who works with EMEC and described her own career journey, encouraging pupils to explore all options available to them.</p> <p>The Education Support Officer for STEM and Orkney Builders worked together to deliver practical, hands-on workshops for Glaitness Primary School to bring building and engineering to life for some of the young students. They used KAPLA wooden blocks for building and MakeDo cardboard toolkits to explore through play building towers,</p>	2019/20	2020/21	2021/22	2022/23	142	99	83	81	2019/20	2020/21	2021/22	2022/23	76	56	53	52
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	<p>copying and creating designs and undertaking other small-scale challenges.</p> <p>The promotion of cross-circular links through STEM has continued with activities such as Christmas enterprise projects and site visits with Orkney Builders. The sessions are increasing motivation and engagement in all aspects and hope to inspire an interest in industries such as construction and engineering.</p> <p>Deliver actions relating to closing the attainment gap. COVID has increased these challenges, however, there is evidence of systematic change in terms of culture with a focus on equity becoming more embedded and sustained in schools. A greater awareness and understanding of the barriers facing children and young people adversely affected by socio-economic disadvantage is apparent and interventions are being implemented to meet the needs of children and young people.</p> <p>The Orkney's Childrens Services Plan 2021-23 contained a range of performance indicators which sought to enable partner agencies to better measure the collective progress towards the eight target outcomes of Getting it Right for Every Child framework.</p> <p>In March 2021, the Good Parenting Plan 2020-2025 for the Education Service was updated and included the following outcomes:</p> <ul style="list-style-type: none"> • Compile an accurate and up to date list of care experienced children and young people (CECYP) • Complete a tracker for school-attending CECYP across Orkney in relation to attainment and progress. • Ensure CECYP transition into positive destinations when they leave school. <p>Significant progress has been made in relation to developing tracking and monitoring structures for the Broad General Education (BGE) for Care Experienced Young People.</p> <p>The Raising Attainment Strategy 2023-2026 sets out clear actions to continue to address the poverty related attainment gap. Planning and implementation of the use of the Pupil Equity Fund will support the six priority family characteristics as identified by the Scottish Government:</p> <ul style="list-style-type: none"> • Lone parent families • Minority ethnic families • Families with a disabled adult or child • Families with a young mother (under 25) • Families with a child under one

Outcome	Progress
	<ul style="list-style-type: none"> • Larger families (3+ children) <p>There is a greater focus on the attainment of children and young people in receipt of free school meals and those who have been care experienced. Work continues in further developing the use of the BGE tracking toolkit to monitor and track attainment.</p> <p>Implementation of Anti-bullying policy for our Children and Young people.</p> <p>The Anti-Bullying Policy for our Children and Young People was launched in August 2018 and set out a strategic approach to addressing bullying and provides clear definitions and guidance for schools and settings to review or develop local anti-bullying policies to address and monitor any incidences of bullying.</p> <p>The impact of the COVID-19 pandemic added to the pressure that children and young people were already feeling in relation to mental health and wellbeing. Shared resources, expertise and plans were implemented for pupils, staff and communities during the reopening of schools.</p> <p>Particular needs have been identified around more resources for managing stress and mental health, knowing where to go for help, being able to self-refer to services or getting help to refer if preferred, and education around the LGBT+ community. The Youth Forum have also highlighted a need for better education around LGBT+ identities and issues, in order to eliminate stigma and misunderstanding of LGBT+ people in our community. It is recognised that LGBT+ young people can have a particularly difficult time in Orkney and may experience homophobic, biphobic and / or transphobic bullying, may feel excluded, disrespected and even unsafe. Specific actions to address this are outlined in the Orkney Education Services Report and include the achievement of LGBT Charter Award by Junior High and Secondary Schools.</p>
<p>Orkney Islands Council is an inclusive employer.</p>	<p>Review of flexible working plan and review of sickness-absence process to be more inclusive of age-related conditions and mental health.</p> <p>Work has been delivered to incorporate resources and services supporting mental health into the Sickness Absence Management process and training. This has included the Workplace Mental Health Support Service delivered through Maximus and Able Futures.</p>

Outcome	Progress
	<p>Policies, along with manager and employee guidance has been developed for supporting people with the menopause and with mental health and wellbeing. A review of support available to employees has been undertaken and work has been undertaken to scope the requirements for the delivery of an employee assistance programme. This will progress in 2023/24.</p> <p>HR System development has included the requirement for the reason for absence as mandatory in the reporting which is enabling greater consistency and accuracy in the statistics available. Improvements have also been made to the reporting functionality of these systems.</p> <p>The People Plan 2022-2026 strengthens emphasis on this action and sets out our positive response to the changing needs of our existing and future employees. Recognising the value of flexibility for employees across all generations the People Plan makes commitment to drive forward the work already underway to deliver flexible working opportunities that meet the needs of our employees.</p> <p>The Supporting our people through the menopause policy was launched on 8 March 2023 – International Women’s Day. The promotion communications set out that the menopause is a workplace issue and encouraged people to talk more about the menopause and perimenopause and signposted the policy and manager guide which provide tips on how to create a safe space to hold these conversations.</p> <p>Further HR system development has included the option to record specific menopause related absences to improve the data that is available regarding reason for absence for greater analysis and to identify future actions once baseline data has been captured.</p> <p>Review Employee Survey responses to develop proactive age-inclusive communications, promotion and development opportunities.</p> <p>Any highlighted differences in survey data by age and gender are being fed into the ongoing work to develop the three key thematic areas identified following initial analysis of the overall survey results.</p> <p>Age-inclusive actions have been integrated into the People Plan 2022-2026 and the Pay Gap and Occupational Segregation action plan.</p> <p>Carry out regular employee surveys.</p> <p>Increased staff engagement has been a key focus through the Our people, our Plan initiative and has included new approaches such as the creation of a Leadership Forum</p>

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	<p>and Lunch and Learn sessions which provide routes for sharing of information, and feedback on priorities.</p> <p>Actions relating to employee engagement are being delivered through the People Plan 2022-2026, which in itself involved considerable engagement across Council services to understand better the people challenges we face.</p> <p>The Investors in People survey carried out at the end of 2022 / beginning of 2023 provided feedback to develop recommendations which were used to inform an improvement plan. Orkney Islands Council were awarded the Investors in People Standard in January 2023 and regular employee surveys will provide ongoing engagement with employees to support the delivery of the improvement plan.</p> <p>Delivery of Mentally Healthy Workplace and communication plan to increase awareness relating to mental health and wellbeing.</p> <p>Work has been delivered to increase awareness of mental good health and wellbeing across the organisation on a regular basis.</p> <p>Significant work was delivered in this area throughout the pandemic. The Council website was initially identified as the best means of sharing information relating to mental health and wellbeing for all employees, specifically in relation to dealing with the associated impact of COVID-19 and the restrictions during lockdown. A section of the COVID-19 information pages was developed to provide information and signposting on a variety of themes including:</p> <ul style="list-style-type: none"> • Resources for a mentally healthy workplace including links to iLearn courses on relaxation, dealing with stress and recognising stress. • Information and resources from the Educational Psychology team ranging from more general guidance on supporting mental health and wellbeing, to comprehensive information for staff supporting vulnerable children, those working in the Hub and for teaching staff and other professionals supporting young people with school closure and the impacts of COVID-19. • Wellbeing advice for working from home. • Coronavirus and your wellbeing advice and guidance from Mind, the mental health charity. • COVID-19 and your mental health resources produced by Caring for People, a task-force made up of public and voluntary organisations in Orkney to

Outcome	Progress
	<p>help people recover and build resilience in challenging times.</p> <ul style="list-style-type: none"> Information and links to the Grampian Psychological Resilience Hub which was set up to directly respond to the COVID-19 pandemic. This is a virtual hub providing support by telephone for self-referral regarding mental health and wellbeing. <p>Health and Wellbeing training sessions have been delivered across the organisation including:</p> <ul style="list-style-type: none"> Scottish Mental Health First Aid. Mental Health Awareness for Managers. Coping with Change for Managers. Personal Stress Management. Introduction to Coaching. <p>Regular communications have been provided to employees to signpost to resources online and to highlight other sessions and support including:</p> <ul style="list-style-type: none"> Promotion of Mental Health Awareness Week 2022 and 2023 seeking to inspire action to promote the message of good mental health for everyone. Themes have included isolation and loneliness and anxiety. Awareness raising of mental health at work and the promotion of the updated Mental Health and Wellbeing policy. Targeted information and resources around specific days throughout the year including when clocks went back and in preparation for the Christmas period. Make 2023 the year you look after you campaign, promoting the Five Ways to Wellbeing, highlighting the role we all have in stopping the stigma often attached to speaking about mental health, signposting support for those with caring responsibilities as well as the menopause, mental health and wellbeing, leave of absence and flexible working policies. <p>Review of jobs appropriate to undertake remotely. During COVID-19, many office-based jobs were required to be delivered from home and the IT infrastructure, management practices and many work-related processes rapidly developed in order to accommodate this.</p> <p>The People Plan 2022-2026 commits to develop a clear integrated strategy setting out how we will exploit the full benefits of mobile and smart technology for the benefit of</p>

Outcome	Progress
	<p>our employees which will be key to the delivery of this action.</p> <p>Hybrid working guidance was issued as a pilot at the start of 2023 and set out a broad framework for services to work within. This framework is based on employees spending a minimum of 40% of their time in their place of work. The pilot was launched in March 2023 and is to be reviewed later this year.</p> <p>It is noted that the pandemic has had a profound negative impact on Scotland's wellbeing, particularly in terms of health, the economy and fair work. This has brought further impacts on already marginalised communities and in many cases exacerbating inequalities such as an increasing reliance on technology, accelerated by the pandemic, can bring new opportunities as well as risks of excluding certain groups where technology is not as accessible.</p>
<p>People in Orkney have an equal opportunity to access and shape public services.</p>	<p>Develop guidance for inclusive engagement and embed within the Council's Community Consultation and Engagement guide and in-house training.</p> <p>The Council's Community Consultation and Engagement Policy was launched in 2019, bringing a greater focus on areas such as engaging with seldom heard groups, peripherality and island-proofing and the Fairer Scotland duty to better consider the impact of socio-economic deprivation on groups.</p> <p>Training sessions have been provided by the Consultation and Engagement Officers Group with topics including consultation and engagement with young people, inclusive communications, making meetings accessible guide and mainstreaming participatory budgeting.</p> <p>Review and develop inclusive practices to support participation in the democratic process.</p> <p>A review of resources and communications was undertaken in the lead up to the local elections in May 2022. Content for the OIC website was developed to improve and increase the information available to community members including general information, news posts, videos and signposting to better inform people on what to expect, how to vote and to explain the voting system changes.</p> <p>All households were written to providing information on current registration to vote and information on postal voting and ongoing communications through a variety of channels were aimed at encouraging people to apply for postal voting if this would be the best option for them. Feedback was</p>

Outcome	Progress
	<p>sought from a number of community groups in terms of increasing the accessibility to polling stations.</p> <p>The overall turnout for the 2022 elections was 48.83%. Nationally, turnout stood at 44.8%, lower than 2017 at 46.9%.</p> <p>Work continues to review resources available nationally to improve the inclusive participation in the democratic process and feedback following the most recent election will also be used to inform any future actions as business as usual.</p> <p>Audit of existing elected office by protected characteristic and prior to an election engage with stakeholders to develop an action plan to promote inclusion.</p> <p>The Council hosted online sessions in early February 2022 aimed at encouraging more women to stand for election to the Council in May 2022. Mind the Gap: Women for Council was delivered in partnership with Elect Her, a non-partisan organisation working to motivate, support and equip women in all their diversity to stand for political office.</p> <p>These sessions, along with additional support information and signposting were promoted through a wider social media campaign aimed at encouraging greater diversity of potential candidates looking to stand for the May 2022 elections.</p> <p>International Women's Day 2022 saw a further opportunity to showcase some of the work that the Council's current Elected Members deliver on. Three of our Elected Members who are women gave their views and experiences of life in the Council Chamber, encouraging people from all walks of life to consider standing for election.</p> <p>Local elections in May 2022, saw an increase in the gender diversity of candidates standing for election in comparison to elections in May 2017, with around 13% increase in female candidates. The election results also reflected greater diversity seeing an increase of around 9.5% in the gender split of Elected Members.</p> <p>Orkney Islands Council had the highest response rate with 71.4%.</p> <p>The Local Government Candidates Survey Report published in November 2022 indicates that further consideration is being given to how the project can be built on. Working with partner organisations and stakeholder groups, next steps will be identified to improve the data</p>

Outcome	Progress
	<p>collection and the representativeness of candidates standing for election in Scotland.</p> <p>Improve accessibility of services provided online through the delivery of the Customer Services Platform and Council Website redesign.</p> <p>The Customer Services Platform (CSP) is providing more accessible information on the Council and its services with the ability to carry out transactions on a 24/7 basis. This provision runs alongside the option for non-digital alternatives to provide choice to customers and greater flexibility of accessibility.</p> <p>COVID-19 had a significant impact on the ability to deliver face-to-face services and drove local authorities to deliver services in very different ways, for most; almost entirely digitally which helped to produce further insight into continuing inequalities in this area.</p> <p>During this time, to mitigate digital exclusion, many mobile devices and digital skills support were provided to communities, however, poor connectivity and poor mobile coverage remained significant challenges for delivery of some services across Orkney.</p> <p>Organisational priorities outlined in Our People, Our Plan and new Council Plan include improvement to connectivity with an emphasis on improving life for everyone in Orkney covering both digital and transport connectivity.</p> <p>The refreshed Digital Strategy focuses on three core strategies with Digital Local Government and Services being one of them. This core area sets out clear aims to ensure that all public service are designed through the lenses of isles proofing and inclusion more broadly which is key to the continuing improvement of accessibility to online services. The Digital Strategy Delivery plan is in development and has been shaped by the commitments outlined in the Council Plan.</p> <p>Improvements have been made to the structure of the Council website following feedback and work in this area is ongoing. The Website User Guide provides information on how to get the best out of the website highlighting the Recite Me Accessibility software, how to download Adobe Acrobat Reader and how to access information in alternative formats. There is a How to use our website video which takes the user through how to navigate the website and how to make use of the accessibility features.</p>

Outcome	Progress
	<p>The Accessibility section of the Council website provides further information and signposting to services such as AbilityNet and Contact Scotland BSL.</p> <p>A Customer Services public survey was launched and service user satisfaction levels are routinely invited through the use of the Customer Services Platform. The Customer Services survey in 2022 was also used to seek feedback from customers who still come to the Council Offices rather than utilise the 24/7 MyOrkney online services. The results highlighted that an area of improvement is an easier to navigate website and work continues to take this forward.</p> <p>Weekly training sessions for the Customer Services Advisers has been introduced to increase the breadth of service knowledge and to improve the customer experience. Sessions have included team training on the Customer Services Platform – customer accounts, duplicate records, Self/MyOrkney and MyGovScot for customer access.</p> <p>Customer Services Advisers are also able to help customers set up accounts on the MyOrkney online portal and show them how to record and track requests. This support is offered either in-person or by telephone.</p> <p>Audit existing processes for recording personal information to ensure it is inclusive of gender identity requirements.</p> <p>The Council recruitment processes were reviewed following the revised Census 2021 data collection in this area and now mirrors these categories to improve recruitment reporting. This has required work to align categories through My Job Scotland as well as develop the internal systems to reflect these updated data collection categories.</p> <p>The next phase of this work is to further develop the reporting availability for diversity data and to improve the disclosure rates internally.</p> <p>There has been wide-ranging work at a national level in this area of data collection. Research on equality data collection has been published in the Understanding Equality Data Collection in the Scottish Public Sector report, commissioned by the Scottish Government. This report reviews the barriers and challenges in relation to sex and gender. There is ongoing development work through a Scottish Government Working Group looking at the way data on sex and gender is collected and published and guidance has now been published.</p> <p>A review of the collection of equalities data has begun in some areas including HR and Community, Learning,</p>

Outcome	Progress
	<p>Development and Employability. This review aims to with a model of best practice, provide robust and consistent methods of equality data collection that can be adopted across the organisation, and will enable better benchmarking.</p> <p>Implementation of British Sign Language local plan in partnership with OHAC.</p> <p>The British Sign Language (BSL) local plan was developed in partnership with OHAC and Orkney College UHI and was launched in October 2018.</p> <p>The BSL Progress group meets on a monthly basis to progress the actions within this plan. The primary focus for this group has been centered around actions relating to children and young people and education. Resources have been purchased for each of the schools and training has been delivered around BSL.</p> <p>Some of the key actions delivered include:</p> <ul style="list-style-type: none"> • BSL pendrive training resource provided to all schools. • BSL and hearing support resources regularly provided to Nurseries. • Delivery of short online BSL courses at Stromness Academy and Kirkwall Grammar School. • Let's Sign established as the resource to be used in Orkney Schools and resources regularly updated and shared. • Support Deaf Awareness Week to continue to raise awareness and set challenges on finger spelling. • Class signing projects with signed stories and signed songs. • S3 Wider Achievement BSL class delivered at Kirkwall Grammar School. • A group of S3 KGS students have been awarded National 3 Introduction to BSL. • Lunchtime informal group of signers meet at KGS. • 10 people undertook a six-week introductory BSL course delivered by a Deaf BSL instructor. • 6 people including one student at KGS have completed the Level One BSL course. <p>This ongoing work is creating an impact with one KGS pupil planning to study BSL as a career option. These BSL skills have also been put to the test when a group of six tourists who were all deaf visited the Italian Chapel where one of the Level One BSL course attendees was working. Having the recently acquired BSL skills meant that the group were</p>

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	<p>able to benefit from a far more inclusive experience visiting one of Orkney's iconic tourist attractions.</p> <p>The BSL Progress group will continue to engage with other areas of the organisation to offer support and guidance to support the delivery of the actions identified within the BSL Local Plan.</p> <p>Consult with taxi and private hire car operators and the public to identify any unmet need in relation to wheelchair accessible vehicles and promote a list of wheelchair accessible vehicles on the Council website. Consultation was undertaken and a list containing details of providers with wheelchair accessible vehicles is available on the Council website.</p> <p>There continue to be three providers of Private Car Hire / taxi wheelchair accessible vehicles on the list.</p>

Appendix 2 - Equalities monitoring data

Employee diversity and monitoring

Employees can update their own personal information held on the electronic HR system My View. This includes the ability to update details relating to the protected characteristics and can be updated at any time through the self-service system.

The council undertakes its equality duty to monitor and report on specific information about staff to help identify any trends and to address any identified inequalities. Whilst employees are asked to keep their diversity information up to date, the council recognises that this is voluntary and not all staff choose to disclose all information. Increasing disclosure rates on the diversity of our workforce is ongoing work.

There have been significant changes in the diversity data process over the past year with reporting categories changing to match the revisions for the Census 2022. There have also been extensive developments within the HR System My View, to enable electronic reporting of this data which has previously been a partially manual process. Information can now be recorded on caring responsibilities and additional data is collected on long term health conditions. Disclosure rates for sex are showing as low in this report as the data recording process has changed and there is a gap for many of the long-term workforce with data in this area previously recorded under gender rather than sex. Overall comparisons with previous years' reporting data are difficult due to the changes in category reporting however, these figures have been taken into account in the analysis of any trends in the key messages section of this report. Further analysis will be undertaken as disclosure rates increase with the ability to now access diversity reporting on demand.

Plans are in place to increase disclosure rates for all diversity data through regular communications, starting with key messaging during National Inclusion Week in late September of this year. The newly launched online Induction programme also highlights the requirement to complete the diversity data section on My View, along with the need to keep this up to date.

Our workforce – key messages

In the first year of reporting caring responsibilities, 19.7% of non-teaching employees and 17.1% of teaching employees have indicated yes. It is noted that disclosure rates represent slightly less than half of the workforce in this area.

Our workforce profile relating to sex shows that the largest percentage of employees at Orkney Islands Council is female, reflecting the trends within the wider public sector. We have a very small percentage (0.1%) of employees who identify as transgender although disclosure rates are low in this area.

The ethnicity breakdown of our workforce remains similar to previous years with a slight decrease in the number of non-teaching employees being White Scottish. A slightly higher proportion are from ethnic minority groups in comparison to previous years.

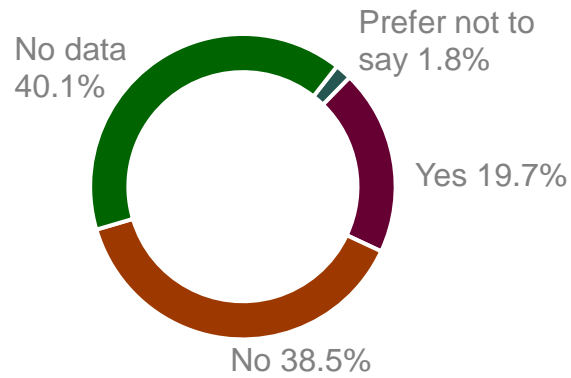
5.4% of general staff at the council have declared a disability along with 4.7% of teaching staff. This is an increase from previous years' figures. The highest figures relating to long-term health conditions are long term illness / disease / condition and mental health conditions. Data relating to new starts are similar in representation, although are slightly higher for leavers.

Among those employees who have declared their religion or belief, the majority have no religion or are Church of Scotland. Declaration rates for this area have increased by 3.4% for non-teaching employees and have remained similar for teaching employees.

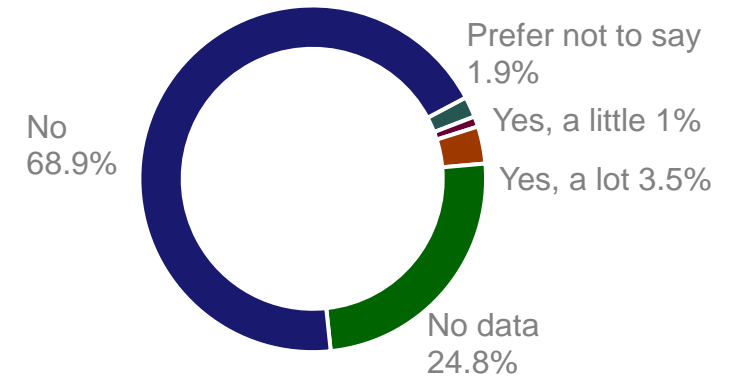
Of those who have shared information relating to their sexual orientation the majority of employees identify as heterosexual although this percentage has dropped slightly from previous years.

About our workforce

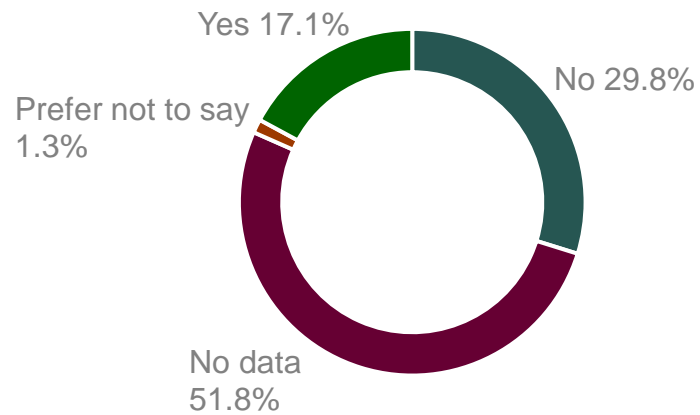
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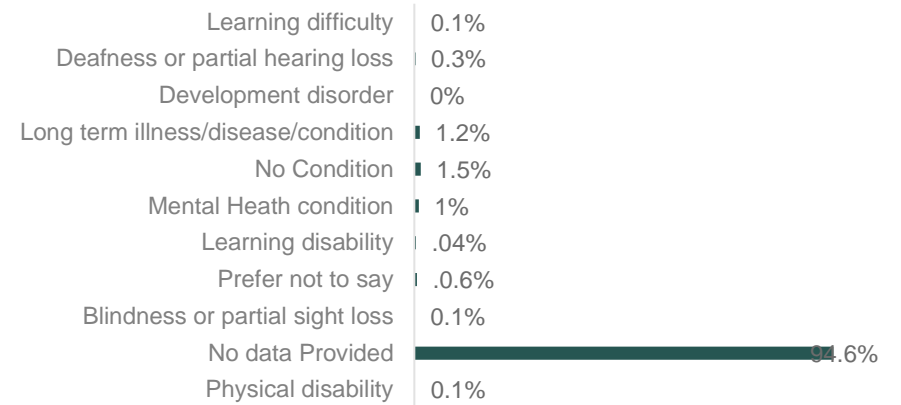
Disability - Non teaching all staff



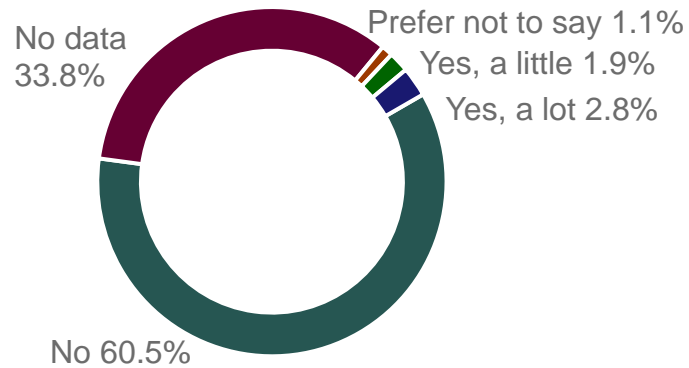
Carers - Teaching all staff



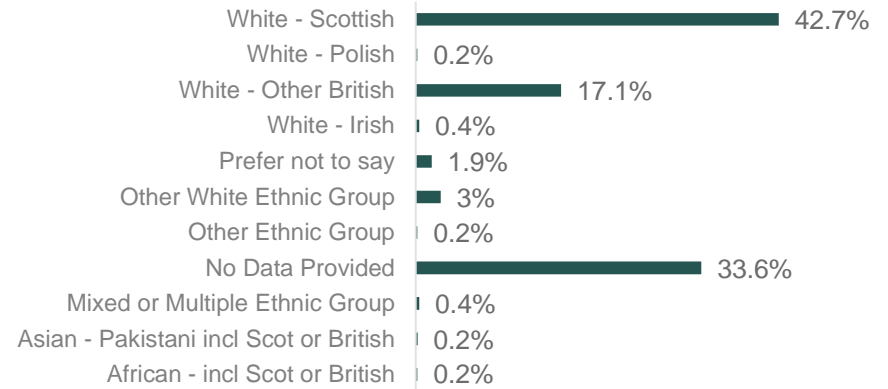
Health condition - Non-Teaching all staff



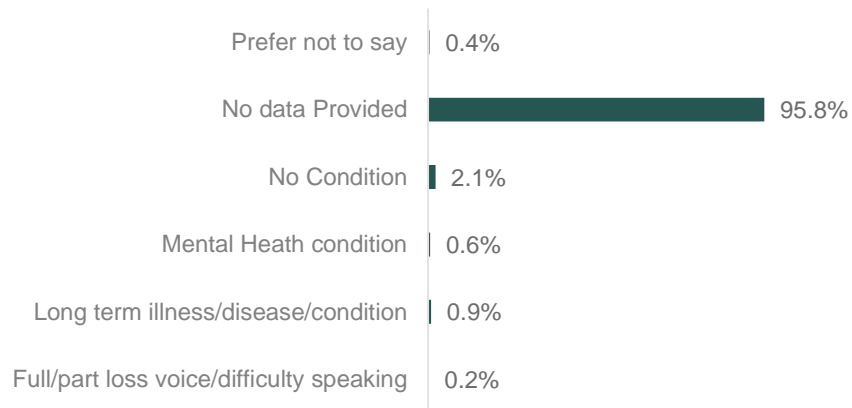
Disability - Teaching all staff



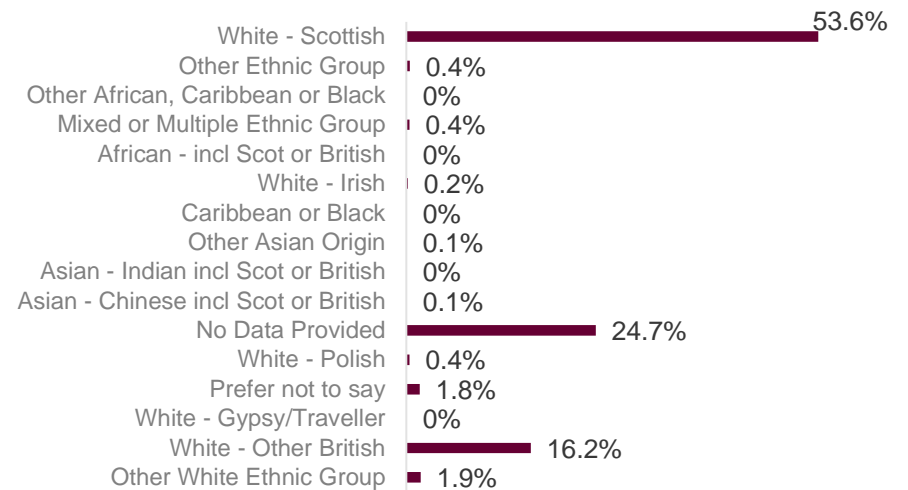
Ethnicity - Non-Teaching all staff



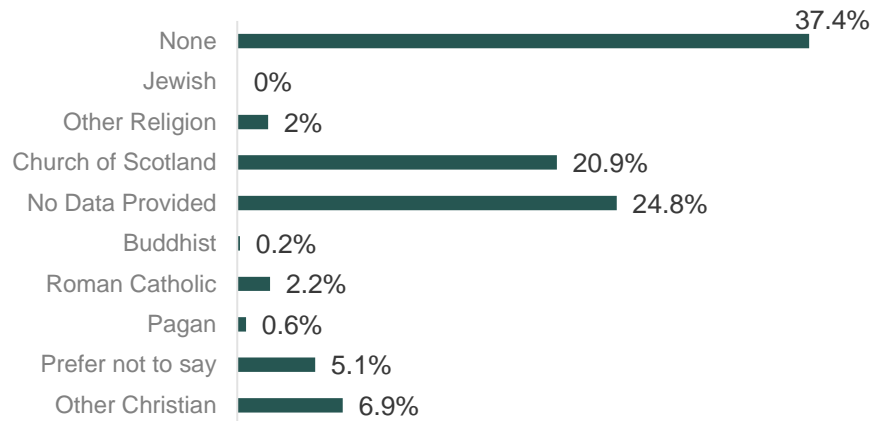
Health condition - Teaching all staff



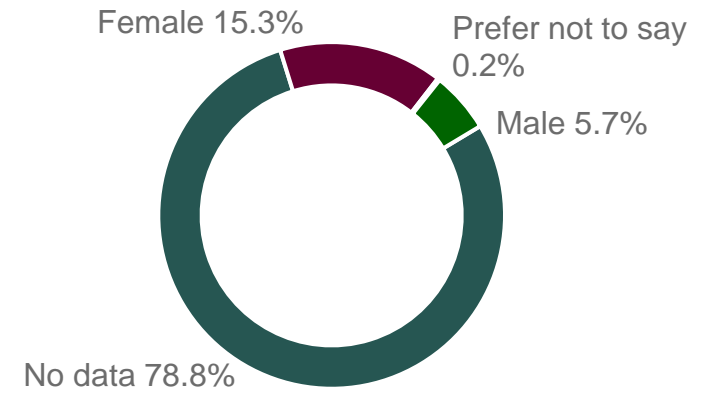
Ethnicity - Non teaching all staff



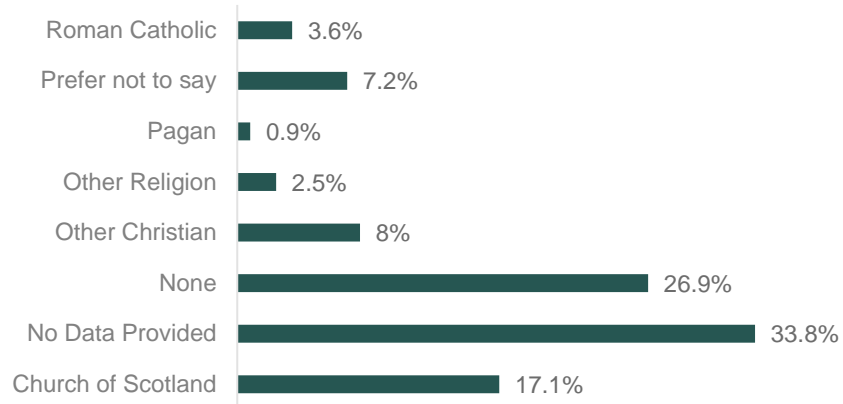
Religion - Non teaching all staff



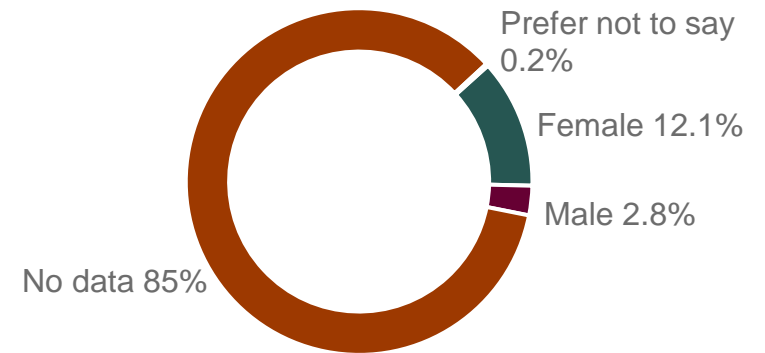
Sex - Non-Teaching all staff



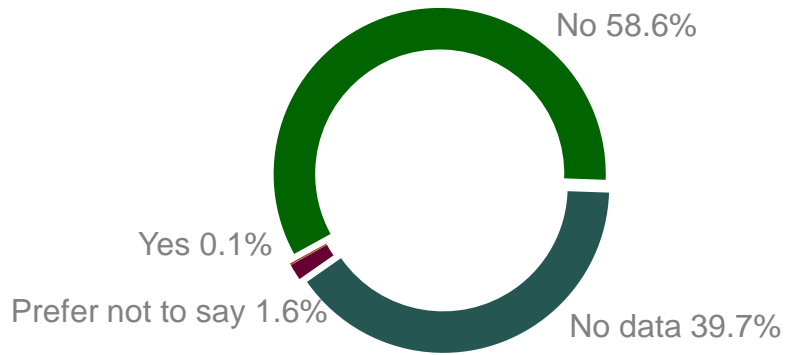
Religion -Teaching all staff



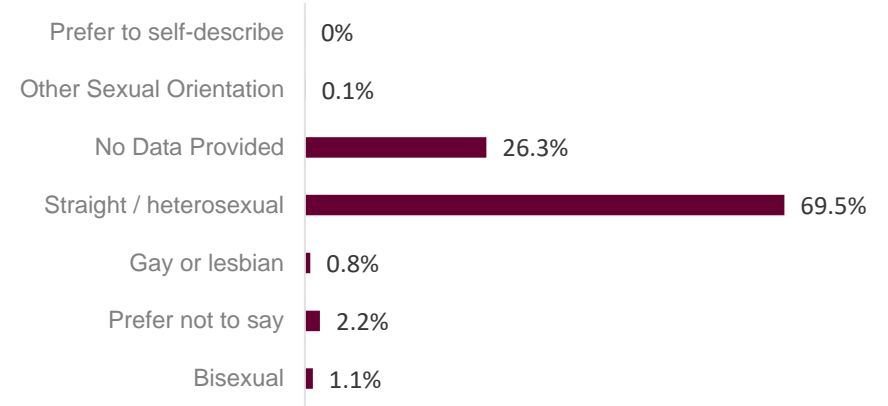
Sex - Teaching all staff



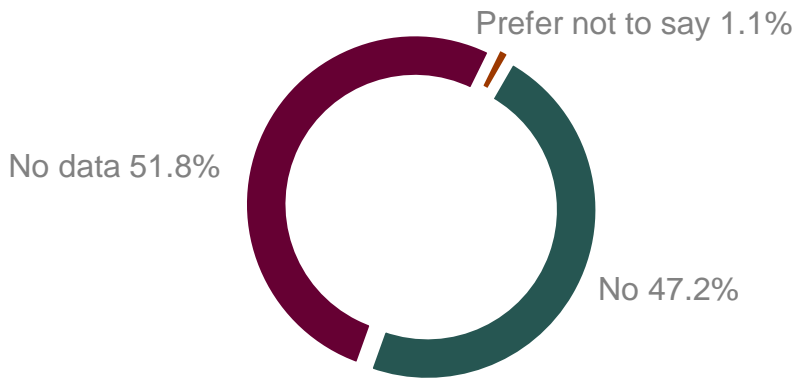
Transgender - Non teaching all staff



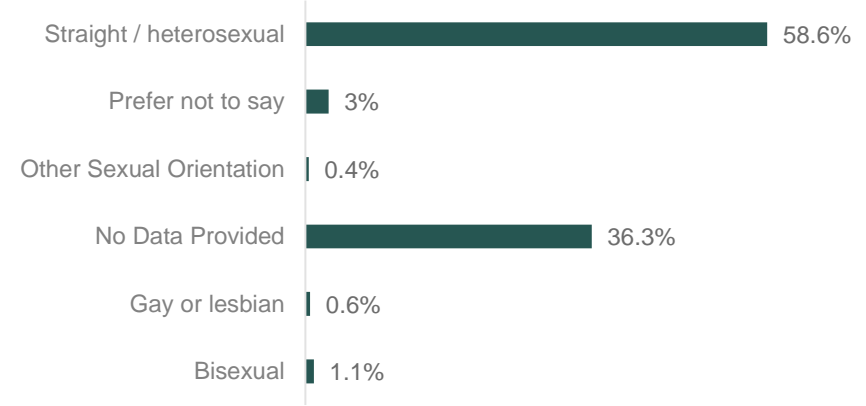
Sexual Orientation - Non teaching all staff



Transgender - Teaching all staff

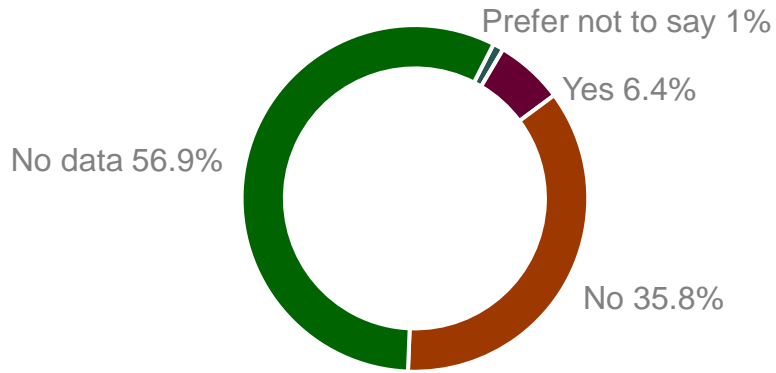


Sexual Orientation - Teaching all staff

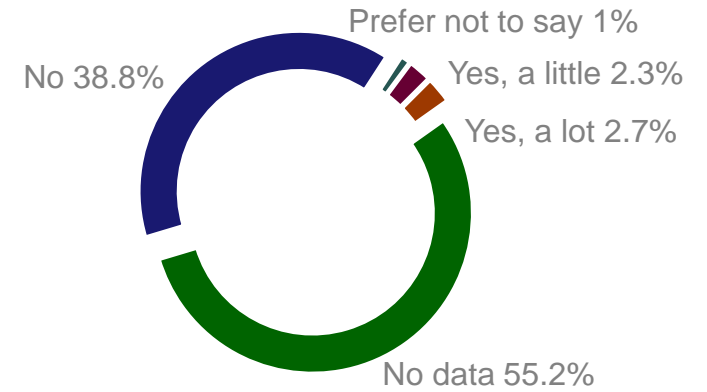


New Starts

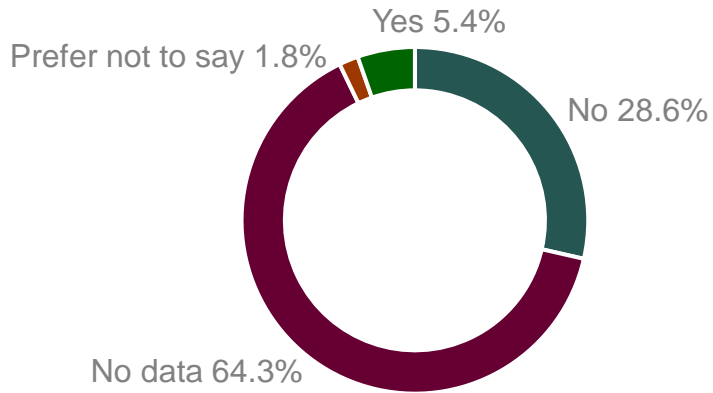
Carers - Non teaching new starts



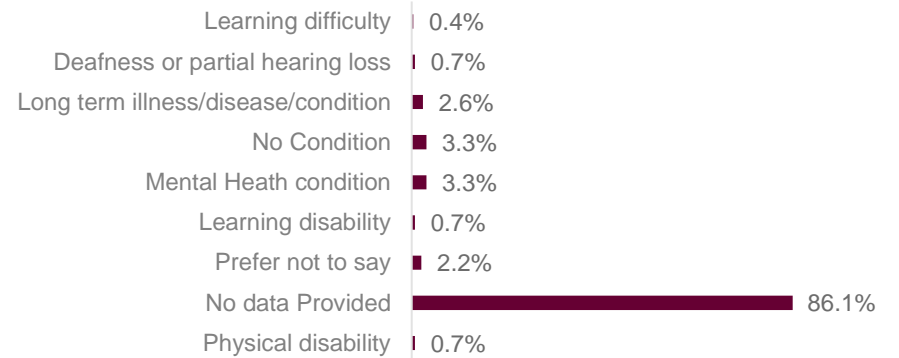
Disability - Non teaching new starts



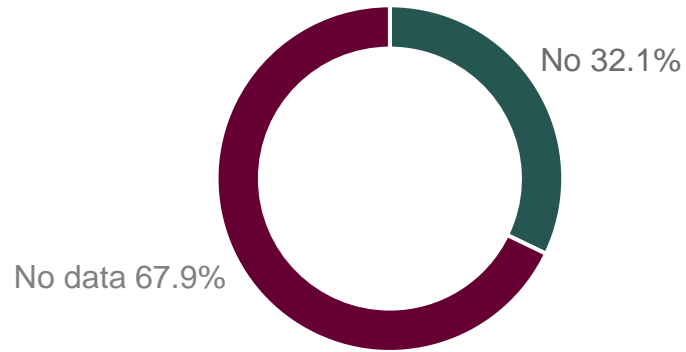
Carers - Teaching new starts



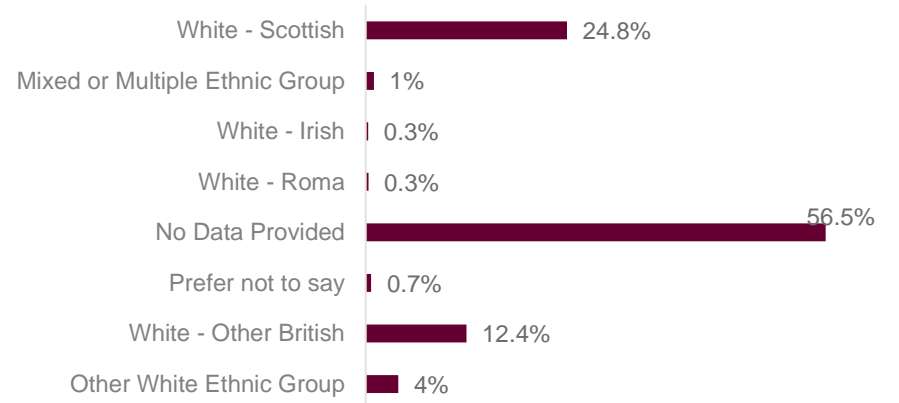
Health condition - Non-Teaching new starts



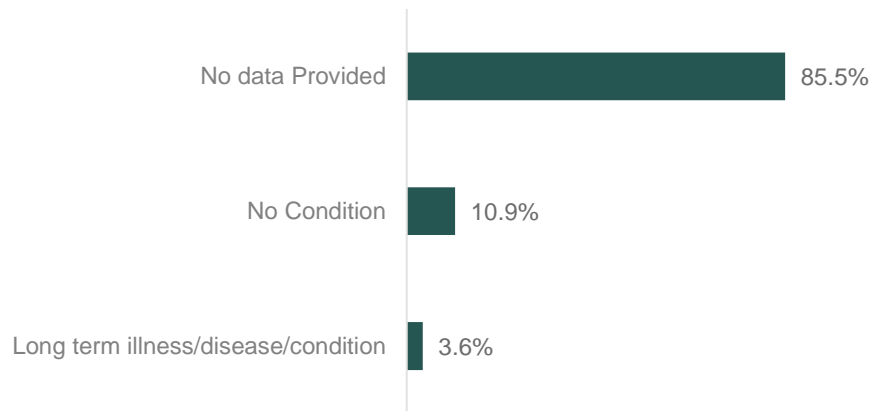
Disability - Teaching new starts



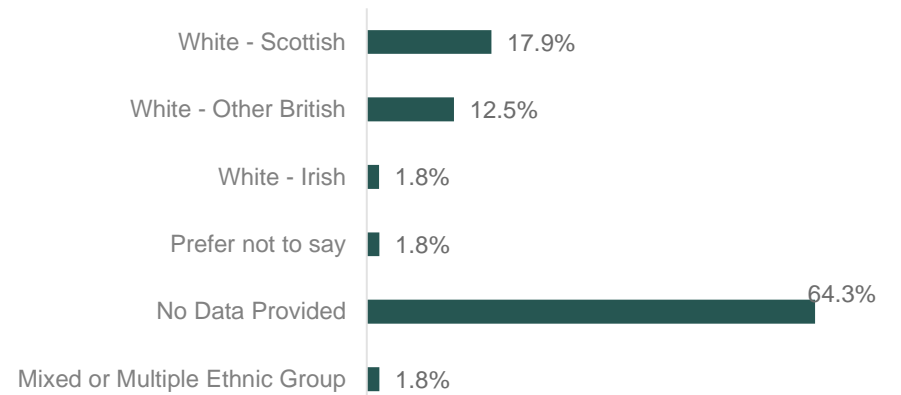
Ethnicity - Non-Teaching new starts



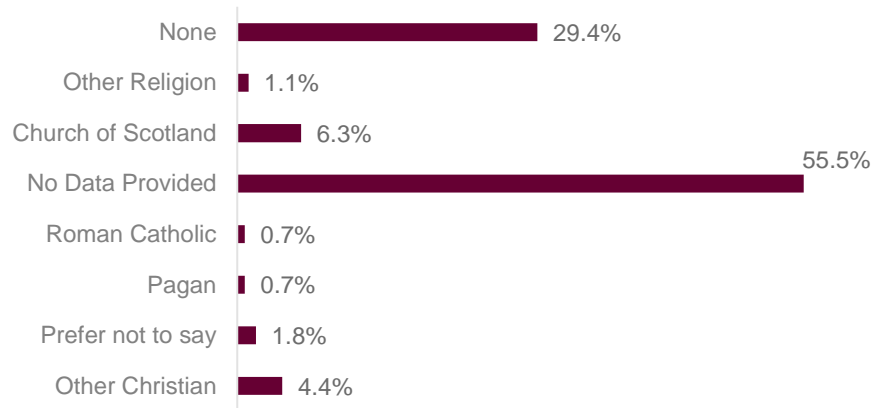
Health condition - Teaching new starts



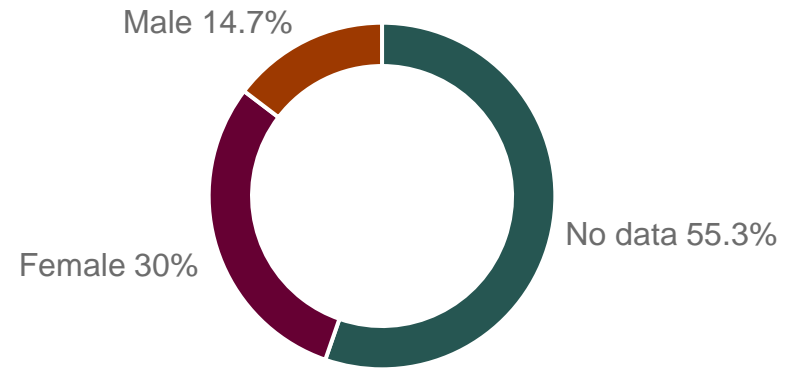
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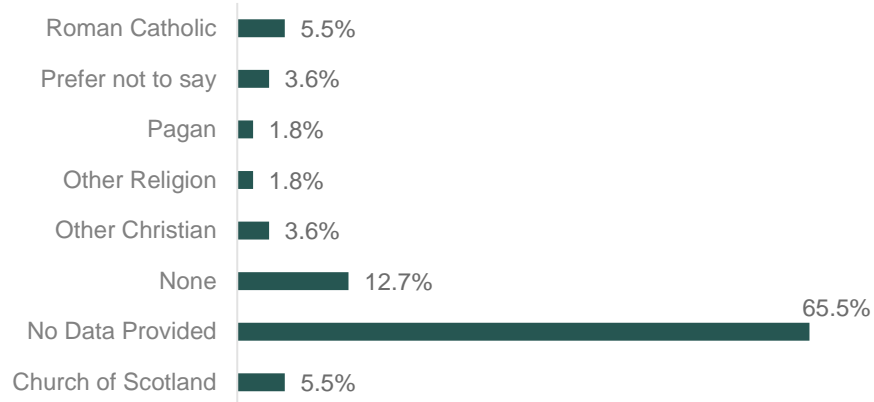
Religion - Non-Teaching new starts



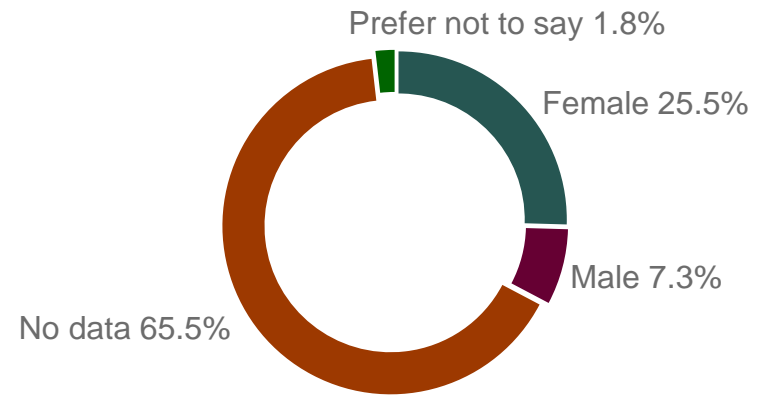
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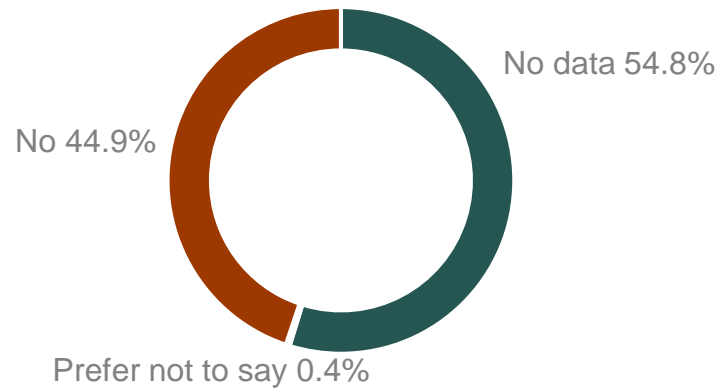
Religion - Teaching new starts



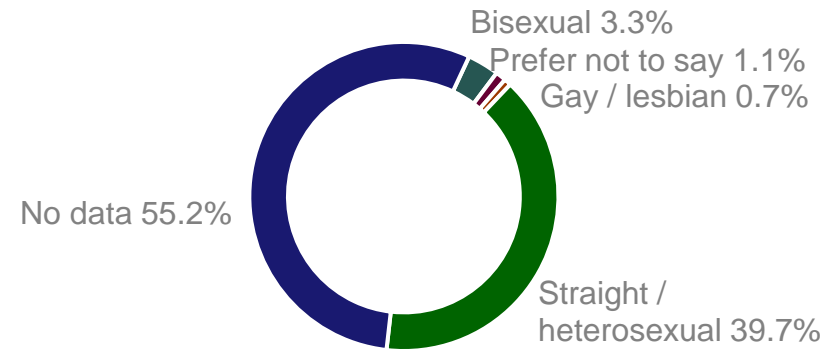
Sex - Teaching new starts



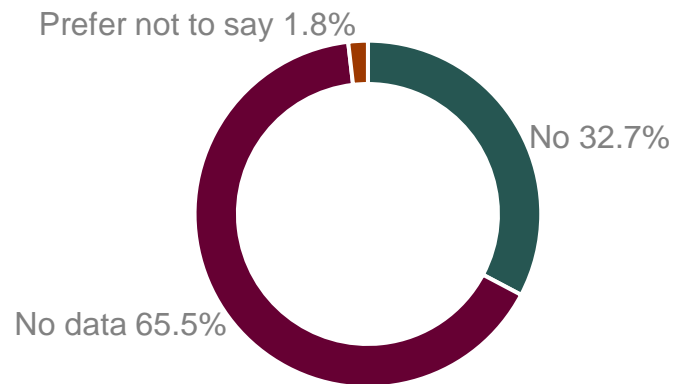
Transgender - Non teaching new starts



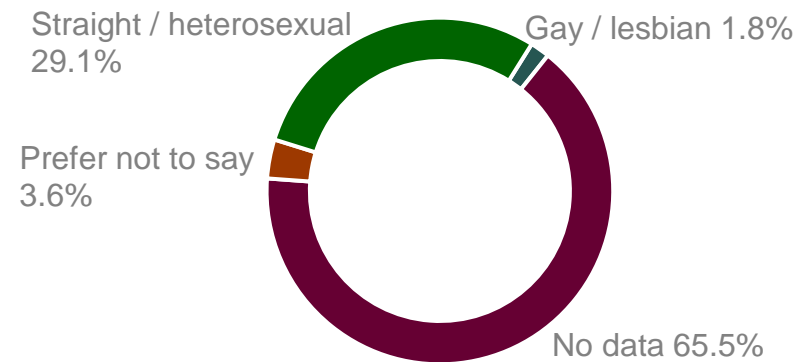
Sexual Orientation - Non teaching new starts



Transgender - Teaching new starts

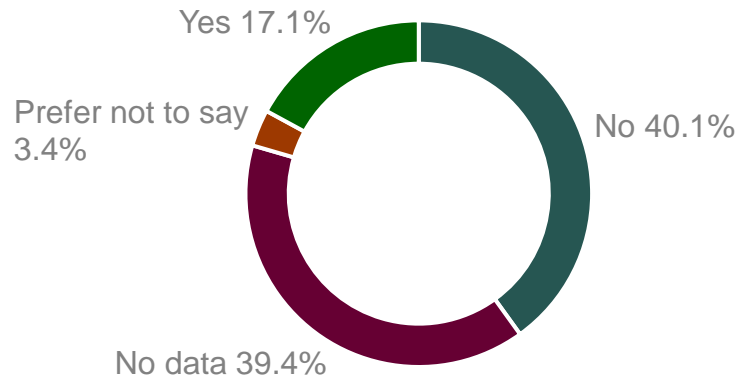


Sexual Orientation - Teaching new starts

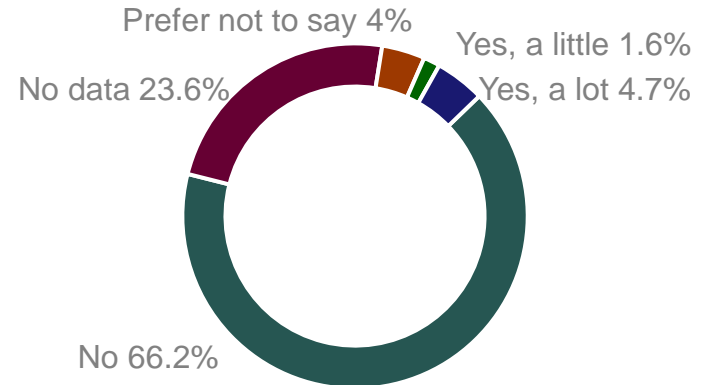


Leavers

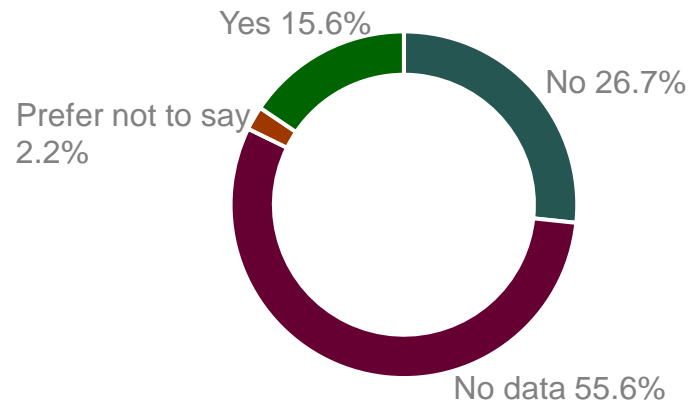
Carers - Non-Teaching leavers



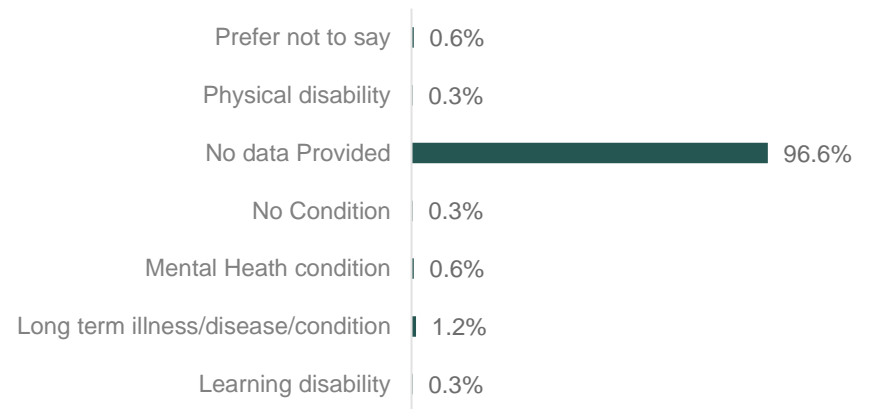
Disability - Non teaching leavers



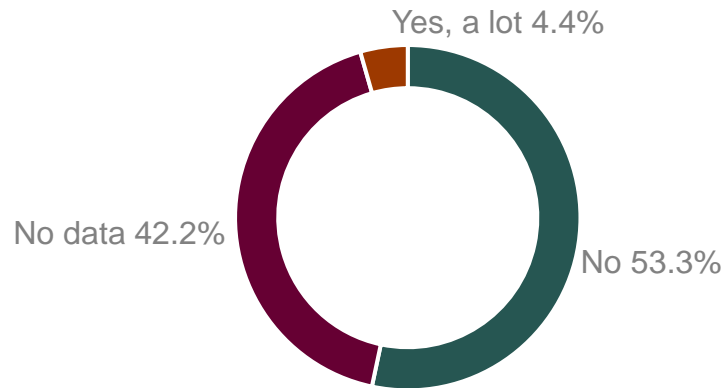
Carers - Teaching leavers



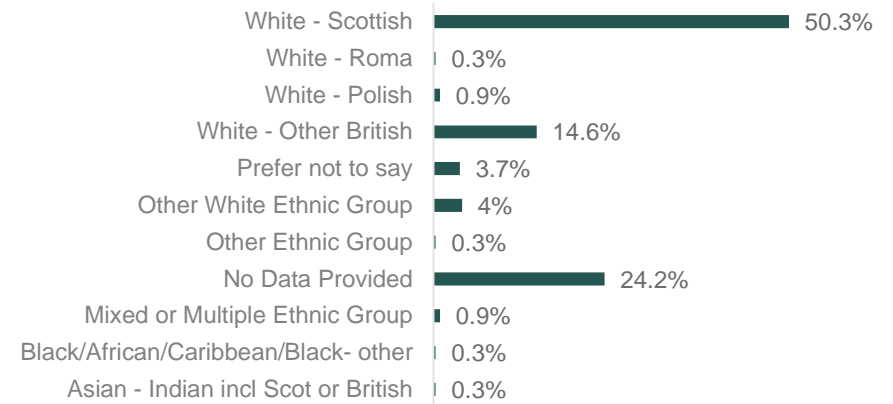
Health condition - Non-Teaching leavers



Disability - Teaching leavers



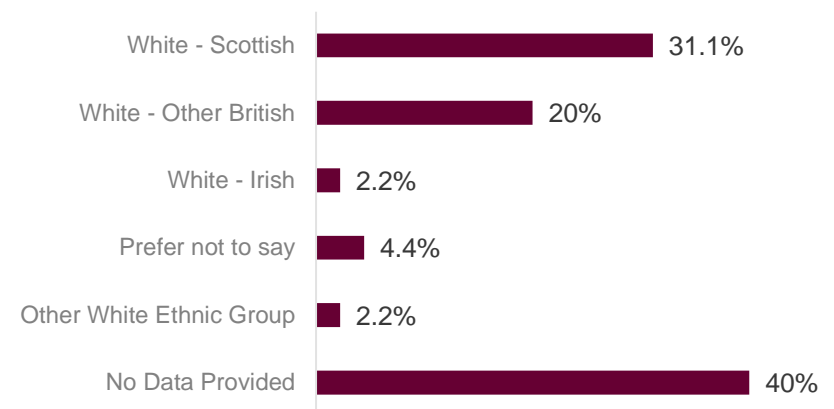
Ethnicity - Non-Teaching leavers



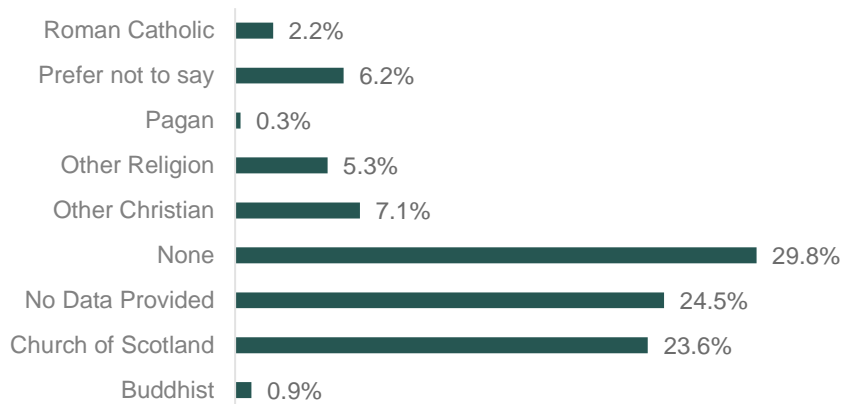
Health condition - Teaching leavers



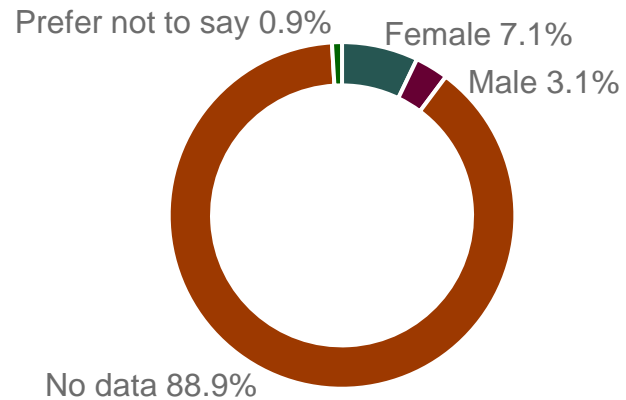
Ethnicity - Teaching leavers



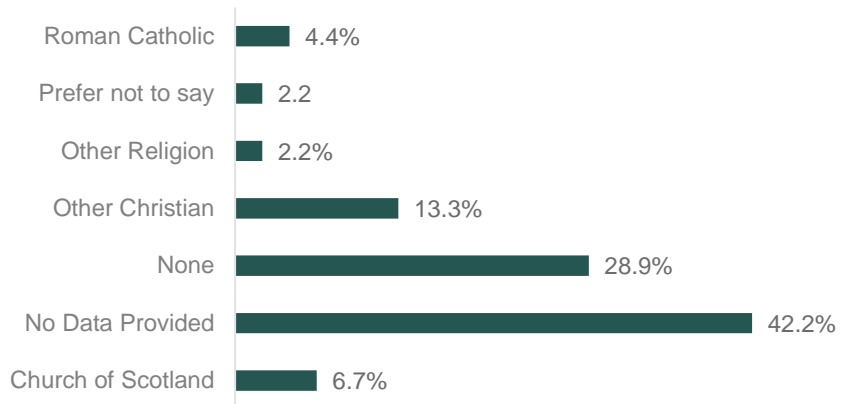
Religion -Non-Teaching leavers



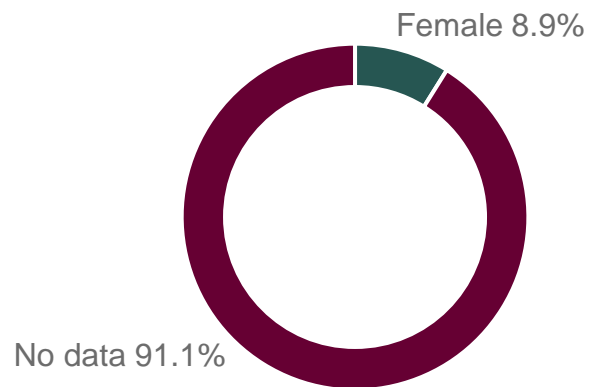
Sex - Non-Teaching leavers



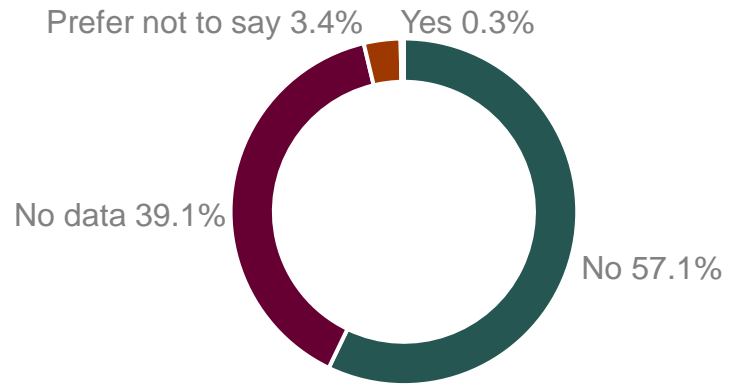
Religion -Teaching leavers



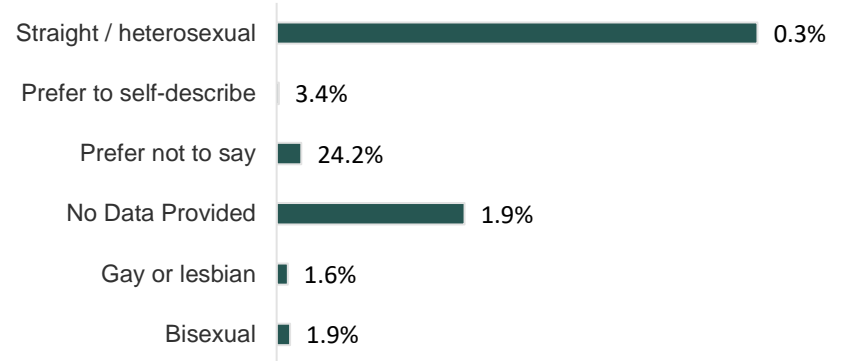
Sex - Teaching leavers



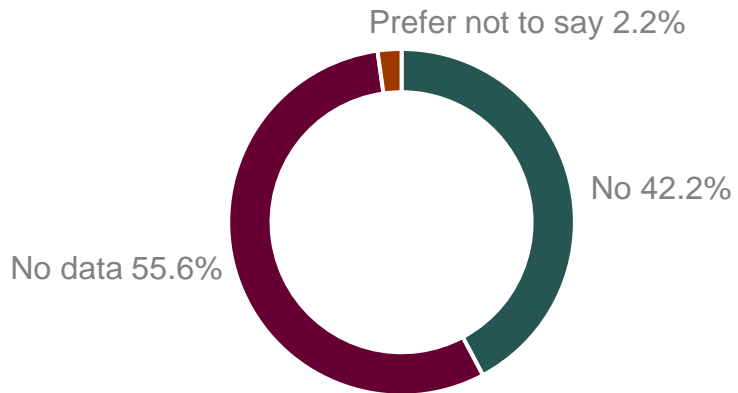
Transgender - Non Teaching leavers



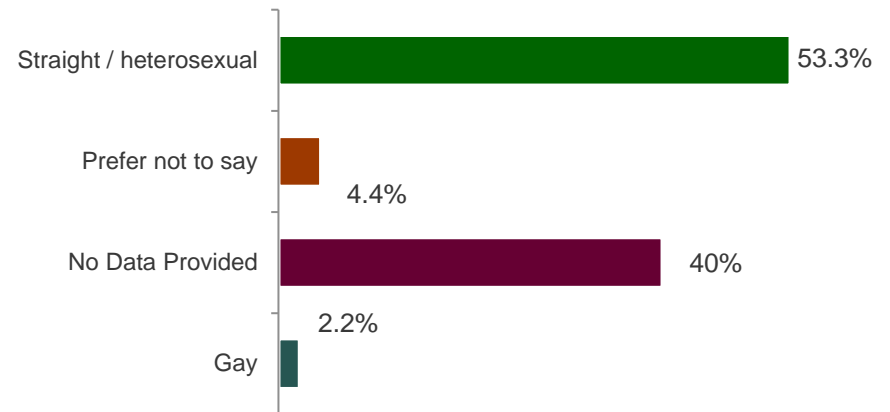
Sexual Orientation - Non Teaching leavers



Transgender - Teaching leavers



Sexual Orientation - Teaching leavers



Statement of Alcohol Licensing Policy

Orkney Islands Area Licensing Board

Licensing (Scotland) Act 2005

November 2023 – November 2028

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Definitions

Definitions: In this Statement the following words shall have the meaning set out:

- “the Act” means the Licensing (Scotland) Act 2005 as amended from time to time.
- “the 2015 Act” means the Air Weapons and Licensing (Scotland) Act 2015 as amended from time to time.
- “the Board” means the Orkney Islands Area Licensing Board constituted in terms of section 5 and schedule 1 of the Act.
- “the Council” means Orkney Islands Council constituted in terms of the Local Government etc. (Scotland) Act 1994 and subsequent legislation.
- “the LSO” means the Licensing Standards Officer(s) appointed by the Council in terms of section 13 of the Act.
- “the Police” means Police Scotland, which reference throughout this document includes reference to the Police Service of Scotland.
- “the 1982 Act” means the Civic Government (Scotland) Act 1982 as amended from time to time.
- “Guidance” means the Guidance for Licensing Boards and Local Authorities issued by the Scottish Ministers in terms of section 142 as amended from time to time.

The Board has adopted the following definition of a voluntary organisation:

- “An independent organisation established for purposes that add value to the community as a whole and which is not permitted, by its constitution, to make a profit for private distribution. Such an organisation does not include local government, other public bodies or statutory authorities. It is an organisation formally constituted, self-governing and primarily non-commercial.”

In terms of the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, “adult entertainment” means any form of entertainment which:

- involves a person performing an act of an erotic or sexually explicit nature; and
- is provided wholly or mainly for the sexual gratification or titillation of the audience.

Preamble

- 0.1. In terms of section 6 of the Act, licensing boards, once appointed following local government elections, must publish, within a period of 18 months, following ordinary local government elections, a statement of their policy to assist in the implementation and administration of the licensing of the sale and supply of alcohol within their area and to outline the way they intend to exercise their functions under the Act.

- 0.2. 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. Details of consultees are provided in paragraph 2 of this policy. 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.
- 0.3. In preparing this policy, the Board has had due regard to the guidance issued by the Scottish Government. In particular, the Board has 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 and young persons from harm.
- 0.4. 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.
- 0.5. You can contact the Licensing Board offices:
- by email to: licensing@orkney.gov.uk;
 - by fax to: 01856 871604;
 - by telephone to: 01856 873535 extensions 2232 or 2229;
 - in writing to: Clerk to the Licensing Board, Strategy, Performance and Business Solutions, Orkney Islands Council, Council Offices, Kirkwall, Orkney KW15 1NY.
- 0.6. Comments on this policy must be submitted in writing by email or letter. Paper and electronic copies of this statement are also available on request from these email or postal addresses.
- 0.7. Comments will be made public.
- 0.8. If assistance is required, please discuss this with any member of staff, who will be glad to help.
- 0.9. All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format, please contact us at the above telephone number or email or postal addresses.
- 0.10. During the consultation period, this document will be published at <https://www.orkney.gov.uk/News> and will be available for inspection at the Council Offices, Kirkwall, Orkney between 09:00 and 17:00 Mondays to Fridays.

- 0.11. The final document, following adoption, will be published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>
- 0.12. The consultation period commenced from 22 June 2023 and ran until 25 August 2023. The policy will be applied for the relevant period. This will be from the date agreed by the Board until a period of 18 months following the next ordinary local government elections. It will be kept under review and be subject to ongoing consultation with stakeholders and revised, if appropriate, by the issue of supplementary statements, during its currency.

Section A – General

1. Introduction

- 1.1. The Board is a licensing authority for the purposes of the Act and is responsible for granting:
- extensions of licensing hours;
 - occasional licences;
 - premises licences;
 - personal licences;
 - provisional licences;
 - temporary licences;
 - transfers of licences; and
 - variations of licences,
- in respect of:
- the sale of alcohol by retail for consumption on or off premises;
 - the supply of alcohol in members' clubs.
- 1.2. Orkney comprises 70 or so islands and skerries, of which up to 19 may be inhabited depending on the time of year. Based on National Records of Scotland mid-year population data for 2021, Orkney had an estimated population of 22,540, the majority of whom (around 19,740) lived on the main island called Mainland and the linked south isles, while approximately 2,800 people lived on the north and south ferry-linked isles. The main population centres are located on Mainland. They are: Kirkwall, with an estimated population of 8,400 (2021) and Stromness with an estimated population of 2,100 (2021).
- 1.3. At the time of preparation of this statement of Policy, there were 105 premises licences in force within the Board's area, being 14 on-sales, 36 off-sales, 46 both on and off-sales and 9 members' clubs.
- 1.4. At the time of preparation of this statement of Policy, there were 285 personal licences in force within the Board's area.
- 1.5. 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.
- 1.6. The Board publishes a considerable amount of information, including requirements relating to layout plans, application forms, guidance, fire safety checklists and fees at:
https://www.orkney.gov.uk/Service-Directory/L/Alcohol_Licensing.htm
- 1.7. The Act requires the Board to publish annual reports in relation to its Financial Information and Functions. These are published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>

- 1.8. The Act requires the Board to publish Registers of specific information. The Board's Registers of premises and personal licences are published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/C/Current-Register-of-Premises.htm>
- 1.9. The Board's Registers of occasional licences are published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/O/Occasional-Licences.htm>
- 1.10. Information about the members of the Board, together with agendas, reports and Minutes relating to meetings of the Board, are published through links from the following webpage:
<https://www.orkney.gov.uk/Council/C/orkney-islands-area-licensing-board.htm>
- 1.11. 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 and young persons from harm.
- 1.12. 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 must be based on an objective or a combination of the objectives.
- 1.13. The Act further requires that the Board publish 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.
- 1.14. The Board is required to have regard to the Guidance issued by the Scottish Government 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;
 - persons having functions relating to health, education or social work;

- young people; and
- persons resident within the forum's area.
- The relevant health board.
- Such other persons as the Board thinks appropriate.

Details of specific consultees are provided at paragraph 2.1 of this policy.

- 1.15. This policy has been prepared in accordance with the provisions of the Act. It will be applied for the relevant period. This will be from the date agreed by the Board until a period of 18 months following the next ordinary local government elections. It will be kept under review and be subject to ongoing consultation with stakeholders and revised, if appropriate, by the issue of supplementary statements, during its currency.
- 1.16. This policy covers a wide variety of activities and premises including public houses, restaurants, nightclubs and private members' clubs, 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.
- 1.17. 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 and street cleaning;
 - designating parts of the local authority area as places where alcohol may not be consumed publicly
<https://www.orkney.gov.uk/Council/C/drinking-in-public-places-in-kirkwall.htm>;
 - enforcement of the 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 or those who are underage.

- 1.18. 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. The policy 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.
- 1.19. If there are no grounds for refusal, the Board must grant the application.

2. Consultation and Links to Other Policies, Strategies and Legislation

- 2.1. 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 account of the views of:
- Alcohol Focus Scotland.
 - Citizens Advice Bureau (Orkney).
 - Community councils.
 - Holders of premises licences throughout Orkney.
 - Licensing Standards Officer.
 - Local firms of solicitors.
 - Local Licensing Forum.
 - NHS Orkney.
 - Officials of the Council in respect of planning, building standards, environmental health, education, social services and housing.
 - Orkney Alcohol and Drugs Partnership.
 - Orkney Public Protection Committee.
 - Orkney Partnership.
 - Orkney Health and Social Care Partnership.
 - Police Scotland.
 - Residents via a public notice on www.orkney.gov.uk.
 - Scottish Beer and Pub Association.
 - Scottish Fire and Rescue Service.
 - Scottish Licensed Trade Association.
 - Visit Scotland (Kirkwall Office).
 - Voluntary Action Orkney.
- 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 the Council.

- 2.3. The Human Rights Act 1998 incorporated the European Convention on Human Rights into United Kingdom law and makes it unlawful for a public 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.
- 2.4. The Freedom of Information (Scotland) Act 2002 requires licensing boards to publish information on the basic structure of the board, how it is administered, details of the type of information available to the public and how it can be accessed. The Board's publication scheme, setting out this information, is published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>.
- 2.5. The Board also has responsibility for certain licensing functions under the Gambling Act 2005. The Board's statement of policy in respect of the exercise of its functions under that Act is contained in a separate document published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>.
- 2.6. The Board recognises its responsibilities under the Equality Act 2010 and related legislation. The Board's Equality data and outcomes are reported together with those of the Council and Education Authority. The reports and outcomes are published in the Related Downloads section of the following webpage:
<https://www.orkney.gov.uk/Council/C/Equality-and-Diversity.htm>.
- 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. The Board will avoid duplication with other regulatory regimes and will not use its powers under the Act 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 the 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 the 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. The Act requires 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 is a presumption of 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. Where this is the case, operating plans should make reference to those planning conditions.
- 2.13. 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.
- 2.14. 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.
- 2.15. 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.
- 2.16. The Board will maintain effective communication with the Orkney Alcohol and Drugs Partnership. The importance of such cooperation is recognised as part of the wider alcohol agenda.

- 2.17. 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. Information about the Local Licensing Forum is published at <https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Licensing-Forum.htm>.
- 2.18. The Council publishes agendas, reports and Minutes relating to meetings of the Orkney Local Licensing Forum through links on the following webpage: <https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Licensing-Forum-Agendas-and-Reports.htm>.

3. Applications for Premises Licences and Disposal of Business

- 3.1. The Board will not accept any premises licence application which fails to satisfy statutory requirements as to matters to be included in or to accompany an application. Any such application will be returned to the applicant. The Board holds plans of premises electronically and encourages all applications to be accompanied by an electronic copy of any plans to be submitted.
- 3.2. With reference to section 123 of the Act (Excluded Premises), the Board determined in 2007 that 22 garages subject to off-sale licences at the time of drafting its first policy served a wider local function or were a required community resource. No applications for new petrol filling station premises have subsequently been received. Such applications will be considered on their merits to determine whether they would serve a similar function. In general, premises used as a garage or which form part of a garage shall be excluded from obtaining a licence.
- 3.3. With reference to section 125 of the Act, members' clubs are regulated under the Act and a premises licence is required to authorise the sale of alcohol.
- 3.3.1. The Scottish Government acknowledges that it would be reasonable to reflect their special characteristics. In order to benefit from the exemptions available members' clubs require to meet the criteria prescribed in the Licensing (Clubs) (Scotland) Regulations 2007 (<https://www.legislation.gov.uk/ssi/2007/76/contents/made>).
- 3.3.2. When members' clubs apply to the Board they require to provide a copy of their Constitution and Rules to show that they comply with the criteria referred to above in order to benefit from the exemptions.

- 3.3.3. Members' clubs are subject to the same provisions regarding access by children as any other licensed premises. They require to specify in their operating plans whether or not it is proposed that children and young persons are to be allowed entry to the premises and, if so, to specify the terms, the times, the ages of such children and the parts of the premises to which they would be permitted access.
- 3.3.4. The Board considers that the following would be good practice:
- clubs should keep their constitutions updated and, when revised, submit a copy of the revised constitution to the Clerk; and
 - at least two members of staff or committee members or volunteers involved in the management of the club should obtain a training qualification to the standard required by personal licence holders.
- 3.4. The Board will dispose of its business in an open and transparent manner. Hearings will be conducted in as informal a manner as possible. Guidance will be made available to those persons who wish to apply for a licence, to make representations or to lodge objections. 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. A statement of agreed procedures for Board meetings is attached at Appendix 1.
- 3.5. The Board will generally operate in the Chamber of the Council Offices. However, circumstances may dictate that the Board will operate elsewhere on occasion. The Board will comply with timescales laid down for dealing with applications. The Board meets on a regular basis and the meeting dates are published at <https://www.orkney.gov.uk/diary-of-council-meetings.htm>.
- 3.6. Meetings of the Board are broadcast live at www.orkney.gov.uk and audio recordings of meetings are available from the appropriate webpage for a meeting of the Board, published at <https://www.orkney.gov.uk/diary-of-council-meetings.htm>
- 3.7. The Board holds its meetings in person and online and enables Board members and applicants to attend meetings online. This arrangement provides ease of access for applicants based outwith the main town of Kirkwall, as well as other participants who may find it difficult or inconvenient to attend the Council Offices in person.
- 3.8. All members appointed to the Board have been trained in accordance with regulations made under the Act which require members to undertake an accredited course of training within three months of being elected or re-elected as a member of the Board.
- 3.9. Applications are advertised for the statutory periods on the Council's website at <https://www.orkney.gov.uk/News>.

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 intends to delegate its various licensing functions is attached at Appendix 2.
- 4.4. Unless there are justifiable reasons or, as provided in regulations made under the Act, the Board will meet in public, although members may retire into private session to consider their decision. However, any decision will be made in public in accordance with the Act or regulations made thereunder.

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 or their successors, namely:
 - each person with a notifiable interest in neighbouring land;
 - any community council within whose area the premises are situated;
 - the Council;
 - the relevant health board, being NHS Orkney;
 - Police Scotland; and
 - Scottish Fire & Rescue Service.
- 5.2. In providing notice, the Board is committed to ensuring that application details are provided in a clear, concise and understandable way, by means of Site Notices provided to applicants for display, by means of notification to the consultees detailed at paragraph 5.1 above and by online notification at <https://www.orkney.gov.uk/News>.
- 5.3. The Board expects the Police to consider all applications and to give one of the statutory notices as appropriate. The Board will consider all relevant representations or objections from any person. The objection must relate to one of the licensing objectives. Objections or representations which are regarded as frivolous or vexatious may not be considered and in the case of an application for review of a licence may be rejected by the Board if it does not disclose any matter relevant to any ground for review.
- 5.4. Where an objection or representation in respect of a premise licence application or a variation application is received late, after the specified date for receipt, the Board will normally treat the objection as not made unless the objector has provided an explanation for late receipt. If the Board decides there are good reasons to treat the objection as made, consideration will be given in the interests of justice to a continuation of the hearing into the application, objections and representations to a future meeting of the Board.

- 5.5. The Board will seek the advice of the Council's Neighbourhood Services and Infrastructure directorate in relation to applications for provisional premises licences regarding suitability. This will enable a pro-active approach to be adopted permitting applicants sufficient notice of any issues that may require to be addressed within premises prior to completing construction or renovation when it would be likely to be too late to incorporate changes into the design at the stage of confirmation.

6. Conditions Attaching to Licences

- 6.1. The Board acknowledges the mandatory conditions attaching to premises and occasional licences laid down in schedules 3 and 4 of the Act, together with mandatory conditions attached by regulation to premises which are open beyond 1 a.m. on any day.
- 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. The Board will seek to avoid the imposition of disproportionate conditions. The Board may consider attaching a condition requiring the premises licence holder and / or designated premises manager to take-up membership of any Pubwatch or similar scheme operating in the area and to participate fully in its operation, including the effective sharing of information.
- 6.3. The Board recognises that all applications should be considered on their own merits. Any condition attached to a licence will be derived either from the licence holder's operating plan or a representation and will be tailored to each individual premises.
- 6.4. The Board understands that applicants may suggest conditions which they consider are necessary to achieve the five licensing objectives. If an applicant volunteers a prohibition or restriction in their operating plan because their assessment has determined such prohibition or restriction to be appropriate, such prohibition or restriction if adopted by the Board will be attached as a condition of the licence and will be enforceable as such.

7. Consideration of Applications by the Board.

- 7.1. In assessing the following matters, the Board will have regard to the licensing objectives and will expect applicants to pay similar regard to their terms.
- 7.2. When considering whether any licence should be granted, the Board will assess the likelihood of it having an adverse impact. The Board may take into account relevant matters including:

- the nature of the premises, the style and type of use, the potential number and profile (for instance, ages or disabilities) of the customers likely to attend the premises;
- the proposed hours of operation;
- whether children are to be admitted to the premises and the arrangements made for them;
- the means of access to the premises including the location and adequacy of customer entrances and exits;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by them;
- the likely level of car parking demand on principal roads and surrounding residential streets in comparison with the existing situation, its effect on local residents and on residential parking and emergency access;
- the provision of toilet facilities and ventilation of the premises.

7.3. 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. Each case will be considered on its merits.

7.4. 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 and any antisocial behaviour report made available by the Police. The Board will also consider measures put into effect by the applicant to mitigate any adverse impact.

8. Overprovision.

8.1. 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.

8.2. 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.

8.3. On 27 April 2023, the 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.

8.4. 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 unlikely, on balance, that alcohol availability was a cause of harm in Orkney, or that increasing the availability of alcohol in Orkney would increase that harm.

9. Occupancy Capacity.

- 9.1. Reference is made to the provisions of section 8 of this policy, which relate to overprovision. The occupancy capacity of premises is one factor in the assessment of overprovision.
- 9.2. The occupancy capacity for premises and events is an important factor in the achievement of the five licensing objectives, except in respect of premises licensed only for the consumption of alcohol off the premises. The Board will seek the advice of the Council's building standards service in relation to maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency.
- 9.3. The Board will expect applicants to consider various factors when assessing the appropriate capacity for premises. These include:
- the design and layout of the premises;
 - the location, availability and size of exits including emergency exits;
 - the nature of the premises or event;
 - the nature of the activities being provided;
 - the provision or removal of temporary structures such as a stage or furniture;
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency;
 - the profile of the customers (for instance, ages or disabilities);
 - the availability of suitable and sufficient sanitary accommodation;
 - the nature and provision of facilities for ventilation.
- 9.4. 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.

10. Occasional Licences and Extended Hours.

Occasional Licences

- 10.1. An occasional licence authorises the temporary sale of alcohol on premises other than licensed premises.
- 10.2. They may be applied for by:
- the holder of a premises licence;
 - the holder of a personal licence; or
 - a representative of any voluntary organisation.
- to cover a period of up to 14 days.
- 10.3. The holders of a premises licence or a personal licence may make unlimited applications.
- 10.4. There are restrictions on the number of applications voluntary organisations and registered clubs can make, in any period of 12 months:

- not more than 4 occasional licences each having effect for a period of 4 days or more; and
- not more than 12 occasional licences each having effect for a period of less than 4 days

provided that, in any period of 12 months, the total number of days on which occasional licences issued in respect of the voluntary organisation, or the premises of the registered club have effect does not exceed 56.

- 10.5. The Board considers that it would be good practice for at least one or two committee members or volunteers involved in the operation of the voluntary organisation to obtain a training qualification to the standard required by personal licence holders.
- 10.6. The Board considers the commencement of the sale of alcohol shall not be earlier than 10 a.m. For the terminal hour beyond which alcohol must not be sold on the premises, the Board considers that the time frames detailed in section 19 of this policy are appropriate.
- 10.7. Applicants seeking licensed hours for times outwith the Board's policy will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.
- 10.8. Registered clubs should be aware that when an occasional licence has effect in terms of the premises, the conditions of the premises licence temporarily do not apply, and the conditions of the occasional licence apply instead. This means that sales of alcohol are permitted on the club premises to persons who are not members or accompanied by a member. When the occasional licence ceases to have effect then the conditions attached to the premises licence once more come into effect.
- 10.9. Voluntary organisations must ensure that occasional licences applied for are for events for the benefit of the organisation to which members of the public may be admitted.
- 10.10. All applications for occasional licences should be accompanied by an assessment of how the application complies with the licensing objectives. Guidance is attached at Appendix 3.
- 10.11. Applicants should be aware that it is a mandatory condition of an occasional licence that an Age Verification Policy, as referred to in the Guidance, must be in place. Further information is published at https://www.orkney.gov.uk/Service-Directory/L/Alcohol_Licensing.htm
- 10.12. To allow time for the statutory consultation process, applications should be submitted as far in advance of the event as possible but not later than 4 weeks before the event is due to take place. An application received after that deadline may not be processed in time. Any applicant unable to meet the deadline should communicate with the Clerk's office as a matter of urgency.

- 10.13. Applicants should be aware that they may also require a public entertainment licence issued by the Council in terms of the 1982 Act, dependent upon the nature of the event. Further information is published at:
https://www.orkney.gov.uk/Service-Directory/P/Public-Entertainment_2.htm.
- 10.14. Applicants should be aware that they may also require a late hours catering licence issued by the Council in terms of the 1982 Act if the event commences before or continues after alcohol sales. Further information is published at:
<https://www.orkney.gov.uk/Service-Directory/L/Late-Hours-Catering.htm>.
- 10.15. The Board recognises the right of any person to object to an application for an occasional licence.
- 10.16. The grant of an occasional licence is subject to the mandatory conditions laid out in schedule 4 to the Act. Reference is made to the provisions of section 6 of this policy.
- 10.17. To promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy or the Act, the Board will consider on an individual basis whether it is necessary or expedient to impose additional conditions. The decision whether to impose conditions will be made on an objective basis, any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.
- 10.18. The Board commonly attaches some local conditions.
- 10.18.1. The following local condition is attached to all occasional licences:
 Noise from the premises to which the occasional licence applies shall:
- not be discernible within residential accommodation between 2300 hrs and 0700 hrs; and
 - at no time be such as to give rise to a nuisance.
- 10.18.2. The following local conditions are attached to some occasional licences when relevant, usually events taking place outwith permanent premises, for example, marquees:
- The licence holder shall provide the facilities and fire precautionary measures as stated on the Fire Safety Checklist completed by the licence holder and submitted to the Scottish Fire and Rescue Service.
 - The licence holder shall ensure that all alcoholic liquor sold at the event shall be served in plastic containers. No bottles or glass containers shall be sold or served.

Extended Hours

- 10.19 Extended hours applications allow for an occasional extension of licensed hours within licensed premises and operate only for a period of up to one month. 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.
- 10.20. Occasional extensions can be applied for by premises licence holders in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance.
- 10.21. Where the hours sought fall outwith the on-sale hours detailed in section 19 of this policy, the applicant will require to demonstrate that the hours requested are appropriate in the circumstances. The applicant shall provide the Board with sufficient information to enable a decision to be made. In addition to the information provided on the application form, this will include:
- why the event or occasion is considered to be special;
 - why the event or occasion cannot take place within the usual on-sales hours operated on the premises; and
 - an assessment of how the application complies with the licensing objectives (guidance is attached at Appendix 3).
- 10.22. To allow time for the statutory consultation process, applications should be submitted as far in advance of the event as possible but not later than 4 weeks before the event is due to take place. An application received after that deadline may not be processed in time. Any applicant unable to meet the deadline should communicate with the Clerk's office as a matter of urgency.
- 10.23. The Board will have complete discretion as to whether to grant the application taking into account any Police objections and comments from the LSO and having regard to the licensing objectives. The Board may hold a hearing for the purposes of determining any application, but this is not mandatory. Where the Board does not hold a hearing, the Board will ensure that before determining the application, the applicant is given an opportunity to comment on any objections from the Police or adverse comments from the LSO.
- 10.24. The Board may grant a general extension of licensed hours under section 67 of the Act 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 Police and the LSO in relation to the licensing objectives. It will notify its determination to the Police and LSO, to holders of licences and other relevant parties and will take appropriate steps to publicise the determination as widely as necessary, including publication at <https://www.orkney.gov.uk/News>.

- 10.25. The Board believes that in many cases, such special events can be appropriately accommodated within the Board's normal licensed hours policy and should not be regarded as routinely in need of extended licensed hours. Any extension beyond normal licensed 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.

11. Licensing Standards Officers and Compliance.

- 11.1. The Council's appointed LSOs work within its Environmental Health Service. An LSO is neither an agent nor an employee of the Licensing Board. Their LSO function incorporates the following roles:
- providing information and guidance to interested persons concerning the operation of the 2005 Act in their area;
 - providing mediation services to avoid or resolve disputes or disagreements between licence holders and other persons;
 - if a complaint is received about a premises, the LSO will consider whether an investigation is required to ascertain the circumstances and any necessary remedial action;
 - supervising licence holders' compliance with the conditions of their licences and the legislation; and
 - providing information to the Board about any conduct of holders of, or persons applying for, personal licences in the area, which is inconsistent with the licensing objectives.
- 11.2. The LSOs will take a stepped approach to compliance, from verbal advice through to written. The LSOs can take formal action when appropriate by means of issuing of compliance notices and referral to the Board for review. The LSOs are also members of the Local Licensing Forum.
- 11.3. The LSOs can be contacted:
- by email to: LSO@orkney.gov.uk;
 - by telephone to: 01856 873535 extension 2801;
 - by writing to: Licensing Standards Officer, Environmental Health Service, Neighbourhood Services and Infrastructure, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY.
- 11.4. Resources will be targeted towards higher-risk premises and activities.
- 11.5. 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's adopted enforcement policy will be reviewed during 2023 and will be published at:
- <https://www.orkney.gov.uk/Service-Directory/E/enforcement-policy.htm>

- 11.6. 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.
- 11.7. 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.
- 11.8. The Board recognises the Hampton principles of inspection and enforcement, including:
- no inspection should take place without a reason; and
 - regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only intervene when there is a clear case for protection.

12. Review of Premises Licences.

- 12.1. 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.
- 12.2. 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 matter relevant to any ground for review.
- 12.3. Reviews may result from relevant licensing enforcement activity by the Police or the LSO.

13. Management of Licensed Premises.

- 13.1. A premises manager must be identified in an operating plan for licensed premises, except members' clubs. The person can only be the premises manager for one licensed premises. The Board will expect the premises manager to have the day-to-day responsibility for running the premises and to be present at the licensed premises on a regular basis when alcohol is being sold. 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.
- 13.2. The premises manager must hold a personal licence.
- 13.3. 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. Premises are recommended to have other personal licence holders in addition to the premises manager.

14. Personal Licences.

- 14.1. Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.
- 14.2. The Board will grant a personal licence if it is satisfied that the applicant:
- is 18 years of age or older;
 - possesses a relevant licensing qualification;
 - does not already hold a personal licence issued in Scotland
 - has not had a personal licence revoked within the period of 5 years, ending with the day on which the application was received (other than for failure to complete mandatory refresher training); and
 - has not been convicted of any relevant offence or foreign offence.
- 14.3. When an applicant has an unspent conviction for a relevant or foreign offence, the Board will hold a hearing at which it will consider carefully whether it is satisfied that the grant of a licence would not breach the objectives of the Act. 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 so satisfied the Board will refuse the application.

15. Adult Entertainment.

- 15.1. Where the operating plan for a premises licence application identifies that adult entertainment will take place in the premises, 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.
- 15.2. All applications involving adult entertainment of any kind will be considered in relation to the licensing objectives on their own merits.
- 15.3. At the time of preparation of this statement of Policy, the Board noted that the relevant provisions of the 2015 Act, permitting local authorities to choose to license venues offering sexual entertainment, came into force in 2019 and that licensing of such venues was a matter for the Council. The Council has not adopted those provisions.

16. Off-sales.

- 16.1. The Board notes that regulations concerning display of alcohol for consumption off the premises must be observed in the layout of premises. Information about the requirements relating to layout plans is available in the Board's Guidance Notes, published as a Related Download, at:
https://www.orkney.gov.uk/Service-Directory/L/Alcohol_Licensing.htm
- 16.2. Paragraphs 19.2 and 19.3 of this policy outline the Board's policy approach with respect to off-sale trading hours.

- 16.3. The Board encourages the installation of an effective CCTV system, which complies with current legislative requirements (including, for the avoidance of doubt, Data Protection legislation), in off-sales licensed premises. Reference is made to sections 19, 21 and 23 of this policy relating to hours of trading and the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

17. Smoking and Nuisance.

- 17.1. The Board acknowledges that smoking and vaping is not a licensing matter but one for other legislation.
- 17.2. The health risks associated with smoking and with passive smoking continue to be well publicised. Licence holders should be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.
- 17.3. The Board expects licence holders to comply with the law and have regard to good practice and any relevant guidance appropriate to those matters. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for neighbours or members of the public. This includes noise arising as a result of patrons smoking, including vaping, outside the premises and any associated littering of the area. Where appropriate the Board may impose conditions requiring licence holders to provide litter bins and cigarette disposal containers in the vicinity.
- 17.4. 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.

18. Outdoor Facilities.

- 18.1. The Board will expect any licence holder who intends to provide outdoor facilities to hold a premises licence which includes the outside area. These areas must be shown on the required plan of the premises and will be taken into account in the overall assessment of capacity, particularly in relation to exits and sanitary facilities.
- 18.2. When applicants propose to provide outdoor facilities (whether covered or not), regard should be had to the need to ensure that the use of such outdoor areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. Applicants should demonstrate how they intend to mitigate these issues.

- 18.3. The Board expects that licence holders will not only comply with any conditions of grant of a permit which may be applied in respect of tables and chairs, but will also put into place effective management controls, supervision, and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. In this connection, the Council operates a scheme whereby consent may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984.

19. Hours of Trading.

- 19.1. This section relates to licensed premises where alcohol is sold with or without any other licensable activity.

Off-sales

- 19.2. For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sale hours) are 10 a.m. to 10 p.m. each day. The Board has no discretion to permit licensed hours outwith these times in terms of the Act. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours may have on the licensing objectives relating to crime, children, public health and public nuisance in particular.
- 19.3. There is no entitlement to a grant of maximum trading hours for off-sale premises. The hours granted by the Board to off-sale premises will reflect the actual hours of operation of the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the Festive Season.

On-sales

- 19.4. For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises (on-sale hours), the Board considers the commencement of the sale of alcohol shall generally be no earlier than 10 a.m. Licensed hours for on-sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated.
- 19.5. Any opening time earlier than 10 a.m. will require strong evidence before being permitted by the Board.
- 19.6. The Board will consider extending the commencement of the sale of alcohol in premises from 10 a.m. to 9 a.m. on condition that the sale of alcohol is ancillary to a table meal taken by persons within the premises.
- 19.7. A table meal generally consists of a meal eaten by a person sitting at a table, counter or other structure which serves the purpose of a table. The meal must be eaten with cutlery or similar accoutrements. Snacks, sandwiches and crisps are not considered to constitute table meals.

- 19.8. The Board may attach conditions to such licences. The earlier premises wish to open, the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before 9 a.m.
- 19.9. Having regard to the licensing objectives, but subject to considering the individual merits of each case, for on-sale licensed premises the Board considers the following to be appropriate for terminal hours:
- 19.9.1. Regular evenings:
- 12 midnight Sundays to Thursdays inclusive; and
 - 1 a.m. Fridays/Saturdays and Saturdays/Sundays; or
 - 2 a.m. Fridays/Saturdays and Saturdays/Sundays for premises which, in terms of their operating plan and the Board's understanding, will be operating as nightclubs. Reference is made to the provisions of paragraph 19.18 of this policy.
- 19.10. The Board expects applicants to apply for the hours they normally or usually trade in their operating plan. There is no automatic entitlement to the maximum hours for on-sales set in terms of the Board's policy. Provision can be built into operating plans for longer or shorter opening at certain times of the year, such as the Festive Season.
- 19.11. The following may be included within the Seasonal Variations section of operating plans:
- 19.11.1.
- Annual agricultural shows – to 1 a.m. any morning where an event related to the show is being held within the premises.
 - Local festivals – to 1 a.m. any morning where an event related to the festival is being held within the premises.
 - Private Functions – to 1 a.m. any morning.
 - Weddings – to 1.30 a.m. any morning.
- 19.11.2. Festive Season:
- Block applications for Christmas and New Year festivities for the period from 24 December to 3 January each year – 1 a.m. any morning (for the avoidance of doubt, terminating at 1 a.m. on 3 January each year).
 - 24/25 December (Christmas Eve) and 31 December/1 January (Hogmanay) each year – 2 a.m. in premises which, in terms of their operating plan and the Board's understanding, will be operating as nightclubs.
- 19.12. The Board wishes to make it clear that any Festive Season hours should be accounted for within the Seasonal Variations section of operating plans and should not routinely be the subject of extended hours applications.
- 19.13. The Board is satisfied that the Act does not contain a specific duty to trade. It does not contain a provision imposing a duty to trade on premises licence holders.

- 19.14. The Board is satisfied that the provision in schedule 3 to the Act that “alcohol is to be sold on the premises only in accordance with the operating plan” should be construed as preventing licensees from operating outwith the hours stated in their operating plans rather than requiring licensees to trade for the full complement of hours.
- 19.15. The Board recognises:
- that there may be circumstances that would reasonably cause a temporary deviation from the licensed hours given in the operating plan; and
 - the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand.
- 19.16. The Board will continue to support local schemes such as Pubwatch, Safer Towns initiatives, Shop-watches, Best Bar None, radio-links and Door Safe Schemes. The Board recognises that such schemes help to reduce public disorder and nuisance offences taking place within local communities, thereby promoting the licensing objectives. The Board encourages responsible licence holders to participate in such schemes.
- 19.17. Section 64 of the Act contains a presumption against 24-hour drinking unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period. Guidance provides that Licensing Boards should consider “exceptional circumstances” to cover social events such as one-off local or national festivals.
- 19.18. Premises opening after 1 a.m. are subject to mandatory conditions in terms of the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 (published at: <https://www.legislation.gov.uk/ssi/2007/336/contents/made>) and the Board may attach additional conditions.
- 19.19. The following issues should be considered by the applicant and the Board in respect of any application for premises opening after 1 a.m.:
- the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, public health and children;
 - the proposed hours when any music, including incidental music, will be played;
 - the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises;
 - the existing hours of licensable activities and the past operation of the premises if any and hours of licensable premises in the vicinity;
 - whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night;
 - the capacity of the premises;

- the type of use, recognising that premises which sell alcohol, play music for dancing, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas or other performance venues;
 - the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.
- 19.20. The Board recommends that applicants give 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 intermittently in small groups on a gradual basis rather than simultaneously.
- 19.21. Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property or where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder or anti-social behaviour and where licensed premises include external areas. Where the whole circumstances of particular premises dictate, including promotion of the licensing objectives, the Board will consider restricting the opening hours. The Board may impose different restrictions on hours for different licensable activities and for different days of the week.
- 19.22. 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.
- 19.23. 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.
- 19.24. 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 larger towns, 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 Board's policy and the licensing objectives;
 - restrictions are not placed on hours of trading which may contribute to rapid binge drinking near closing time.

Section B – Licensing Objectives.

20. Overview.

- 20.1. 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; and
 - protecting children and young persons from harm.
- 20.2. 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 may address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.
- 20.3. In each sub-section, a list of possible control measures is provided. This is intended to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective.
- 20.4. 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.
- 20.5. 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.
- 20.6. The Board encourages applicants and licence holders to ensure that they have adequate arrangements in place for the 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.

21. Licensing Objective – Preventing Crime and Disorder.

- 21.1. The 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.
- 21.2. 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.
- 21.3. 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 encouraged 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.
- 21.4. 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.
- 21.5. The following examples of control measures are given to assist applicants, having regard to their particular type of premises and/or licensable activities:
- effective and responsible management of premises;
 - appropriate instruction, training and supervision of staff;
 - adoption of best practice guidance where available;
 - acceptance of accredited photographic proof of age cards, EU photographic driving licences, passports, Ministry of Defence Form 90 (Defence ID Card), Biometric Residents Permit or national identity card issued by an EU member state, Norway, Iceland, Liechtenstein or Switzerland;
 - written Age Verification Policy and appropriate signage;
 - 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.
- 21.6. The Board notes the Scottish Government's requirements in respect of the installation of CCTV in late opening premises. In order to ensure the greatest possible degree of protection for the public this Board recommends the installation of an effective CCTV system in off-sales premises. Reference is made to paragraph 16.3 of this policy in this connection.
- 21.7. In 2011 the Council made byelaws prohibiting the consumption of alcohol in designated public places in Kirkwall. The byelaws were updated in 2021 and are available at:
<https://www.orkney.gov.uk/Council/C/drinking-in-public-places-in-kirkwall.htm>.

22. Licensing Objective – Securing Public Safety.

- 22.1. 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 will 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.
- 22.2. When addressing the issue of public safety, applicants will be encouraged to demonstrate that those factors which impact on standards of public safety have been considered, including:
- the occupancy capacity of the premises;
 - the condition, design and layout of the premises, including means of escape in the event of fire;
 - the adequacy of vehicular access to the premises by the emergency services;
 - 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 alcohol is sold, if different;
 - customer profile – for instance age, disability;
 - the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines.
- 22.3. The following examples of control measures are given to assist applicants, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments, including compliance with the Fire (Scotland) Act 2005;
- 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;
- a prohibition on customers taking open bottles or drinking glasses outwith the areas to be subject to the premises licence.

23. Licensing Objective – Preventing Public Nuisance.

- 23.1. 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.
- 23.2. 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.
- 23.3. 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 to paragraph 16.3 of this policy in this connection.
- 23.4. 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, applicants need to be aware that the Board may apply stricter conditions, including controls on licensed hours.

- 23.5. 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 depending on where the premises are situated or the likelihood of their becoming a source of antisocial behaviour. The Board will consider each case on its merits.
- 23.6. Applicants will be encouraged 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.
- 23.7. When addressing the issue of prevention of public nuisance, the following factors 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;
 - 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.
- 23.8. The following examples of control measures are given to assist applicants, 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;
- effective ventilation systems to prevent nuisance from odour and noise from air conditioning units.

24. Licensing Objective – Protecting and Improving Public Health.

- 24.1. 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.
- 24.2. Applicants will be encouraged to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health.
- 24.3. 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. 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. Reference is made to section 6 of this policy relating to conditions attaching to licences
- 24.4. The measures identified by an applicant may depend on the individual characteristics of the premises for which the licence is sought. The Board will encourage applicants to consider steps which may assist in the promotion of this licensing objective.
- 24.5. 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. Reference is made to section 25 of this Policy, which relates specifically to Protecting Children and Young Persons from Harm.
- 24.6. Licence applicants, licence holders, 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.

- 24.7. 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 non-alcoholic beverages must be available for purchase at a reasonable price during the whole period the premises are open.
- 24.8. The following examples of control measures are given to assist applicants, having regard to their particular type of premises and/or activities:
- making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is available to address problem drinking;
 - prominent display of informative signage in appropriate places within premises;
 - use of drink mats with sensible drinking messages;
 - use of posters in areas of circulation and toilet areas;
 - particular care to introduce measures designed to protect children's health while in or around premises;
 - provision of food on premises, so that patrons may eat at the same time as consuming alcoholic beverages, if they wish;
 - appropriate instruction, training and supervision of staff.

25. Licensing Objective – Protecting Children and Young Persons from Harm.

- 25.1. The Board will have particular regard to the views of the Orkney Public Protection Committee.
- 25.2. 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 and young persons. In determining any such application, the risk of harm to children and young persons will be paramount.
- 25.3. 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 and young persons also have responsibilities.
- 25.4. Applicants may be encouraged to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children and young persons from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought. A written Age Verification Policy and appropriate signage should be in place.

- 25.5. Children and young persons 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 and young persons from harm, the applicant will be encouraged to demonstrate that those factors, which may particularly impact on harm to children and young persons 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 or offences against children or young persons;
 - there has been a known association with drug taking, drug dealing or other criminal activity on the premises; and
 - the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there.
- 25.6. 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;
 - appropriate instruction, training and supervision of employees;
 - adoption of best practice guidance;
 - limitations on the hours when children and young persons 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 and young persons to be accompanied by an adult;
 - acceptance of accredited photographic proof of age cards, EU photographic driving licences, passports, Ministry of Defence Form 90 (Defence ID Card), Biometric Residents Permit or national identity card issued by an EU member state, Norway, Iceland, Liechtenstein or Switzerland;
 - written Age Verification Policy and appropriate signage;
 - measures to ensure children and young persons do not purchase, acquire or consume alcohol;
 - measures to ensure children and young persons are not exposed to incidences of violence or disorder.

- 25.7. The Board requires applicants who submit operating plans including children and young persons 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 its expectation of applicants in respect of adult entertainment within this statement of policy at section 15.
- 25.8. The Board notes the statutory requirements relating to identification of areas where children and young persons will be permitted, the activities to be operated within those areas and the provision of baby changing facilities for children under five years of age (accessible to all carers).
- 25.9. In addition to those requirements, the Board also expects that holders of a premises licence which allows children and young persons entry to the premises will seek to ensure:
- that seating facilities for children and young persons, if appropriate, would be separate from normal licensed premises facilities;
 - whilst separate toilet facilities may not be available for use by children and young persons, if appropriate, disabled toilets would be adapted to encourage use by children and young persons, if appropriate;
 - that children and young persons should not be exposed to foul or intemperate language or behaviour;
 - provision of safe high chairs;
 - provision for heating of children's food at no cost;
 - that heating sources would be adequately protected;
 - that a menu would be available at all times when children were allowed on the premises with either a children's section or indicating that half portions were available for children; and
 - that no gaming machines would be situated in the part of the premises accessible to children except in accordance with the provisions of the Gambling Act 2005.

Appendix 1

Process at Licensing Board Meetings

Prior to the meeting starting

- 0.1. At the time set for the meeting to begin, the Convener will confirm with the audiocast operator that s/he is ready to begin recording/broadcasting the meeting.

Attendance via Teams

- 0.2. All members/officers attending by Teams should ensure their camera is switched on and their microphone muted.
Should any member attending remotely wish to speak, please use the Raise your hand function.

Once Meeting Commences and Recording Starts

- 0.3. The Convener should remind members:
 - That the meeting is being live broadcast over the internet and that the recording will also be publicly available for listening following the meeting for 12 months thereafter.
 - Any member who indicates they wish to speak, when invited to speak, should use the microphone, and switch off once finished.
 - That should a vote be required on any of the items, this will be done by a show of hands.

In Presence of Applicants and any Objectors

1. The Convener will identify all parties – applicant and agent (if any) and objector(s) and agent(s) (if any); also members of the Board and licensing staff.
2. Should any participant, be that a Board member, an officer, applicant, agent or objector, be attending remotely, it is considered good practice to follow Orkney Islands Council's Standing Orders, including the Protocol for Remote Attendance (Appendix 4 of the Standing Orders). Accordingly, those attending remotely will be asked to confirm that they are in a secure location and cannot be heard by anyone in their vicinity, particularly when confidential information is being considered.
3. Licensing staff introduce report and cover any preliminary legal matters.
4. Applicants, objectors and their agents will be permitted to speak during the meeting in accordance with the points below, but such participation should normally be limited to 5 minutes in respect of each point below. The Board reserves the right to permit slightly longer participation in appropriate circumstances in each case.
5. Applicant/agent to be invited to speak.
6. Objector(s)/agent(s) (in order if more than one) and the Board to be invited to ask questions of the applicant/agent. Questions must relate to the spoken information at point 4 above and be asked through the Convener.

7. Objector(s)/agent(s) (in order if more than one) to be invited to speak. Presentation must not introduce new information and refer solely to the matters raised in the written objection.
8. Applicant/agent and the Board to be invited to ask questions of the objector(s)/agent(s). Questions must relate to the spoken information at point 6 above and be asked through the Convener.
9. Objector(s)/agent(s) in turn to be asked to sum up.
10. Applicant/agent to be invited to sum up.
11. Board to determine application.

Appendix 2

Scheme of Delegation

1. The 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 Act:
 - 1.1. minor variation of premises licence, including variation to substitute new premises manager – where the applicant has not been convicted of any relevant or foreign offence and no objections or representations have been received (sections 29 to 31 and 54);
 - 1.2. transfer of premises licence – where the transferee has not been convicted of any relevant or foreign offence (reference to sections 33 to 35);
 - 1.3. confirmation of a provisional premises licence – where no objections or representations have been received (section 46);
 - 1.4. occasional licence – within the Board’s normal licensing hours policy (see section 19 of this policy) – where no objections or representations have been received, the Police have not lodged a notice recommending refusal of the application and any report by the LSO does not recommend refusal (reference to sections 56 to 61);
 - 1.5. extension of licensed hours – within the Board’s normal licensing hours policy (see section 19 of this policy) – where no objections or representations have been received, the Police have not lodged a notice recommending refusal of the application and the report by the LSO does not recommend refusal (reference to sections 68 to 70);
 - 1.6. personal licence or renewal of a personal licence – where the applicant has not been convicted of a relevant or foreign offence [relevant and foreign offences – the Licensing (Relevant Offences) (Scotland) Regulations 2007, SSI 2007/513, published at:
<https://www.legislation.gov.uk/ssi/2007/513/contents/made>]
2. The Board has delegated to the Clerk (which includes such Depute or Assistants as may be appointed by the Clerk for the purpose) authority to take the following action under the Act:
 - personal licence – revocation in accordance with section 87(3) (failure to comply with mandatory refresher training requirements).
3. The Board has delegated to the Clerk (which includes such Depute or Assistants as may be appointed by the Clerk for the purpose) authority to determine the following description of application under the Act in consultation with those members of the Board who may be available by telephone or email at any given time and at no time less than five members:

- 3.1. occasional licence – outwith the Board’s normal licensing hours policy (see section 19 of this policy) – where no objections or representations have been received, the Police have not lodged a notice recommending refusal of the application and any report by the LSO does not recommend refusal (reference to sections 56 to 61);
- 3.2. extension of licensed hours – outwith the Board’s normal licensing hours policy (see section 19 of this policy) – where no objections or representations have been received, the Police have not lodged a notice recommending refusal of the application and the report by the LSO does not recommend refusal (reference to sections 68 to 70).

Note: The Clerk or Depute Clerks may elect not to use their delegated powers in a particular case, in consultation with the Chair and Vice Chair of the Board, in which circumstances the matter will be referred to the Board.

Appendix 3

Guide to Risk Assessments for Applications for Occasional Licences and Occasional Extensions

This document is designed to provide advice and assistance to applicants for Occasional Licences and Occasional Extensions with regard to carrying out a risk assessment exercise in terms of the 5 Licensing Objectives.

The Orkney Islands Area Licensing Board in its Statement of Alcohol Licensing Policy has indicated that a risk assessment should be undertaken before any application is made to the Board for an Occasional Licence or Extension.

The results of that risk assessment should then be exhibited to the Board, by every applicant, when making the application for an Occasional Licence or Extension under the Licensing (Scotland) Act 2005. By requiring applicants to undertake risk assessments the Orkney Islands Area Licensing Board is promoting the Licensing Objectives. Applicants will also promote the licensing objectives through any actions taken in response to their assessment.

The Licensing Objectives are:

- preventing crime and disorder;
- securing public safety;
- preventing public nuisance;
- protecting and improving public health;
- protecting children and young persons from harm.

In preparing this document we have sought to give applicants as much assistance with the process as possible. Each premises is unique and not all matters will be relevant to each premises.

The table overleaf includes a few examples of risk factors and possible control measures for a Country Dance. It is not meant to be a comprehensive approach. Applicants must conduct thorough analyses of their own practices and procedures and devise suitable control measures.

The risk assessment overleaf is only an example. The amount of detail you will need in your risk assessment will depend on your business and your activities.

The completed risk assessment will provide valuable information to the Board and demonstrate that applicants have taken these matters into account.

Examples of Licensing Objectives Risk Assessment.					
Name of Event:					
Date of Event:					
Licensing objectives.	Crime and disorder.	Public safety.	Public nuisance.	Protecting and improving public health.	Protecting children and young persons from harm.
Risk Factors:	Customers getting hold of drugs. Fighting inside or outside premises. Under-age drinking.	Premises overcrowded. Inadequate fire safety procedures. Blocked escape routes. Excess heat build-up.	Noisy customers leaving premises – affecting nearby residents. Excessively loud music affecting nearby residents.	Drink driving, excessive drinking.	Under-age access might be an issue and the potential illegal sale of alcohol.
Control Measures:	Drugs, weapons and glass policies implemented. Good door-security. Proof-of-age policy.	Capacity checks. Regular testing of fire equipment and alarms and checking fire escape routes. Adequate ventilation system. Appropriate staff training.	Signs promoting considerate behaviour. Staff intervention/ assistance on customer departure. Nuisance audit. Sound insulation work to structure. Use of noise limiters.	Consideration has been given to the provision of alternatives to alcoholic drinks (including reasonably priced alternatives to alcohol) i.e. soft drinks, tea and coffee, food and non-alcoholic substitutes.	Good door security. Proof of Age card scheme. Signage supporting the above measures.
I confirm that a written Age Verification Policy is in place and has been signed by each person serving or selling alcohol; and that appropriate signage is in place.					
Completed by:					
Date:					
YES / NO [delete as appropriate]					
Completed by [print name]:					
Signed by [signature]:					

Completed on [print date]:

Version: 2023-10-05: Policy Adopted.