

Minute

Orkney Islands Area Licensing Board

Thursday, 19 January 2023, 11:15.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Present via Remote Link

Temporary Sergeant Gavin McDevitt, Police Scotland.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

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

Observing

- Lillian Rendall, Legal Clerk.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Duncan A Tullock, Convener.

1. Draft Minute of Meeting held on 1 December 2022

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 1 December 2022, copies of which had been circulated, the Board:

Resolved, on the motion of Mr Kristopher D Leask, seconded by Mr David Dawson, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 1 December 2022 be approved as a true record.

2. Sinclair Breweries Limited

Application for Provisional Premises Licence

Norman Sinclair, representing the applicant, Sinclair Breweries Limited, was present during consideration of this item.

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

Noted:

2.1. That, on 30 November 2022, Sinclair Breweries Limited had submitted an application for a provisional premises licence in respect of a proposed Orkney Brewery Bottle Shop at 28 Albert Street, Kirkwall, which requested the following:

- Conversion of premises for use as licensed premises, primarily as a shop.
- Off-sale operating hours as follows:
 - 10:00 to 18:00 on Mondays to Saturdays inclusive.
 - 11:00 to 18:00 on Sundays.
- Off-sale capacity of 36.56 square metres.
- On-sale operating hours as follows:
 - 10:00 to 18:00 on Mondays to Saturdays inclusive.
 - 11:00 to 18:00 on Sundays.
- Total on-sale capacity of 20 persons.

2.2. That the off-sale and on-sale operating hours requested above were within those permitted in terms of the Board's Statement of Alcohol Licensing Policy,

2.3. That no objections or representations had been received in relation to the application from Sinclair Breweries Limited for a provisional premises licence in respect of a proposed Orkney Brewery Bottle Shop at 28 Albert Street, Kirkwall.

After hearing representations from Norman Sinclair in support of the application from Sinclair Breweries Limited, on the motion of Mr Steven B Heddle, seconded by Mrs Gwenda M Shearer, the Board:

Resolved:

2.5. That the application from Sinclair Breweries Limited for a provisional premises licence in respect of a proposed Orkney Brewery Bottle Shop at 28 Albert Street, Kirkwall, be granted as follows:

- Off-sale operating hours:
 - 10:00 to 18:00 on Mondays to Saturdays inclusive.
 - 11:00 to 18:00 on Sundays.
- Off-sale capacity of 36.56 square metres.

- On-sale operating hours:
 - 10:00 to 18:00 on Mondays to Saturdays inclusive.
 - 11:00 to 18:00 on Sundays.
- Total on-sale capacity of 20 persons.

3. The King's Coronation

On-sale Alcohol Licensed Hours

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

Noted:

3.1. That the UK Government had announced a three-day "Coronation Weekend" with an additional bank holiday on Monday, 8 May 2023, to celebrate the King's Coronation, which would take place on Saturday, 6 May 2023.

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

3.3. That section 68 of the Licensing (Scotland) Act 2005 permitted licensing boards, on application by the premises licence holder of specific licensed premises, and if the Board considered it appropriate in connection with a special event or occasion to be catered for on the premises, or a special event of local or national significance, to extend the licensed hours of those premises by such period as was specified in the application or such other period as the Board considered appropriate.

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

- Before 10:00.
- After 22:00.
- Both of the above.

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

3.6. That, when arrangements for the celebrations of the Queen's Diamond Jubilee in 2012 and the Queen's Platinum Jubilee in 2022 were announced, the Board granted general extensions of licensed hours under section 67 of the Licensing (Scotland) Act 2005.

The Board resolved:

3.7. That, in respect of the King's Coronation celebrations to be held from 6 to 8 May 2023, a general extension of licensed hours for on-sale premises under section 67 of the Act be granted for the following terminal hours:

- Saturday, 6 May 2023 until 01:30 on the morning of Sunday, 7 May 2023.
- Sunday, 7 May 2023 until 00:30 on the morning of Monday, 8 May 2023.
- Monday, 8 May 2023 until 24:00.

3.8. That powers be delegated to the Clerk to the Board to grant applications for on-sale occasional licences under Part 4 of the Act for the terminal hours specified at paragraph 3.7 above and in respect of which no objections had been received.

4. Review of Statement of Alcohol Licensing Policy – Overprovision

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 Statement of Alcohol Licensing Policy, adopted on 6 December 2018, required review during 2023.

4.2. That the Statement of Alcohol Licensing Policy must, in particular, include a statement as to the extent to which the Board considered there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area.

4.3. That the first stage of the process in updating the Statement of Alcohol Licensing Policy was for the Board to determine the locality or localities for the purpose of consultation on the assessment of overprovision.

4.4. That the locality for the purpose of assessing overprovision could be the whole Board area.

The Board resolved:

4.5. On the motion of Mr Steven B Heddle, seconded by Mr W Leslie Manson, that, for the purposes of consultation on the assessment of overprovision of alcohol licensed premises, the locality should be Orkney as a whole.

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

4.7. That the Clerk to the Board should submit a report, to the meeting of the Board to be held on 27 April 2023, on the outcome of the consultation, referred to at paragraph 4.6 above.

5. Conclusion of Meeting

At 12:03 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.