

Minute

Orkney Islands Area Licensing Board

Thursday, 4 July 2024, 10:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Duncan A Tullock, Kristopher D Leask, Alexander G Cowie, David Dawson, Steven B Heddle, Rachael A King, Gwenda M Shearer and Owen Tierney.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Karen Bevilacqua, Service Manager (Legal Services).
- Pat Robinson, Service Manager (Accounting).
- Lillian Rendall, Legal Clerk.
- Maya Tams-Gray, Committees Officer.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Duncan A Tullock, Convener.

1. Draft Minute of Meeting held on 9 May 2024

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 9 May 2024, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by Rachael A King, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 9 May 2024 be approved as a true record.

2. Combined Annual Functions and Financial Report 2023/24

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

Scrutinised:

2.1. The combined annual functions and financial report for the Licensing Board for financial year 2023/24, attached as Appendix 1 to the report by the Clerk to the Board, and obtained assurance.

The Board resolved:

2.2. That the combined annual functions and financial report for the Licensing Board for financial year 2023/24, attached as Appendix 1 to this Minute, be approved for publication.

3. Application for Variation of Premises Licence

Orkney Island Hotels Limited – Ferry Inn, Stromness

Gareth Crichton, representing the applicant, Orkney Island Hotels Limited, was present during consideration of this item.

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

Noted:

3.1. That a premises licence had been held at Ferry Inn, 10 John Street, Stromness, since 1 September 2009, which was transferred to The Ferry Inn Stromness Ltd with effect from 1 June 2011, following which the company changed its name to Orkney Island Hotels Limited in 2020.

3.2. That, on 18 April 2024, Orkney Island Hotels Limited submitted an application for a variation of the premises licence in respect of Ferry Inn, 10 John Street, Stromness, which sought the following:

- Increase to the footprint of the licensed premises by extension of the outdoor drinking facilities area.
- Reduction in total off-sale capacity from 13.2 square metres to 10.51 square metres as a result of removal of the Occasional Served in the existing outdoor area.

3.3. That no objections or representations had been received in relation to the application from Orkney Island Hotels Limited for a variation of the premises licence in respect of Ferry Inn, 10 John Street, Stromness.

After hearing representations from Gareth Crichton in support of the application from Orkney Island Hotels Limited for a variation of the premises licence in respect of Ferry Inn, 10 John Street, Stromness, the Board:

Resolved:

3.4. That the application from Orkney Island Hotels Limited for a variation of the premises licence in respect of Ferry Inn, 10 John Street, Stromness, be granted as follows:

- Increase to the footprint of the licensed premises by extension of the outdoor drinking facilities area.
- Reduction in total off-sale capacity from 13.2 square metres to 10.51 square metres as a result of removal of the Occasional Servery in the existing outdoor area.

4. Conclusion of Meeting

At 10:12 the Convener declared the meeting concluded.

Signed: Duncan Tullock.

Orkney Islands Area Licensing Board

Licensing (Scotland) Act 2005.

Combined Annual Functions and Financial Report.

Financial Year: 2023/24.

1. Requirement for Annual Functions Report

The Orkney Islands Area Licensing Board (the Board) is required under section 9A of the Licensing (Scotland) Act 2005 (the Act) to publish an annual functions report.

A functions report must include:

- A statement explaining how the Board has had regard to:
 - The licensing objectives.
 - Their licensing policy statement and any supplementary licensing policy statement (including the Board's statement under section 7(1) (duty to assess overprovision)).in the exercise of their functions under the Act during the financial year,
- A summary of the decisions made by (or on behalf of) the Board during the financial year.
- Information about the number of licences held under the Act in the Board's area (including information about the number of occasional licences issued during the year).

2. Requirement for Annual Financial Report

The Board is required under section 9B of the Act to publish an annual financial report.

A financial report must include:

- A statement of:
 - The amount of relevant income received by the Licensing Board during the financial year.
 - The amount of relevant expenditure incurred in respect of the Board's area during the year.
- An explanation of how the amounts in the statement were calculated.

“Relevant income” means income received by the Board in connection with the exercise of the Board's functions under or by virtue of the Act.

“Relevant expenditure” means any expenditure:

- Which is attributable to the exercise of the Board's functions under or by virtue of the Act and

- Which is incurred by the Board, the Council or the Licensing Standards Officers for the Board's area.

This report has been prepared using financial data taken on 6 June 2024. The relevant budgets and other finance sources that the data has been extracted from have not yet been audited. Consequently, the figures provided in this report are indicative and cannot be relied upon as an accurate reflection of income and expenditure relative to the exercise of the Board's functions under the Act.

3. Combined Annual Report

In discharging their duties under the Act, a Licensing Board may, if they consider it appropriate, prepare and publish a combined annual functions and financial report.

4. Contextual Information

“NR” means Not Recorded for that financial year.

	2019/20	2020/21	2021/22	2022/23	2023/24
Number of premises licences (including members' clubs) in force on 31 March 2020, 2021, 2022, 2023 and 2024, respectively:	113	108	104	105	105
Number of premises licences issued:	0	1	2	2	1
Number of premises licences surrendered:	0	6	5	1	2
Number of provisional premises licences issued:	0	0	0	1	0
Number of provisional premises licences taking full effect:	1	0	0	0	1
Number of variations of provisional / premises licences issued which required to be determined by the Board:	5	3	3	2	3

	2019/20	2020/21	2021/22	2022/23	2023/24
Number of variations of provisional / premises licences issued which did not require to be determined by the Board:	16	3	10	11	10
Number of transfers of premises licences (including variations to name new premises managers) issued:	6	5	2	6	4
Number of premises licence reviews resulting in written warning:	0	0	0	0	0
Number of premises licence reviews resulting in revocation:	0	0	1	0	0
Number of personal licences in force on 31 March 2020, 2021, 2022, 2023 and 2024 respectively:	306	294	285	285	274
Number of personal licences issued:	33	14	19	23	16
Revocations of personal licences (failure to provide evidence of having undertaken mandatory refresher training):	15	16	21	7	15
Number of personal licences expired:	NR	6	5	12	0
Number of personal licences surrendered:	NR	4	2	4	12

	2019/20	2020/21	2021/22	2022/23	2023/24
Number of personal licences reviewed following notification of convictions, resulting in no action:	0	0	0	1	0
Number of occasional licences issued:	193	99	140	177	220
Number of extended hours of licensed premises issued:	1	0	0	1	0
Number of general extensions of licensed hours agreed for Royal Jubilee and Coronation:	0	0	1	1	0

5. Published Documentation

5.1.

The Board's information about alcohol licensing, including guidance, application forms and fee information, is published at [Alcohol Licensing](#).

5.2.

The Board's Statement of Alcohol Licensing Policy is published in the Related Downloads section [here](#).

5.3.

The Board's Annual Reports in relation to Financial information and its Functions are also published in the Related Downloads section [here](#).

5.4.

The Board's Registers of premises and personal licences are published in the Related Downloads section [here](#).

5.5.

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5.6.

Information about the members of the Board, together with agendas, reports and Minutes relating to meetings of the Board, are published [here](#).

5.7.

Orkney Islands Council publishes agendas, reports and Minutes relating to meetings of the Orkney Local Licensing Forum through links [here](#).

6. The Licensing Objectives and Board Policy

The Board is required in terms of the Act to publish and maintain, at regular intervals, 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. A link to the Board's published Policy is provided at section 5.2 above.

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.
- Protecting children and young persons from harm.

The objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence and a breach of condition in a licence 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 may be based on any of the objectives.

All reports to the Board regarding applications for determination refer the Board to its Policy provisions and contain advice about the licensing objectives and grounds for objection, as well as for grant or refusal. The reports contain advice that applications must be refused if they are inconsistent with any of the licensing objectives. The reports draw attention to pertinent provisions of the Board's statement of licensing policy which are to provide guidance to the Board in considering matters presented to the Board.

Whilst the Board can provide a summary of decisions made, as provided in the section on Contextual Information above, it is more difficult for it to provide detailed analysis of all decisions. The Board's Licensing Policy Statement can assist; Board meetings are held in public; agendas and reports are published; Minutes of meetings are published; and Statements of Reasons, which are very detailed documents, can be requested in accordance with the Act for specific decisions on applications.

7. Income

	2019/20	2020/21	2021/22	2022/23	2023/24
Income (alcohol licensing application fees and annual fees):	£43,813.77	£36,977.34	£37,495.70	£39,429.92	£37,581.64

8. Expenditure

	2019/20	2020/21	2021/22	2022/23	2023/24
Staff costs:	£79,257.75	£81,340.24	£83,202.96	£97,694.83	£97,322.10
Supplies and services:	£980.36	£600.56	£852.93	£465.30	£189.19
Travel and subsistence:	£564.17	£0.40	£0.00	£0.00	£0.00
Stationery:	£959.67	£648.47	£693.30	£580.30	£1,015.62
Training and development:	£70.00	£218.75	£155.00	£1,002.00	£26.80
Total costs:	£81,831.94	£82,808.42	£84,904.19	£99,742.43	£98,553.70

9. Deficit

	2019/20	2020/21	2021/22	2022/23	2023/24
Deficit for the respective financial years:	(£38,018.17)	(£45,831.08)	(£47,408.49)	(£60,312.51)	(£60,972.06)

Staff costs: salary, superannuation and national insurance costs associated with the Board Clerk and other Legal Services staff, the Licensing Standards Officer and a portion of central administration staff allocated to the Board function.

Other costs: the identified direct budgetary costs associated with the exercise of the Board function under each category provided.

Contact: Clerk to the Licensing Board, Strategy, Performance and Business Solutions, Orkney Islands Council, Council Offices, Kirkwall, Orkney KW15 1NY.

Email: licensing@orkney.gov.uk

2024-07-04.

Orkney Islands Area Licensing Board

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