

Minute

Orkney Islands Area Licensing Board

Thursday, 25 April 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Gillian Morrison, Executive Director of Corporate Services (for Items 1 and 2).
- David Brown, Environmental Health Manager and Licensing Standards Officer.
- Elaine Sinclair, Legal Clerk.
- Hazel Flett, Senior Committees Officer.

Police Scotland:

- Sergeant Richard Morris (for Items 3 to 5).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Duncan A Tullock.

1. Draft Minute of Meeting held on 7 March 2019

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 7 March 2019, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by Barbara Foulkes, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 7 March 2019 be approved as a true record.

2. Annual Equality and Mainstreaming Report

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

Noted:

2.1. Orkney Islands Area Licensing Board's legal requirement in respect of its equality duties, as detailed in section 3 of the report by the Clerk to the Board.

2.2. The Annual Equality and Mainstreaming Report 2018 to 2019 incorporating Orkney Islands Council and its Education Authority, as well as Orkney Islands Area Licensing Board, attached as Appendix 1 to the report by the Clerk to the Board.

3. M B Stout Ltd

Application for Variation of Premises Licence

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 Lynnfield Hotel, Kirkwall, since 1 September 2009, by M B Stout Ltd.

3.2. That M B Stout Ltd had submitted an application for a variation of the premises licence held in respect of Lynnfield Hotel, Kirkwall, which sought approval to increase the extent of the licensed premises by construction of an extension to provide 10 additional bedrooms.

3.3. That no objections or representations had been received in respect of the application from M B Stout Ltd for a variation of the premises licence held in respect of Lynnfield Hotel, Kirkwall.

3.4. That, although M B Stout Ltd had been invited to attend the meeting, no representative was present.

The Board resolved:

3.5. That the application from M B Stout Ltd for a variation of the premises licence in respect of Lynnfield Hotel, Kirkwall, be granted, as follows:

- Increased extent of the licensed premises by construction of an extension to provide 10 additional bedrooms.

4. Grooves Live Ltd

Application for Variation of Premises Licence

Neil Stevenson, representing the applicant, and Georgette Herd, solicitor representing the applicant, Grooves Live Ltd, were 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:

4.1. That a premises licence had been held at 21 Albert Street, Kirkwall, since 1 September 2009, firstly by Smiddies Ltd, then by Lorraine Pilkington-Tait and then by Grooves Live Ltd.

4.2. That the premises were currently licensed for on-sales only, incidental to food, as follows:

- 11:00 to 21:00 on Sundays to Thursdays inclusive.
- 11:00 to 22:00 on Fridays and Saturdays.
- From 1 November to 28 or 29 February each year:
 - 11:00 to 18:00 on Sundays to Thursdays inclusive.
 - 11:00 to 21:00 on Fridays and Saturdays.
- Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show.
- Terminal on-sale operating hour of 01:30 any morning during the festive period, specified as 24, 25, 26 and 31 December and 1/2 January each year.

4.3. That Grooves Live Ltd had submitted an application for a variation of the premises licence held in respect of 21 Albert Street, Kirkwall, which sought the following:

- Amendments to current on-sale operating hours.
- Removal of the current restriction that on-sales be incidental to food.
- Amendments to activities carried out in the premises.

4.4. That no objections or representations had been received in respect of the application from Grooves Live Ltd for a variation of the premises licence held in respect of 21 Albert Street, Kirkwall.

After hearing representations from Georgette Herd in support of the application for variation of the premises licence held in respect of 21 Albert Street, Kirkwall, the Board:

Resolved:

4.5. That the application from Grooves Live Ltd for a variation of the premises licence held in respect of 21 Albert Street, Kirkwall, be granted as follows:

- Amended on-sale operating hours as follows:
 - 11:00 to 24:00 on Sundays to Thursdays inclusive.
 - 11:00 to 01:00 on Fridays and Saturdays.
 - Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival or agricultural show; or for the festive season, being 24/25 December until 2/3 January each year.
- Current restriction that on-sales be incidental to food removed.
- Provision of the activity of bar meals for the first time.
- Cessation of the activity of televised sport.

5. Albert Hotel Ltd

Application for Variation of Premises Licence

Dawn Flett, representing the applicant, and Georgette Herd, solicitor representing the applicant, Albert Hotel Ltd, were present during consideration of this item.

William Sutherland, representing the objectors, J Colin King on behalf of himself and his mother, Mrs Jessie M D King, was present during consideration of this item.

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

Noted:

5.1. That a premises licence had been held at Albert Hotel, Mounthoolie Lane, Kirkwall, since 1 September 2009, by Albert Hotel Ltd.

5.2. That the premises were currently licensed for both on-sales and off-sales, as follows:

- On-sales:
 - 11:00 to 24:00 on Mondays to Wednesdays inclusive.
 - 11:00 to 01:00 on Thursdays/Fridays to Saturdays/Sundays inclusive.
 - 12:00 to 24:00 on Sundays.
 - Terminal on-sale operating hour of 01:00 any morning for private functions; functions held on the premises relating to a local festival; or for the festive season.
- Off-sales:
 - 10:00 to 22:00 on Mondays to Saturdays inclusive.
 - 12:30 to 22:00 on Sundays.

5.3. That Albert Hotel Ltd had submitted an application for a variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, which sought the following:

- Increased extent of the licensed premises by inclusion of additional areas.
- Increased on-sale and off-sale capacities as a result of increased extent of licensed premises.
- Increased areas accessible by children and young persons as a result of increased extent of licensed premises.
- Amendments to current on-sale and off-sale operating hours.

5.4. That objections in respect of the application from Albert Hotel Ltd for a variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, had been received from the following:

- Mr and Mrs Mike Laing, Buster's Diner, 1 Mounthoolie Place, Kirkwall.
- Graeme Clark, Clark Optometrists Ltd, 9 – 13 Mounthoolie Lane, Kirkwall.
- Ms Louise Mowat, Mounthoolie Place, Kirkwall.

- Mr J Colin King on behalf of himself and his mother, Mrs Jessie M D King, both of Mounthoolie Place, Kirkwall.

5.5. That, as well as the objections referred to above which had been received within the statutory timeframe, a letter of representation had been received from Mr W E Sutherland, Mounthoolie Place, Kirkwall, on 26 March 2019, which was five days outwith the statutory timeframe for representations to be received.

On the motion of Robin W Crichton, seconded by Barbara Foulkes, the Board resolved:

5.6. That the representation received from Mr W E Sutherland, Mounthoolie Place, Kirkwall, on 26 March 2019, should not be considered.

After hearing representations from Georgette Herd in support of the application for variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, from William Sutherland, representing the objectors, J Colin King on behalf of himself and his mother, Mrs Jessie M D King, and from Sergeant Richard Morris, Police Scotland, specifically in respect of incidents which were alleged to have occurred in Mounthoolie Lane, Kirkwall, adjacent to the Albert Hotel, Duncan A Tullock, seconded by Robin W Crichton, moved that the application for variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, be granted, as requested, with the exception of the inclusion of the external seating area in Mounthoolie Lane.

Steven B Heddle, seconded by Owen Tierney, moved an amendment that the application for variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, be granted, as requested, subject to the extent of the external seating area in Mounthoolie Lane being restricted to a point west of the garage marked "blocked garage door" and all furniture being removed and stored within the premises no later than 19:00 Mondays to Sundays inclusive.

On a vote being taken 2 members voted for the amendment and 5 for the motion, and the Board:

Resolved:

5.7. That the application from Albert Hotel Ltd for a variation of the premises licence held in respect of Albert Hotel, Mounthoolie Lane, Kirkwall, be granted as follows:

- Increased extent of the licensed premises by inclusion of the area marked "Ancillary Grounds 3" on the layout plan of the ground floor.
- On-sale capacity increased by 8 persons, from 420 to 428.
- Areas accessible by children and young people increased with the inclusion of the area marked "Ancillary Grounds 3".
- The area marked "Shop" on the layout plan of the ground floor to be brought into use for the purpose of off-sales, thereby increasing the off-sale capacity of the premises by 8.64 square metres.
- Amended on-sale operating hours to provide outdoor drinking facilities as follows:
 - 11:00 to 21:00 on Mondays to Thursdays inclusive.
 - 11:00 to 22:00 on Fridays and Saturdays.

- 12:00 to 20:00 on Sundays.
- Amended off-sale operating hours as follows:
 - 12:00 to 22:00 on Sundays.

J Harvey Johnston joined the meeting during consideration of this item but took no part in the determination thereof.

6. Conclusion of Meeting

At 11:50 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.