

Item: 5

Orkney Islands Area Licensing Board: 7 March 2019.

Licensing (Scotland) Act 2005.

Application for Extended Hours.

Northern Developments (Orkney) Ltd – Torvhaug, 4 Bridge Street, Kirkwall.

Report by Clerk to the Board.

1. Purpose of Report

To consider an application by Northern Developments (Orkney) Ltd for extended hours at Torvhaug, 4 Bridge Street, Kirkwall.

2. Recommendations

It is recommended:

That the Board determines the application by Northern Developments (Orkney) Ltd for extended hours at Torvhaug, 4 Bridge Street, Kirkwall from 00:00 until 01:00 on Monday, 6 May 2019.

3. Policy Aspects

3.1.

The Board's Statement of Alcohol Licensing Policy generally permits a terminal on-sale operating hour of 24:00 on Sundays.

3.2.

The Board's Statement of Alcohol Licensing Policy provides that determination of an application for extended hours which falls outwith policy shall be made by the Board.

3.3.

The full policy document is available from the Related Downloads section of the following Council webpage:

<http://www.orkney.gov.uk/Service-Directory/L/licensing-board-policies.htm>.

4. Application

4.1.

The premises licence in respect of Torvhaug, 4 Bridge Street, Kirkwall, is held by Northern Developments (Orkney) Ltd (the applicant).

4.2.

On 31 January 2019, the applicant submitted an application for extended hours at Torvhaug, 4 Bridge Street, Kirkwall, from 00:00 until 01:00 on Monday, 6 May 2019 for live music as part of Orkney Rugby 7s weekend and the May Day holiday.

4.3.

The applicant has also submitted a statement, attached as Appendix 1 to this report, providing additional information in support of the application.

4.4.

The current on-sale operating hours in the premises are 12:30 to 24:00 on Sundays.

5. Consultation

The required notices were issued to the statutory consultees on 1 February 2019. No objections to the application were received

6. Financial Implications

The appropriate application fee of £10 has been paid.

7. Legal Aspects

7.1.

Section 68 of the Licensing (Scotland) Act 2005 (the Act) provides that a premises licence holder may apply for an extension of licensed hours in connection with a special event or occasion to be catered for on the premises.

7.2.

The Board may grant the extension as requested or for a shorter period.

7.3.

The Board must give notice of an application to the Chief Constable and the Licensing Standards Officer.

7.4.

The Chief Constable may, within 10 days of receipt of the notice, object to the application if s/he considers it necessary to do so for the purposes of any of the licensing objectives.

7.5.

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.

7.6.

The Licensing Standards Officer may, within 10 days of receipt of the notice, prepare and submit a report setting out his/her comments on the application.

7.7.

The Board must take into account any notice of objection given by the Chief Constable and the Licensing Standards Officer's report.

7.8.

In terms of section 70 of the Act the decision on whether or not to grant an application for extended hours is a matter of discretion for the Board.

7.9.

Where the Board grants or refuses an application the Board must give notice of the grant or refusal to the applicant, the Chief Constable and the Licensing Standards Officer, any of whom may require the Board to give a statement of reasons for the grant or refusal of the application.

7.10.

In terms of section 131 and Schedule 5 to the Act, if the application is refused, the applicant may appeal to the sheriff court.

8. Contact Officers

Gavin Mitchell, Clerk to the Board, extension 2233, email gavin.mitchell@orkney.gov.uk.

Elaine Sinclair, Legal Clerk, extension 2232, email elaine.sinclair-hill@orkney.gov.uk.

9. Appendix

Appendix 1: Torvhaug supporting statement.

31/01/2019

SUPPORTING STATEMENT

This application is lodged by us for a 1 hour extension from Sunday 5 May 12.00 midnight to Monday 6 May 01.00

We have been approached by local and visiting rugby fans and players, requesting that we apply for the aforementioned extension, with music provision from a local band. There are two options open to us on this, we have yet to confirm which band would play. The Orkney Rugby Club Sevens competition has been hailed a great success so far in its history, attracting many visitors and players to Orkney in addition to the healthy local support. To their credit the club are constantly trying to improve and make the weekend more attractive, which will increase visitor numbers obviously benefitting the local economy. There have been requests for the Sunday night to be of the same duration as the Friday and Saturday nights. This would enhance the weekend experience for visitors from south, leaving on the Monday. Considerable support and appreciation would be anticipated, as it is the May day bank holiday. I believe this would demonstrate an example good hospitality on Orkney's behalf, therefore we are making the application, and hope you see fit to approve it.

Regards

Graham Scott

NORTHERN DEVELOPMENTS