

## Minute

### Orkney Islands Area Licensing Board

Thursday, 9 May 2024, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

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

### Clerk

- Gavin Mitchell.

### In Attendance

#### Orkney Islands Council:

- Karen Bevilacqua, Service Manager (Legal Services).
- Hazel Flett, Service Manager (Governance).
- Nick Long, Licensing Standards Officer.
- Elaine Sinclair, Legal Clerk (for Items 1 to 4).
- Katy Russell-Duff, Committees Officer.

### Observing

- Lillian Rendall, Legal Clerk.

### Apologies

- David Dawson.
- Kristopher D Leask.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Duncan A Tullock, Convener.

## **1. Draft Minute of Meeting held on 21 March 2024**

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 21 March 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 21 March 2024 be approved as a true record.

## **2. Gambling Act 2005 – Review of Statement of Gambling Policy**

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

Noted:

**2.1.** That the Board's Statement of Gambling Policy, which was adopted on 7 October 2021, required review.

**2.2.** The draft revised Statement of Gambling Policy, attached as Appendix 1 to the report by the Clerk to the Board, which had been updated generally with regard to statistics and weblinks.

The Board resolved:

**2.3.** That the draft revised Statement of Gambling Policy, referred to at paragraph 2.2 above, be approved for consultation.

**2.4.** That the Clerk to the Board should submit a report, to the meeting of the Board to be held on 22 August 2024, on the outcome of the consultation, referred to at paragraph 2.3. above, together with a final version of the Statement of Gambling Policy for adoption.

## **3. Application for Variation of Premises Licence**

### **Deerness Distillery Limited – Deerness Distillery, Newhall, Deerness**

Stuart Brown, representing the applicant, Deerness Distillery 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 Deerness Distillery, Newhall, Deerness, since 11 May 2017, by Deerness Distillery Limited.

**3.2.** That, on 1 March 2024, Deerness Distillery Limited submitted an application for a variation of the premises licence in respect of Deerness Distillery, Newhall, Deerness, which sought the following:

- Increase in the extent of the licensed premises by the extension of the distillery to include a larger shop and café, outdoor area and separate tasting room.

- To permit on-sales from 10:00 to 23:00 on Mondays to Sundays inclusive with capacity of 200 persons.
- To permit activities of outdoor drinking facilities, conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings and live performances in addition to previously permitted recorded music.

**3.3.** That no objections or representations had been received in respect of the application from Deerness Distillery Limited for a variation of the premises licence in respect of Deerness Distillery, Newhall, Deerness.

After hearing representations from Stuart Brown in support of the application from Deerness Distillery Limited for a variation of the premises licence in respect of Deerness Distillery, Newhall, Deerness, on the motion of W Leslie Manson, seconded by Gwenda M Shearer, the Board:

Resolved:

**3.4.** That the application from Deerness Distillery Limited for a variation of the premises licence in respect of Deerness Distillery, Newhall, Deerness, be granted, as follows:

- Increase the extent of the licensed premises by the extension of the distillery to include a larger shop and café, outdoor area and separate tasting room.
- To permit on-sales from 10:00 to 23:00 Mondays to Sundays inclusive with capacity of 200 persons.
- To permit activities of outdoor drinking facilities, conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings and live performances in addition to previously permitted recorded music.

## **4. Application for Variation of Premises Licence**

### **Highland Distillers Limited – 58 Albert Street, Kirkwall**

Nicola Aitchison, representing the applicant, Highland Distillers Limited, was present, via Microsoft Teams, during consideration of this item. Graham Bruce, representing the applicant, Highland Distillers 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:

**4.1.** That a premises licence had been held at 58 Albert Street, Kirkwall, since 8 May 2019 by Highland Distillers Limited.

**4.2.** That, on 11 March 2024, Highland Distillers Limited submitted an application for a variation of the premises licence in respect of 58 Albert Street, Kirkwall, which sought the following:

- Increase in the extent of the licensed premises by the inclusion of an additional room on the first floor.
- Permit activities of live music, films, tasting, sampling and whisky experiences in addition to previously permitted recorded music.

- Increase in off-sales operating hours on Sundays from 10:00 to 22:00.
- Permit on-sales from 10:00 to 22:00 on Mondays to Sundays inclusive with capacity of 20 persons.

**4.3.** That no objections or representations had been received in respect of the application from Highland Distillers Limited for a variation of the premises licence in respect of 58 Albert Street, Kirkwall.

After hearing representations from Graham Bruce and Nicola Aitchison in support of the application from Highland Distillers Limited for a variation of the premises licence in respect of 58 Albert Street, Kirkwall, on the motion of Rachael A King, seconded by Steven B Heddle, the Board:

Resolved:

**4.4.** That the application from Highland Distillers Limited for a variation of the premises licence in respect of 58 Albert Street, Kirkwall, be granted as follows:

- Increase in the extent of the licensed premises by the inclusion of an additional room on the first floor.
- To permit activities of live music, films, tasting, sampling and whisky experiences in addition to previously permitted record music.
- Increase in off-sales operating hours on Sundays from 10:00 to 22:00.
- To permit on-sales from 10:00 to 22:00 on Mondays to Sundays inclusive with capacity of 20 persons.

## **5. Application for Variation of Premises Licence**

### **KH Orkney Limited – Kirkwall Hotel, Kirkwall**

Leanne Rendall, representing the applicant, KH Orkney 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:

**5.1.** That a premises licence had been held at Kirkwall Hotel, since 1 September 2009, firstly by Mrs Debra M Low and then by KH Orkney Limited.

**5.2.** That, on 1 March 2024, KH Orkney Limited submitted an application for a variation of the premises licences in respect of Kirkwall Hotel, Kirkwall, which sought the following:

- To permit access by children and young persons in the public bar area (Skippers) on Mondays to Fridays between 11:00 and 17:00, while accompanied by a responsible adult.

**5.3.** That no objections or representations had been received in relation to the application from KH Orkney Limited for a variation of the premises licence in respect of Kirkwall Hotel, Kirkwall.

After hearing representations from Leanne Rendall in support of the application from KH Orkney Limited for a variation of the premises licence at Kirkwall Hotel, Kirkwall, on the motion of Owen Tierney, seconded by Steven B Heddle, the Board:

Resolved:

**5.4.** That the application from KH Orkney Limited for a variation of the premises licence in respect of Kirkwall Hotel, Kirkwall, be granted as follows:

- To permit access by children and young persons in the public bar area (Skippers) on Mondays to Fridays between 11:00 and 17:00, while accompanied by a responsible adult.

## **6. Conclusion of Meeting**

At 11:05 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.