

Minute

Orkney Islands Area Licensing Board

Thursday, 10 March 2022, 11:30.

Microsoft Teams.



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:

- Nick Blowfield, Licensing Standards Officer.
- Hazel Flett, Senior Committees Officer.
- Elaine Sinclair, Legal Clerk.
- Lillian Rendall, Legal Clerk.

Police Scotland:

- Sergeant Katy Duncan.

Observing

- Kirsty Groundwater, Communications Team Leader.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Duncan A Tullock.

1. Draft Minute of Meeting held on 20 January 2022

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 20 January 2022, 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 20 January 2022 be approved as a true record.

2. Non-Payment of Annual Premises Licence Fee

Fusion, 10/12 Ayre Road, Kirkwall

After consideration of a report by the Licensing Standards Officer, copies of which had been circulated, the Board:

Noted:

2.1. That, on 20 January 2022, the Board noted that the Licensing Standards Officer had submitted an application for a premises licence review in respect of the premises licence held by Light Fantastic (Orkney) Limited in relation to premises known as Fusion, 10/12 Ayre Road, Kirkwall, arising from an ex facie breach of a mandatory condition pertaining to the premises licence, being non-payment of the statutory annual fee relating to the premises licence.

2.2. That the Board subsequently resolved that the application, referred to at paragraph 2.1 above, was not vexatious, nor frivolous, that a relevant ground for review had been disclosed and, accordingly, the premises licence held at Fusion, 10/12 Ayre Road, Kirkwall, be reviewed at the meeting of the Board on 10 March 2022.

2.3. That, despite three reminders having been sent to the licence holder, the annual fee payable in respect of the premises known as Fusion, 10/12 Ayre Road, Kirkwall, remained outstanding.

2.4. That the Licensing Standards Officer had been unable to make contact with the licence holder, despite numerous attempts.

2.5. That, although invited to attend the review hearing, the licence holder, Light Fantastic (Orkney) Limited, was not present.

Barbara Foulkes, seconded by Steven B Heddle, moved that the premises licence in respect of Fusion, 10/12 Ayre Road, Kirkwall, be suspended until 28 April 2022.

Alexander G Cowie, seconded by Robin W Crichton, moved an amendment that the premises licence in respect of Fusion, 10/12 Ayre Road, Kirkwall, be revoked.

The result of a recorded vote was as follows:

For the Amendment:

Alexander G Cowie, Robin W Crichton, J Harvey Johnston and Duncan A Tullock (4).

For the Motion:

Norman R Craigie, Barbara Foulkes, Steven B Heddle and Owen Tierney (4).

On the casting vote of the Chair, the Amendment was carried.

The Board thereafter resolved:

2.6. That the premises licence in respect of Fusion, 10/12 Ayre Road, Kirkwall, be revoked.

3. Conclusion of Meeting

At 11:50 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.