

**Item: 4**

**Orkney Islands Area Licensing Board: 9 October 2025.**

**Licensing (Scotland) Act 2005.**

**Application for Premises Licence.**

**Historic Environment Scotland Enterprises Ltd.**

**Maeshowe Visitor Centre, Ireland Road, Stenness.**

**Report by Clerk to the Licensing Board.**

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## **1. Overview**

- 1.1. On 30 July 2025, Historic Environment Scotland Enterprises Ltd submitted an application for a premises licence in respect of Maeshowe Visitor Centre, Ireland Road, Stenness, details of which are provided at section 3 below.

## **2. Recommendations**

- 2.1. It is recommended that members of the Board:
- i. Determine the application from Historic Environment Scotland Enterprises Ltd for a premises licence in respect of Maeshowe Visitor Centre, Ireland Road, Stenness.

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

- 3.1. The premises are described as a visitor centre and retail shop, related to Maeshowe Chambered Cairn, and located on Ireland Road, Stenness.
- 3.2. The application requests off-sale operating hours as follows:
- 10:00 to 22:00 on Mondays to Sundays.
- 3.3. The premises may close at earlier hours in light of seasonal demand and weather conditions.
- 3.4. The off-sale display capacity requested is 1.6m<sup>2</sup>.

- 3.5. The requested activities include recorded music, theatre, films, retail sales including snack foods and beverages, taking and dispatch of orders including by electronic commerce; tastings/sampling of whisky and other alcoholic and food products; displays and exhibitions with ticketing for tours, and administrative functions.
- 3.6. A layout plan of the premises is attached as Appendix 1 to this report.

## **4. Consultation**

- 4.1. The required notices were issued to the statutory consultees on 4 August 2025 and the application was published on Orkney Islands Council's website from 5 August 2025. The last date for objections or representations to be received was 26 August 2025. No objections or representations were received.

## **5. Policy Position**

- 5.1. In accordance with the Licensing (Scotland) Act 2005 (the Act), the Board's Statement of Alcohol Licensing Policy provides that decisions on premises licence applications shall be made by the Board.
- 5.2. In relation to overprovision, on 27 April 2023, the Board determined the following:
- There is no overprovision of licensed premises or licensed premises of a particular description within the locality of Orkney defined by the Board.
  - The Board concluded that, on a balance of probabilities, there was not a dependable causal link between the availability of alcohol in Orkney and alcohol-related harm, in that, based on the evidence of harm in the locality of Orkney as defined by the Board, it was unlikely, on balance, that alcohol availability was a cause of harm in Orkney, or that increasing the availability of alcohol in Orkney would increase that harm.
- 5.3. The Board's Statement of Alcohol Licensing Policy generally permits off sale operating hours from 10:00 to 22:00 each day.
- 5.4. The off-sale operating hours requested in the application fall within the range of hours permitted in the Board's Statement of Alcohol Licensing Policy.
- 5.5. The full policy document is available from the Related Downloads section [here](#).

## **6. Legislative Position**

- 6.1. The Act provides that the Licensing Board must hold a hearing for the purpose of considering and determining an application for premises licence.
- 6.2. Any person may, by notice to the Board, object to an application on any of the grounds for refusal specified in the Act or may make representations to the Licensing Board, including representations in support of the application, as to modifications which the person considers should be made to the operating plan accompanying the application or as to conditions which the person considers should be imposed.
- 6.3. The grounds for refusal under the Act are as follows:
- 6.3.1 The application must be refused if, generally, it is an application within one year of a previous refusal or seeks generally banned 24 hour opening or prohibited off-sale hours.
- 6.3.2 The Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, namely:
- Preventing crime and disorder.
  - Securing public safety.
  - Preventing public nuisance.
  - Protecting and improving public health.
  - Protecting children and young persons from harm.
- 6.3.3 Having regard to:
- The nature of the activities proposed to be carried on in the subject premises,
  - The location, character and condition of the premises, or
  - The persons likely to frequent the premises.
- The Board considers that the premises are unsuitable for use for the sale of alcohol.
- 6.3.4 The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises or licensed premises of the same or similar description as the subject premises, in the locality.
- 6.4. Anyone lodging an objection on the ground detailed at section 6.3.4 above must specify the locality on which they are basing their objection.

- 6.5. Where the Board refuses the application, the Board must specify the ground for refusal. If the ground for refusal is one of the grounds detailed at section 6.3.2 above, the Board must specify the licensing objective or objectives in question.
- 6.6. The Board must, in considering and determining the application, consider whether any of the grounds for refusal applies. If none of them applies, the Board must grant the application. If any of them applies, the Board must refuse the application.

**For Further Information please contact:**

Gavin Mitchell, Clerk to the Board, extension 2233, email [gavin.mitchell@orkney.gov.uk](mailto:gavin.mitchell@orkney.gov.uk).

**Implications of Report**

1. **Financial:** The appropriate application fee of £1,100 has been paid.
2. **Legal:** The legal aspects are contained within the body of this report.
3. **Corporate Governance:** In terms of Section 23 of the Licensing (Scotland) Act 2005, a Premises Licence Application is to be determined by the Licensing Board.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Environmental and Climate Risk:** None.
8. **Risk:** None.
9. **Procurement:** None.
10. **Health and Safety:** None.

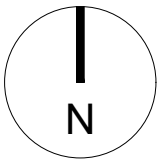
**List of Background Papers**

Application for Premises Licence by Historic Environment Scotland Enterprises Ltd.

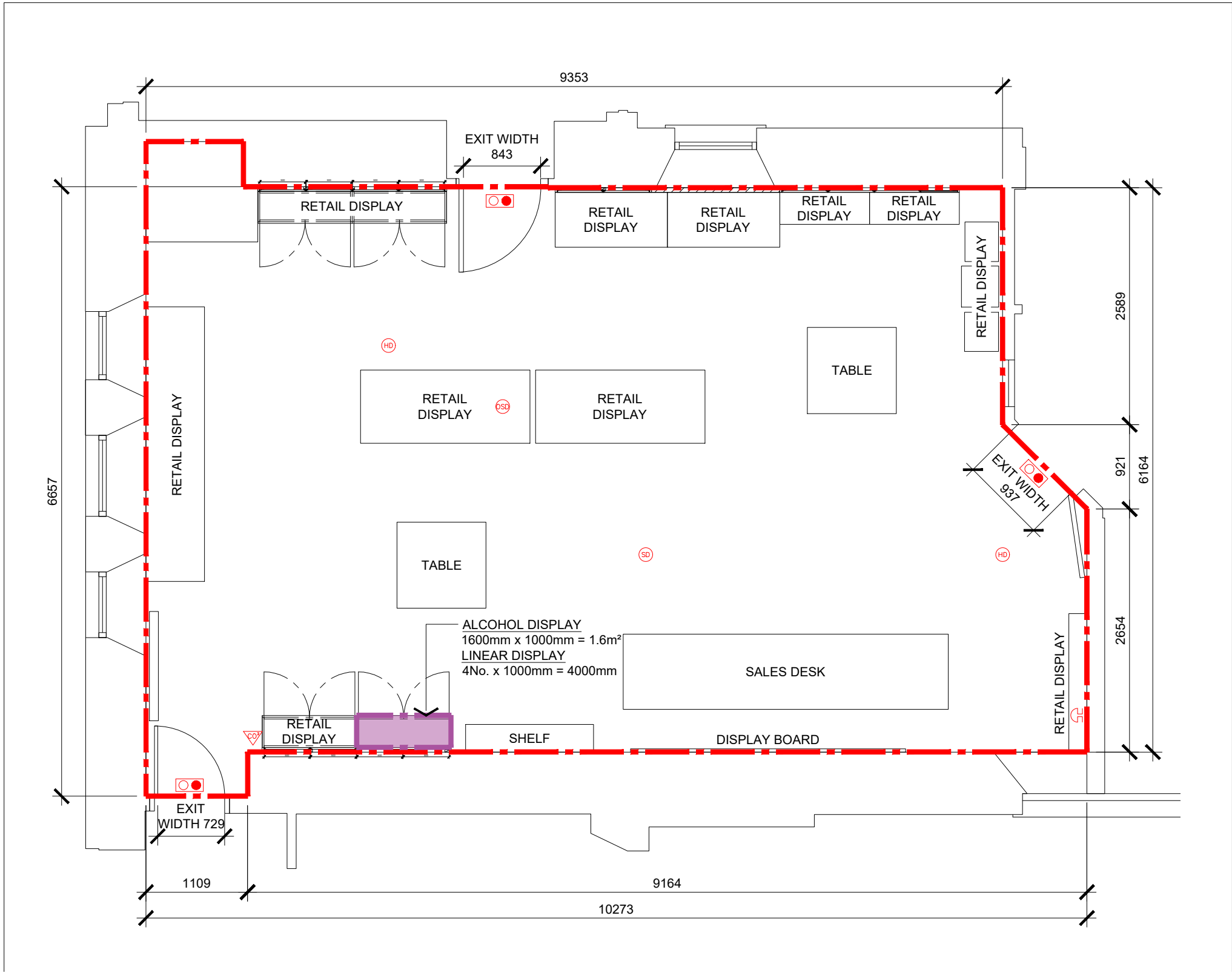
**Appendix**

Appendix 1 – Layout plan of the premises.





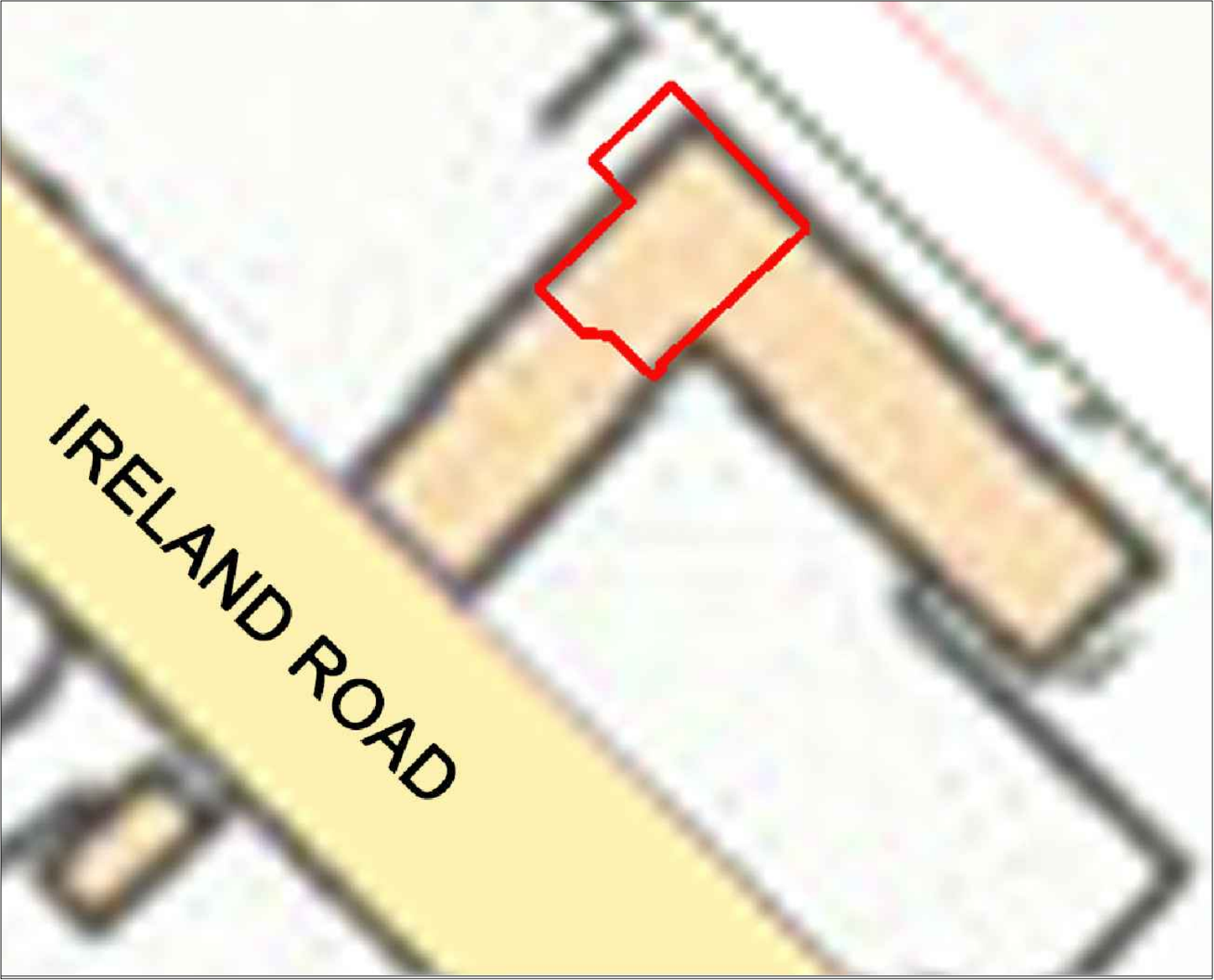
GENERAL NOTES			
FOR CONSTRUCTION PURPOSES DO NOT SCALE. VERIFY ALL DIMENSIONS AND LEVELS ON SITE. CONFIRM ALL SETTING OUT DIMENSIONS.			
SHOULD CONDITIONS ON SITE VARY FROM INFORMATION SUPPLIED REPORT TO ARCHITECT IMMEDIATELY.			
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONSULTANTS DRAWINGS AND SPECIFICATIONS.			
MATERIALS AND WORKMANSHIP TO BE TO RELEVANT BRITISH STANDARDS AND CODES OF PRACTICE AND MANUFACTURERS' WRITTEN RECOMMENDATIONS WHERE APPLICABLE, UNLESS SPECIFICALLY NOTED OTHERWISE.			
ALL WORKS TO BE EXECUTED WITH DUE CARE AND DILIGENCE SO AS NOT TO IMPAIR THE STABILITY OF THE BUILDING, ADJACENT WORKS, SITE PERSONNEL OR THIRD PARTIES. ALL IN ACCORDANCE WITH HSE DIRECTIVES AND RECOMMENDATIONS AND THE CDM REGULATIONS CURRENTLY IN FORCE.			
REV	DATE	INTLS	AMENDMENT
A	02.04.25	MA	SITE PLAN AMENDED



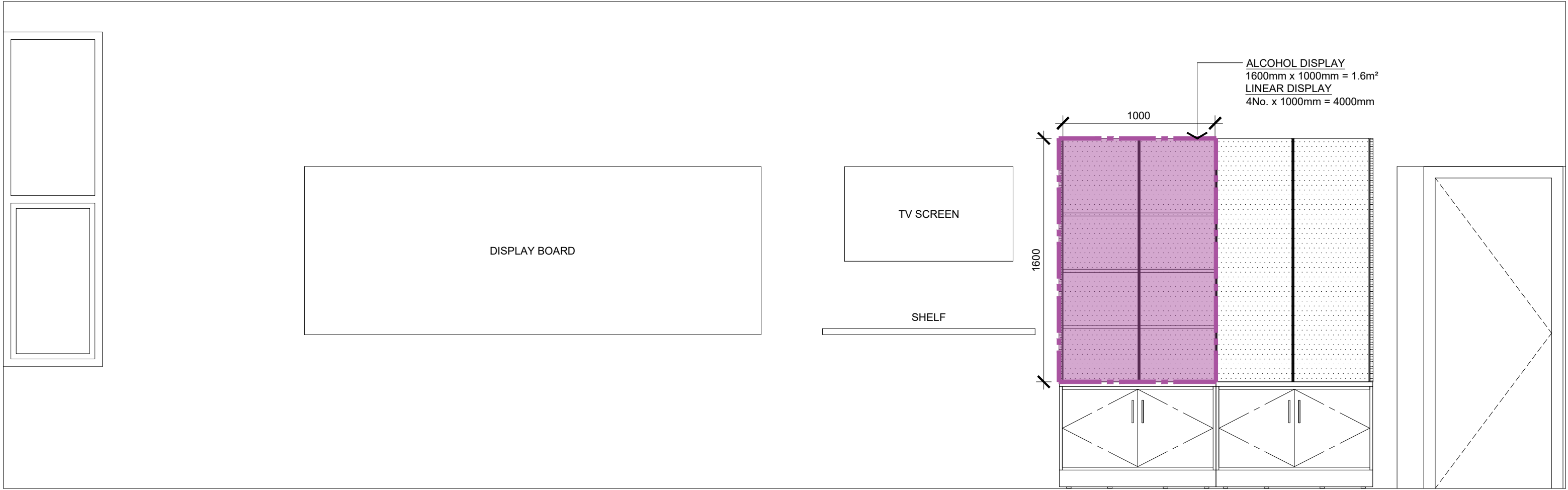
PROPOSED  
GIFT SHOP LICENSING PLAN  
SCALE 1:50@A1 & 1:100@A3



PROPOSED  
LOCATION PLAN  
NTS



PROPOSED  
BLOCK PLAN  
NTS



PROPOSED  
ROOM ELEVATION  
SCALE 1:25@A1 & 1:50@A3

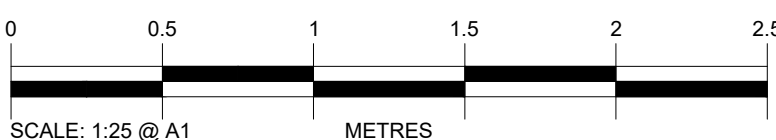
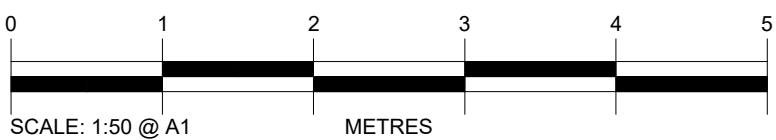
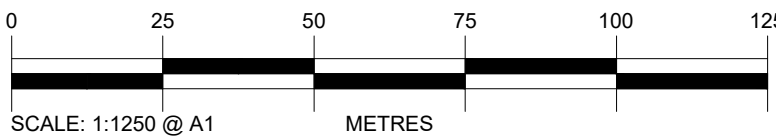
KEY:

- LICENSED AREA
- DISPLAY AREA

FIRE LEGEND

- EMERGENCY EXIT SIGN
- SMOKE DETECTOR
- HEAT DETECTOR
- OPTICAL SMOKE DETECTOR IN ROOF VOID WITH REMOTE INDICATOR UNIT MOUNTED ON CEILING BELOW
- FIRE ALARM SOUNDER
- CO<sup>2</sup> FIRE EXTINGUISHER

LICENSING



DRAWING TITLE

LICENSING PLAN & FITMENT  
PROJECT: ALTERATIONS TO MAESHOWE VISITOR CENTRE  
LOCATION: STROMNESS, ORKNEY KW16 3HH  
CLIENT: HES  
DATE: FEB 25  
SCALE: VARIES  
CAD FILE: BCMU-LIC  
JOB No: 3503  
DWG No: L(20)LIC  
REV: A  
BILLY BIRD & SONS  
ARCHITECTS  
111 KING STREET  
STROMNESS, KW16 3HH  
T: 01850 728888  
F: 01850 728889  
E: info@billsbirds.co.uk  
W: www.billsbirds.co.uk