



Item: 3

Orkney Islands Area Licensing Board: 30 April 2026.

Licensing (Scotland) Act 2005.

Application for Variation of Premises Licence.

Standing Stones Hotel, Stenness.

Report by Clerk to the Licensing Board.

1. Overview

- 1.1. A premises licence has been held at Standing Stones Hotel, Stenness, since 1 September 2009 by a number of licence holders and since 22 March 2024 by BDS Plant Hire (Orkney) Ltd.
- 1.2. On 9 February 2026, BDS Plant Hire (Orkney) Ltd submitted an application for variation of the premises licence in respect of Standing Stones Hotel, Stenness, details of which are provided at section 3 below.

2. Recommendations

- 2.1. It is recommended that the Board:
 - i. Determines the application from BDS Plant Hire (Orkney) Ltd for variation of the premises licence held in respect Standing Stones Hotel, Stenness.
 - ii. Note that, should the Board be minded to approve the application; cognisance be taken of the advice outlined in section 5.3 of this report

3. Application for Variation of Premises Licence

- 3.1. The application requests that young persons of 16 and 17 years, when part of a league darts or pool team and accompanied by adults, be permitted access on the premises for the duration of the league games. A layout plan showing the premises is included at Appendix 1 to this report.
- 3.2. The current operating plan provides for the following licensed operating hours at the premises as follows:
 - On-sales:
 - 11:00 to 24:00 on Sundays to Wednesdays inclusive.
 - 11:00 to 01:00 on Thursdays/Fridays to Saturdays/Sundays inclusive.

- 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.
 - Off-sales:
 - 11:00 to 22:00 on Mondays to Sundays inclusive.
- 3.3. As no variation to these operating hours is sought, those aspects of the premises licence are outwith the scope of matters for consideration in connection with the current application.
- 3.4. The current operating plan permits the activities of accommodation, conference facilities, restaurant facilities, bar meals, receptions (including weddings, funerals, birthdays, retirements, etc), club or other group meetings, recorded music, live performances, dance facilities, gaming, indoor/outdoor sports and televised sport. No changes are requested to these activities.
- 3.5. No change is requested to the on-sale capacity of 230 persons.
- 3.6. There will be no change to the off-sale capacity of 6.9m².
- 3.7. The current operating plan provides for access by children and young persons as follows:
 - All ages (0 – 17 years) accompanied by adults as guests staying in the hotel, for meals and attending functions.
 - Access is permitted at all times accompanied by adults as guests or when attending functions.
 - Access is permitted in all public parts of the premises.
 - Children and young persons, accompanied by adults, are permitted in the bar area for meals until 20:30.
- 3.8. As no change is requested to the already approved access arrangements for children and young persons, detailed in section 3.7 above, these are not subject to consideration.
- 3.9. Section 147(1) of the Licensing (Scotland) Act 2005 (the Act) provides the following definitions:
 - “Child” means a person under the age of 16.
 - “Young persons” means a person aged 16 or 17.

4. Consultation

- 4.1. The required notices were issued to the statutory consultees on 16 February 2026 and the application was published on Orkney Islands Council's website from 17 February 2026. The last date for objections or representations to be received was 10 March 2026. One representation was received.

5. Representation

- 5.1. A representation was received from Police Scotland by email dated 9 March 2026. As required in terms of the Act a copy of the representation was sent to the applicant by email and post on 11 March 2026. The representation is included at Appendix 2 to this report.
- 5.2. The representation highlights the licensing objectives of protecting children and young persons from harm and protecting and improving public health and requests modification to the variation and conditions to be imposed as follows:
- i. Children and young people should not sit or remain at any bar counter at any time (including during private functions).
 - ii. During competitions where 16 and 17 year olds are in attendance all efforts should be taken to ensure that patrons remain seated when consuming alcoholic drinks.
 - iii. Young persons of 16 and 17 years old attending the premises to take part in pool and darts league games for the duration of the competitions are to be accompanied by a responsible adult. It should be noted that this proposed condition is already accounted for in the operating plan forming part of the application for variation of the premises licence.
- 5.3. It is a mandatory condition of all premises licences that alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence. Failure to comply with this condition would constitute a breach. Therefore, should the Board be minded to approve the variation application subject to the requests at sections 5.2i and 5.2ii the applicant should be requested to provide an amended operating plan.
- 5.4. The representation advised that consultation has taken place with NHS Orkney Public Health who agree with the measures and conditions proposed to support the licensing objectives.

- 5.5. An email dated 12 March 2026 was received from NHS Orkney (NHSO) confirming their support of the conditions suggested by Police Scotland at sections 5.2i and 5.2ii. It should be noted that the email from NHSO was received outwith the statutory deadline for responses. NHSO advised that the reason for the late response was due to the officer working part-time hours and because of the part-time working they only received the Police report after the deadline had passed.
- 5.6. In terms of paragraph 10(2) of The Licensing (Procedure) (Scotland) Regulations 2007 the Board is entitled to treat the representation as not made because it was received after the specified date in the statutory notice (in this case the specified date was 10 March 2026).

6. Policy Position

- 6.1. In accordance with the Licensing (Scotland) Act 2005 (the Act), the Board's Statement of Alcohol Licensing Policy provides that decisions on premises licence variation applications shall be made by the Board (with the exception of decisions on minor variation applications which are delegated to the Clerk to the Board).
- 6.2. The Board's Statement of Alcohol Licensing Policy generally permits on sale operating hours as follows:
- Commencement on-sale operating hour of 10:00 each day.
 - Terminal on-sale operating hours of 24:00 Sundays to Thursdays and 01:00 Fridays/Saturdays and Saturdays/Sundays.
 - For local events such as annual agricultural shows, local festivals and private functions, a terminal on-sale operating hour of 01:00 in any morning.
 - For weddings, a terminal on-sale operating hour of 01:30 in any morning.
 - For the festive season, being 24/25 December until 2/3 January each year, a terminal on-sale operating hour of 01:00 any morning.
- 6.3. Sections 2.8 to 2.15 of the Board's Statement of Alcohol Licensing Policy set out the relationship between licensing legislation and other statutory health and safety requirements, such as planning, building standards and food hygiene. Section 2.8 of the Policy provides that the Board will avoid duplication with other regulatory regimes and will not use its powers under the Act to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies.
- 6.4. The full policy document is available from the Related Downloads section [here](#).

7. Legislative Position

- 7.1. The Act provides that the Licensing Board must hold a hearing for the purpose of considering and determining an application for a variation that is not a minor variation.
- 7.2. Because the application requests an increase in access by young persons it is not a minor variation and therefore must be determined by the Board.
- 7.3. 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.
- 7.4. The grounds for refusal under the Act are as follows:
 - 7.4.1 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.
 - 7.4.2 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.
 - 7.4.3 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.
 - The persons likely to frequent the premises.

The Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation.

- 7.4.4 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 (taking account of the variation), in the locality.
- 7.5. Anyone lodging an objection on the ground detailed at section 7.4.4 above must specify the locality on which they are basing their objection.
- 7.6. Where the Board refuses the application, the Board must specify the ground for refusal. If the ground for refusal is that specified in the grounds detailed at section 7.4.2 above, the Board must specify the licensing objective or objectives in question.
- 7.7. 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.
- 7.8. Where the Board grants the application, the Board may impose such other proportionate conditions as it considers necessary or expedient for the purposes of the licensing objectives. The Board may not impose a condition which is inconsistent with an existing mandatory condition, which would have the effect of making a mandatory condition more onerous or restrictive, or which relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

For Further Information please contact:

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

Implications of Report

1. **Financial:** The appropriate application fee of £100 has been paid.
2. **Legal:** The legal implications are contained within the body of the report.
3. **Corporate Governance:** In terms of Section 30 of the Licensing (Scotland) Act 2005, a Premises Licence Variation 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 Variation of Premises Licence by BDS Plant Hire (Orkney) Ltd.

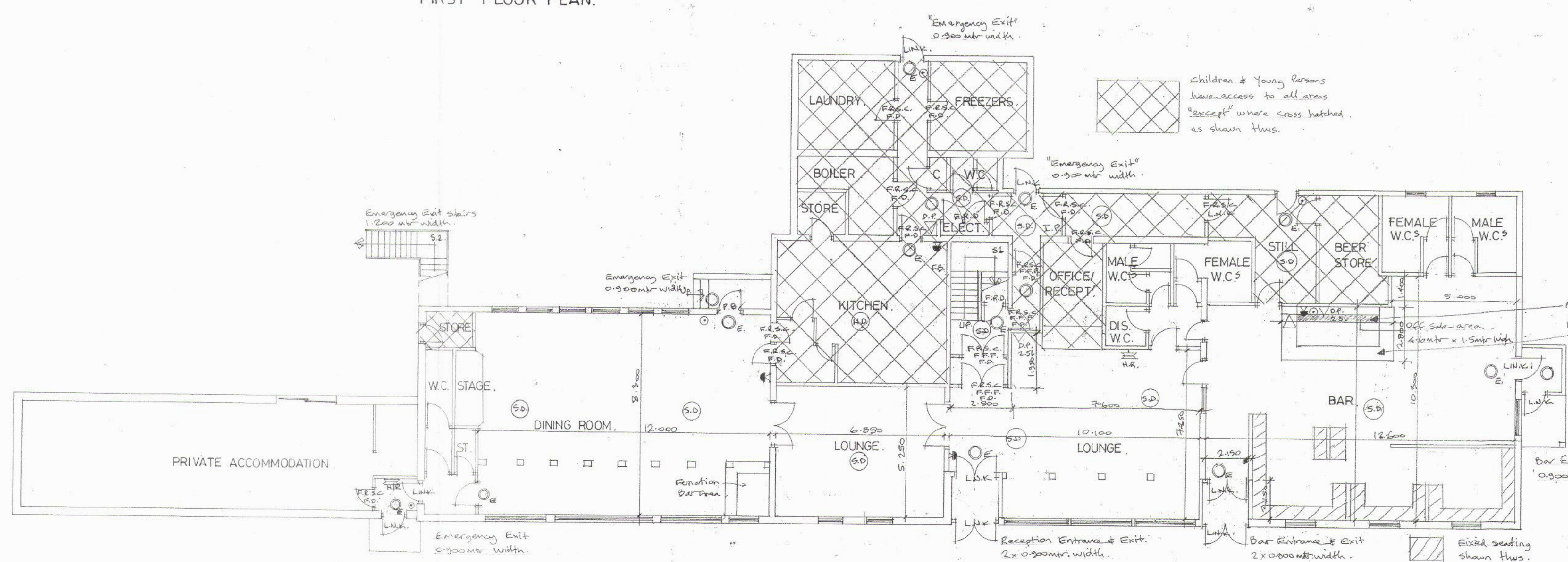
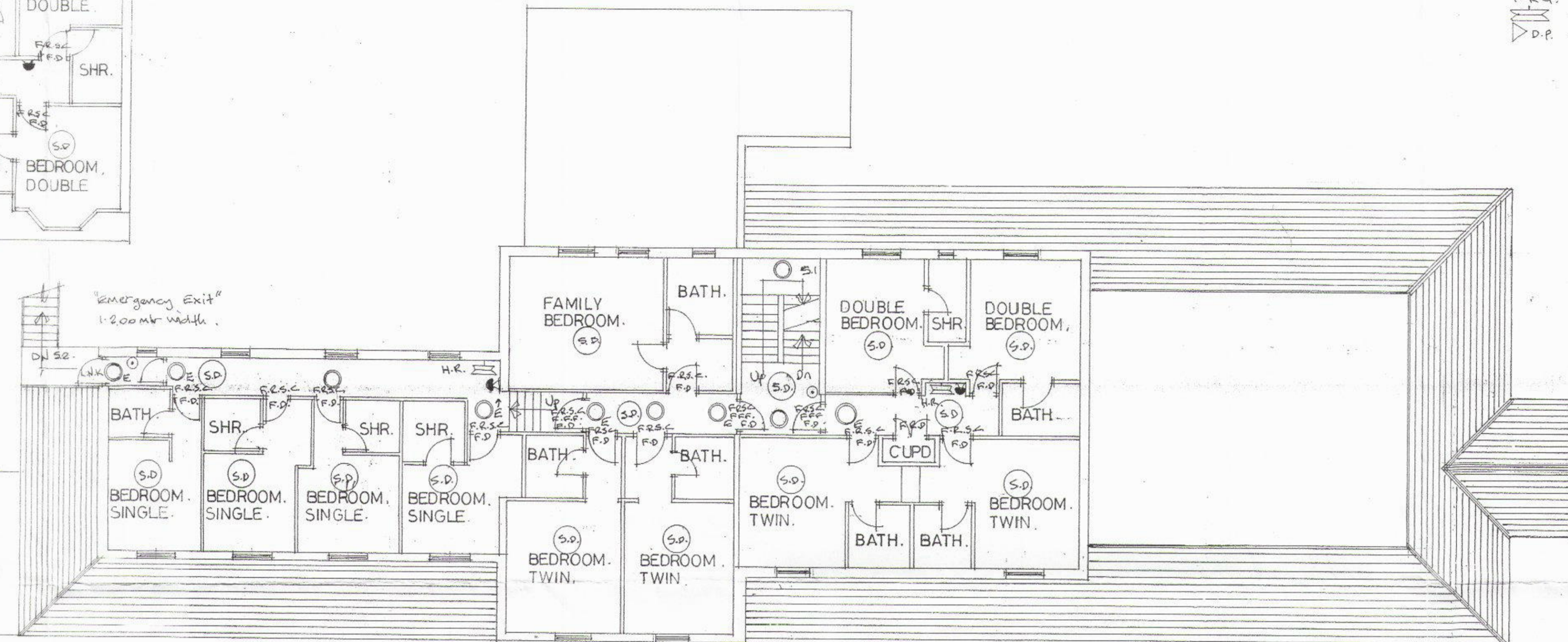
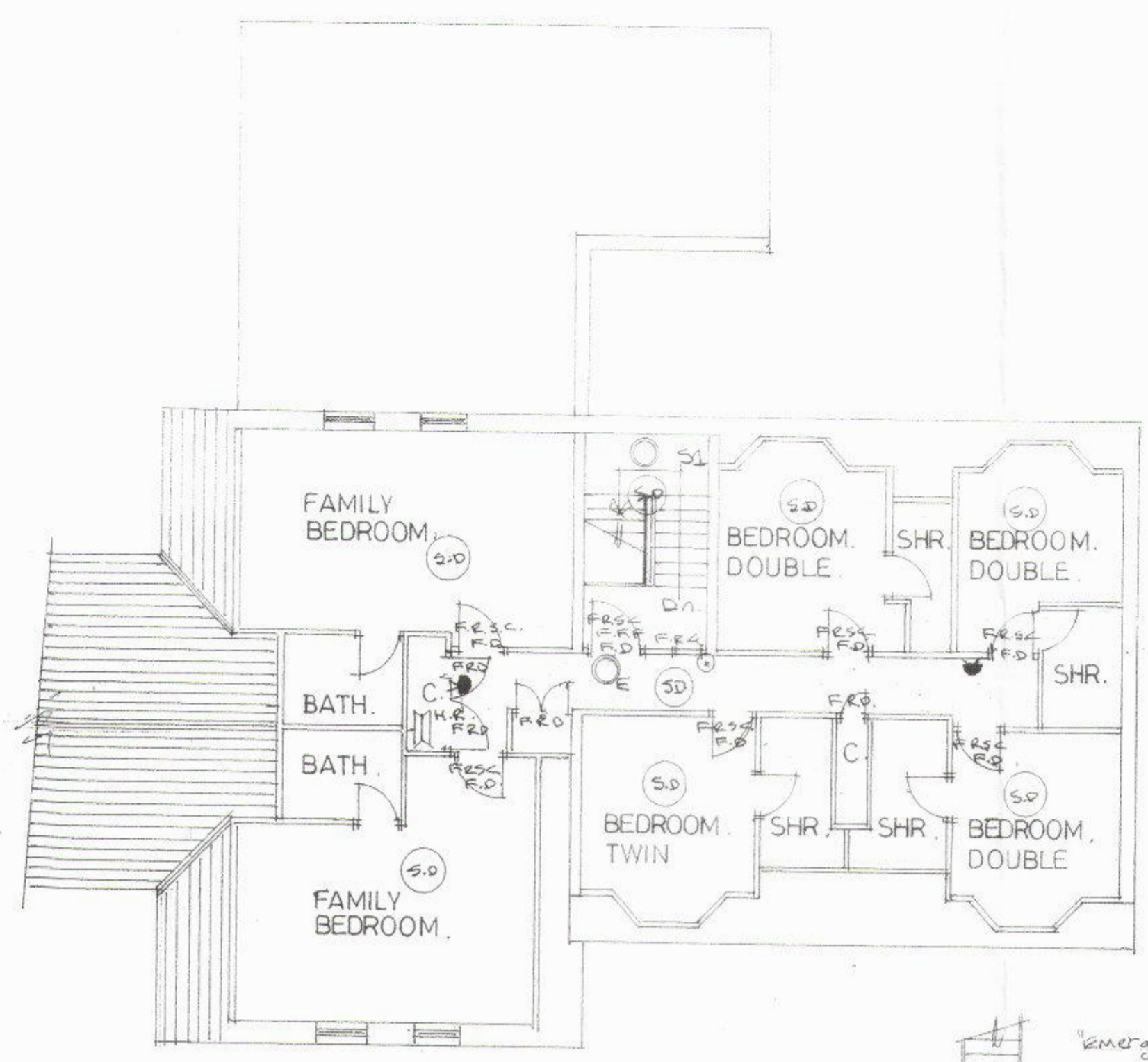
Appendices

Appendix 1 – Layout Plan showing the Standing Stones Hotel premises.

Appendix 2 – Representation Letter from Police Scotland.

- NOTES:**
- ⊙E - Emergency Exit with signage.
 - ⊙ - Emergency light.
 - ⊙ - Break glass call point.
 - ⊙ - Sounder.
 - ⊙SD - Smoke detector.
 - ⊙HD - Heat detector.
 - P.B. - 'Push Bar' to open.
 - L.N.K. - 'Lock NO KEY'.
 - F.R.S.C. - Fire Resistant Self Closing door.
 - F.D. - Fire Door.
 - F.F.F. - Free from fastenings.
 - F.R.D. - Fire Resistant door.
 - F.B. - Fire Blanket 1.5mtr sq.
 - I.P. - Fire Alarm Indicator Panel.
 - F.R.G. - Fire Resistant Glazing.
 - H.R. - Hose Reel Booth.
 - ▽D.P. - Dry Powder 2.5kg Extinguisher.

- ACCOMMODATION - BEDROOMS
 CONFERENCE FACILITIES - DINING ROOM + SMALL LOUNGE
 RESTAURANT FACILITIES - DINING ROOM + SMALL LOUNGE
 BAR MEALS - BAR + BIG LOUNGE
 RECEPTIONS - DINING ROOM + SMALL LOUNGE
 CLUB/GROUP MEETINGS - BAR, LOUNGES + DINING ROOM
 RECORDED MUSIC - BAR + DINING ROOM
 LIVE PERFORMANCES - BAR + DINING ROOM
 DANCE FACILITIES - BAR + DINING ROOM
 GAMING - BAR
 INDOOR/OUTDOOR SPORTS - BAR
 TELEVISED SPORTS - BAR



Children & Young Persons have access to all areas "except" where cross hatched, as shown thus.

Alcohol displayed on this wall - 2.5 long - for spirits, wines + soft drinks
 frontage of bar 4-5mtrs long, x 1.5mtr high
 from which alcohol displayed (draught ales + lagers) + served

Bar Entrance & Exit 0.900mtr width.

Reception Entrance & Exit 2 x 0.900mtr width.

Bar Entrance & Exit 2 x 0.900mtr width.

Fixed seating shown thus.

09/03/2026

Your Ref: OI/PL/110

Our Ref: 991088

Orkney Islands Licensing Board
Corporate Services
Orkney Islands Council
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY



Kirkwall Police Station
Burgh Road
Kirkwall
Orkney
KW15 1AH

Dear Sir,

LICENSING (SCOTLAND) ACT 2005. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE STANDING STONES HOTEL, STENNESS, ORKNEY ISLANDS, KW16 3JX. BDS PLANT HIRE (ORKNEY) LTD.

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of allowing 16–17-year-olds into the bar when darts competitions are taking place.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified to include the following conditions;

1. Children and young people should not sit or remain at any bar counter at any time (including during private functions).

This measure will support the Licensing Objectives, namely

Protecting children and young people from harm.

2. During competitions where 16- and 17-year-olds are in attendance all efforts should be taken to ensure that patrons remain seated when consuming alcoholic drinks.

This naturally lends to the support of the Licensing Objectives, namely

Protecting children and young people from harm

OFFICIAL

Protecting and improving public health

Specifically in this regard it supports the Licensing Policy published by the Orkney Licensing Board section 24 and 25.

Consultation with NHS Public Health Orkney has taken place who agree of the measures and conditions proposed to support the Licensing Objectives.

It is noted that the premises variation application details that the 16- and 17-year-olds would be accompanied by a responsible adult for the duration of the darts competition and Police support this, requesting an official condition is listed on the Premises Licence as follows;

1. Young persons of 16 and 17 years old attending the premises to take part in pool and darts league games for the duration of the competitions are accompanied by a responsible adult.

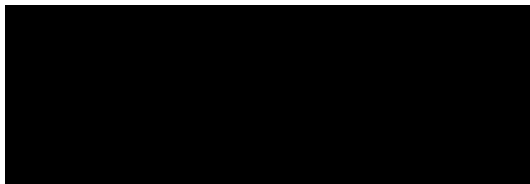
This will provide a measure of control and support for employees at the premises to ensure that the young persons are appropriately looked after. This measure will support and remove some risk towards the Licensing Objectives, namely

Protecting children and young people from harm.

I would also request that a policy is developed and produced by the premises with the support of the Licensing Standards Officer and Police and to their satisfaction that outlines and details what employees and the licence holder will do for any circumstances where an offence may occur or a threat to the Licensing Objectives presents itself. This would include having set procedures in place for unattended alcoholic drinks on tables when young persons are present within the premises and any incident where there is an allegation or evidence that a young person has obtained and consumed alcohol by whatever means.

This representation is submitted for your attention in considering this application.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Chief Superintendent Rob Shepherd
Divisional Commander