

Item: 4

Orkney Islands Area Licensing Board: 30 April 2026.

Licensing (Scotland) Act 2005.

Application for Variation of Premises Licence.

Rapture, 14 Bridge Street, Kirkwall.

Report by Clerk to the Licensing Board.

1. Overview

- 1.1. A premises licence has been held at Rapture, 14 Bridge Street, Kirkwall, since 23 July 2025 by Kirkjuvagr Limited.
- 1.2. On 26 February 2026, Kirkjuvagr Limited submitted an application for variation of the premises licence in respect of Rapture, 14 Bridge Street, Kirkwall, details of which are provided at section 3 below.

2. Recommendation

- 2.1. It is recommended that the Board:
 - i. Determines the application from Kirkjuvagr Limited for variation of the premises licence held in respect of Rapture, 14 Bridge Street, Kirkwall.

3. Application for Variation of Premises Licence

- 3.1. The application requests the inclusion of the activity of televised sport.
- 3.2. A layout plan showing the premises is included at Appendix 1 to this report.
- 3.3. There will be no change to the operating hours at the premises provided for in the current operating plan which are as follows:
 - 10:00 to 24:00 on Sundays to Thursdays inclusive.
 - 10:00 to 02:00 on Fridays/Saturdays and Saturdays/Sundays.
 - For the festive period, a terminal hour of 02:00 on 24/25 December; 26/27 December; 27/28 December; 28/29 December; 29/30 December; 30/31 December; and 31 December/1 January each year.

- 3.4. The current operating plan permits the activities of receptions (including weddings, funerals, birthdays, retirements, etc), recorded music, live performances, dance facilities and theatre. No changes are requested to these activities.
- 3.5. No change is requested to the terms of access for children and young persons as provided for in the current operating plan, as follows:
- For some live gigs 14+ will be allowed entry. 14-17 year olds must be accompanied by an adult as alcohol will be available.
 - Junior discos and events will also be for under 18s, however these events will be entirely alcohol free. For junior discos and events 8-17 year olds do not have to be accompanied by an adult.
 - Permitted to all parts of the premises within the hours of 10:00 to 24:00.
- 3.6. 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.
- 3.7. Mandatory operating plans associated with premises licences require licensees to provide specific information regarding access by children and young persons.
- 3.8. No change is requested to the on-sale capacity of 650 persons.

4. Consultation

- 4.1. The required notices were issued to the statutory consultees on 3 March 2026 and the application was published on Orkney Islands Council’s website from 4 March 2026. The last date for objections or representations to be received was 25 March 2026. 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 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).
- 5.2. 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.
 - Terminal on-sale operating hour of 02:00 Fridays/Saturdays and Saturdays/Sundays for premises which, in terms of their operating plan and the Board’s understanding, will be operating as nightclubs.
 - 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.
 - For the festive season, 24/25 December (Christmas Eve) and 31 December/ 1 January (Hogmanay) each year, a terminal hour of 02:00 in premises which, in terms of their operating plan and the Board’s understanding, will be operating as nightclubs.
- 5.3. 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.
- 5.4. 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 a variation that is not a minor variation.
- 6.2. Because the application requests the additional activity of televised sport it is not a minor variation and therefore must be determined by the Board.
- 6.3. 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.

6.4. The grounds for refusal under the Act are as follows:

6.4.1 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.

6.4.2 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.

6.4.3 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.

6.4.4 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.

6.5. Anyone lodging an objection on the ground detailed at section 6.4.4 above must specify the locality on which they are basing their objection.

6.6. 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 6.4.2 above, the Board must specify the licensing objective or objectives in question.

6.7. 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.

- 6.8. 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

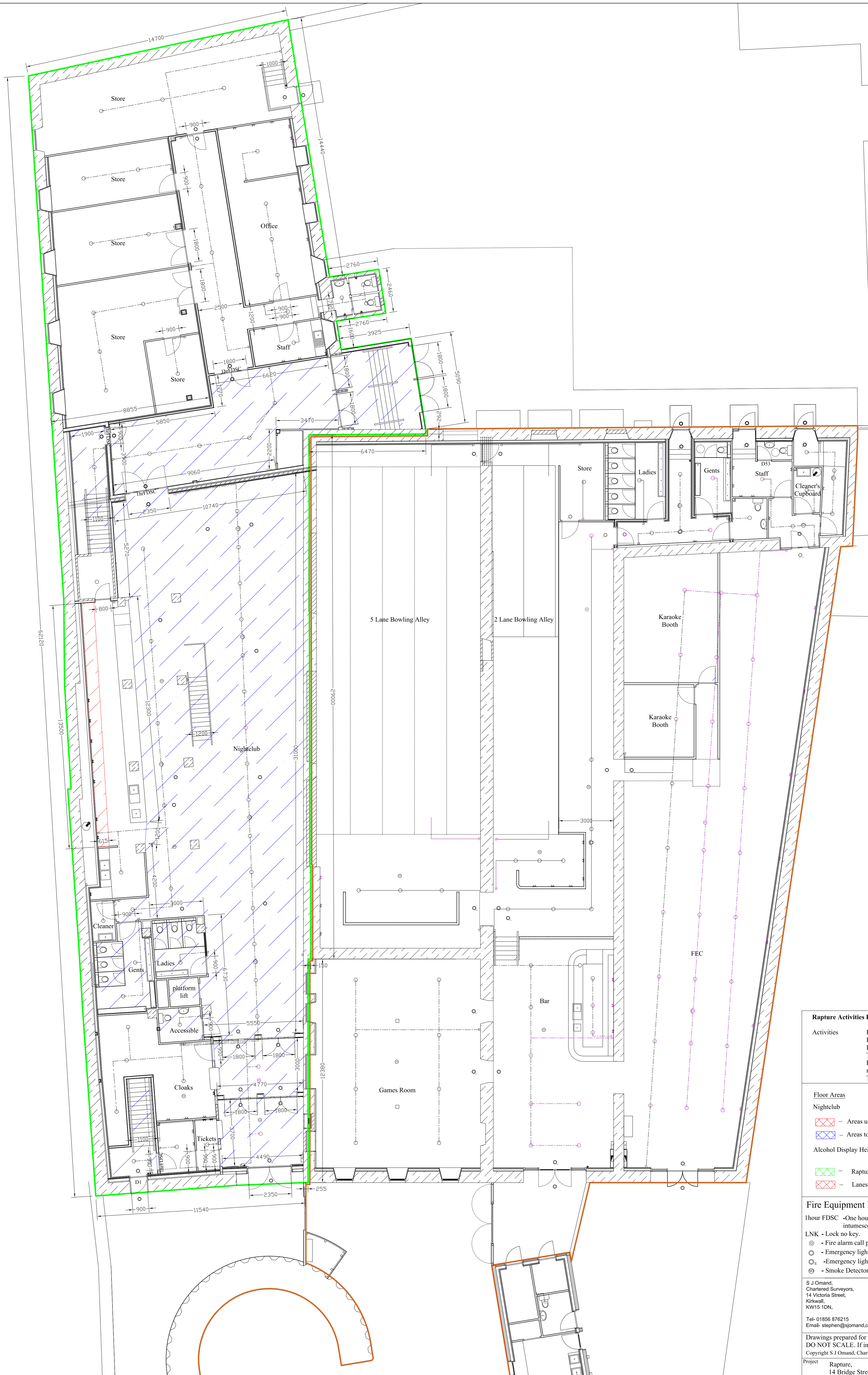
1. **Financial:** The appropriate application fee of £100 has been paid.
2. **Legal:** The legal implications are contained within the body of the report.
3. **Corporate Governance:** In terms of Section 30 of the Licensing (Scotland) Act 2005, a Premises Licence Variation Application is to be determined 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 Kirkjuvagr Limited.

Appendix

Appendix 1 – Layout Plan showing the Rapture premises.



Rapture Activities Legend	
Activities	Recorded Music Live Performances Dance Facilities Theatre Receptions, including weddings, funerals, birthdays, retirements, etc. Televised Sport.
Floor Areas	
Nightclub	260m ²
	Areas used primarily for the display of alcohol
	Areas to which children or young persons have access
Alcohol Display Height 2m	
	Rapture, 14 Bridge Street, Kirkwall, KW15 1HR.
	Lanes, 18 Bridge Street, Kirkwall, KW15 1HR.
Fire Equipment Legend	
1 hour FDSC - One hour Fire Door, frame and stops with self-closer and intumescent strips/brushes.	
LNK - Lock no key.	
	Fire alarm call point - break glass.
	Emergency lighting point (unlettered).
	Emergency lighting point (with words EXIT or FIRE EXIT).
	Smoke Detector
S J Omand, Chartered Surveyors, 14 Victoria Street, Kirkwall, KW15 1DN. Tel: 01856 876215 Email: stephen@sjomand.co.uk	
Drawings prepared for Licensing Purposes only. DO NOT SCALE. If in doubt, ask. Copyright S J Omand, Chartered Surveyors.	
Project	Rapture, 14 Bridge Street, Kirkwall, KW15 1HR.
Title	Licensing Application.
Sub-Title	Ground Floor.
Client	Wm Neil Stevenson, 30 Albert Street, Kirkwall, KW15 1HQ.
Date	25th February 2026.
Drawn By	SJO
Plan Size	A1
Scale	As shown.
Draw No	1684/2A/Licensing
Rev	B

