

Minute

Orkney Islands Area Licensing Board

Wednesday, 1 February 2023, 14:40.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Duncan A Tullock, Kristopher D Leask, Rachael A King, W Leslie Manson and Owen Tierney.

Present via Remote Link

Gwenda M Shearer.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Sheila Tulloch, Service Manager (Legal Services).
- Nick Long, Service Manager (Environmental Health).
- Elaine Sinclair, Legal Clerk.
- Angela Kingston, Committees Officer.

In Attendance via Remote Link

- Sergeant Alastair Bryce, Police Scotland.

Observing

- Kevan Price, Licensing Officer.
- Lillian Rendall, Legal Clerk.

Apologies

- David Dawson.
- Steven B Heddle.

Declaration of Interest

- Duncan A Tullock – Item 1.

Chair

- Duncan A Tullock, Convener – for preliminaries.
- Kristopher D Leask, Vice Convener – for Item 1.

1. St Ola Hotel, Harbour Street, Kirkwall

Premises Licence Review Application

Mr Duncan A Tullock declared an interest in this item, his connection being that he had a family association with the premises licence holder's representative, and left the meeting at this point.

Mr Kristopher D Leask, Vice Convener, took the Chair for the remainder of the meeting.

Signed: Duncan A Tullock.

Lyall Harray, a Director of St Ola Hotel Limited, the premises licence holder, Caleb Reilly, the premises manager, and Fiona MacDonald, MacDonald Law, representing the premises licence holder, were present via a remote link (Microsoft Teams) 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:

1.1. That, in terms of section 36(3)(a) of the Licensing (Scotland) Act 2005, Police Scotland had submitted a premises licence review application, dated 3 January 2023, in respect of St Ola Hotel, Harbour Street, Kirkwall.

1.2. That, on 6 January 2023, notice of a premises licence review hearing was intimated to the applicant, Police Scotland, the premises licence holder and the Licensing Standards Officer.

1.3. That, on 10 January 2023, notice of the premises licence review hearing was intimated to the premises manager.

After hearing representations from Sergeant Bryce, Police Scotland, in support of the premises licence review application, on the motion of Mr Kristopher D Leask, seconded by Ms Rachael A King, the Board:

Resolved:

1.4. That the grounds for review founded upon by Sergeant Bryce in his representations differed from those which had been intimated in the premises licence review application and that to proceed on the basis of the new grounds would be unfair and cause prejudice to the other parties.

1.5. That, therefore, the premises licence review application in respect of St Ola Hotel, Harbour Street, Kirkwall, be rejected.

2. Conclusion of Meeting

At 15:08 the Vice Convener declared the meeting concluded.

Signed: Kristopher D Leask.