



Item: 2

Orkney Islands Area Licensing Board: 30 April 2026.

Licensing (Scotland) Act 2005.

Application for Provisional Premises Licence.

The Richan, West End Guest House, 14 Main Street, Kirkwall.

Clerk to the Licensing Board.

1. Overview

- 1.1. On 26 February 2026, Richan Entertainment Ltd submitted an application for a provisional premises licence in respect of The Richan, West End Guest House, 14 Main 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 Richan Entertainment Ltd for a provisional premises licence in respect of The Richan, West End Guest House, 14 Main Street, Kirkwall.

3. Application for Provisional Premises Licence

- 3.1. The premises are described as a “purpose-built bar/restaurant within existing guesthouse (former hotel), with separate external access and beer garden”.
- 3.2. The application requests on-sale operating hours, as follows:
- 11:00 to 24:00 on Mondays to Thursdays inclusive.
 - 11:00 to 01:00 on Fridays and Saturdays.
 - 12:00 to 24:00 on Sundays.
- 3.3. Seasonal variations to on-sale operating hours are requested, as follows:
- Christmas and New Year Festivities:
 - Terminal hour of 01:00 on 24/25 December to 2/3 January inclusive.
 - Private Functions:
 - Terminal hour of 01:00 at any time.

- Outdoor drinking area to be closed to customers at 22:00 other than for access to the bar and restaurant.
- 3.4. The requested activities include restaurant facilities, bar meals, receptions (for example, weddings, funerals, birthdays, retirements), club or other group meetings, recorded music, live performances, indoor/outdoor sports, televised sport, outdoor drinking facilities and quiz nights.
 - 3.5. The on-sale capacity of the premises is 68 persons.
 - 3.6. The application requests that children and young persons be permitted on the premises until 22:00 on Mondays to Sundays inclusive and until the terminal hour of 01:00 for private functions only. Children and young people must be accompanied by a responsible adult.
 - 3.7. 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 6 March 2026, and the application was published on Orkney Islands Council's website from 6 March 2026. The last date for objections or representations to be received was 27 March 2026. No objections or representations were received.

5. Policy Position

- 5.1. In accordance with section 6 of the Licensing (Scotland) Act 2005 (the "2005 Act"), the Board has published a Statement of Alcohol Licensing Policy which provides that decisions on premises licence applications (which includes provisional premises licences) 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 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.
- 5.4. The on-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. 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.
- 5.6. The full policy document is available from the Related Downloads section [here](#).

6. Legislative Position

- 6.1. The 2005 Act provides that the Licensing Board must hold a hearing for the purpose of considering and determining an application for a premises licence (which includes a provisional premises licence).
- 6.2. The 2005 Act provides that a premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises. Such an application is referred to as a “provisional premises licence application”.
- 6.3. A provisional premises licence does not take effect unless and until it is confirmed by the Licensing Board. The Clerk to the Board has delegated authority to confirm provisional premises licences. If it is not confirmed before the end of the provisional period, then, at the end of that period, the licence is treated as revoked. The provisional period is four years from the date of issue of the provisional premises licence. The provisional period can be extended by the Board where

completion of the construction or conversion of the premises has been delayed and the delay has been caused by factors outwith the provisional premises licence holder's control.

- 6.4. While provisional premises licence applications must be accompanied by a certificate in relation to planning, they do not require to be accompanied by certificates in relation to building standards or food hygiene, and there is no requirement to name a premises manager. These items must be submitted at a later date with the application for confirmation. Applications are not accepted unless all preliminary requirements are satisfied.
- 6.5. 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.
- 6.6. The grounds for refusal under the 2005 Act are as follows:
- i. 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.
 - ii. The Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, namely:
 - o Preventing crime and disorder.
 - o Securing public safety.
 - o Preventing public nuisance.
 - o Protecting and improving public health.
 - o Protecting children and young persons from harm.
 - iii. Having regard to:
 - o The nature of the activities proposed to be carried on in the subject premises,
 - o The location, character and condition of the premises, or
 - o The persons likely to frequent the premises.The Board considers that the premises are unsuitable for use for the sale of alcohol.

- iv. 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.
- 6.7. Anyone lodging an objection on the ground detailed at section 6.6 (iv) above must specify the locality on which they are basing their objection.
- 6.8. Where the Board refuses an application, the Board must specify the ground for refusal. If the ground for refusal is one of the grounds detailed at section 6.6 (ii) above, the Board must specify the licensing objective or objectives in question.
- 6.9. 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

Implications of Report

1. **Financial:** The appropriate application fee of £200 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 Provisional 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 Provisional Premises Licence by Richan Entertainment Ltd.






Appendix

Appendix 1 – Layout plans of the premises.

This drawing is solely for the purposes of a License Plan. The drawing may be suitable for constructional purposes but it may be necessary to augment/amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for construction purposes.

-  Areas Primarily used for the display of Alcohol
-  External Seating and Rear Access Area to Which children or young people have access
-  Internal Areas to Which children or young people have access
-  Kitchen
-  Route from Kitchen to Bar / Restaurant

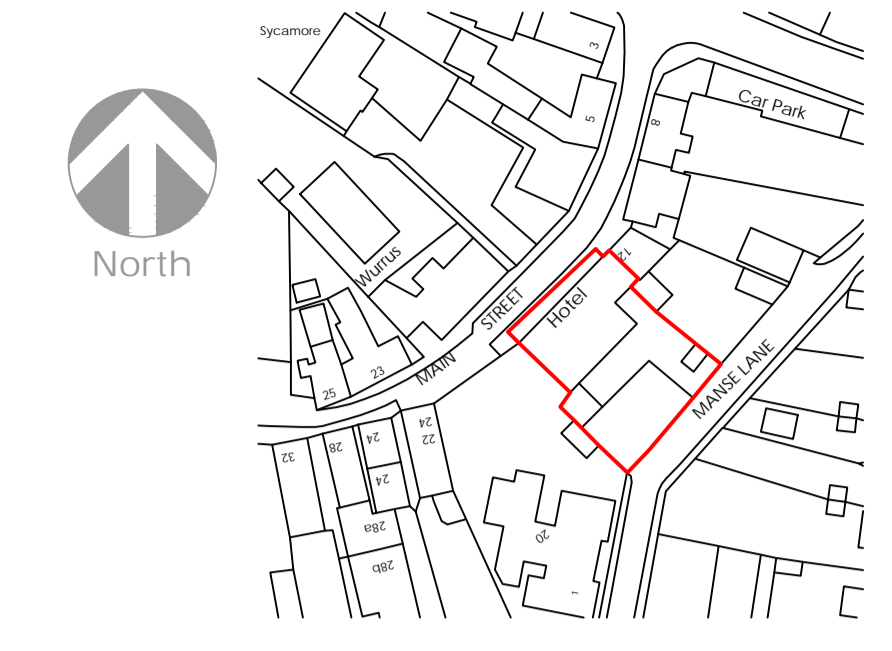
-  Smoke Detector
-  Heat Detector
-  Emergency Light
-  Manual Call Point
-  Fire Alarm Sounder

Display Heights:


- A: 2.366m
- B: 0.600m
- C: 1.014m
- Ceiling Heights:
- Restaurant 2.586m
- Bar 2.777m

Total Interior Occupancy:
44 Seated
12 Standing

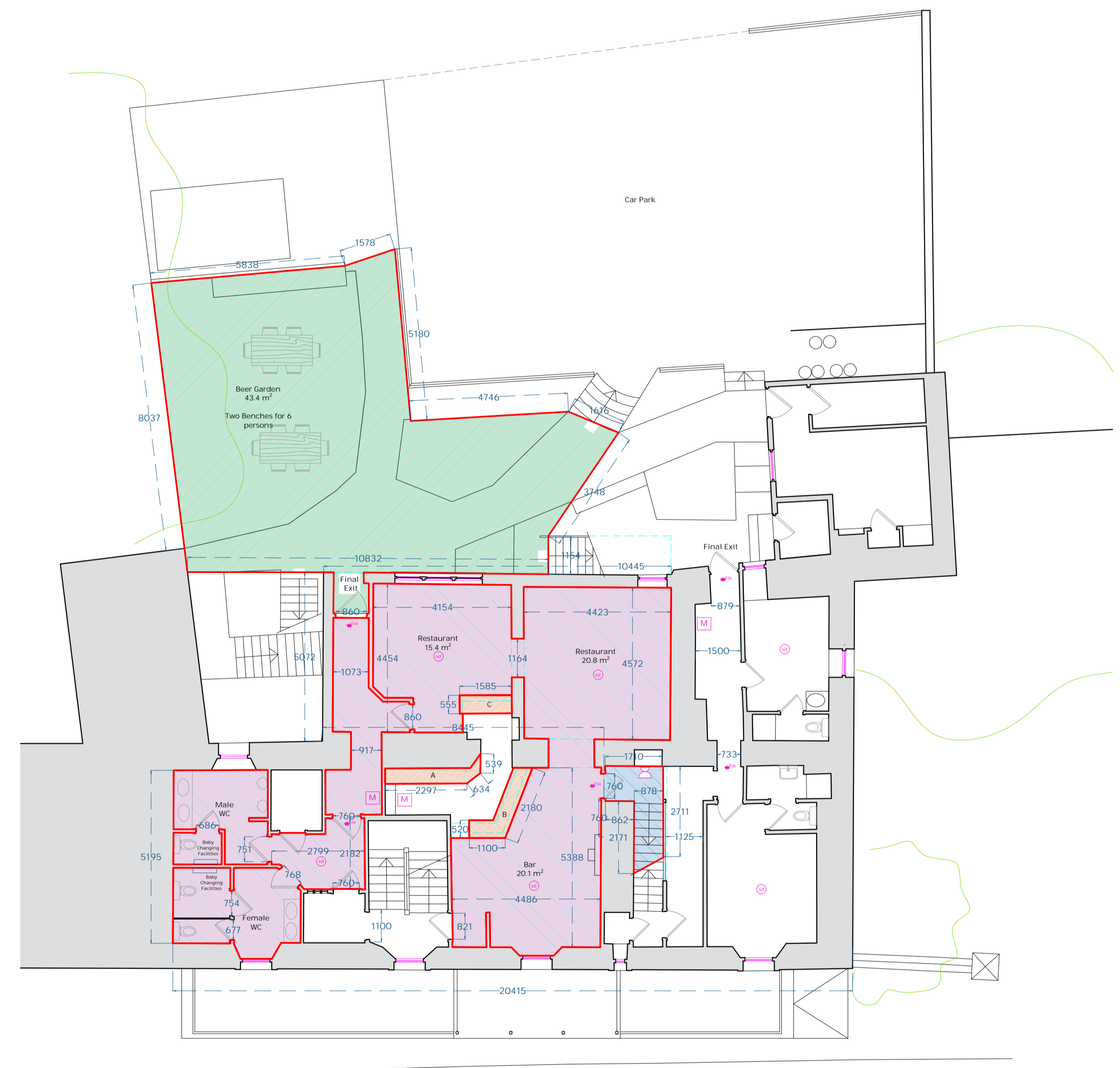
- Activities listed in operating plan -
- Restaurant facilities - will take place in Restaurant noted on plans
- Bar meals - will take place in Bar, Restaurant and external area noted on plans
- Club or other group meetings - will take place in Restaurant noted on plans
- Recorded music - will take place in Bar & Restaurant noted on plans
- Live performances - will take place in Bar and Restaurant noted on plans
- Indoor/outdoor sports - will take place in Bar & Restaurant noted on plans and external area noted on plans.
- Televised sports - will take place in Bar and Restaurant noted on plans
- Outdoor drinking facilities - will take place in external area noted on plans
- Quiz nights - will take place in Bar and Restaurant noted on plans




Location Plan
1:1250 @ A1



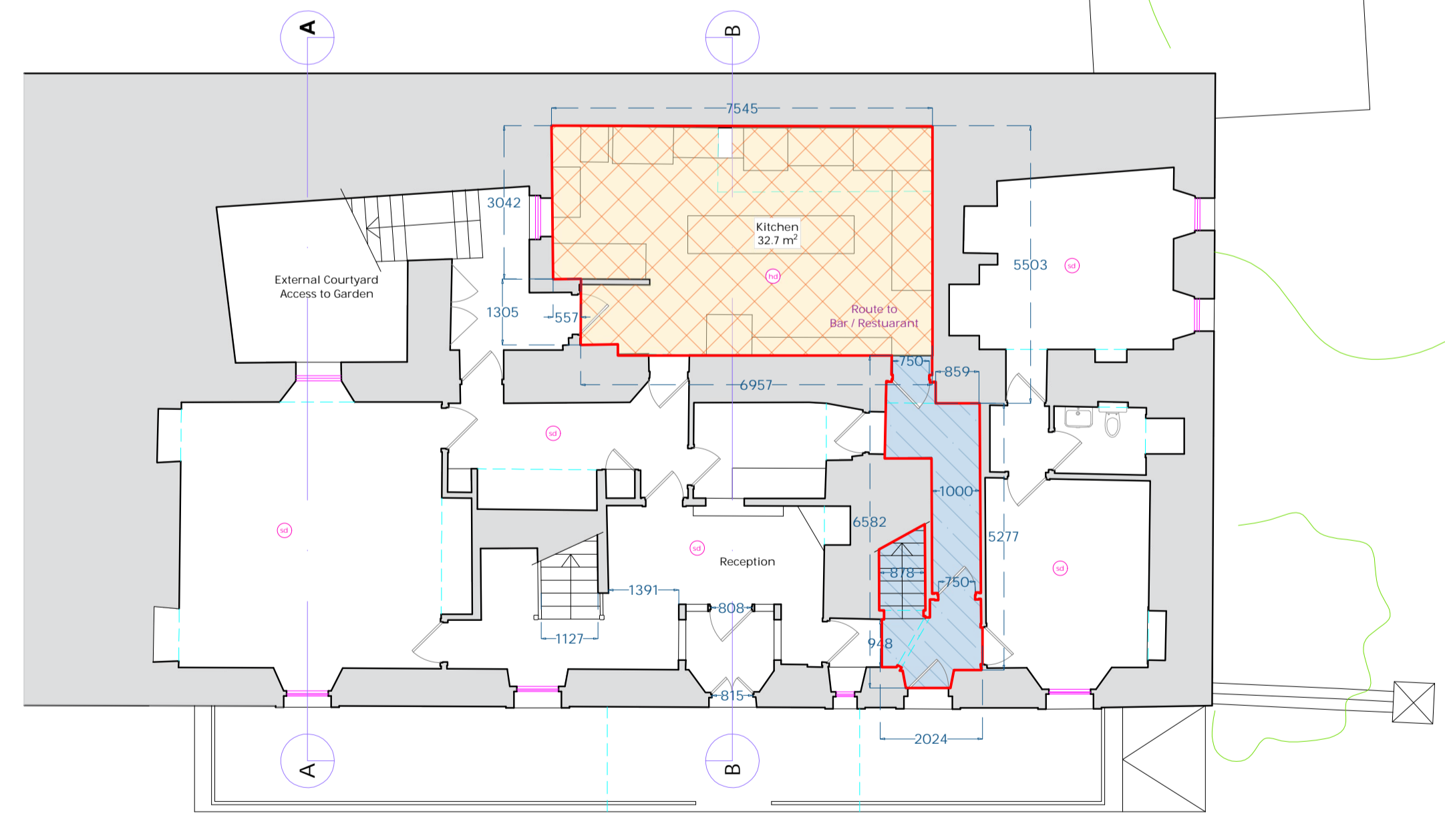
SCALE 1:1250




Ground Floor Plan
1:100 @ A1




SCALE 1:100

Basement Floor Plan
1:100 @ A1



SCALE 1:100



A1	REVISION:	-	DRAWN BY:	CHECKED BY:
	ISSUED:	27/11/25	JM	DP
CLIENT: Mr L Robertson and Mr N Bichan				
PROJECT: West End Guest House Kirkwall				
TITLE: Proposed Floor Plans				
DRAWING REF: JDC-3085 -100-LP				

CRAWFORD
architecture

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