

Minute

Orkney Islands Area Licensing Board

Thursday, 5 December 2024, 10:15.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Duncan A Tullock, Alexander G Cowie, David Dawson, Steven B Heddle, Rachael A King, Gwenda M Shearer and Owen Tierney.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Karen Bevilacqua, Service Manager (Legal Services).
- Emma Chattington, Service Manager (Organisational Development) (for Item 2).
- Lillian Rendall, Legal Clerk.
- Katy Russell-Duff, Committees Officer.

Apology

- Kristopher D Leask.

Declaration of Interest

- Gwenda M Shearer – Item 3.

Chair

- Duncan A Tullock, Convener.

1. Draft Minute of Meeting held on 22 August 2024

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 22 August 2024, copies of which had been circulated, the Board:

Resolved, on the motion of Duncan A Tullock, seconded by David Dawson, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 22 August 2024 be approved as a true record.

2. Equality, Diversity and Inclusion Priorities Progress Report

After consideration of a report by the Clerk to the Board, copies of which had been circulated, the Board:

Resolved that the Equality, Diversity and Inclusion Priorities Progress Report 2023/24, attached as Appendix 1 to this Minute be approved for publication, in so far as it applied to Orkney Islands Area Licensing Board.

3. Application for Variation of Premises Licence

Sharon Craigie – Pomona Inn, Finstown

Gwenda M Shearer declared an interest in this item, her connection being that she knew the applicant, and was not present during discussion thereof.

Sharon Craigie, applicant, and David Craigie, supporting the applicant, were present during discussion of this item.

Sergeant Sarah Paterson, Police Scotland, was present, via Microsoft Teams, during consideration of this item.

After consideration of a report by the Clerk of the Board, copies of which had been circulated, the Board:

Noted:

3.1. That a premises licence had been held at Pomona Inn, Finstown, since 22 August 2024, by Sharon Craigie.

3.2. That, on 17 September 2024, Sharon Craigie submitted an application for a variation of the premises licences in respect of Pomona Inn, Finstown, which sought the following:

- Any child or young person aged 5 years old and under 16 years old will have to be accompanied by a parent or guardian.
- Children and young persons are permitted entry for the duration of a private function.
- Young persons of 16 and 17 years are permitted to take part in pool and darts league games for the duration of the competitions.

3.3. That a representation from Police Scotland dated 12 October 2024 had been received in relation to the application from Sharon Craigie for a variation of the premises licence in respect of Pomona Inn, Finstown.

3.4. That the representation referred to in paragraph 3.3 above had been approved and endorsed by the Orkney Alcohol and Drugs Partnership and had been supported by NHS Orkney's Public Health Department.

After hearing representations from David Craigie, in support of the application from Sharon Craigie for a variation of the premises licence in respect of Pomona Inn, Finstown, and from Sarah Paterson, Police Scotland, in respect of the representations submitted, David Dawson, second by Duncan A Tullock, moved that the application for a variation of the premises licence in respect of Pomona Inn, Finstown, be approved, subject to the following conditions:

- 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.
- Children and young people should not sit or remain at any bar counter at any time (including during private functions).
- During competitions where 16 and 17 year olds are in attendance all efforts should be taken that there is no vertical (upright) consumption of alcohol in the premises.

Steven B Heddle, seconded by Owen Tierney, moved an amendment that the application for a variation of the premises licence in respect of Pomona Inn, Finstown, be approved, subject to the following conditions:

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

On a vote being taken 4 members voted for the amendment and 2 for the motion, and the Board:

Resolved:

3.4. That the application from Sharon Craigie for a variation of the premises licence in respect of Pomona Inn, Finstown, be granted, subject to the following conditions:

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

3.5. That Sharon Craigie be requested to provide an amended operating plan in respect of the Pomona Inn, Finstown, reflecting the decision outlined at paragraph 3.4 above.

4. Application for Variation of Premises Licence

Historic Environment Scotland Enterprises Limited – Shop at Skara Brae Visitor Centre, Sandwick

Mary Dunnett, Manager, Skara Brae Visitor Centre, representing the applicant, Historic Environment Scotland Enterprises Limited, was present during discussion of this item.

David Hossack, representing the applicant, Historic Environment Scotland Enterprises Limited, was present, via 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:

4.1. That a premises licence had been held at the Shop at Skara Brae Visitor Centre, Sandwick, since 1 September 2009, firstly by Historic Scotland until the entity was changed by law to Historic Environment Scotland Enterprises Limited in 2017.

4.2. That, on 23 September 2024, Historic Environment Scotland Enterprises Limited submitted an application for a variation of the premises licences in respect of the Shop at Skara Brae Visitor Centre, Sandwick, which sought the following:

- Increase in off-sale operating hours of 10:00 to 22:00 on Mondays to Sundays.
- Inclusion of seasonal variation to provide that the premises may close earlier in light of seasonal demand and weather conditions.
- Increase in off-sale display capacity of 1.676 square metres, from 2.064 square metres to 3.74 square metres.
- Inclusion of activities of theatre and film, retail sales including food and drink, taking and dispatch of orders including by electronic means; tastings/samplings of alcoholic and food products; displays and exhibitions; and administrative functions.

4.3. That the off-sale operating hours requested above were within those permitted in terms of the Board's Statement of Alcohol Licensing Policy.

4.4. That no objections or representations had been received in relation to the application from Historic Environment Scotland Enterprises Limited for a variation of the premises licence in respect of the Shop at Skara Brae Visitor Centre, Sandwick.

After hearing representations from David Hossack and Mary Dunnett, in support of the application from Historic Environment Scotland Enterprises Limited for a variation of the premises licence in respect of the Shop at Skara Brae Visitor Centre, Sandwick, on the motion of Duncan A Tullock, seconded by Alexander G Cowie, the Board:

Resolved:

4.5. That the application from Historic Environment Scotland Enterprises Limited for a variation of the premises licence in respect of the Shop at Skara Brae Visitor Centre, Sandwick, be granted as follows:

- Off-sale operating hours as follows:
 - 10:00 to 22:00 on Mondays to Sundays.
- Inclusion of seasonal variation to provide that the premises may close earlier in light of seasonal demand and weather conditions.
- Increase in off-sale display capacity of 1.676 square metres, from 2.064 square metres to 3.74 square metres.
- Inclusion of the following activities:
 - Theatre and film.
 - Retail sales, including food and drink.
 - Taking and dispatch of orders, including by electronic means.

- Tasting/samplings of alcoholic and food products.
- Displays and exhibitions.
- Administrative functions.

5. Conclusion of Meeting

At 11:01 the Convener declared the meeting concluded.

Signed: Duncan A Tullock.