

Item: 6

Orkney Islands Area Licensing Board: 5 December 2024.

Licensing (Scotland) Act 2005.

Application for Variation of Premises Licence.

Historic Environment Scotland Enterprises Limited.

Shop at Skara Brae Visitor Centre, Sandwick.

Report by Clerk to the Licensing Board.

1. Overview

- 1.1. A premises licence has 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.
- 1.2. On 23 September 2024, Historic Environment Scotland Enterprises Limited submitted an application for variation of the premises licence, details of which are provided at section 4 below.

2. Recommendations

- 2.1. It is recommended that the Board:
 - i. Determine the application from Historic Environment Scotland Enterprises Limited for variation of the premises licence held in respect of the Shop at Skara Brae Visitor Centre, Sandwick.

3. Current Premises Licence

- 3.1. In terms of the existing premises licence held in respect of the Shop at Skara Brae Brae Visitor Centre, the operating plan provides for:
 - Off-sale operating hours as follows:
 - o 10:00 to 17:30 Monday to Sunday during 1 April to 30 September each year.
 - o 10:00 to 16:30 Monday to Sunday during 1 October to 31 March each year.
 - Off-sale display capacity of 2.064 square metres.
 - Activities of recorded music and tastings for visitors.

4. Application for Variation of Premises Licence

4.1. The application requests modifications as follows:

- 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.

4.2. An updated layout plan of the premises is attached as Appendix 1 to this report.

5. Consultation

5.1. The required notices were issued to the statutory consultees on 26 September 2024 and the application was published on Orkney Islands Council's website from 27 September 2024. The last date for objections or representations to be received was 18 October 2024. No objections or representations were received.

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 off-sale operating hours of 10:00 to 22:00 each day.

6.3. The off-sale operating hours requested in the application fall within the range of hours permitted in the Board's Statement of Alcohol Licensing Policy.

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 operating hours, off-sale display capacity, and inclusion of additional activities 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 ground 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.

For Further Information please contact:

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

Implications of Report

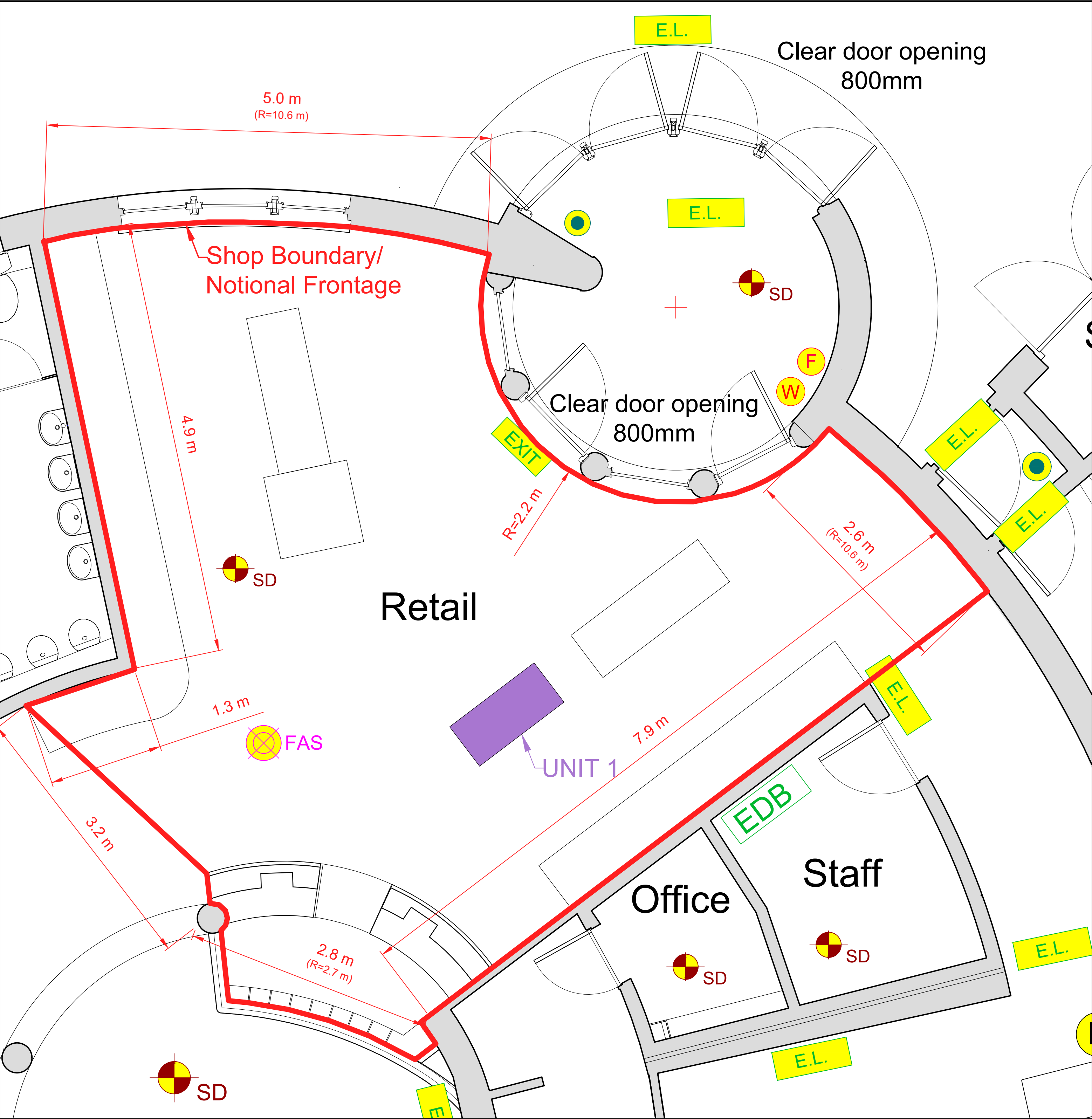
1. **Financial:** The appropriate application fee of £100 has been paid.
2. **Legal:** As above.
3. **Corporate Governance:** In terms of Section 30 of the Licensing (Scotland) Act 2005, a Premises Licence Variation Application is to be determined by the Licensing Board.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** None.
8. **Links to Local Outcomes Improvement Plan:** None.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

Application for Variation of Premises Licence by Historic Environment Scotland Enterprises Limited.

Appendix

Appendix 1 – Updated layout plan of the premises.



Liquor Licence Plan 1:30

FIRE DETECTION KEY

- Emergency Light
- Emergency Lighting
- Break Glass Point
- Smoke Detector
- Water Extinguisher
- CO2 Extinguisher
- Fire Alarm Sounder

KEY

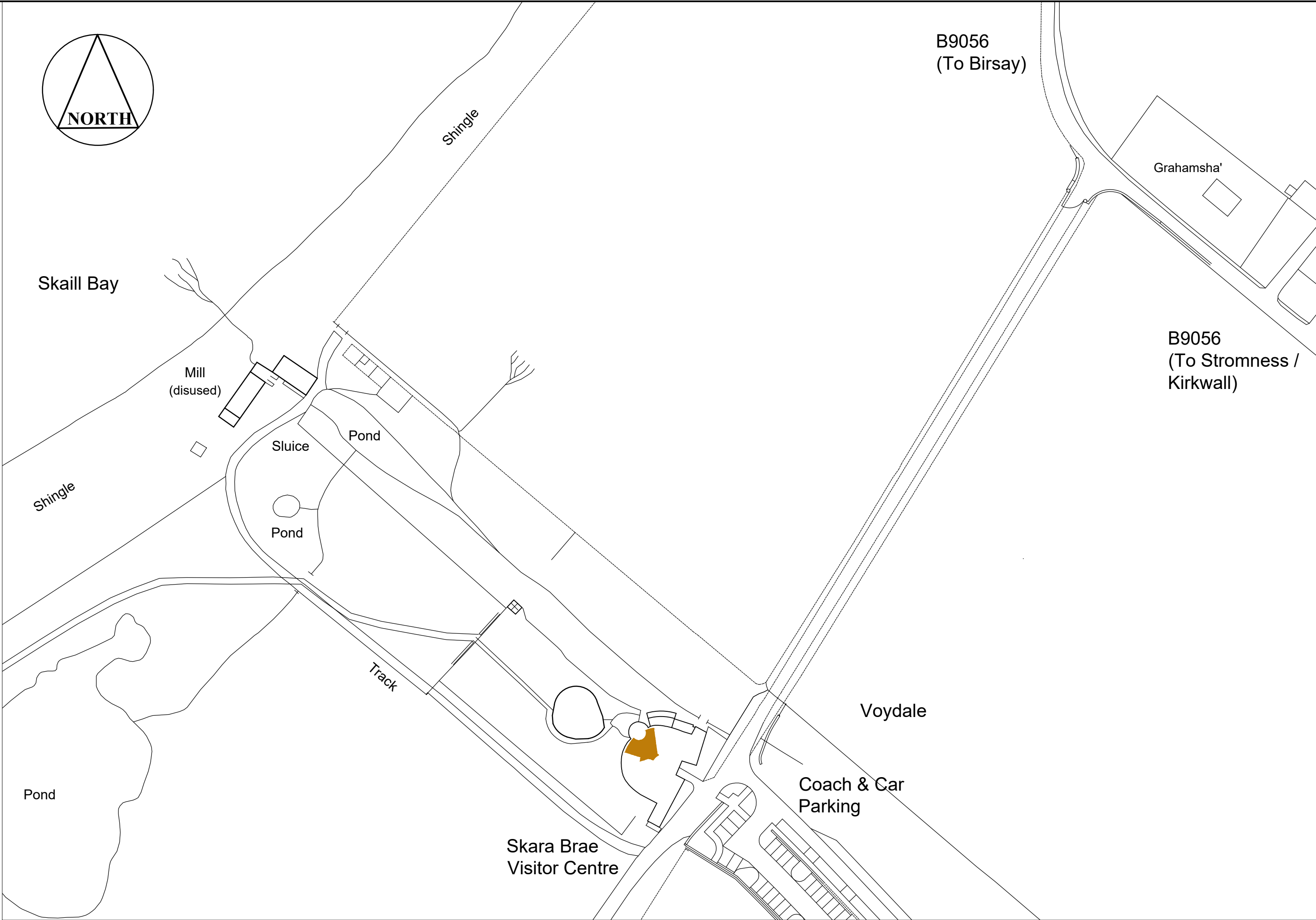
- Licenced Area
- Display Area
- Location within Skara Brae

Skara Brae Visitor Centre Retail Space:

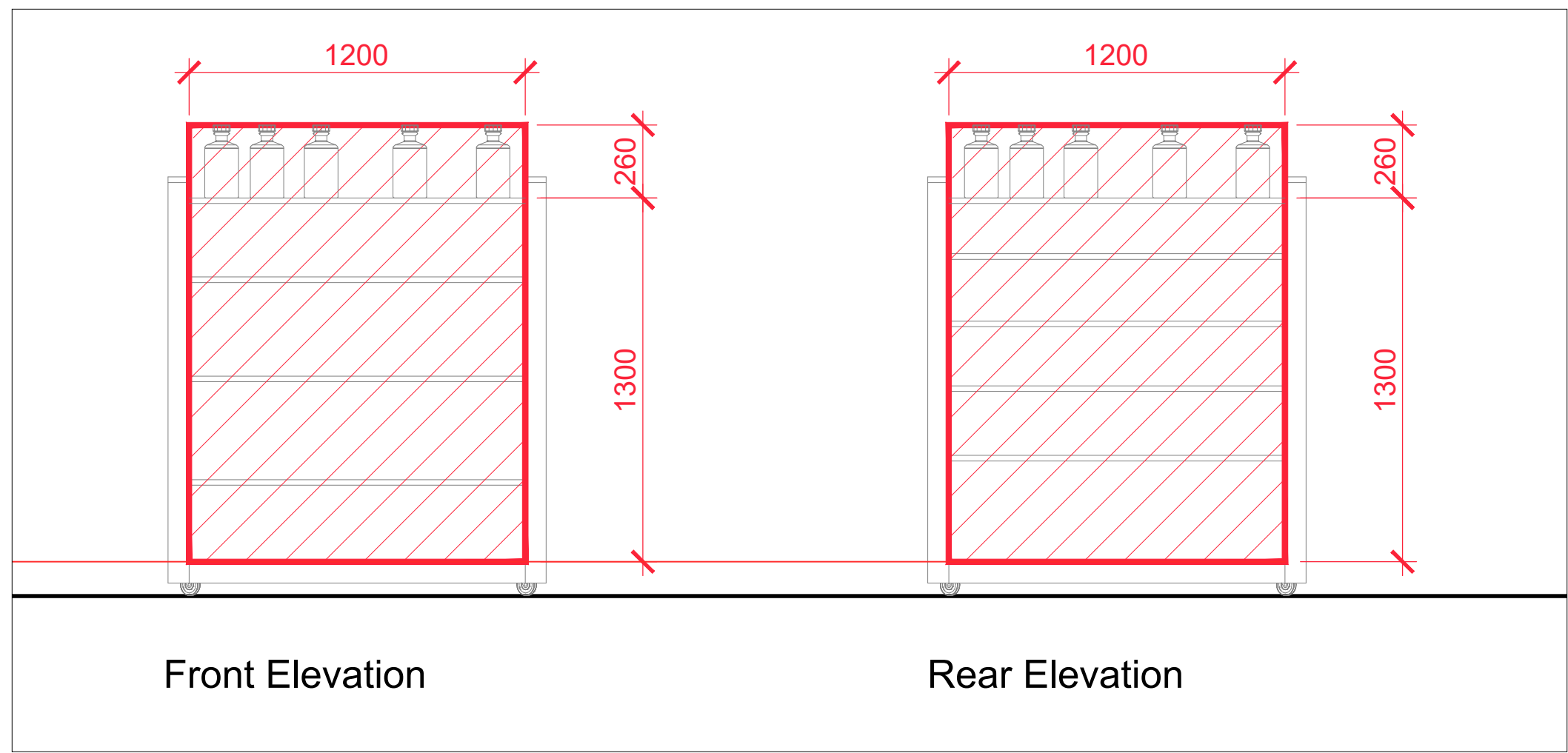
Alcohol Display Unit:

Unit 1 Island Unit
Notional Frontage;
Front; 1no 1200mm wide x 1560mm high frontage; 1.87m²
Rear; 1no 1200mm wide x 1560mm high frontage; 1.87m²

Total Notional Frontage = 3.74m²



Site Plan 1:1000



Alcohol Display Unit 1 1:20

Notes:
All activities mentioned in operating plan may take place in any part of the areas outlined in red.

Revisions:

MONUMENT	Skara Brae
PROJECT	Liquor Licence Plan Site Plan, Floor Plan & Display Elevation



PROJECT DRAWING NUMBER	
SCALE	Various @ A1
DATE	August 2024
ARCHITECT	N Shewan
ARCHIVE NUMBER	PIC-314-438