



**Item: 6**

**Orkney Islands Area Licensing Board: 1 May 2025.**

**Licensing (Scotland) Act 2005.**

**Application for Provisional Premises Licence.**

**Kirkjuvgar Limited – Lanes, 18 Bridge Street, Kirkwall.**

**Clerk to the Licensing Board.**

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## **1. Overview**

- 1.1. On 25 February 2025, Kirkjuvgar Limited submitted an application for a provisional premises licence in respect of Lanes, 18 Bridge Street, Kirkwall, details of which are provided at section 3 below.

## **2. Recommendations**

- 2.1. It is recommended that members of the Board:
- i. Determine the application from Kirkjuvgar Limited for a provisional premises licence in respect of Lanes, 18 Bridge Street, Kirkwall.

## **3. Application for Provisional Premises Licence**

- 3.1. The premises are described as a “bowling alley incorporating a family entertainment centre”.
- 3.2. The application requests on-sale operating hours, as follows:
- Indoor Areas:
    - 10:00 to 24:00 on Mondays to Sundays inclusive.
  - Outdoor Seating and Garden Area:
    - 10:00 to 20:00 on Sundays to Thursdays inclusive.
    - 10:00 to 21:00 on Fridays and Saturdays.
  - Seasonal Variation to Outdoor Seating and Garden Area for the period of the Orkney 2025 International Island Games as follows:
    - 10:00 to 23:00 for eight days from Friday, 11 July 2025 to Friday, 18 July 2025 inclusive.

- 3.3. The requested activities include bar meals, receptions (for example, weddings, funerals, birthdays, retirements), club or other group meetings, recorded music, gaming (coin pushers and grab machines), indoor/outdoor sports, televised sport, outdoor drinking, shuffleboard, electronic darts, karaoke rooms and arcade video games.
- 3.4. The on-sale capacity of the premises is 220 persons.
- 3.5. The application requests that children and young persons be permitted on the premises between 10:00 and 20:00 on Mondays to Sundays inclusive.
- 3.6. 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 4 March 2025 and the application was published on Orkney Islands Council's website from 5 March 2025. The last date for objections or representations to be received was 26 March 2025. One submission was received.

## **5. Response to Consultation**

- 5.1. Police Scotland responded by email dated 22 March 2025 to advise "regarding the provisional premises licence application Police Scotland confirm it has been reviewed and the applicant is fully engaging. Police Scotland will be having a further meeting with the applicant to discuss possible minor amendments to the operating plan and a financial interview, but at this time there are no Police objections, provided an amended operating plan will be submitted, regarding concerns of the managing of under 18s past the 20:00 hours mark when the premises become adults only and how they plan to manage this with mixed groups."

## **6. Policy Position**

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.
- 6.6. The full policy document is available from the Related Downloads section [here](#).

## **7. Legislative Position**

- 7.1. 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).
- 7.2. 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".

- 7.3. With reference to section 6.5 above, it is noted that the relevant service has advised that there is an outstanding building warrant in connection with the development of the proposed premises and that the layout plans for the proposed building do not quite reflect what the applicant is currently using to apply for their building warrant.
- 7.4. 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.
- 7.5. 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.
- 7.6. 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.
- 7.7. The grounds for refusal under the 2005 Act are as follows:
- 7.7.1. 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.
- 7.7.2. 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.

#### 7.7.3. 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, or
- The persons likely to frequent the premises.

The Board considers that the premises are unsuitable for use for the sale of alcohol.

7.7.4. 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, in the locality.

7.8. Anyone lodging an objection on the ground detailed at section 7.7.4 above must specify the locality on which they are basing their objection.

7.9. 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 7.7.2 above, the Board must specify the licensing objective or objectives in question.

7.10. 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](mailto: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. Links to Council Plan:** None.
- 8. Links to Local Outcomes Improvement Plan:** None.
- 9. Environmental and Climate Risk:** None.

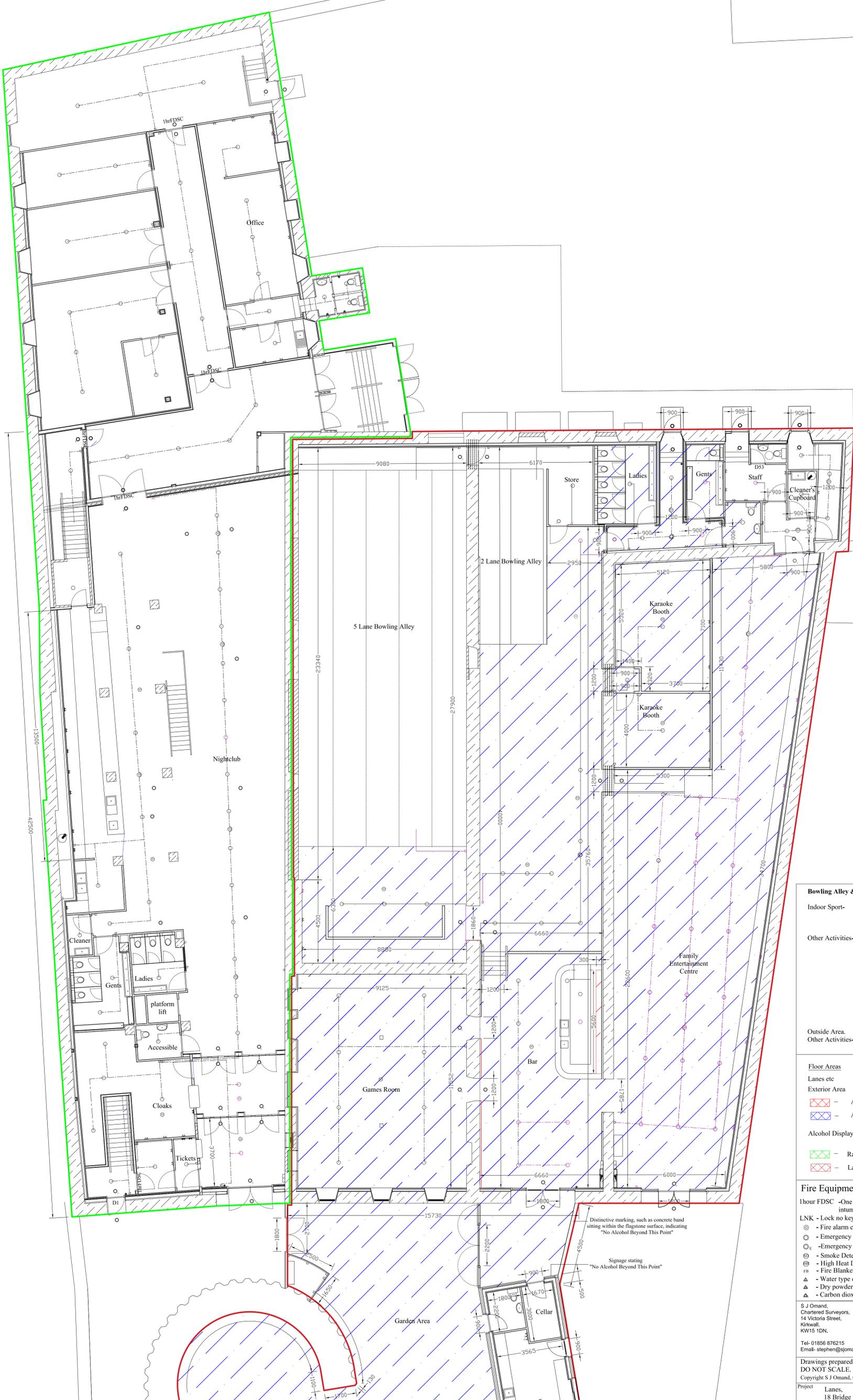
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

### **List of Background Papers**

Application for Provisional Premises Licence by Kirkjuvgar Limited.

### **Appendix**

Appendix 1 – Layout plans of the premises.



**Bowling Alley & Family Entertainment Centre Activities Legend**

- |                   |  |
|-------------------|--|
| Indoor Sport-     | Bowling.<br>Pool.<br>Darts.  |
| Other Activities- | Receptions including Weddings, Funerals, Birthdays,<br>Recorded Music,<br>Retirements etc.<br>Club or other Group Meetings.<br>Bar Meals.<br>Karaoke.<br>Shuffleboard.<br>Video Games.<br>Coin Pushers.<br>Claw Machines.<br>TV Sport. |
| Outside Area.     | Outside Drinking.  |
| Other Activities- | Bar Meals.   |

<b>Floor Areas</b>	
Lanes etc	610m <sup>2</sup>
Exterior Area	318m <sup>2</sup>
	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**

- 1hr 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
  - ⊙ - High Heat Detector
  - ⊙ - Fire Blanket
  - ▲ - Water type extinguisher
  - ▲ - Dry powder type extinguisher
  - ▲ - Carbon dioxide type extinguisher

S J Omand,  
Chartered Surveyors,  
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Kirkwall,  
KW15 1DN.

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Email- stephen@sjomand.co.uk



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Project Lanes,  
18 Bridge Street,  
Kirkwall,  
KW15 1HR.

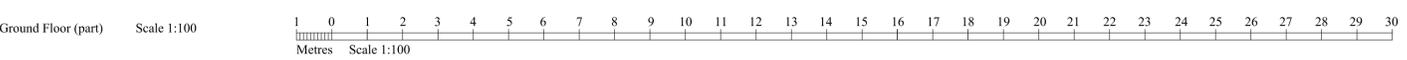
Title Licensing Application.

Sub-Title Floor Plan.

Client Wm Neil Stevenson,  
30 Albert Street,  
Kirkwall,  
KW15 1HQ.

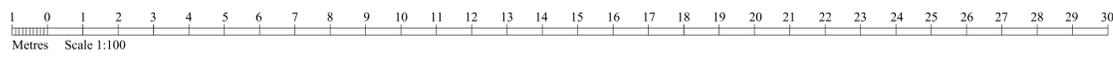
Date 20th February 2025. Drawn By SJO Plan Size A1

Scale As shown. Draw No 1685/2A/Licensing Rev D





Ground Floor (part) Scale 1:100



Bowling Alley & Family Entertainment Centre Activities Legend		
Outside Area.	Other Activities-	Outside Drinking. Bar Meals.
		Lanes Outdoor Seating.
		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
		- High Heat Detector
		- Water type extinguisher
		- Dry powder type extinguisher
		- Carbon dioxide type extinguisher
S J Omand, Chartered Surveyors, 14 Victoria Street, Kirkwall, KW15 1DN. Tel: 01856 876215 Email: stephen@sjomand.co.uk		
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Project	Lanes, 14 Bridge Street, Kirkwall, KW15 1HR.	
Title	Licensing Application.	
Sub-Title	Front Outside Area.	
Client	Wm Neil Stevenson, Kirkjvagur Ltd, 30 Albert Street, Kirkwall, KW15 1HQ.	
Date	20th February 2025.	Drawn By SJO
Scale	As shown.	Plan Size A1
		Rev C

