

ABERDEENSHIRE LICENSING BOARDS

Central Divisional Board

REPORT TO LICENSING BOARD- 21st AUGUST 2019
LICENSING (SCOTLAND) ACT 2005- SECTION 28
WHITE HORSE INN, BALMEDIE

1. Recommendations

- 1.1. **It is recommended that the Board considers the terms of the attached letter and determines whether to extend the 3 month period, under paragraph 6.13 of the Central Aberdeenshire Divisional Board Statement of Licensing Policy 2018-2023 and if so decides what period of extension would be acceptable.**

2. Background

- 2.1. Section 28 of the Act provides that a premises licence ceases to have effect where the licensed premises in respect of which the licence was issued cease to be used for the sale of alcohol.
- 2.2. Paragraph 6.13 of the Board Policy Statement states: -

Where any premises ceases to be used for the sale of alcohol for a period of more than three months, the relevant Board will conclude that the licence has ceased to have effect in terms of Section 28 of the Act. A new premises licence will be required before alcohol can then be sold from the premises. The relevant Board will consider each case on its own merits. This period may be extended if circumstance arise that merit this. Licence Holders should request extensions in writing to the relevant Board and should outline the reasons the extension is sought. All requests will be considered by the relevant Board.

- 2.3 A written request has been submitted, in terms of policy, to request an extension of the 3-month period. A copy is attached as Appendix 1 to this report.

3. Governance

- 3.1 Paragraph 6.13 of the Licensing Policy Statement states that all requests for a period of extension under this paragraph will be considered by the relevant Board.

4. Implications and Risk

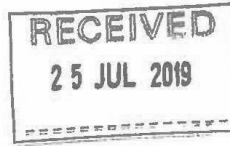
- 4.1. There are no area, policy, finance, staffing or sustainability implications directly arising from this report.
- 4.2. An Equality Impact Assessment is not needed in this case because the approval of the reports will not have a differential impact on the protected characteristics of the applicants or any third parties.
- 4.3. There are no Risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers.
- 4.4 The Town Centre Principle does not apply in respect of this matter.

Karen Wiles
Clerk to the Board

Report Prepared by: Jill Joss
Depute Clerk, Senior Solicitor (Democratic Services)
Date: 31st July 2019

APPENDIX 1

Thorntons 



NW: 390

Dundee

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The Clerk to the Licensing Board
Aberdeenshire Council
Central Division
Legal and Governance
Viewmount
Ardthie Road
Stonehaven
AB39 2DQ

23 July 2019

Our Ref: GCB/CXH/FR22427.0004

Your Ref:

Please contact:



CONFIDENTIAL

URGENT

Dear Sirs

Our Clients: FRP Advisory Limited
Premises: White Horse Inn, Old Road, Balmedie, AB23 8XR
Premises Licence: AB-C-P177

With reference to the above Premises Licence number, we have been corresponding heavily with your office regarding the progress of the Premises Licence Transfer Application submitted on 22 January 2019. Your office has provided assurances that the transfer of the licence from Palomino (Aberdeen) Limited to the Joint Administrators is being treated as a high priority and that the grant of the application will be backdated so that the transfer was completed within 28 days of Palomino (Aberdeen) Limited going into administration.

Separately, and further to our previous correspondence in this regard, we submit a request on behalf of the Joint Administrators, as Licence Holders given the grant of the application will be backdated, to extend the Premises Licence in accordance with paragraph 6.13 of the North, Central and South Aberdeenshire Divisional Licensing Board's Statement of Licensing Policy 2018 - 2023. We understand that the Premises Licence will cease to exist if the premises are not used for the sale of alcohol for a period of three months in terms of the foregoing policy.

An extension is sought because the premises are currently subject to sale to which the Premises Licences forms part of the offer. The anticipated completion date is 30 August 2019. The operating agreement within the premises came to an end the weekend of 28 June 2019. The licence holders request an extension of the Premises Licence to allow the purchasers of the

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property to begin trading from the premises. An extension of six months is sought or any other length of time the Board deems to be suitable.

We would be grateful if the foregoing request could be acknowledged by confirming the date the request will call before the Board. We understand the Board will next convene on 21 August 2019 and we would therefore be grateful if the foregoing request could call before the August Board.

We look forward to hearing from you.

Yours faithfully



Partner
For Thorntons Law LLP

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