

# ***ABERDEENSHIRE LICENSING BOARDS***

## ***North Divisional Board***

**REPORT TO LICENSING BOARD- 21<sup>st</sup> AUGUST 2019**

**LICENSING (SCOTLAND) ACT 2005- SECTION 28**

**PARK HOTEL, MACDUFF**

### **1. Reason for Report/Summary**

1.1. The Board is asked to consider a request for an extension of closure of licensed premises in terms of paragraph 6.13 of the Boards' current Statement of Licensing Policy.

### **2. Recommendations**

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

### **3. Purpose and Decision-Making Route**

3.1 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.

3.2 This matter has not been previously considered by the Board.

### **4. Discussion**

4.1. 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.

4.2. 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.”***

4.3 The request is deemed by officers to be reasonable in terms of the requirements of the Board’s Policy. The Licence Holder has, therefore, not been requested to attend the Board.

**5. Priorities, Implications and Risk**

5.1. The request for an extension to closure at Appendix 1 has been lodged to meet the requirements of the Boards’ current Statement of Licensing Policy.

5.2. The table below shows whether risks and implications apply if the recommendations are agreed:

**Table 1 Risks and Implications**

<b><i>Subject</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>N/A</i></b>
<b><i>Financial</i></b>		<b><i>X</i></b>	
<b><i>Staffing</i></b>		<b><i>X</i></b>	
<b><i>Equalities</i></b>		<b><i>X</i></b>	
<b><i>Fairer Scotland Duty</i></b>			<b><i>X</i></b>
<b><i>Town Centre First</i></b>		<b><i>X</i></b>	
<b><i>Sustainability</i></b>			<b><i>X</i></b>
<b><i>Children and Young People’s Rights and Wellbeing</i></b>			<b><i>X</i></b>

## **6. Governance**

6.1 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.

**Karen Wiles**  
**Clerk to the Board**

**Report Prepared by: Fiona M. Stewart**  
**Depute Clerk, Senior Solicitor (Democratic Services)**  
**Date: 15<sup>th</sup> October 2019**

### **Appendices**

**Appendix 1 - request for extension of closure of licensed premises.**



Fiona Stewart

From: Stuart davidson [REDACTED]  
Sent: 06 September 2019 20:37  
To: Fiona Stewart  
Subject: Park Hotel

Fiona,

I would like to ask for an extension of our alcohol license at the Park Hotel, we do not intend to open at present but we have a couple of buyers interested and they would like the license in place. I am aware I will need to pay for a year's license before 1st October, can we request a six month extension anyway?

Regards

--

Stuart Davidson

Park Hotel  
Fife Street  
Macduff AB44 1YA



