

# Public Document Pack



To: Councillor Boulton, Convener; and Councillors Carle, Crockett, Malik, Malone, Nicoll and Townson.

Town House,  
ABERDEEN, 4 January 2017

## **LICENSING URGENT BUSINESS SUB COMMITTEE**

The Members of the **LICENSING URGENT BUSINESS SUB COMMITTEE** are requested to meet in Committee Room 4 - Town House on **WEDNESDAY, 11 JANUARY 2017 at 10.30 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

1 Determination of Urgent Business

#### **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

2 Request for Revocation of a Late Hours Catering Licence, 3-5 Rose Street, Aberdeen (Pages 5 - 8)

#### **APPLICATIONS TO BE HEARD IN PRIVATE IN TERMS OF THE DATA PROTECTION ACT 1998 - INCLUDING LIST OF APPLICATIONS**

3 Application for the Renewal of a Taxi Driver's Licence (Pages 11 - 12)

4 Application for the Renewal of a Taxi Driver's Licence (Pages 13 - 14)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Allison Swanson, tel. (52)2822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)



**LICENSING COMMITTEE**  
**11 January 2017**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	
1.	Request for Revocation of a Late Hours Catering Licence	N/A	3-5 Rose Street, Aberdeen	N/A	N/A	

**ABBREVIATIONS:**

- D Legal and Democratic Services
- EH Environmental Health
- BS Building Standards
- Roads

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**Arlene Dunbar**

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** Karen Gatherum  
**Cc:** IRI0009\_00006 \_ 3\_5 ROSE STREET \_ REMOVAL OF TENANT Emails  
<{F3704589}.iMan\_Docs@sendandfile.brodies.com>  
**Subject:** 3-5 Rose, Street, Aberdeen - Late Hours Catering Licence [BRO-D.FID3704589]  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY**

Good morning Kate

Following on from our telephone conversation yesterday morning, we act on behalf of Karen and Yusuf Iridag. They are the owners of a property at 3-5 Rose Street, Aberdeen ("The Property"). The Property was leased to Abdul Malek and Mohamad Hussan El-Behaderie ("The Tenants") by virtue of a lease dated 17th, 22nd, and 24th August 2005 and registered in the Books of Council and Session on 19th September 2005 ("the Lease"). We can provide a copy of the Lease if required. The Tenants hold a Late Hours Catering Licence over the premises which we understand is valid until August 2017.

The terms of the Lease were breached and the Lease was terminated on Friday 7 October 2016. Notwithstanding the termination of the Lease the Tenants continued to trade over the weekend of the 7 October. The Tenants vacated the Property on Monday 10 October 2016.

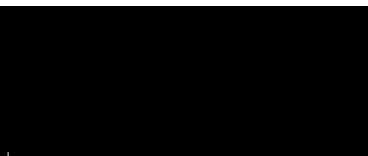
Clause 34.1.4 of the Lease provides:- "On the expiry or earlier termination of this Lease (howsoever determined) at the request of the Landlord to ensure that the Licence is assigned, endorsed, transferred and handed over to the Landlord or to whomsoever it may appoint and to attend before the Licensing Board (if so required) and sign all notices, applications and consents and generally to do all other acts and things which may be required (including for the avoidance of doubt surrendering the Licence) to transfer the Licence to the Landlord or whomsoever they may appoint or to permit the Landlord to procure the Licence". The Licence referred to in Clause 34.1.4 is the existing Late Hours Catering Licence.

As the Late Hours Catering Licence cannot be transferred, the Tenants have been called upon to surrender the Licence but to date have refused to do so. Our clients wish to lease the Property to new tenants, however this is will be particularly difficult if the new tenant cannot obtain a Late Hours Catering Licence. Following discussions with you we have been advised that a new Late Hours Catering Licence application by new tenants would not be considered until the position with the existing Licence is resolved. In order to resolve this situation we should be grateful if the Licensing Committee would consider revoking the existing Licence or rendering it invalid which would allow a new application to be lodged and processed. We understand that the next Licensing Committee meeting is due to take place on 17 December and we should be grateful if this matter could be put before the Committee at the next meeting for their consideration.

I look forward to hearing from you and should you require any further information please do not hesitate to contact me.

Regards,

Jacqui



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Our Ref. Comm/11Jan/KG  
Your Ref.  
Contact Karen Gatherum  
Email [KGatherum@aberdeencity.gov.uk](mailto:KGatherum@aberdeencity.gov.uk)  
Direct Dial 01224 522462  
Direct Fax 01224 522937



**ABERDEEN**  
**CITY COUNCIL**

16 December 2016

**Mohamad Hussan Elbehaderie**

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Corporate Governance  
Aberdeen City Council  
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Broad Street  
Aberdeen AB10 1AB

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Dear Sir,

**Civic Government (Scotland) Act 1982**  
**Late Hours Catering Licence**  
**3-5 Rose Street, Aberdeen**

In terms of Schedule One, Para11 of the Civic (Scotland) Act 1982, the Committee have received a request to revoke the late hours catering licence for 3-5 Rose Street, Aberdeen. This matter will be considered by the Licensing Committee at their meeting on 11 January 2017 which will take place at 10:30am within the Town House, Broad Street, Aberdeen.

You are invited to attend the said meeting. The Committee will wish to discuss or seek clarification on matters raised before considering the request. If you are present, you would be able to respond to any such queries there and then. You are offered the chance to attend to allow you to fully state your case.

If you or a representative does not attend, the Committee can consider the request in your absence and, if it allows the request, you would not be entitled to appeal to the Sheriff Court against any such refusal, it is therefore in your best interests to attend.

Your meeting will be held on the second floor. If you require special assistance in case of evacuation please let us know before the start of the meeting or on arrival at the Town House.

Yours faithfully,

**Karen Gatherum**  
Paralegal  
Licensing Team

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