

PREMISES LICENCE REVIEW PROPOSAL

PREMISES: GURKHA CHEF, 5 PALMERSTON ROAD
LICENCE HOLDER: PRAG (ABERDEEN) LIMITED

GROUND(S) FOR REVIEW

That one or more of the conditions to which the premises licence is subject has been breached.

Condition alleged to have been breached:

10 Payment of annual or recurring fees

- (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under [section 136\(1\)](#).
- (2) The fee must be paid as required by the regulations.

BACKGROUND

Payment of the annual fee for the above premises due on 1 October 2020 has not been made. Reminder correspondence was sent to the licence holder on 24 August 2020 and sent by email on 11 December 2020.

ADDITIONAL INFORMATION

LSO Report

BOARD'S POWERS ON REVIEW

- (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.
- (1A) Subsection (1) is subject to subsection (2A).
- (2) Those steps are—
 - (a) to issue a written warning to the licence holder,
 - (b) to make a variation of the licence,
 - (c) to suspend the licence for such period as the Board may determine,

(d) to revoke the licence.

- (2A) Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that the ground for review specified in [section 36\(3\)\(za\)](#) (that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence) is established, the Board must revoke the licence.
- (2B) Subject to [section 39B](#) (see below), a revocation under subsection (2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision.
- (3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

39B Recall of revocation of licence under section 39(2A)

- (1) This section applies where a Licensing Board decides to revoke a premises licence under [section 39\(2A\)](#).
- (2) The Board must recall the revocation if—
- (a) a relevant application is made before the end of the period referred to in [section 39\(2B\)](#) (“the 28 day period”), and
- (b) the Board grants the application.
- (3) The Board may extend the 28-day period pending determination of a relevant application.
- (4) In this section, “*relevant application*” means—
- (a) an application under [section 33\(1\)](#) for the transfer of the premises licence, or
- (b) a premises licence variation application seeking a variation of the licence that the Board considers would remove the ground on which the licence was revoked under [section 39\(2A\)](#).
- (5) This section does not affect the right to appeal against the decision to revoke the licence under [section 39\(2A\)](#).