



22 February 2016

Eric Anderson
Clerk to The City of Aberdeen Licensing Board
BY EMAIL

Dear Eric,

**AC/785 Extension of provisional grant Foundation Carnegies Brae Aberdeen
Revised letter**

I refer to the above provisional grant of a premises licence which is due to expire on 3 April 2016.

My client purchased the premises inheriting a number of issues which were unknown to him at the time. Due to financial constraints and the downturn in the economy the premises remained empty until last year when works commenced. At this point it became clear after a building standards inspection that there were issues with the premises.

One of those issues is that the previous tenants/owners had carried out certain works without the benefit of building standards' consent. My client is in the process of working with Aberdeen City Council building standards' team to ensure works are carried out in such a way as to enable a building standards completion certificate eventually to be granted. This will involve amendment to current building warrant and also that certain works be carried out to make good previous failures by prior owners/tenants.

My client is still in the process of finalising certain matters relating to building control etc and requires to extend the provisional grant to permit this to take place.

The conversion works were commenced by the previous tenants/owners without adherence to building standards consent and this has resulted in my client having to go back to building standards to revise the building warrant. This matter has been outwith my client's control as he was unaware of these problems with the building which were only uncovered as the works progressed and building standards inspections took place.



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This all takes time and Gordon Spence and David Kidd are aware. I have copied Gordon and David in for their interest.

I believe the application is competent in terms of Section 45(8) a copy of which I have attached for your convenience.

The revised plans will be submitted once they are finally approved by building standards. Please let me know if you need more detail.



Thanks in advance for your assistance

Janet Hood LLB Dip LP NP

45 Provisional premises licence

(1) 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.

(2) A premises licence application in respect of any such premises is referred to in this Act as a

“provisional premises licence application”.

(3) A premises licence issued in respect of any such premises does not take effect unless and until



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it is confirmed by the Licensing Board which issued it in accordance with section 46.

(4) If a premises licence issued in respect of any such premises is not confirmed before the end of

the provisional period, then at the end of that period the licence is treated as revoked.

(5) A premises licence—

(a) to which subsection (3) applies, and

(b) which has not been confirmed in accordance with section 46,

is referred to in this Act as a “provisional premises licence”.

(6) The provisional period, in relation to a provisional premises licence, is the period of [4] ,

years beginning with the date of issue of the licence.

(7) On the application of the holder of a provisional premises licence made before the expiry of

the provisional period, the Licensing Board which issued the licence may, if satisfied as to the

matter mentioned in subsection (8), extend the provisional period by such period as the Board

considers appropriate.

(8) That matter is that—

(a) completion of the construction or conversion of the premises to which the licence relates

has been delayed, and

(b) the delay has been caused by factors outwith the premises licence holder's control.

(9) Where the provisional period in relation to any provisional premises licence has been extended

under subsection (7), references in this section and section 46 to the provisional period are to that

period as so extended.

(10) Section 20 has effect in relation to a provisional premises licence application as if—

(a) in subsection (2)(b), for sub-paragraph (iii) there were substituted—

“(iii) the certificate required by section 50(2),”

, and

(b) in subsection (4), paragraph (g) were omitted.

(11) In this section, “construct” and “convert” have the same meanings as they have for the purposes

of the Building (Scotland) Act 2003 (asp 8).