

Arlene Dunbar

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
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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

