



Contact: June Andison
Direct Tel: 01259 452093
Email: [REDACTED]
Our Ref: CC112
Your Ref:
Date: 24 December 2018

Azad Zaman
[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr Zaman

**Clackmannanshire Licensing Board
Hearing to Consider a Premises Licence Review Proposal in respect of the
Premises Licence for the premises known as Azad Tandoori, 2B Shillinghill,
Alloa, FK10 1JT
Hearing date: Tuesday 22 January 2019, at 09.30am
Place of Hearing: Clackmannanshire Council, Council Chambers, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**

TAKE NOTICE THAT Clackmannanshire Licensing Board proposes to hold a Review Hearing in terms of section 38 of the Licensing (Sc) Act 2005 to consider and determine a Premises Licence Review Proposal in respect of the Premises Licence for Azad Tandoori, 2B Shillinghill, Alloa held by you at **09.30am on Tuesday 22 January 2018** within the **Council Chamber, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB.**

Grounds upon which Review of said licence is sought

Review of the above licence is sought on the grounds specified in section 36(3)(a) of the Licensing (Sc) Act 2005:-

(a) that one or more of the conditions to which the premises licence is subject has been breached, namely:

The Premises Licence Holder has breached a Mandatory Condition in terms of section 14(2)(a)(i) failure to pay the annual fee in relation to a premises licence.

A copy of the Premises Licence Review Proposal is attached for your reference.

Licensing Board's Powers on Review

If Clackmannanshire Licensing Board is satisfied that a ground for review is established (whether or not the basis of any circumstances alleged in the premises licence review application considered at the hearing), the Board may take such of the following steps as it considers necessary for the purposes of any of the licensing objectives:

- (a) issue a written warning;
- (b) make a variation of the licence;
- (c) suspend the licence for such period as the Board may determine;
- (d) revoke the licence.

You are advised that it is in your best interests to appear at this hearing. You may be represented by a solicitor or any other person.

Should you have any difficulty in understanding this Notice or have any query about it, please contact me, June Andison, Kilncraigs, Alloa [REDACTED] upon receipt of this Notice.

Yours sincerely

June Andison
Licensing Administrator



To: The Clerk
Clackmannanshire Licensing Board
Kilncraigs
Alloa
FK10 1EB

From: Paul Fair, Civic Lic [REDACTED]

[REDACTED] 01259 452091

Email: [REDACTED]

Our Ref: PF/LSO/PLRA/CC112

Your Ref: 12/00769/PREM1

Date: 21 December, 2018

Licensing (Scotland) Act, 2005
Premises Licence Review Application
Azad Restaurant, 2B Shillinghill, Alloa FK10 1JT
Clackmannanshire Licensing Board Premises Licence CC112

1. In the terms of Section 36(3)(a) of the Licensing (Scotland) Act, 2005 this report is an application to review the premises licence (No CC112), granted by Clackmannanshire Licensing Board in relation to the premises known as Azad Tandoori (restaurant), 2B Shillinghill, Alloa.
2. Azad Tandoori restaurant is a well established restaurant in Alloa town centre. It has been licensed premises for over 20 years.
3. Since 1 September 2009 the premises have held a licence to sell alcohol granted under the Licensing Scotland Act, 2005.
4. The premises Licence is currently held in the name Asad Zaman, 589 Carron Road, Falkirk
5. There have been no concerns in relation to the licensing objectives in the duration of the licence and there have been no major compliance concerns with any aspect of the Licensing (Scotland) Act, 2005.
6. At some point in early 2018, it was noticed that the premises had ceased trading and have remained closed since this was first noticed in about April, 2018. The licence holder has made no contact with Clackmannanshire Council in relation to their trading position
7. In August 2018, as part of the statutory process, Mr Zaman was notified that the annual fee relating to the premises licence was due for payment on 1 October, 2018. By 22 October, 2018 the fee remained unpaid and a reminder was sent to Mr Zaman. There was no response to the reminder notification and confirmation of the unpaid fee was passed to the Licensing Standards Officer on 22 November 2018.
8. Failure to pay the annual fee in relation for a premises licence is a breach of mandatory conditions attached to the premises licence.
9. A premises licence review application can only be made by a Licensing Standards Officer in relation to a breach of a licensing conditions if the Licensing Standards officer has issued a notice in the terms of Section 14(2)(a)(i), and if the Premises licence holder has failed to comply with the terms of that notice. This process as prescribed within Section 36(4) of the Licensing (Scotland) Act, 2005 has been followed.
10. On 30 November, 2018, the Licensing Standards Officer prepared and served a notice in the terms of Section 14(2)(a)(i). A copy of this notice is attached at Appendix A.

11. The licence holder has failed to comply with the terms of the notice to the satisfaction of the Licensing Standards Officer in that the annual fee remains unpaid.
12. Despite extensive efforts the Licensing Standards Officer has been unable to make contact with the premises holder and his present whereabouts are unknown.
13. The Licensing Board are asked to consider the content of this premises licence review application at a review hearing, and decide whether or not grounds for review exist, if they are satisfied that grounds do exist, determine what action is appropriate in accordance with the options contained within Section 39 of the Licensing (Scotland) Act, 2005.

Paul Fair



Licensing Standards Officer.

LICENSING (SCOTLAND) ACT 2005 COMPLIANCE NOTICE UNDER SECTION 14

Notice is hereby given in terms of Section 14 (2)(a)(i) of the above Act and is issued by Paul Fair a Licensing Standards Officer for Clackmannanshire.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions to which the Premises Licence is subject outlined below. Failure to do so to the satisfaction of the Licensing Standards Officer within the time allowed for compliance (if any) will result in an application to Clackmannanshire Licensing Board for a review of the Premises Licence.

| | |
|--|--|
| Premises Licence Holder & Licence No: | Asad Zaman, [REDACTED] CC112 |
| Premises Name and Address: | Azad Tandoori Restaurant, 2B Shillinghill, Alloa |
| Date & Time Notice Issued: | Thursday 22 November, 2018 @ |
| Premises Manager Details: | Atif Saddiq |
| Manner of service: | By Post / Left at premises / E-mail / Personal Service |

Details of Breach of Condition and Remedy

*Licensing Standards Officer should detail the condition(s) breached and describe the remedial action required to be taken in order to comply with this notice.**

The annual Fee for your Premises Licence was due on 1 October, 2018. To date it remains unpaid, despite several reminders.

The Premises Licence held by you in relation to the above premises known is subject to Mandatory conditions. Condition number 10 on your licence states. :-

Payment of annual or recurring fees

10 (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 The Licensing (Scotland) Act, 2005, section 136(1)

(2) The fee must be paid as required by the regulations.

You are in breach of this condition in that you have failed to pay the annual fee in respect of your premises licence. In order to remedy this breach to the satisfaction of the Licensing Standards Officer issuing this notice you are required to pay the annual of fee of £280.00 to Clackmannanshire Licensing Board.

This action must be taken within **7 days** from the date of this notice and **you must not make or permit any further sales of alcohol to be made on the premises until this fee is paid.**

REQUIREMENT TO COMPLY

| | |
|-------------------------------|---|
| With Immediate Effect: | YES (in relation to text in red) |
| (or) Comply By: | Date: 30/11/2018 |

| | |
|---|--|
| Licensing Standards Officer (Print Name & Signature) | Where served personally or left at premises Notice Received by (Print Name & Signature) |
| Paul Fair Telephone : [REDACTED] | Name..... Signature..... |

Important Note

If this notice is not complied with within the specified timescale your Premises Licence will be subject of a review application in terms of Section 36 of The Licensing (Scotland) Act, 2005. This will result in a hearing before the Licensing Board to consider what if any steps are necessary to secure compliance with the Licensing (Scotland) Act, 2005.

The range of options open to the Licensing Board include :

- (a) Issuing a written warning
- (b) Making a variation of the licence
- (c) Suspension of the licence for such a period as the Board may determine
- (d) Revoking the licence

Reference No 12/00769/PREM1