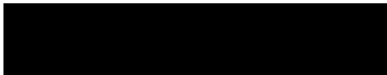



Copy Application For Review of Premises Licence

Our Ref: SMW / LAPREM/00183/22
Ask for: Sarah Ward
Direct Dial: 
Email: 

Date: 12th February 2024

The Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

REVIEW OF PREMISES LICENCE IN TERMS OF SECTION 36(4) LICENSING (SCOTLAND) ACT 2005

The Plough Inn, Macduff – AB-N-P061

I write to Aberdeenshire Licensing Board to request a review of the premises licence in terms of Section 36(4)(b) of the Licensing (Scotland) Act 2005.

The grounds for this being -

Issue of a notice under Section 14(2)(a) by recorded delivery to the Premises Licence Holder's personal address, to the Premises address, by email noted on the licensing database and hand delivered.

The Premises Licence Holder has failed to take action by payment of full Annual Fee.

1. Grounds for review

Breach in Schedule 3 (10) Payment of Annual Fees.

2. Background to premises

On 9th January 2023, the Premises Licence was Granted to Ms Marie Charles as Premises Licence Holder and Designated Premises Manager.

3. Previous premises licence review application

I can confirm that no premises licence review application has been requested in respect of the current premises licence holder for said premises.

4. History of noncompliance

A premises licence inspection was carried out on the 8th March 2023, with Police Scotland and identified some minor compliance issues that were resolved, with exception of the following:

- Unable to provide Personal Licence – allegedly lodged with Transfer and not returned. LSO communicated with Licensing Admin, who confirmed they had not been able to locate. Copy of PLH lodged with Transfer and LSO forwarded back to the Licence Holder by email. Suitable advice provided in terms of logging lost or stolen with Police Scotland.
- Recommended Personal Licence Address updated, to reflect now residing above the premises. Suitable advice provided at the time to contact Moray Council, (issuing authority) to update Personal Licence.
- If above resolved, then apply for a minor variation to update the address for the Premises Licence Holder and DPM Address.

In respect of the non-payment of Annual Fees 2023, sum of £155.00 remains outstanding and suitable guidance has been provided to the premises licence holder, as follows:

- 28th August 2023 the Annual Fee Reminder was sent by email from the licensing team to all Licenced Premises in Aberdeenshire.
- 17th October, a generic email (to email addresses on record) to all premises still outstanding reminding them of outstanding fees and to get in touch if any issues or if payment made so we could update our records.
- 24th October, a Non-Compliance Letter by email (to email addresses on record), in respect of the breach to conditions in Schedule 3(10) of the Licensing (Scotland) Act 2005.
- 24th October, Licence Holders response confirming the following:
“Haven't checked emails for a while, thank you for contact. At the moment there is no money to pay fee I will have to get invoices out to cover this”
- 8th November, a Notice 14 was sent by email to EH Admin to send recorded delivery; On 9th November EH Admin confirmed recorded delivery sent.
- 16th November, email sent to Licence Holder, reflecting above correspondence and with copies of said letters, as tracking reflects Royal Mail attempted delivery on 9th & 10th but no answer at said address. (Please note Section 14 Notices must be issued to the

premises licence registered address)

- 30th November, visit to premises and spoke with Licence Holder; Marie explained her position and I advised I would see what I could do in terms of payments in instalments, but couldn't promise.
- 5th December, communication Martin Ingram, in respect Financial Hardship and permitting instalments; undertaking by myself to keep track of payments and communicate with licensing Admin.
- 6th December (AM) visit, no one available, sent email asking to call LSO.
- Same date, call Licence Holder x 2 – no answer, left voicemail ref outstanding fee.
- 7th December (AM) visit, confirmed with Licence Holder that agreement to permit instalments.
- 13th December, call Licence Holder, left voicemail ref outstanding fee.
- 18th December, call Licence Holder, left voicemail ref outstanding fee.
- 20th December, call Licence Holder, left voicemail ref outstanding fee.
- *22nd December, email from Licensing confirming First payment by £65.00 21.12.2023.*
- 3rd January, email from EH Admin confirming recorded delivery Notice was unsuccessful in terms of delivery.
- 4th January, call Licence Holder, left voicemail ref outstanding fee.
- 11th January, call Licence Holder, left voicemail ref outstanding fee.
- 19th January, call Licence Holder, left voicemail ref outstanding fee.
- 8th February, visit to premises, Licence Holder not present, spoke to partner.
- 8th February, email to Licence Holder following visit - confirming sum outstanding. Offer of full sum by Cash, but confirmed and double checked with Jenny Mearns that we were unable to accept Cash payment. Email confirms details of conversation and instructions for outstanding payment of £155.00, overdue.

5. Conclusion and recommendation

- 1) If at the time of the board hearing the Premises Annual Fee remains outstanding, then for the Licensing Board to consider all options in respect of Section 39 of the Act.
- 2) If the Premises Licence Annual Fee is paid, then in terms of Section 39 of the Act a Warning to the licence holder, for failing to pay the Annual Fee in a

timeously manner,
and to ensure that payments are paid on time and no later than 1st October
Annually.

Yours sincerely,

Sarah Ward
Civic Licensing Standards Officer

Enc.

Fiona Stewart

From: Sarah Ward
Sent: 24 October 2023 08:17
To: Marie Charles; [REDACTED]
Subject: ACTION LICENCE HOLDER ref Outstanding Annual Fee - Non compliant letter - Plough Inn, Macduff AB-N-P061
Attachments: IDOX EDRMS: 'Email to Me'; Plough Inn, Macduff Annual Fees Non Complaint Letter 2023.pdf
Importance: High

Good Morning Licence Holder,

To date we've been unable to trace payment for Annual Fees; previous email correspondence has been sent with no response.

A non compliant letter and copy of Annual Fee letter as attached, Please Action Immediately.

Any queries, regarding said matter please do not hesitate to contact licensing by email on licapps@aberdeenshire.gov.uk

Kind Regards,

Sarah Ward
Civic Licensing Standards Officer
Aberdeenshire Council
Economic Development & Protective Services
St Leonards, Sandyhill Road, Banff. AB45 1SD

Contactable by: [REDACTED]
Guidance / Application forms.

 [Licensing - Aberdeenshire Council](#)  [Environmental Health - Aberdeenshire Council](#)

Our Ref: SMW / LAPREM/00183/22
Ask for: Sarah Ward
Direct Dial: [REDACTED]
Email: [REDACTED]

Licence Holder – Marie Charles
5 Reidhaven Crescent
Findochty
AB56 4QG

24.10.2023

Dear Licence Holder,

**Licensing (Scotland) Act 2005, Annual Fee Payment
Plough Inn, Macduff, AB-N-P061**

I refer to the above premises and write to advise that in terms of paragraph 7(2) of the Licensing (Fees) (Scotland) Regulations 2007 the annual fee in respect of the premises has not been paid by 01/Oct/2023. The outstanding fee due is £220.00, you are now required to pay the fee within 7 days of the date of this letter.

Paragraph 10 of the Mandatory Conditions to which the premises licence is subject require payment of the annual fee by 01 October. Failure to make this payment will result in a review of the licence for failure to comply with a mandatory condition which may result in an immediate revocation of the licence.

If the above contravention remains un-resolved within 7 days, I shall issue the premises with a Section 14(2) (a) compliance Notice.

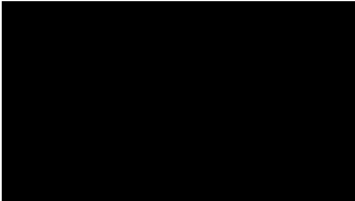
I will be happy to offer advice or guidance on remedying the matters but would also recommend that you consider taking legal advice if you have any concerns about the matters being raised. If there have been any management changes that effect the licence, please get in touch to discuss any applications to vary * or Transfer, that may be required. * Note matters still outstanding ref Change of Address of Premises Licence Holder /DPM.

PLEASE SEE PAYMENT OPTIONS IN ATTACHED LETTER.

Should you wish to make representation to my line manager (Keith Simpson, Senior Licensing Standards Officer, Viewmount, Arduthie Road, Stonehaven, AB39 2DQ. [REDACTED]), you should do so within two weeks from receipt of this letter.

If you require any further information or advice, please do not hesitate to contact me at the above address.

Yours sincerely,



Sarah Ward
Civic Licensing Standards Officer

Enc. Copy of letter reminder letter.

**If you have difficulty reading this document, please contact
Sarah Ward [redacted]**



Fiona Stewart

From: Marie Charles [REDACTED]
Sent: 24 October 2023 08:22
To: Sarah Ward
Subject: Re: ACTION LICENCE HOLDER ref Outstanding Annual Fee - Non compliant letter - Plough Inn, Macduff AB-N-P061

Haven't checked emails for a while, thank you for contact. At the moment there is no money to pay fee I will have to get invoices out to cover this.

Marie



Our Ref: SMW/ LAPREM/00183/22
Ask for: Sarah Ward
Direct Dial: 
Email: 

Infrastructure Services

Environmental Health

St Leonards

Sandyhill Road

Banff

AB45 1SD

www.aberdeenshire.gov.uk

Ms Marie Charles – Premises Licence Holder
5 Reidhaven Crescent
Findochty
AB56 4QG

8 November 2023

Dear Licence Holder

NOTICE IN TERMS OF SEC 14 LICENSING (SCOTLAND) ACT 2005
LICENSING (SCOTLAND) ACT 2005 - ANNUAL FEE PAYMENT

The Plough Inn, Macduff AB-N-P061

Further to our letters by email dated 29th August and reminders dated 17th & 24th October, our records show the payment of £220.00 remains outstanding.

As a result of non-payment of Annual Fees, you have continued to fail to comply with Schedule 3, paragraph 10 of the Licensing (Scotland Act 2005), which contains details of the mandatory conditions attached to your premises licence. As such, I am now issuing you, as premises licence holder, with a Section 14(2)(a) compliance notice. Details of the breach are contained within the notice along with action required to remedy the situation.

How to Pay

Online payment using a debit or credit card is the quickest and most convenient method. If using this method, please go the following web address:-

- www.aberdeenshire.gov.uk
- Click on the word "Pay"
- At the bottom of the list click on "Liquor licence annual fee"
- Complete your details on screen

If you are unable to pay online, please contact licapps@aberdeenshire.gov.uk and we will arrange a telephone payment or provide you with the details for a BACS transfer. If you wish to pay via bank transfer, please ensure that you advise us when the payment has been made, and let us know the reference used, so we can track your payment.

Please be aware that Aberdeenshire Council no longer accept cash or cheque payments.

Further failure to comply with this notice will result in the premises licence being subject to a review hearing at the next meeting held by Aberdeenshire Licensing Board, in December. At the hearing the Licensing Board may consider one of the following steps:

1. issue a written warning
2. make a variation
3. suspend the licence for a period
4. to revoke the licence

You may also wish to take legal advice as, potentially your premises licence could be at risk.

Yours faithfully



Sarah Ward
Civic Licensing Standards Officer

**If you have difficulty reading this document, please contact
Sarah Ward [redacted]**

**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 Sarah Ward, being a Licensing Standards Officer for Aberdeenshire Licensing Board.

This notice requires action to be taken by the Licence Holder to remedy the breaches of the licensing conditions outlined below to which the Premises Licence is subject. 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 Aberdeenshire Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Ms Marie Charles AB-N-P061
Premises Subject to Notice:	Plough Inn 13-15 Skene Street Macduff AB44 1RL
Date & Time Issued:	08.11.2023 Office hours
Premises Manager Details:	Ms Marie Charles
Manner of service:	By Post (Recorded)
Details to Whom Issued:	Premises Licence Holder – Ms Marie Charles
Details of Breach of Condition and Remedy	
<i>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. *</i>	
<u>Mandatory Conditions.</u>	
Schedule 3 paragraph 10 of the Licensing (Scotland) Act 2005	
<u>Remedy</u>	
Make payment of the outstanding annual fee - £220.00 within 7 days from date of this notice.	
Payment can be made in any of the following methods: Online, telephone or at one of the Aberdeenshire Council Service Points.	
Where possible, we would encourage you to pay online at the undernoted website address. http://www.aberdeenshire.gov.uk	
REQUIREMENT TO COMPLY	
With Immediate Effect:	NO
(or) Comply By:	Date: 7 days from date of the attached letter
Licensing Standards Officer (Print Name & Signature)	Notice Received by (Print Name & Signature)

Sarah Ward,			
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Fiona Stewart

From: Martin Ingram
Sent: 05 December 2023 15:25
To: Sarah Ward; Fiona Stewart; [REDACTED]
Cc: Lauren Cowie
Subject: RE: ACTION Licensing Sols Team: Consideration request for Annual Fee Payment in Instalments - Plough Inn, Macduff AB-N-P061

Good afternoon, Sarah.

Lauren and I chatted about this earlier today and we agreed that if we can help this premises licence holder by allowing her to pay in instalments then we should.

I understand that the onus would be on us to check with Finance Income Management whether the payments are being maintained so, while we may be able to entertain this in situations of financial hardship, there would be an impact on resource at our end so to consider the longer term implications of doing this if other premises licence holders sought to pay by instalments in future.

Happy to discuss.

Thanks
Martin

Martin Ingram
Principal Solicitor (Governance) & Elections Coordinator
Legal & People
Corporate Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

[REDACTED]

The Legal Service is operating a new case management system. If you follow this [AskLegal](#) link you will be taken to the AskLegal Portal where you can submit a request for help. Using the portal will automatically create a new matter in the system and will allow the work to be allocated quickly.

From: Sarah Ward [REDACTED]
Sent: Monday, December 4, 2023 3:20 PM
To: Fiona Stewart [REDACTED] Martin Ingram
[REDACTED]
Cc: Lauren Cowie [REDACTED]
Subject: ACTION Licensing Sols Team: Consideration request for Annual Fee Payment in Instalments - Plough Inn, Macduff AB-N-P061

Good Afternoon All,

Please may you consider if anyway possible to allow said premises to pay their Annual Fee in instalments – if is possible to permit / provide remission under the financial hardship with the circumstances the Licence Holder finds herself in.

She has communicated with me, putting all her cards on the table, confirming she is hoping to raise some revenue over the festive period, but recently it has been a uphill struggle.



I explained the process in terms of non payment of Annual Fees, she's totally aware and I said I'd see if the board will consider taking a Fee in instalments with the view that the total sum is fully paid beginning of January, otherwise will need to go to a licensing board meeting in February, as Section 14 Notice already issued.

I said I could not guarantee the request for Instalments. Obviously instalments would be based on how much she could afford weekly until sum paid off – she indicated that she'd try to pay as much as possible, and even if we get a payment each week between now and end of the year, by telephone payment: sum due is Category 2 £220.00.



Thanks in Advance,

Sarah

Sarah Ward
Civic Licensing Standards Officer
Aberdeenshire Council
Economic Development & Protective Services
St Leonards, Sandyhill Road, Banff. AB45 1SD

Contactable by
Guidance / App

 [Licensing - Aberdeenshire Council](#)  [Environmental Health - Aberdeenshire Council](#)

Fiona Stewart

From: Sarah Ward
Sent: 05 December 2023 15:58
To: Martin Ingram
Cc: Lauren Cowie; [REDACTED] Fiona Stewart; [REDACTED]
Subject: Thanks - ref Licensing Sols Team: Agreement for Annual Fee Payment in Instalments - Plough Inn, Macduff AB-N-P061
Attachments: RE: ACTION Licensing Sols Team: Consideration request for Annual Fee Payment in Instalments - Plough Inn, Macduff AB-N-P061
Follow Up Flag: Follow up
Flag Status: Flagged

Hello Martin.

I am happy to liaise and manage this with the premises, to confirm arrangements for instalment(s), confirming dates of payments and who she should call to arrange for Card payment – I can liaise with licensing Admin on this.

Arrangements will be confirmed by email, with specific dates / instructions and I can keep tabs / set dates in IVA / Uniform.

I will make it very clear, this is only on the basis that the Fee is paid in full , by beginning of January, otherwise I will request a hearing of the board.

Many Thanks,

Sarah Ward
Civic Licensing Standards Officer
Aberdeenshire Council
Economic Development & Protective Services
St Leonards, Sandyhill Road, Banff. AB45 1SD

Contactable by: [REDACTED]
Guidance / Application forms:
[Licensing - Aberdeenshire Council](#) [Environmental Health - Aberdeenshire Council](#)

Fiona Stewart

From: Beatrice Hay
Sent: 22 December 2023 14:07
To: Sarah Ward
Subject: The Plough Inn Macduff - paid £65 on 21 Dec 2023

Hi Sarah

First payment made on 21 Dec 2023 of £65.

Cheers
Beat

Beatrice A Hay
Administrator (Licensing)

Legal & People | Business Services | Town House | 34 Low Street | Banff | AB45 1AN

www.aberdeenshire.gov.uk

Days of work: Monday - Friday

The following applications can be submitted and paid for online through our website:-

Occasional Licence [Occasional licence to sell alcohol - Aberdeenshire Council](#)

Personal Licence Grant and Renewal [Personal licence to sell alcohol - Aberdeenshire Council](#)

Taxi & Private Hire Driver Grant and Renewal [Taxi and private hire licence - Aberdeenshire Council](#)

Taxi & Private Hire Vehicle Grant and Renewal [Taxi and private hire licence - Aberdeenshire Council](#)

Lottery Grant [Registration of small society lotteries - Aberdeenshire Council](#)

Lottery Renewal [Renewal of small society lotteries - Aberdeenshire Council](#)

You recently used Aberdeenshire Council's Licensing Service and we hope that you had a positive experience. Please can you spare a few minutes to complete this [Customer Feedback Survey](#) in order to help us gain valuable insight as to how we can improve our service to you.


Fiona Stewart

From: Anne McLaren
Sent: 03 January 2024 11:39
To: Sarah Ward
Subject: UNDELIVERED MAIL
Attachments: Undelivered Letter - The Plough Inn, Macduff.pdf

Kind Regards

Anne McLaren

Anne McLaren
Admin Assistant
Environmental Health
Infrastructure Services



Fiona Stewart

From: Sarah Ward
Sent: 08 February 2024 14:16
To: [REDACTED] Marie Charles
Subject: ACTION URGENT ref OUTSTANDING ANNUAL FEE PAYMENT £155 - PLOUGH INN

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon Marie,

Following a visit to the premises today, and speaking with your partner – I'm sorry we can't accept cash.

Please arrange to make outstanding payment no later than Monday 12th February, otherwise a review of the premises licence will be considered by the licensing board at the next meeting at the end of February; it will be for the board to determine if you will be permitted to keep selling alcohol or if they will suspend the licence until outstanding fee is paid.

Number to call is Beatrice Hay on [REDACTED]

Regards,
Sarah Ward
Civic Licensing Standards Officer
Aberdeenshire Council
Economic Development & Protective Services
St Leonards, Sandyhill Road, Banff. AB45 1SD

Contactable by: [REDACTED]

Guidance / Application forms:

 [Licensing - Aberdeenshire Council](#)  [Environmental Health - Aberdeenshire Council](#)