



Our Ref: [REDACTED]
Ask for: Lisa Godini
Direct Dial: [REDACTED]
Email: [REDACTED]

Infrastructure Services

Environmental Health

Gordon House

Blackhall Road

Inverurie

Aberdeenshire

AB51 3WA

www.aberdeenshire.gov.uk

Depute Clerk to the Licensing Board
Aberdeenshire Council

23rd January 2024

Dear Sir/Madam

PREMISES LICENCE REVIEW APPLICATION - SECTION 36(4) LICENSING (SCOTLAND) ACT 2005

Premises: Oriental Wok, 13 Elphinstone Road, Port Elphinstone, Inverurie AB51 3UR – AB-C-P114

Licence Holder: Inverurie Enterprises Ltd, 13 Elphinstone Road, Port Elphinstone, Inverurie AB51 3UR

1. Grounds for review:

It is the view of the Licensing Standards Officer that the following grounds for a board review exist:

- i. Failure to pay annual fee per Schedule 3 Paragraph 10 of the Licensing (Scotland) Act 2005
- ii. Failure to comply with Section 14(2)(a)(i) of the Act – Compliance Notice served on 01 December 2023.

2. Previous premises licence review applications:

None

3. Background to premises:

- i. Premises licence was granted 01 September 2009. Premises was known as Chop Chop and licence holder New Gen Corporation (Scotland) Limited, 252 Union Street, Aberdeen AB10 1TN.
- ii. Variation application granted 10 February 2010 (due to incomplete records held unable to verify reason for variation).
- iii. Variation application granted 12 October 2010 (due to incomplete records held unable to verify reason for variation).
- iv. Transfer application granted 23 April 2015. Licence holder Inverurie Enterprises Ltd, 13 Elphinstone Road, Port Elphinstone, Inverurie AB51 3UR.
- v. Premises licence reissued with no named premises manager 28 May 2020 due to personal licence holder not renewing personal licence.
- vi. Minor variation application granted 23 March 2021 to change premises name from Chop Chop to Oriental Wok and add premises manager to Chye Kok Oon AB-PER062.

The restaurant part of the business closed during the Covid pandemic in spring 2020, however, the takeaway part of the business remained in place throughout. During a visit to the premises on 12 December 2023 the member of staff spoken to confirmed that the restaurant remains closed and only takeaway available. Alcohol was on display behind the counter (including spirits on optics) and member of staff confirmed alcohol was still available for purchase.

4. History of non-compliance:

- i. 2022/23 annual fee payment:
 - Reminder letter sent by licensing team 01 September 2022 by email to licence holder.
 - Chasing email by LSO on 13 October 2022 to licence holder and premises.
 - Follow up chasing email sent by LSO on 20 October 2022 to licence holder and premises.
 - LSO hand delivered reminder letter and copy of emails to premises 27 October 2022.
 - Non compliance letter sent by post 02 November 2022 and email of same letter to licence holder and premises on 04 November 2022.
 - Section 14 letter and notice sent recorded delivery 14 November 2022, however, letter was undelivered, not collected from Post Office and returned to sender. However, copy of Section 14 letter and notice emailed 15 November 2022 to both licence holder and premises.
 - Section 14 letter and notice hand delivered to a member of staff at the premises evening of 23 November 2022.
 - Telephone payment received 07 December 2022.
- ii. 2021/22 annual fee payment:
 - Reminder letter sent by licensing team 27 August 2021 by email to licence holder.
 - Chasing email by LSO 08 October 2021 to licence holder and premises.
 - Payment received online 09 October 2021.
- iii. 2019/20 annual fee payment:
 - Payment received 09 October 2019.

Since transfer of premises licence in 2015, all other annual fee payments have been received prior to 01 October annually.

- iv. The personal licence holder of the initial premises manager (until May 2020) did not renew their personal licence therefore their personal licence expired on 17 November 2019. Confirmed with issuing licensing board on 23 April 2020 that the personal licence had expired and no renewal application received.

Email sent to agent who had represented the business previously highlighting the issue on 27 April 2020. Follow up email sent to agent 22 May 2020 as premises website and Facebook confirmed premises doing takeaway and delivery of both food and alcohol. No response received and premises licence reissued to agent 15 June 2020 with no named premises manager.

Follow up email sent to agent 08 September 2020 where it was confirmed that they had been unable to deal with the issue and advised to speak to licence holder. Email therefore sent to licence holder 29 October 2020 with copy of premises manager with no named premises manager. The licence holder was advised that no alcohol should be sold at this time and links to variation application documentation was provided.

Licence holder confirmed 19 November 2020 that premises licence had been received and no alcohol had been sold since 29 October 2020.

Further guidance was provided regarding an individual applying for a personal licence and variation application. Variation to add premises manager to premises licence was received 09 March 2021 which was granted 23 March 2021.

5. Failure to pay 2023/24 annual fee

- On 30 August 2023 the Licence Holder was sent a reminder letter via email to advise that in terms of Paragraph 7(2) of the Licensing (Fees)(Scotland) Regulations 2007 the annual fees in respect of the premises was due no later than 01 October 2023.
- On 19 October 2023 I wrote to the licence holder to advise that the payment could not be traced. I advised that the fee needed to be paid within 7 days from date of letter and that failure to pay could result in a review of the premises licence and subsequent revocation.
- A further reminder email was sent to both the premises licence holder and the premises on 27 October 2023 asking for the issue to be given their immediate attention.
- A further email was sent to both the licence holder and the premises on 02 November 2023 advising the payment appeared to still be outstanding. The licence holder was also advised that the amount detailed on the initial letter (£900) was incorrect and amended letter attached with correct amount (£280).
- Non-compliance letter sent by email to premises licence holder and premises 15 November 2023 – given 7 days to make outstanding payment.
- Section 14 letter and notice sent by email 01 December 2023 to both premises licence holder and premises. Given 7 days to make outstanding payment.
- Section 14 letter and notice hand delivered to premises by myself on afternoon 01 December 2023. Premises was closed at time of visit and letter was posted through letter box on front door of premises.
- Additional email sent to licence holder and premises on 08 December 2023 advising payment due that day and failure to comply would result in myself submitting a premises licence review application.
- Visit to premises on 12 December 2023 at 17:50 hours, however, premises manager was not in premises and no one else was able to assist.

To date there has been no contact with either the premises licence holder or premises manager and the annual fee for 2023/24 remains outstanding.

6. Conclusion

The Licence Holder has failed to comply with multiple requests to pay the annual fee which is a mandatory condition under Schedule 3 Paragraph 10 of the Licensing (Scotland) Act 2005. Further to these requests a Compliance Notice was served on the premises licence holder under Section 14(2)(a) of the Act and this has also not been complied with.

As I have not been able to contact the premises licence holder, I feel that I have no option but to bring this issue to the attention of the Aberdeenshire Licensing Board and for them to determine the status of this premises licence.

Yours faithfully



Lisa Godini
Licensing Standards Officer



Case Ref [REDACTED]

Legal and People
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

Inverurie Enterprises Ltd
13 Elphinstone Road
Port Elphinstone
Inverurie
AB51 3UR

www.aberdeenshire.gov.uk

Email [REDACTED]

30 August 2023

Dear Licence Holder,

ANNUAL FEE

LICENCE NUMBER: AB-C-P114

LICENCE HOLDER: INVERURIE ENTERPRISES LTD

PREMISES: ORIENTAL WOK

I refer to the above premises and write to advise that in terms of paragraph 7(2) and (3) of the Licensing (Fees) (Scotland) Regulations 2007 the annual fee in respect of the premises is due no later than **1 October each year.**

The annual fee due for the premises is £280.00.

The annual fee is based on the rateable value for the premises (unless the premises are clubs/visitor attractions/private accommodation). Please notify the Board immediately if you believe that the record we have is not the correct rateable value for the premises.

Paragraph 10 of the Mandatory Conditions requires payment of the annual fee for the year ahead by 1 October. Failure to make this payment will result in contact from the Licensing Standards Officer and may result in a review of the licence for a failure to comply with a mandatory condition.

You must therefore ensure that the annual fee is paid by 1 October at the latest. No invoice will be issued.

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

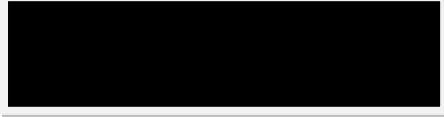
If you are unable to pay online please contact [REDACTED] and we will arrange alternative payment.

If you have difficulty reading this document, please contact

Serving Aberdeen, Dundee, Perth and Angus, and the City of Scotland



Our Ref: LG
Ask for:
Direct Dial:
Email:



Inverurie Enterprises Ltd
13 Elphinstone Road
Port Elphinstone
Inverurie
AB51 3UR

15 November 2023

Dear Sir/Madam

Infrastructure Services

Environmental Health
Gordon House
Blackhall Road
Inverurie
Aberdeenshire
AB51 3WA
www.aberdeenshire.gov.uk

Licensing (Scotland) Act 2005 - Annual Fee Payment

ORIENTAL WOK AB-C-P114

Further to our letter of 30 August 2023 and emails of 19 and 27 October and 02 November 2023, I note that you have failed to make payment of the annual fee of £280, which was due by 1 October 2023.

Please note that as a result you have failed 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.

Appendix A details this contravention which now requires your immediate attention.

This letter is to inform you that you have a period of 7 days from the date of this letter to remedy the situation. If payment is not received by the date indicated, I shall issue the premises licence holder with a Section 14(2)(a) compliance notice. Further failure to comply with this notice will result in the premises licence being subject to a review hearing at the next Aberdeenshire Licensing Board Meeting, which may result in suspension, variation or even revocation of the licence.

I have enclosed the original letter for your reference which also details methods that this payment can be made. If you feel that you have made this payment already, please provide me with details of the date and method of payment so I am able to trace it.

I will be happy to offer or advice or guidance on remedying this matter but would also recommend that you consider taking legal advice if you have any concerns about the matter raised.

Yours faithfully



Lisa Godini
Licensing Standards Officer



From: Lisa Godini
Sent: Thursday, October 19, 2023 1:44 PM
To: Steve Choi [REDACTED]
Subject: Oriental Wok - annual fee payment 2023
Importance: High

Good afternoon

Schedule 3 paragraph 10 of the Licensing (Scotland) Act 2005 – Payment of Annual Fees.

I am currently unable to trace the annual fee payment which was due by 1st October 2023. It may be that you've already made payment and therefore I ask if you can confirm when and how the payment was made e.g. date and reference to the receipt number.

If payment has not been made please go to - 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

Should you wish to pay by telephone then please contact [REDACTED] providing a number they can contact you on.

Please give this your immediate attention; if payment is not received within 7 days, then we have no choice but to follow the formal procedures for issuing a letter of non-compliance, in terms of a breach in mandatory conditions - Schedule 3 paragraph 10 of the Licensing (Scotland) Act 2005.

Thanks in advance



Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health





From: Lisa Godini
Sent: Friday, October 27, 2023 2:53 PM
To: Steve Choi [REDACTED]
Subject: FW: Oriental wok - annual fee payment 2023
Importance: High

Good afternoon

Please can you give this your immediate attention if you have not already done so.

Many thanks

Lisa

Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health

From: Lisa Godini
Sent: Thursday, November 2, 2023 2:30 PM
To: Steve Choi [REDACTED]
Subject: RE: Oriental Wok - annual fee payment 2023
Importance: High

Good afternoon

Please note that the amount on the reminder letter previous sent was incorrect – the correct annual fee payment which is currently outstanding is £280.

Please can you give this your immediate attention. Annual fees are due by 1st October.

Kind regards

[REDACTED]

Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health



From: Lisa Godini
Sent: Wednesday, November 15, 2023 11:51 AM
To: Steve Choi [REDACTED]
Subject: FW: Oriental Wok - annual fee payment 2023
Importance: High

Good morning

Please find attached correspondences in relation to the outstanding annual fee payment due for Oriental Wok in Inverurie.

Please give this your immediate attention.

Kind regards



Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health



Updated Aberdeenshire Licensing Board Policy Statement (from 1st November 2023) -
<https://www.aberdeenshire.gov.uk/media/27861/licensingpolicystatement.pdf>



From: Lisa Godini
Sent: Friday, December 1, 2023 2:43 PM
To: Steve Choi [REDACTED]
Subject: FW: Oriental Wok - annual fee payment 2023
Importance: High

Good afternoon

Please find attached correspondence relating to the outstanding annual fee for Oriental Wok in Inverurie – the annual fee payment of £280 was due to be paid by 1st October 2023, however, it would appear that the payment has not yet been received despite several attempts to make contact with yourselves below.

The Section 14 letter and notice will also be hand delivered to the premises this afternoon. The previous correspondences are detailed below with the letters also attached to this email – reminder letter sent 30 August 2023 and non-compliance letter sent 15 November 2023.

Please can you give this matter your immediate attention – failure to make the payment within the next 7 days will result in the premises licence being subject to a review hearing at the next Aberdeenshire Licensing Board.

Kind regards

Lisa

Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health

[REDACTED]

Updated Aberdeenshire Licensing Board Policy Statement (from 1st November 2023) -
<https://www.aberdeenshire.gov.uk/media/27861/licensingpolicystatement.pdf>



Our Ref: LG
Ask for: Lisa Godini
Direct Dial:
Email:



Inverurie Enterprise Ltd
13 Elphinstone Road
Port Elphinstone
Inverurie
AB51 3UR

01 December 2023

Dear Sir/Madam

Infrastructure Services

Environmental Health
Gordon House
Blackhall Road
Inverurie
Aberdeenshire
AB51 3WA
www.aberdeenshire.gov.uk

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

ORIENTAL WOK AB-C-P114

Further to our letters of 29 August and 15 November 2023 as well as emails of 19 and 27 October and 02 November 2023, our records show the payment of £280 remains outstanding.

As a result 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.

Payment can be made in any of the following methods:

Online, telephone or at one of the Aberdeenshire Council Service Points:
<http://www.aberdeenshire.gov.uk>

Further failure to comply with this notice will result in the premises licence being subject to a review hearing at the next meeting of the Aberdeenshire Licensing Board. 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



Lisa Godini
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 Lisa Godini 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 Central Licensing Board for a review of the Premises Licence.

Premises Licence Holder & Licence No:	Inverurie Enterprise Ltd AB-C-P114
Premises Subject to Notice:	Oriental Wok, 13 Elphinstone Road, Port Elphinstone, Inverurie AB51 3UR
Date & Time Issued:	01/12/2023
Premises Manager Details:	Chye Kok Oon [REDACTED]
Manner of service:	Hand delivered and email
Details to Whom Issued:	Inverurie Enterprise Ltd
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 - £280 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)
Lisa Godini - [REDACTED]	



From: Lisa Godini
Sent: Friday, December 8, 2023 11:42 AM
To: Steve Choi [REDACTED]
Subject: FW: Oriental wok - annual fee payment 2023
Importance: High

Good morning

Following on from the below correspondences I have not had any response from yourself in relation to the outstanding annual fee payment of £280. At this moment in time the payment can not be traced, therefore please can you confirm when and how the payment was made.

I have attached the previous correspondences to this email (initial annual fee reminder letter, non-compliance letter and Section 14 Notice). The most recent correspondence with yourself was the Section 14 Notice which was sent to you by email on 1st December 2023 as well as being hand delivered by myself to the premises last Friday afternoon.

Please note that non payment of the annual fee is a breach of Schedule 3 paragraph 10 of the Licensing (Scotland) Act 2005. As a result of this breach, you have been issued with a notice requiring such action to be taken to remedy the breach. You were given 7 days from the date of the notice to make the outstanding payment. Therefore, if the notice is not complied with by today then I will be submitting a premises licence review application in respect of the licence to the Aberdeenshire Licensing Board.

At the hearing the Aberdeenshire Licensing Board may consider one of the following steps:

1. Issue a written warning
2. Make a variation to the premises licence
3. Suspend the licence for a period of time
4. To revoke the licence

Please can you therefore give this email your immediate attention. The quickest way to make this payment is online at www.aberdeenshire.gov.uk. You will need your premises licence number and the select the amount due from a drop down menu to make this payment. Please can you drop me an email to state payment has been made.

If you believe this payment has been made, please can you provide me with details of when and how this was made so we can begin to trace it. If you have a receipt number it would be useful to also receive this.

Kind regards



Lisa Godini
Civic Licensing Standards Officer
Aberdeenshire Council - Environmental Health

