

<p>Clerk to the Licensing Board West Lothian Council West Lothian Civic Centre Howden South Road Livingston West Lothian EH54 6FF</p> <p>Telephone No: 01506 281632 e-mail: <a href="mailto:licensingboard@westlothian.gov.uk">licensingboard@westlothian.gov.uk</a> Legal Post: DX 552560 Livingston 7</p>	
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**APPLICATION FOR TRANSFER OF PREMISES LICENCE BY LICENCE HOLDER**

**Licensing (Scotland) Act, 2005, Section 33 – (see note 1)**

ALL SECTIONS OF THE APPLICATION FORM MUST BE COMPLETED. THE APPLICATION SHOULD BE ACCOMPANIED BY THE PRINCIPAL PREMISES LICENCE TO WHICH THE APPLICATION RELATES – COPIES WILL NOT BE ACCEPTED (SEE QUESTION 4 AND NOTE 1). FAILURE TO COMPLETE ALL QUESTIONS, WILL RESULT IN THE APPLICATION BEING RETURNED TO YOU AND NOT PROCESSED, WHICH WILL DELAY THE APPLICATION PROCESS

**QUESTION 1 – PREMISES INFORMATION**

*Name, Address and licence number of the premises to which the transfer applies*

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**QUESTION 2 – PREMISES LICENCE HOLDER INFORMATION**

*Name, Address and postcode of licenceholder*

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**QUESTION 3 – TRANSFEREE INFORMATION**

*Where the transfer is an individual, complete Sections 3(a), 3(f) and 3(g). Where the transferee is a partnership, company or club/other body, complete either Sections 3(b) or 3(c) or 3(d) and 3(e), 3(f) and 3(g).*

3(a) *Where the transferee is an individual, provide full name, date and place of birth and home address including postcode.*

3(b) *Where the transferee is a partnership, please provide full name and postal address of partnership.*

3(c) *Where the transferee is a company, please provide name, registered office and company registration number.*

3(d) *Where the transferee is club or other body, please provide full name, and postal address of club or other body.*

3(e) *Where transferee is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

*Continue on a separate page if necessary.*

\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005. (See Note 2)

3(f) *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises?*

*YES/NO\**

*If YES – provide full details*

3(g) *Has the transferee or any connected person been convicted of a relevant or foreign offence (see notes 4 & 5)*

YES/NO\*

*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<b>Name &amp; position (if</b>	<b>Date of conviction or</b>	<b>Court</b>	<b>Offence</b>	<b>Penalty</b>

**QUESTION 4 – IS THE PRINCIPAL PREMISES LICENCE (INCLUDING THE LAYOUT PLAN) ENCLOSED WITH THIS APPLICATION? COPIES CANNOT BE ACCEPTED.**

YES/NO\*

IF THE ANSWER IS NO, PLEASE PROVIDE A DETAILED EXPLANATION BELOW

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**QUESTION 5 – PREMISES MANAGER**

Will the transfer result in a change of the premises manager? YES/NO\*

If YES, you will require to make an application for variation of premises licence to intimate a new premises manager.

Forms are available to download from the Board’s webpages at [www.westlothian.gov.uk](http://www.westlothian.gov.uk) and search for alcohol licences.

**DECLARATION BY LICENCE HOLDER OR AGENT ON BEHALF OF LICENCE HOLDER**

I confirm that the contents of this application are true to the best of my knowledge and belief.

***IT IS A CRIMINAL OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION***

Signature of Licence Holder .....

Print Name .....

Date .....

Telephone number and email address of licence holder .....

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If this form was completed by someone authorised to make the application on behalf of the licence holder i.e. an agent, please complete

Name of Agent .....

Signature of Agent .....

Date .....

Telephone number and email address of agent .....

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**Privacy Statement – Data Protection**

All personal information that you supply will be used to process your application in accordance with data protection law and the Licensing (Scotland) Act 2005. In terms of the 2005 Act we are required to share this information with Police Scotland.

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

The information provided by you on this form will be held on an electronic register which will be available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team’s webpage <https://www.westlothian.gov.uk/licensing>. A hard copy of our Privacy Notice is available on request by contacting the Licensing Team, email: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), telephone: 01506 281632.

**LICENSING (SCOTLAND) ACT 2005**  
**Application for Transfer of Premises Licence (Section 33)**  
**Guidance Notes**

**Note 1: Section 33**

Transfer on application of Licence Holder:

Where the application for transfer is lodged by the current Premises Licence holder, it must be accompanied by the principal Premises Licence, or failing which, a statement of the reasons for the failure to produce the licence, together with the appropriate fee. Copies cannot be accepted. On receiving an application for a transfer, the Licensing Board will check the form and once the application is complete the Board will notify the Chief Constable who must respond within 21 days.

**Note 2: Connected Person**

In terms of section 147(3) of the Licensing (Scotland) Act 2005 a person is, in relation to a partnership, a company, a club or other body (whether incorporated or unincorporated), a connected person if the person –

- (a) in the case of a partnership, is a partner
- (b) in the case of a company –
  - (i) is a director or,
  - (ii) has control of the company
- (c) in the case of a club, is an office bearer of the club,
- (d) in any other case, is concerned in the management or control of the body.

**Note 3: Notification of Application**

Where the Chief Constable responds to the application by giving the Board a notice of convictions, he may also if he considers it necessary in pursuance of any of the licensing objections, give a recommendation that the application be refused. If a notice is given that there are no relevant or foreign convictions, the Licensing Board must grant the application. If, however, a notice of convictions is given, the Licensing Board must hold a hearing for the purposes of considering and determining the application. In addition, the Chief Constable can provide any information in relation to the transferee, a connected person, or any person who would be interested party in relation to the licensed premises if the application for the transfer of the licence to the transferee was to be granted. It is now a ground for refusal of the application that the transferee is not a fit and proper person to be the holder of a premises licence. The other ground for refusal is that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.

**Note 4: What is a relevant or foreign offence?**

Relevant offences are defined in the Licensing (Relevant Offences) Scotland Regulations 2007. Foreign offences are defined in Section 129 of the 2005 Act.

**Note 5: Requirement to advise the Board of convictions received during the application period**

In terms of section 24 of the 2005 Act you must advise the Licensing Board if you are convicted of a relevant foreign offence within the period whilst this application is being processed.

**Note 6:** If you are submitting a major variation application along with this transfer application please indicate if the transfer application is contingent upon the grant of the variation.

**Lodging of Applications under the Licensing Scotland Act 2005**

The application fee is £25 and your application may be lodged in two ways -

**By email:** You should download a copy of the most recent version of the form from our website and complete it by typing the information into the boxes on the form. You must sign the form to confirm that the information is correct by typing your name in the declaration section at Q5. The council accepts this as a signature. You should then check that the form has been fully completed and email it along with any supporting documentation to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) You will receive an emailed acknowledgement if it has been successfully delivered. Once your form and documents have been checked by the Licensing Team you will be emailed with information about how to make an online payment of the fee. Details of fees are available at the bottom of the webpage for each licensing scheme.

**By post:** You should download a copy of the most recent version of the form from our website and complete it by hand and sign the form to confirm that the information is correct at the declaration section at Q5. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee which is applicable to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF. Details of fees are available at the bottom of on the webpage for each licensing scheme.

**APPLICATIONS CANNOT BE SUBMITTED AT THE CIVIC CENTRE OR AT ARROCHAR HOUSE**

Information on fees and the supporting documents to be submitted with each application is available on the Board's webpages at [www.westlothian.gov.uk](http://www.westlothian.gov.uk) and search for premises licence.