

Clerk to the Licensing Board
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 West Lothian Civic Centre
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 Livingston
 West Lothian
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APPLICATION FOR TRANSFER OF PREMISES LICENCE BY PERSON(S) OTHER THAN THE LICENCE HOLDER

Licensing (Scotland) Act, 2005, Section 34 – (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 CANNOT BE ACCEPTED (SEE QUESTION 4). FAILURE TO COMPLETE ALL QUESTIONS WILL RESULT IN THE APPLICATION BEING RETURNED TO YOU AND NOT PROCESSED, WHICH WILL DELAY THE APPLICATION PROCESS. THIS APPLICATION REQUIRES TO BE LODGED WITHIN 28 DAYS OF THE OCCURRENCE OF THE EVENT DESCRIBED AT QUESTION 2.

QUESTION 1 – PREMISES INFORMATION

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

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QUESTION 2 – REASON FOR THE TRANSFER

<i>The premises licence holder, being an individual has died</i>	YES/NO*
<i>The premises licence holder, being an individual has become incapable within the meaning of Section 1(6) of the Adults with Incapacity (Scotland) Act, 2000.</i>	YES/NO*
<i>The premises licence holder, being an individual, partnership of company has become insolvent.</i>	YES/NO*
<i>The premises licence holder, being a person other than an individual, partnership or company has been dissolved.</i>	YES/NO*
<i>The business carried on in the licensed premises to which the licence relates is transferred (whether by sale or otherwise) to another person.</i>	YES/NO*
<i>Please provide the date of the event described above occurred and documentary evidence of your capacity to apply for this transfer (e.g. copy of power of attorney, confirmation of appointment by the Court as executor, copy of missives or a lease)</i>	

QUESTION 3 – TRANSFEREE INFORMATION

Where the transferee 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, home address including postcode, contact telephone number and e-mail address*

3(b) *Where the transferee is a partnership, please provide full name, postal address of partnership, telephone number and e-mail address*

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, postal address of club or other body, e-mail address and preferred contact telephone number*

3(e) *Where transferee is a partnership, company, club or other body, please provide the names, dates and places of birth, home addresses of connected persons, e-mail addresses and preferred contact telephone number**

Continue on a separate page if necessary.

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* 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

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3(g) *Has the transferee or any connected person ever 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

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

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 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, telephone: 01506 281632.

LICENSING (SCOTLAND) ACT 2005
Application for Transfer of Premises Licence (Section 34)
Guidance Notes

Note 1: Section 34

- (1) A person other than:-
- (a) the holder of a Premises Licence, or
 - (b) an individual under the age of 18
- may, within 28 days of the occurrence of any of the events specified in Section 2 of the application form, apply to the appropriate Licensing Board for the transfer to that person of the licence.
- (2) The application must be accompanied by:
- (a) the principal premises licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.
 - (b) documentary evidence of your capacity to apply for the transfer in terms of question 2.

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

The Licensing Board must give notice of your application and a copy of it to the Chief Constable who must respond to the application within 21 days.

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 objectives, 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 office?

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. 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 and search for premises licence.