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| **Clerk to the Licensing Board****West Lothian Council****West Lothian Civic Centre****Howden South Road****Livingston****West Lothian****EH54 6FF**Telephone No: 01506 281632e-mail: licensingboard@westlothian.gov.uk**Legal Post: DX 552560 Livingston 7** |  |

**APPLICATION FOR TRANSFER OF PREMISES LICENCE BY LICENCE HOLDER**

**Licensing (Scotland) Act, 2005, Section 33**

**A premises licence holder may apply to the appropriate Licensing Board for the transfer of the licence to such person as is specified in the application (such person being referred to in this section as the “transferee”). That person may not be an individual under the age of 18**

**The following are eligible to apply to transfer a premises licence –**

* 1. **The premises licenceholder;**
	2. **A connected person to the premises licenceholder as defined in section 147(3) of the Licensing (Scotland) Act 2005; or**
	3. **A nominated agent on behalf of the licenceholder.**

**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 note 5). Failure to complete all questions, will result in the application being returned to you and not processed, which will delay the application process. 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**.

## QUESTION 1 – PREMISES INFORMATION

Name, Address, postcode and licence number of the premises to which the transfer applies (see note 1)

## QUESTION 2 – PREMISES LICENCE HOLDER INFORMATION

Name, Address and postcode of licenceholder (see note 2)

## QUESTION 3 – TRANSFEREE INFORMATION

Where the transferee is an individual, complete Sections 3(a), and 3(f). 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) and 3(f)

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

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

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

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

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 (see note 3e)

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005 (see note 3(e))

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

 YES/NO (delete whichever not applicable)

 If YES – provide full details

**QUESTION 4 - HAS THE TRANSFEREE OR ANY CONNECTED PERSON BEEN CONVICTED OF A RELEVANT OR FOREIGN OFFENCE?**

YES/NO (delete whichever is not applicable) If YES – provide full details (see note 4)

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 (see note 4)

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| ***Name &******position (if applicable)*** | ***Date of******conviction or sentence*** | ***Court*** | ***Offence*** | ***Penalty*** |
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## QUESTION 5 – PRINCIPAL PREMISES LICENCE

## Is the principal premises licence including the layout plan enclosed with this application? (Copies cannot be accepted)

## Please tick the appropriate box or provide an explanation below if the entire licence cannot be returned

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The entire licence is enclosed or;

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The entire licence has been posted to the Board or;

The entire licence is not able to be returned for the reason stated below -

## QUESTION 6 – 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 (see note 6)

**QUESTION 7 - DECLARATION BY LICENCE HOLDER OR AGENT ON BEHALF OF LICENCE HOLDER** (see note 7)

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 ……………………………….....................

**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.

Some of 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: licensingservices@westlothian.gov.uk, telephone: 01506 281632.

**LICENSING (SCOTLAND) ACT 2005**

**Application for Transfer of Premises Licence (Section 33) Guidance Notes**

1. **Premises Information**

Please enter the name, address, postcode, telephone number and licence number of the premises to which the variation applies to.

1. **Premises Licence Holder Details**

Please provide the name, address, postcode, telephone contact and e-mail address of the premises licence holder as named on the current licence. In order to speed up the process please provide us with an email address to contact you about your application. Please note that the designated premises manager (DPM) whose name is also shown on the premises licence is not the licence holder and cannot make this application.

1. **Transferee Information**
	1. where the proposed licenceholder is in individual person, please provide their name, address, postcode, date of birth, telephone contact and their e-mail address.
	2. where the proposed licenceholder is a partnership, please provide the name of the partnership, their full postal address including postcode and contact telephone and e-mail address
	3. where the proposed licenceholder is a company, please provide the name of the company, their registered office address including postcode and company registration number.
	4. where the proposed licenceholder is a club or other body, please provide the name of the club or other body including the full postal address along with postcode.
	5. where the proposed licenceholder is either a partnership, company, club or other body, please provide names, addresses, postcodes, dates of birth, telephone contact and e-mail address of all connected persons.

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 –

* + 1. in the case of a partnership, is a partner
		2. in the case of a company –

is a director or,

has control of the company

* + 1. in the case of a club, is an office bearer of the club,
		2. in any other case, is concerned in the management or control of the body

* 1. Please confirm if the transferee has ever been refused a licence under Section 23 of the Licensing (Scotland) Act, 2005.

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

You need only include unspent offences. If you are in any doubt as to whether offences are spent please take legal advice.

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 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.

1. **Does the Principal Premises Licence Accompany the Application?**

If the application form is submitted by e-mail, please tick the box to confirm that the principal premises licence has been forwarded to the Board for updating. The premises licence is in 4 parts – the summary, the operating plan, the layout plan and the part entitled premises licence and all must be returned. If you are unable to return any parts of the principal premises licence you must provide a detailed explanation why you are unable to do so in the box provided. The Board are unable to accept copies of the principal licence documents. If the licence has been lost or stolen the licence holder should report the loss or theft to Police Scotland in line with Section 53 of the 2005 Act.

1. **Premises Manager**

If you propose to change the premises manager, you must complete a separate application form which is available from the Board’s webpages [Designated Premises Manager (DPM) - West Lothian Council](https://www.westlothian.gov.uk/dpm).

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

If the licence holder is not an individual the form must be submitted by an agent. Unless the agent is a solicitor written authority from the licence holder must be enclosed. This should be from a director, partner or office bearer. If you are signing the form as an agent please ensure you have signed it in the correct place at Q7.

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 Q7. 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 licensingservices@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.Payment must not be made until you are advised that the application is competent**.**

* **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 Q7. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF.

**APPLICATIONS CANNOT BE SUBMITTED AT THE CIVIC CENTRE OR AT ARROCHAR HOUSE OR ANY OTHER COUNCIL OFFICES**

Information on fees and the supporting documents to be submitted with different applications in connection with premises licences is available on the Board’s webpages at [Premises Licences - West Lothian Council](https://www.westlothian.gov.uk/article/44130/Premises-Licences)