

Licensing (Scotland) Act 2005, sections 33, 34 and 35

**APPLICATION FOR TRANSFER OF PREMISES
LICENCE/PROVISIONAL PREMISES LICENCE***

With/Without Variation of the licence*

*Delete as appropriate

If you are completing this form by hand, please write legibly in block capitals using ink.

To:

**The Depute Clerk to the Board
Aberdeenshire Council
St. Leonards
Sandyhill Road
Banff
AB45 1BH**

Telephone: 01261 – 813320

Fax: 01261 – 815664

Legal Post: LP-6: Banff

***Aberdeenshire Licensing
Boards***

***North Aberdeenshire
Divisional Licensing Board***

*Is this application made in terms of Section 33 of the Licensing (Scotland) Act 2005? [by the current licence holder] YES/NO**

*Is this application made in terms of Section 34 of the Licensing (Scotland) Act 2005? [by someone other than the current licenceholder] YES/NO**

*Is the applicant applying for a variation with the transfer application YES/NO**

APPLICANT INFORMATION

Question 1

*Is the applicant the current licence holder? YES/NO**

If NO, please complete Question 2, 3 and 4 below.

If YES, please provide the name, address, postcode, and contact telephone number of the current Licence holder below.

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Now go to Question 5.

Question 2

Has the licence holder: –

- a) *Died* YES/NO*

If YES, please attach the death certificate and either the Will appointing you as Executor or the Document specifying your entitlement to act as Executor

- b) *Become incapacitated* YES/NO*

If YES, please provide the date of Incapacity and attach the Power of Attorney or produce authority entitling you to make application under Section 34 of the Licensing (Scotland) Act 2005

- c) *Become Insolvent* YES/NO*

If YES, please provide the date of insolvency and attach evidence of your authority to act.

- d) *Been dissolved* YES/NO*

If YES, please provide the date of dissolution and attach evidence of your authority to act.

- e) *Transferred the business in the premises to another person* YES/NO*

If YES, please provide a letter from the licence holder or his solicitor confirming the date of transfer of the BUSINESS and the date of transfer.

Question 3 - LATE TRANSFER

- 3 *Are you lodging this application for transfer within 28 days of the death or other event outlined above?* YES/NO*

If NO, please attach a letter explaining why this application was not made within 28 days.

NOTES

- (1) *Where the events a)-e) above happen, the Premises Licence itself ceases to have effect unless, within 28 days of the occurrence of the event, an application for the Transfer of the licence is made under Section 34.*

- (2) *The 28-day limit on applications applies to a)-f), so the time limit applies to business transfers too.*

Question 4 – DETAILS OF TRANSFEREE

- 4(a) *Where applicant is an individual, provide full name, date and place of birth, home address including postcode, telephone number and e-mail address.*

- 4(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

- 4(c) *Where applicant is a company, please provide name, registered office and company registration number and a contact address.*

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

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

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

4(f) *If the Transferee is a Members' Club, does the club's constitution and rules conform to the requirements of the Licensing (Clubs)(Scotland) Regulations 2007?* YES/NO*

Please submit a copy of your Constitution and Rules with this application.

Question 5 - PREVIOUS APPLICATIONS

5(a) *Has the transferee or any other Connected Person ever held a licence under the Licensing (Scotland) Act 2005 for Premises anywhere in Scotland ?*

YES/NO*

If YES – provide full details, including the name and address of the premises concerned, the name of the licence holder, the type of licence concerned and the licence reference number (if known). Details of the Licensing Board that issued the licence would also be helpful, together with the date it was granted or last renewed.

5(b) *Has the transferee or any other Connected Person ever been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the premises anywhere in Scotland?*

YES/NO*

If YES – provide full details of the licences applied for, including the name and address of the premises concerned, the name of the Applicant, the type of licence concerned, the licence reference number (if known) and the reason for refusal.. Details of the Licensing Board that made the decision and the date of the decision would also be helpful.

Question 6 – PREVIOUS CONVICTIONS

6 *Has the transferee or any connected person ever been convicted of a relevant or foreign offence^a*

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

^a In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

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Question 7 – DETAILS OF PREMISES

Please provide full name, address, postcode and licence number of the premises

Do you wish to apply for a variation of the licence with the transfer application?

YES/NO*

If NO, please complete the Declaration at the end of the Form.

If YES, please continue to complete the following questions.

*Is the transfer Application dependent on the grant of the variation? YES/NO**

NOTE: if YES, the Licensing Board must determine the Variation application before determining the Transfer Application, and if NO, the Board must determine the Transfer Application before determining the Variation Application. In either case, if the Board refuses the First Application then the second Application automatically falls.

Question 8 - MINOR VARIATIONS

8(a) Do you consider the proposed variation to be a minor variation? YES/NO
(If YES, please answer the rest of question 8. If NO please go to question 9)*

8(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises? YES/NO
(if YES, please give details of the proposed variation below)*

Please submit 7 sets of plans of the proposed layout with this application.

8(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises? YES/NO*

(if YES, please give details of the proposed variation below)

Please submit an amended operating plan with this application.

8(d) Do you propose to vary the information contained in the licence relating to the premises manager, including a variation to substitute a new premises manager? YES/NO*

(if YES, please go to question 10 below)

8(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act? YES/NO*

(if YES, please give details of the proposed variation below)

Question 9 - OTHER VARIATIONS

9(a) Do you propose a variation to the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))? YES/NO*

(if YES, please give details of the proposed variation below)

9(b) *Do you propose to vary any of the information contained in the operating plan contained in the licence?* YES/NO*
(if YES, please give details of the proposed variation below)

Please submit an amended operating plan with this application.

9(c) *Do you propose a variation to the layout plan contained in the licence?*
YES/NO*
(if YES, please give details of the proposed variation below)

Please submit 7 copies of the proposed layout plan with this application.

9(d) *Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?*
YES/NO*
(if YES, please give details of the proposed variation below)

Question 10 - VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

Proposed Premises Manager

10(a) Name and telephone number

10(b) Date and place of birth

10(c) Contact address, including postcode

10(d) Email address

10(e) *Personal licence*

Date of issue	Name of Licensing Board issuing	Reference no. of personal licence

You will require to produce your licence with this application.

10(f) *Is the variation to take effect during the application period?* YES/NO*

If the answer to the above question is NO, please provide below the date from which the variation is to take effect.

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DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this Application are true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Premises Licence</i>	
<i>Letter explaining why Premises Licence cannot be produced</i>	
<i>Operating Plan**</i>	
<i>Layout plans**</i>	
<i>Planning certificate***</i>	
<i>Building standards certificate***</i>	
<i>Food hygiene certificate***</i>	
<i>Personal Licence of the Proposed Premises Manager</i>	
<i>Copy of Transferee Club’s Constitution and Rules</i>	
<i>Letter explaining why the Transfer is late</i>	
<i>Documentation to show entitlement to apply for a Transfer</i>	
<i>Fee</i>	

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

** Where the proposed variation affects the current layout plan, please submit 7 sets of plans showing the proposed new layout of the premises. Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations.

***Variations involving structural alterations should submit the relevant Section 50 certificates with their application.

For use by the Licensing Board only	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

For use by the Licensing Board only	
Documents required	
<i>Premises Licence</i>	
<i>Letter explaining why Premises Licence cannot be produced</i>	
<i>Operating Plan</i>	
<i>Layout plans</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	
<i>Personal Licence of the Proposed Premises Manager</i>	
<i>Copy of Transferee Club's Constitution and Rules</i>	
<i>Letter explaining why the Transfer is late</i>	
<i>Documentation to show entitlement to apply for a Transfer</i>	
<i>Fee</i>	

FEES

Section 33 – Transfer of Premises Licence on application of Licence Holder	
1. Transfer without Variation	£180
2. Transfer with Variation	£200
Section 34 – Transfer of Premises Licence on application of person other than the Licence Holder	
1. Transfer without Variation	£180
2. Transfer with Variation	£200