**NORTH LANARKSHIRE LICENSING BOARD**

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

**With/Without Variation of the Licence\***

\*Delete as appropriate

Application for transfer of licence (either by licence holder or other) including an application for a non minor variation. **FEE:** £192

Application for transfer of licence (either by licence holder or other) including an application for a minor variation. **FEE:** £66

Application for transfer of licence (either by licence holder or other) not including an application for variation. **FEE:** £41

Cheques made payable to North Lanarkshire Council.

Application form to be completed and returned to: Clerk to the Licensing Board, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB

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

*Is the application made in terms of Section 34 of the Licensing (Scotland) Act 2005? [by someone other than the current licence holder] 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 Questions 2, 3 and 4 below.

If YES, please provide the name, address, postcode, and contact telephone number of the current licence holder in the box below. Then provide the details of the proposed licence holder at the relevant space in Questions 1(a) to 1(f).

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| Current Licence Holder Details: |

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| 1(a) Where the proposed transferee is an individual, provide full name, date and place of birth, home address including postcode, telephone number and e‑mail address |

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| 1(b) Where the proposed transferee is a partnership, please provide full name and postal address of partnership |

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| 1(c) Where the proposed transferee is a company, please provide name, registered office and company registration number and a contact address |

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| 1(d) Where the proposed transferee is a club or other body, please provide full name and postal address of club or other body |

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| 1(e) Where the proposed transferee 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

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| 1(f) If the proposed 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 the club Constitution and Rules with this application

If you have completed Question 1 now to 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)‑d) 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)‑e), so the time limit applies to business transfers too.

**Question 4 – DETAILS OF THE TRANSFEREE (ie applicant)**

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

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

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

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

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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\*

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

4(f) If the applicant 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

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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

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**Question 6 – PREVIOUS CONVICTIONS**

6 Has the transferee or any connected person ever been convicted of a relevant or foreign offence1 YES/NO\*

\*If YES – provide 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

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| **Name & position (if applicable)** | **Date of conviction or sentence** | **Court** | **Offence** | **Penalty** |
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[[1]](#footnote-1)

**Question 7 – DETAILS OF PREMISES**

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

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7(a) Is the premises licence submitted along with this application YES/NO\*

7(b) If NO, please provide a statement of reasons for failure to produce the licence

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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**

8(a) Is the variation to substitute another person as the premises manager? YES/NO\*

If YES – please provide full name, date, place of birth and home address including post code. Please also produce the personal licence or a copy of the licence.

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8(b) Do you wish the application to have immediate effect? YES/NO\*

**Question 9**

9(a) Is the variation to the layout plan? YES/NO\*

9(b) If YES, please (1) attach seven sets of plans showing the proposed new layout of the premises; and (2) describe the variation to the plan

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**Question 10**

Describe other variation(s) sought

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**Question 11**

11(a) Has there been a previous application for variation for these premises in the past year (including any time before the current licence holder acquired them)? YES/NO\*

If NO, please complete the declaration at the end of the form.

11(b) If YES, was that previous application refused YES/NO

11(c) If it was refused give details of that previous application:

Name of the Applicant:

Date of the Board decision:

Summarise the variation which was then requested:

11(d) If there has been a Board decision to refuse in the one year before the date of lodging of this application please state which of (1) or (2) you think applies and if (2) applies state what you think the material change of circumstances has been:-

(1) At the time of the earlier refusal the Board directed that the bar would not apply to any subsequent application

## (2) The Board is satisfied that there has been a material change of circumstances since the earlier refusal

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**PLEASE COMPLETE THE DECLARATION BELOW**

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please specify 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)

**\*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.

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| **For use by the Licensing Board only****Application checklist** |

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| **Date received** |  |

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| **Fee amount** |  |

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| **Consideration date** |  |

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| **Last date for consideration** |  |

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| **Date of initial hearing** |

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| **Date of any modification hearing** |  |

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| **Date granted/refused****(delete as appropriate)** |  |

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| **For use by the Licensing Board only****Documents required** |

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| **Copy of Transferee Club's Constitution and Rules** |  |

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| **Letter explaining why the Transfer is late** |  |

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| **Document to show entitlement to apply for Transfer** |  |

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| **Fee** |  |

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| **Premises licence** |  |

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| **Reasons for failure** |  |

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| **For use by the Licensing Board only****If Application is for a Variation of a Premises Licence****Documents lodged** |

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| **Seven layout plans** |  |

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| **Fee** |  |

1. 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 [↑](#footnote-ref-1)