

East Lindsey District Council – Licensing Authority



Application to transfer a premises licence under the Licensing Act 2003

(Form Last Revised October 2018)

Licensing Act 2003

Please read the following instructions, guidance notes at the end of the form and any guidance leaflets enclosed with this application before completing your application form.

1. If you are completing the form by hand please write legibly in **BLOCK CAPITALS** and write in **BLACK INK**.
2. In all cases ensure that your answers are inside the boxes. Use additional sheets as necessary.
3. Incomplete or inadequate applications will be rejected and will be required to be resubmitted to the Licensing Authority and the Police.
4. The application must be returned with the application fee of £23.00 to:

The Licensing Team	With a copy to:
East Lindsey District Council	Licensing (Alcohol)
Tedder Hall	Lincolnshire Police
Manby Park	Police Headquarters
LOUTH	PO Box 999
Lincolnshire	Lincoln
LN11 8UP	LN5 7PH
5. Licence applications (regarding the sale of alcohol and/or the provision of late night refreshment) must also be copied to the Home Office (Immigration Enforcement Section) at:
 - Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon CR9 2BY (Email: alcohol@homeoffice.gsi.gov.uk)
6. You **MUST** ensure that the current premises licence holder signs the consent form (agreeing to the transfer) attached to the rear of this application.

Transfer a Premises Licence

This application allows an individual or business to transfer a premises licence into their name.

If the premises is transferred to a new owner, or to a new company, then the premises licence needs to be transferred. A transfer of the licence only changes the identity of the holder of the licence and does not alter the licence in any other way

Failing to transfer the premises licence will mean that you will be unable to offer licensable activities until such time as the transfer has been granted.

When submitting your transfer application, you must enclose the whole, current premises licence, if available, or the reasons why you have not been able to supply it.

Who Should Apply for a Transfer?

The individual or company wishing to take over the premises licence should complete the application. The current premises licence holder should sign the last page of the application form to give their consent to the transfer. Occasionally, it may not be possible to contact the existing premises licence holder, for example, if they have left without giving a forwarding address. If this is the case, the applicant must state on the application form what steps they have taken to try and obtain consent.

Eligibility Criteria

Any individual, aged 18 or over, may apply for the transfer of a premises licence.

When Does the Transfer Take Effect?

You can specify whether you want the transfer to take immediate effect or to take effect from a certain date.

What Happens to your Application?

Lincolnshire Police and the Home Office have 14 days to consider your application and to make a representation if they have any concerns. If a representation is made, a hearing will be held for a Licensing Sub-Committee (consisting of Councillors) to decide whether to grant or refuse the application. No other party may object to this type of application.

If you asked for the transfer to have immediate effect, it will continue to be valid until the hearing. If the application is granted, an updated premises licence will be issued.

Alcohol Licensed Premises - How does the application to transfer the licence affect the Designated Premises Supervisor (DPS)?

The transfer application will not change the identity of the Designated Premises Supervisor (DPS). If the current DPS will no longer be responsible for running the day to day management of the business, the new premises licence holder also needs to make an application to change the DPS. For more information contact the Licensing Team.

Alcohol Licensed Premises - What if there is a gaming machine permit for the premises?

When an application to transfer a premises licence is granted any existing gaming machine permit or authorisation for the premises becomes invalid. A new permit or authorisation will need to be obtained. Forms and further information are available from the Council's Licensing Team.

Making an Application to Transfer

To apply to transfer a premises licence the applicant will need to complete the prescribed application form. Additionally, the current licence holder must sign a form showing that they consent to the transfer of the licence.

The application should be made as follows:

- The completed application form, together with the fee of £23 (cheques payable to East Lindsey District Council), should be sent to the Licensing Section at the address below*.
- A copy of the completed application should be sent to Licensing (Alcohol), Lincolnshire Police, Police Headquarters, PO Box 999, Lincoln LN5 7PH.

**Please note that we no longer accept cash for the payment of licence application fees. Debit or card credit payments can be taken over the phone by contacting the Licensing Team.*

N.B. The current premises licence holder must complete the consent form attached to the rear of this application.

Licence applications (regarding the sale of alcohol and/or the provision of late night refreshment) must also be copied to the Home Office (Immigration Enforcement Section) at:

- Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (Email: alcohol@homeoffice.gsi.gov.uk)

Right to work in the UK

All individuals (including individuals within a business partnership), who apply for a premises licence authorising the sale of alcohol and/or the provision of late night refreshment, must prove that they have the legal right to work in the UK.

However, this requirement does not relate to individuals who apply on behalf of a charity, educational institution, health service body, recognised club, etc.

Also, the requirement does not relate to a premises licence where regulated entertainment is the only licensable activity being sought.

Each individual applicant must provide copies of official documents showing that they are either a British or UK citizen, a national of an EEA country or Switzerland, have been granted indefinite leave to remain and work in the UK, or have another immigration permission allowing them to lawfully work in a field relevant to the sale of alcohol and/or late night refreshment.

Official guidance notes on what documents are acceptable and which pages must be photocopied are included within the premises licence transfer application form. Premises licence applicants should not send original documents through the post, but rather send good quality photocopies of all relevant pages.

This Authority may request further documentation or carry out further checks with the Home Office if an applicant's immigration status is unclear.

Premises licences cannot legally be granted to any person who does not have the right to work in the UK.

Please note that the above Right to Work requirements also relate to applications to transfer a premises licence authorising the sale of alcohol and/or the provision of late night refreshment.

These new requirements for premises licence applicants came into force on 6 April 2017.

For further information:

The Licensing Team, East Lindsey District Council,
Tedder Hall, Manby Park, Louth, Lincolnshire LN11 8UP

Tel: (01507) 601111 | www.e-lindsey.gov.uk

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information that you provide will only be used for Council purposes unless there is a legal authority do otherwise.



Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We
(Insert name of applicant)
apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Post town	Post code
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)

Name of current premises licence holder

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises

Address

Post town

Post code

Daytime contact telephone number

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

**E-mail address
(optional)**

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

<p>If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?</p>
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Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

To be returned to: The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire LN11 8UP

Copy to: Licensing (Alcohol), Lincolnshire Police, Police Headquarters, PO Box 999, Lincoln LN5 7PH

Licence applications (regarding the sale of alcohol and/or the provision of late night refreshment) must also be copied to the Home Office (Immigration Enforcement Section) at:

- Alcohol Licensing Team, Home Office (Immigration Enforcement Section), Lunar House, 40 Wellesley Road, Croydon, CR9 2BY (Email: alcohol@homeoffice.gsi.gov.uk)

Your information will be processed in accordance with the law, in particular the Data Protection Act 1998. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



Consent of premises licence holder to transfer

I/we
[full name of premises licence holder(s)]

the premises licence holder of premises licence number
[insert premises licence number]

relating to

.....
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

.....
[insert premises licence number]

to

.....
[full name of transferee].

signed

name
(please print)

dated

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity – such as a passport,
- evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Data Protection Notice – Premises Licence Application under the Licensing Act 2003

East Lindsey District Council is a Data Controller and can be contacted at:

Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP
Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your licence application under the Licensing Act 2003 as we are the Licensing Authority.

Your personal data may be shared in the following ways as part of this application:

The law requires us to verify that applicants for premises licences have the right to work in the UK. Where necessary, we may need to verify your information with the Home Office.

The Council may also share personal information with the Police and the other Responsible Authorities as part of the licensing process. Any information sharing will be managed in accordance with relevant privacy and data protection legislation.

Your data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Some limited Premises User / Licence Holder information will be made available to the public as the Licensing Act 2003 requires us to maintain a Register of Licence Applications. The Register includes the name of the licence holder.

In line with our retention policy your data will be kept for the period of time that you hold a licence with this Authority and then for a further 6 years after your licence expires. The data will then be deleted / destroyed.

We also keep data for six years from the resolution of an unsuccessful licence application or the resolution of legal proceedings.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113

If you do not provide the information required on the form then we will not be able to process your licence application.

For further information on our Data Protection Policies please go to our website: www.e-lindsey.gov.uk

If you would like this information in a different format, please contact us on 01507 601111.