



**PERTH AND KINROSS LICENSING BOARD,  
Pullar House, 35 Kinnoull Street, Perth, PH1 5GD**

## **APPLICATION FOR TRANSFER OF PREMISES LICENCE**

### **Licensing (Scotland) Act 2005, Sections 33, 34 and 35**

#### Notes:-

- (1) Your application must be accompanied by the original of the Premises Licence or, if that is not practicable, a statement of the reasons for failure to produce the licence. The Summary is not an acceptable substitute for the Premises Licence but please also submit the Summary to the Board.
- (2) In addition to applying to transfer the Premises Licence, you may also require to apply for a Variation to substitute a new premises manager and/or you may wish to apply for a Variation of the Premises Licence for other matters such as contained in the Operating Plan, Layout Plan, or local conditions.
- (3) There are two separate ways to apply for the transfer of a Premises Licence, Section 33 of the Licensing (Scotland) Act 2005 for Transfer on the application of the licence holder (to another person, the transferee) and Section 34 for Transfer on the application of a person other than the licence holder. Section 34 covers transfers applied for within 28 days of a specified event.

## **APPLICANT INFORMATION**

### **Question 1**

Name of Applicant

### **Question 2**

Name, address and postcode of premises licensed.

### **Question 3**

Particulars of prospective licence holder (transferee)

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

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

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

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

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.\*

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

**Question 4**

Previous convictions etc

Has the transferee or any connected person ever been convicted of a relevant or foreign offence	YES/NO*
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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. A relevant or foreign offence is as set out in The Licensing (Relevant Offences) (Scotland) Regulations 2007.

\*If YES – provide full details

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

### **Question 5**

Transfer on application of a person other than licence holder. Where this application is **not** made by the existing premises licence holder please confirm which of the following events has occurred and therefore in which capacity the applicant seeks the transfer.

	<b><u>EVENT</u></b>	<b><u>CAPACITY IN WHICH TRANSER IS SOUGHT</u></b>	<b><u>TICK</u></b>
(a)	The premises licence holder, being an individual, has died	Executor or personal representative	
(b)	The premises licence holder, being an individual, has become incapable within the meaning of the Adults with Incapacity (Scotland) Act 2000, Section 1(6)	Power of Attorney or a person authorised by the Adults with Incapacity (Scotland) Act 2000	
(c)	The premises licence holder, being an individual, a partnership or a company has become insolvent	Person acting as Insolvency Practitioner	
(d)	The premises licence holder, being a person other than an individual, a partnership or a company, is dissolved	Person responsible for administering the dissolution	
(e)	The business carried on in the licensed premises to which the licence relates has been transferred (whether by sale or otherwise)	Person to whom the business is transferred (whether by sale or otherwise)	

### **Question 6**

Where the event referred to in Question 5 occurred more than 28 days previously, please specify why an application for transfer of the premises licence could not be made within 28 days of the occurrence of the event.

**Question 7**

Is the transfer of the premises licence contingent on a variation application of the premises licence being granted before the transfer?	YES/NO
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If "YES", the Licensing Board must determine the variation application first. If "NO" the transfer application is determined before the variation application. In either case if the first application is refused, the second application must fall.

**Question 8**

To be completed by members' clubs only.

Do the club's constitution and rules conform to the requirements of Regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?	YES/NO
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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 .....

<b>I have enclosed the relevant documents with this application – please tick the relevant boxes</b>	
Premises licence (and Summary) or statement why that cannot be provided	
Death Certificate and Appointment as Executor/Personal Representative	
Date of Incapacity and Power of Attorney or authorisation to act for incapacitated licence holder	
Insolvency appointment	
Appointment to administer dissolution	
Evidence of transfer of business such as consent of existing licence holder or missives of sale or lease	
Club Constitution and Rules	
Fee	

#### **HOW WE USE YOUR PERSONAL INFORMATION**

The information provided by you will be used by Perth & Kinross Council to process your application and thereafter to keep you informed of any updates with regard to your application or licence.

Your information be shared with Police Scotland in order to determine if you are a fit and proper person to hold a licence.

The Council may also check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

You should be aware that the names of individuals who hold this licence appear on a register which is available for public inspection

*For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.*

**This section is for use by the Licensing Board only**

**Application checklist**

<b>Date received</b>	
<b>Fee amount</b>	
<b>Receipt number</b>	
<b>Received by (INITIALS)</b>	
<b>Consideration date</b>	
<b>Last date for consideration</b>	
<b>Date of initial hearing</b>	
<b>Date of any continued hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	