



GUIDANCE FOR APPLICANTS

**For applications to transfer
a premises licence**

under Sections 42 to 46 of the

Licensing Act 2003

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GUIDANCE FOR APPLICANTS

Transfer of a Premises Licence under the Licensing Act 2003

1. INTRODUCTION

This guidance is for persons making application to transfer an existing premises licence in accordance with sections 42 to 46 of the Licensing Act 2003. The procedure applies to those who wish to transfer an existing licence to another person who will subsequently become the premises licence holder, in which all the conditions and hours in which the licensable activities may take place remain the same.

2. MAKING AN APPLICATION

For all applications to transfer a premises licence, the following documents and submissions must be included. Unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

Please note that applications that do not meet the criteria detailed below may be deemed invalid and/or rejected.

Electronic applications will be accepted provided there is no missing or incorrect information that might cause us to “hold” the application pending receipt of further information. We will consider the application as “given” when we receive the accompanying fee.

We will send electronic applications to the responsible authorities and police where appropriate.

(a) Application Form

Applications must be made using the prescribed form. You must also return the existing premises licence or, if not available, submit a statement as to why the licence cannot be returned to us. If you wish the transfer to have immediate effect then you must also seek the formal consent of the current licence holder.

Your application form must be accompanied by a photocopy of a document showing your right to work in the UK e.g. British / EU passport, Visa

(b) Fee(s) & Charges

All applications for transfer of a premises licence must be accompanied by the prescribed fee of £23.00.

All cheques and/or postal orders should be made payable to RUSHMOOR BOROUGH COUNCIL.

3. WHAT HAPPENS NEXT

On receipt, your application for transfer of a premises licence will be allocated to one of the Council's licensing officers. The licensing officer will check to ensure that the application is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided. The application must also be submitted to the chief officer of police in the specified area in which the premises is located.

(a) What will happen if we identify a problem?

If there is a relatively minor problem with the application, the licensing officer may contact you for further information or may return the application (or part of it) to you for your attention as may be appropriate. Where there is a fundamental error, the application may be rejected.

(b) What happens following validation?

On receipt of a valid application to transfer a premises licence, the chief officer of police will consider whether the proposed transfer could, in exceptional circumstances, undermine the crime prevention licensing objective. The police have 14 days to submit notice of an objection to the transfer of the licence on the grounds of crime and disorder. Our statement of licensing policy sets out factors that we may consider as relevant to the crime prevention objective having received a police objection notice. See paragraph 12.11 at page 49 of the policy statement.

(c) Determination of the application

If there are no representations from the police we will arrange for the transferred licence to be sent to you as soon as possible. If the police give notice (and this is not withdrawn) then a hearing will be held to consider the notice of objection.

(d) How long will it take us to determine your application?

We aim to process transfer applications within 14 days of receipt (or sooner if the police raise no objection) and provided you have submitted the relevant documentation and fee.

(e) What happens if your application is refused?

If, after consideration of a police notice of objection, your transfer application is rejected - we will send you a formal decision notice containing the appropriate reason(s) together with your rights of appeal.

(f) What happens if your application is granted?

Where an application to transfer a premises licence is approved, we will advise you by notice of grant and will also amend the premises licence documents in light of the approved transfer and return these to you with the grant notice.

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