

APPLICATION FOR VARIATION ON TRANSFER

Licensing (Scotland) Act 2005, Section 35 – Variation on Transfer of Licence

Note: The premises licence to which this application relates should accompany the application, if that is not practicable, a statement of the reasons for failure to produce the licence is required.

Question 1

Is this an application in terms of Section 33 or Section 34 of the Licensing (Scotland) Act 2005 - (See Notes – 2 and 3)

<i>Section 33 – Provide Name, Address and Date of Birth of Licensee</i>	<i>Section 34 – Provide Name, Address and Date of Birth of Applicant</i>

Question 2

Name, address and postcode of premises

Question 3

Particulars of applicant

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

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

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

3(d) *Where applicant is a partnership, company, 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.**

Question 4

Previous convictions

4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence (1)	YES/NO*
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**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

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

Question 5

Details of Variation

5(a) Complete this Section if variation sought is minor. (See Notes - 5)

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5(b) Complete this Section for any other variation. (See Notes – 4)

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(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.

5(c)

<i>Will the variation include a change in the capacity of the premises</i>	<i>YES/NO</i>
<i>If Yes, what is the proposed capacity</i>	

Question 6

Variation to Substitute Premises Manager

Personal Details

6(a) *Name and Contact Address*

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6(b) *Date of Birth*

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6(c) *Email Address*

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6(d) *Personal Licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

6(e)

<i>Is variation to have immediate effect during application period?</i>	<i>YES/NO</i>
<i>Otherwise provide date when variation is to become effective.</i>	<i>/ /</i>

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 of signatory

E-Mail address of signatory.....

*** 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.

Please note that it is an offence to make a false statement in or in connection with this application (Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b).

East Ayrshire Council is under a duty to protect the public funds it administers, and to this end may use the information you provide on this form for the prevention and detection of fraud. It may also share this data with other bodies including government organisations for these purposes. Further information can be obtained from:

www.east-ayrshire.gov.uk/CouncilAndGovernment/Benefits/BenefitFraudInvestigation/NationalFraudInitiative.aspx

East Ayrshire Licensing Board do not routinely translate application forms, however, if you would like to have any of our documents translated, we will be happy to do this on request. Licensing staff will be available to assist with application forms.

NOTES TO APPLICANTS : Please Read Carefully

1. An Application for Transfer must be accompanied by:-
 - (a) the premises licence to which the application relates, or
 - (b) if that is not practicable, a statement of the reasons for failure to produce the licence.
2. In terms of Section 33 of the Licensing (Scotland) Act 2005, a premises licence holder may apply to the appropriate Licensing Board for the transfer of the licence to such person as is specified in the application. The transferee may not be an individual under the age of 18.
3. In terms of Section 34 of the Act, a person other than:-
 - (a) the holder of a premises licence, or
 - (b) an individual under the age of 18, may, within 28 days of the occurrence of any of the undernoted events, apply for the transfer to that person of the licence. The events are that:-
 - (i) the premises licence holder, being an individual, dies or becomes incapable within the meaning of Section 1(6) of the Adults with Incapacity (Scotland) Act 2000;
 - (ii) the premises licence holder, being an individual, a partnership or a company becomes insolvent;
 - (iii) the premises licence holder, being a person other than an individual, a partnership or a company, is dissolved, and
 - (iv) the business carried on in the licensed premises to which the licence relates in transferred (whether by sale or otherwise) to another person.
4. In the Licensing (Scotland) Act 2005, “variation” in relation to a premises licence means any variation of:-
 - (a) any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1));
 - (b) any of the information contained in the operating plan contained in the licence;
 - (c) the layout plan contained in the licence, or
 - (d) any other information contained or referred to in the licence, and includes an addition, deletion or other modification.
5. In this Act, “minor variation” means:-
 - (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan;
 - (b) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restriction or proposed restriction of the terms on which they are allowed entry to the premises;
 - (c) any variation of the information contained in the licence relating to the premises manager (including a variation so as to substitute a new premises manager),
 - (d) any other variation of such description as may be prescribed for the purposes of this subsection.
6. Please return the completed form to the Clerk to the Licensing Board, Council Headquarters, London Road, Kilmarnock, KA3 7BU, together with the application fee and original premises licence.
7. Fees

Section 33(1) Transfer of Licence by licence holder and minor variation	£70
Section 34(1) Transfer by person other than licence holder and minor variation	£80
Section 33(1) Transfer of Licence by licence holder and minor variation (DPM change)	£81
Section 34(1) Transfer by person other than licence holder and minor variation (DPM change)	£91
Section 33(1) Transfer of Licence by licence holder and variation	£125
Section 34(1) Transfer by person other than licence holder and variation	£150

<u>For use by the Licensing Board only</u>	
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)	