

# Guidance notes



## Transfer of a premises licence

Updated December 2014

The Licensing Act 2003 allows a premises licence to be transferred to another person/company. This is usually made when the premises has been sold from one person/company to another. 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.

### Requirements

- an individual applying for a transfer must be aged 18 or over
- an application must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence
- an application must be accompanied by a consent form from the current holder of the premises licence. If this is not possible then the applicant must show that he/she has taken all reasonable steps to obtain that consent
- the applicant must give notice of the application to the chief officer of police for the Police area in which the premises are situated

### Application process

The applicant sends an application for the transfer of a premises licence to the licensing authority at North Devon Council and one to the chief officer of police.

Contact details for the Police:

Devon and Cornwall Police Licensing Department  
Devon and Cornwall Police HQ  
Middlemoor  
Exeter  
Devon  
EX2 7HQ

**Telephone:** 01392 452225

**Fax:** 01392 452447

**Email:** [licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)

The Act provides a mechanism, which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there is no interruption to normal business at the

premises.

The chief officer of police has 14 days, beginning with the day on which they are notified of the application, to consider the transfer.

They can either:

- issue an objection notice if they believe that the transfer may undermine the crime prevention objective as set out in the Licensing Act 2003
- raise no objection to the application.

If no objection is received then the licensing authority will transfer the licence in accordance with the application, amend the licence accordingly and issue it to the new holder. This will usually be done within seven days from the close of the 14-day consultation period.

The total timescale for dealing with a transfer application (no objection received) is therefore expected to be no more than 21 consecutive days commencing with the correct receipt of the application paperwork (including the chief officer of police) and the associated fee.

In the unlikely event that you have not heard anything regarding your application after the 21-day period, please contact us. The outcome of your application is not deemed granted if you have not heard from us for reasons of public health and safety.

If an objection is received from the chief officer of police, then arrangements will be made for the council's Licensing Sub-Committee to hear the application and objection notice within 20 working days beginning the day after the period within which the chief officer of police may give a notice.

See below for details of the expected timescale if a hearing goes ahead.

Details of the date and time of the hearing together with details of the procedures to be followed will be sent to the applicant and the chief officer of police at least 10 working days before the day of the hearing.

The applicant and chief officer of police must give notice to North Devon Council at least two working days before the start of the hearing stating:

- whether they will attend the hearing in person
- whether they will be represented by someone else (for example, lawyer / councillor / MP)
- whether they think a hearing is unnecessary (if, for example an agreement has been reached before a formal hearing)
- any request for another person to attend the hearing, including how they may be able to assist the licensing authority in relation to the application

**Hearing - what action is available to the licensing sub-committee?**

A hearing will go ahead, unless the licensing authority, the applicant and the chief officer of police (giver of notice) agree through mediation that a hearing is unnecessary.

If the hearing goes ahead, the committee's consideration would be confined only to the issue of the Crime Prevention Objective.

The burden would be on the chief officer of police to demonstrate to the committee that there were good grounds for believing that the transfer of the licence would undermine the Crime Prevention Objective. In this case, the committee would reject the transfer. Otherwise, the transfer would be approved.

## **Appeal**

Right of appeal exists to the magistrates' court for both applicant and chief officer of police and must be lodged with the court within 21 consecutive days of the date of the objection notice.

The longest possible expected timescale for the determination of the transfer, where a hearing proceeds, is 77 consecutive days.

## **Determination**

Where a transfer is either granted or rejected, the licensing authority will give a notice to that effect to the applicant and the chief officer of police.

Where there is a hearing, the committee must give clear and comprehensive reasons for its eventual determination of the transfer.

## **Public register**

Current applications for transfers and those previously completed can be viewed on the Premises Licence Public register, listed together with other 'events' held against a given premises.

## **Complaints**

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please telephone the Customer Service Centre. The Licensing team will endeavour to resolve any concerns you may have.