



WARRINGTON
Borough Council

Application to Transfer a Premises Licence

GUIDANCE NOTES FOR APPLICANTS

Licensing Act 2003

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TRANSFER OF PREMISES LICENCE

If you wish to take over a premises licence, you must make an application to transfer it and also obtain consent from the existing licence holder.

A transfer of the licence changes the identity of the licence holder but does not alter the licence in any other way.

There are no provisions within the Licensing Act to transfer a club premises certificate. However the Licensing Authority must be notified of any name change or of any change to the club rules

The new premises licence holder will take responsibility for the conditions on the premises licence.

Who can apply for a transfer of Premises Licence and what for?

You can apply to transfer the licence if you are a person who carries on or proposes to carry on a business, which involves the use of the premises for licensable activities.

An application to transfer a premises licence may usually only be made with the consent of the existing licence holder, however, consent may not be required if the applicant can demonstrate that they have taken all reasonable steps to obtain the consent.

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 of 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

How do I apply to transfer a Premises Licence?

An application to transfer a premises licence must be made to the licensing authority for the area in which the premises is situated.

The completed and signed application must be accompanied by:

- The premises licence (both parts summary and full version) and plan or, if that is not practicable, a statement of the reasons for the failure to provide the licence
- Completed and signed transfer consent form from the current premises licence holder giving their consent to transfer the premises licence.
- If applying as an individual(s) you must provide proof of your right to work in the UK. (This is not required if you are applying as a limited company)
- Payment of the fee. Cheques should be payable to "Warrington Borough Council".
- The applicant must give notice of the application to the Chief Officer of Police for the police area in which the premises are situated at the same time that the application is served on the Licensing Authority. Please send a copy of your application to the Chief Officer of Police - Force Licensing Department, Cheshire Constabulary HQ, Clemonds Hey, Oakmere Road, Winsford, CW7 2UA or e-mail the completed and signed application together with the signed consent from for transfer to warrington.licensing@cheshire.pnn.police.uk,
- If the application is made online, the licensing authority will, within one working day, serve copies on all relevant responsible authorities on your behalf.

How much is the transfer application?

The application fee is £23. If you are sending the application by post please make the cheque payable to "Warrington Borough Council" and post it to the address detailed below.

How to submit your transfer application

You can submit your transfer of premises licence application in the following ways:-

Apply online

<https://www.gov.uk/apply-for-a-licence/premises-licence/warrington/change-3>

Please note if you are submitting your transfer application online you will need to pay for the application online.

By post:

Please send postal applications to:

- Licensing Authority - Licensing Section, Regulation & Protection, Warrington Borough Council, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH or e-mail cexlicensing@warrington.gov.uk.

You must also:

- Give a copy of the application to the chief officer of police. Force Licensing Department, Cheshire Constabulary HQ, Clemonds Hey, Oakmere Road, Winsford, CW7 2UA or e-mail warrington.licensing@cheshire.pnn.police.uk,

How is the application to transfer a Premises Licence processed?

The Licensing Act 2003 provides a mechanism, which allows for the transfer application to have immediate effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This enables the new premises licence holder to use the premises during the 14-day consultation period for the licensable activity or activities authorised by the premises licence. This is to ensure that there is no interruption to normal business at the premises.

The Chief Officer of Police and the Home Office have 14 days, beginning with the day on which they are notified, to consider the application.

The Chief Officer of Police and the Home Office can either:

- Object to the transfer application where, in exceptional circumstances, they believe that the proposed new licensee would undermine the crime prevention objective as set out in the Licensing Act 2003, or

- Raise no objection to the application

What is the timescale for processing the application if no objection is received from the Police?

If we receive no objection, the total timescale for determining an application for transfer of premises licence is expected to be no more than 15 consecutive days. This commences with the correct receipt of the application paperwork (including the Chief Officer of Police and Home Office) and the application fee. In this situation, the licensing authority has to grant the application to transfer the premise licence.

What is the timescale for processing the transfer application if the Police object?

If an objection is received from a Responsible Authority, 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 Responsible Authority may give a notice.

The timescales for processing an application do not start until all the necessary information has been received in full.

Will tacit consent apply to transfer application?

Yes. This means that you be able to act as though your application is granted if you have not heard from the licensing authority by the end of the target completion period of 60 calendar days.

However, if an objection is received from a Responsible Authority, 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 Responsible Authority may give a notice.

The timescales for processing an application do not start until all the necessary information has been received in full.

What happens if the Police or Home Office object to a transfer application?

If we receive an objection from a Responsible Authority, we will make arrangements 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 Responsible Authority may give a notice.

At least 10 working days before the day of the hearing we will send the applicant and the Responsible Authority details of the date and time of the hearing together with details of the procedures to be followed.

The applicant and Responsible Authority must give notice to Warrington Borough Council's Committee Section 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 a lawyer)
- 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 Responsible Authority (giver of notice) agree through mediation that a hearing is unnecessary.

Licensing Act Sub-Committee will hear and determine the application having regard to all submissions. The committee must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Then Sub-Committee would reject the application if it felt sufficient grounds existed; otherwise, the application would be approved.

Determination (hearing)

Where the application is either granted or rejected, the licensing authority will give a notice to that effect to the applicant and the Responsible Authority.

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

Where the application is granted, the notice must state the time when the transfer of premises licence takes effect.

Can I appeal?

Both the applicant and Responsible Authority have the right of appeal exists to the Magistrates' Court. You must lodge it with the court within 21 consecutive days of the date of the objection notice.

What if I no longer wish to be a Premises Licence Holder?

If you are the holder of a premises licence and the business closes down you may wish to give up the licence.

If you no longer wish to be the licence holder at a premises because, for example, you have left the premises, you can surrender your premises licence. Please note that even if you have left the premises you remain responsible for any licensable activities that occur, as well as being liable for the annual licence fee, until the premises licence is surrendered.

A Premises Licence has no expiry date, unless it is issued for a limited time e.g. for an event. You can surrender your premises licence at any time if you no longer want to use the premises for any of the licensable activities authorised.

How to surrender the Premises Licence

You must put your request to surrender your licence in writing. Download and complete the **surrender request form**, from our licensing webpage which can be found at:

<https://www.warrington.gov.uk/premises-licence> ensuring it is signed by all licence holders if the premises licence is held by more than one person.

Return the form to us with the original licence and summary or indicate on the form why it cannot be returned.

Surrender of Premises Licence

Apply online

https://www.warrington.gov.uk/info/201093/licences_and_permits/1991/alcohol_food_and_entertainment/3

By post:

Please post your notice to surrender the premises licence to the address below:

- Licensing Authority - Licensing Section, Regulation & Protection, Warrington Borough Council, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH or e-mail cexlicensing@warrington.gov.uk

By email:

- Please e-mail your notice to Licensing Section at cexlicensing@warrington.gov.uk.

What happens next?

The Premises Licence will lapse with immediate effect on receipt of a valid notification under Section 28 Licensing Act 2003 by the Licensing Authority.

In some circumstances, a Premises Licence that has been surrendered can be reinstated under Section 50 Licensing Act 2003.

Restrictions

Only the premises licence holder or an agent of the licence holder can surrender the licence.

What about Alcohol Licensed Premises Gaming Machines Permits?

If the premises hold a gaming machine permit this must also be transferred into the name of the new licence holder.

Contact information

Licensing Section

Regulation & Protection
Warrington Borough Council
Town Hall
East Annexe
Sankey Street
Warrington
WA1 1UH
Tel: 01925 442517
E-mail cexlicensing@warrington.gov.uk
www.warrington.gov.uk

Disclaimer

Nothing in this guidance document can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the Home Website: www.gov.uk/homeoffice