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Guide to completing an application to Transfer a Premises Licence

This application must be completed where a premises licence is being transferred to another party. A transfer of a premises licence only changes the identity of the licence holder. It does not alter the licence in any other way. The new premises licence holder will take over the conditions of the premises licence.

The application form should be completed by the prospective licence holder(s) or their agent (i.e. solicitor) and should be accompanied by a consent form which must be signed by the existing premises licence holder(s), together with documents which demonstrate in the case of an individual and applications from partnerships which are not limited liability partnerships their right to work in the UK, the premises licence must also be surrendered. If either the consent form or premises licence cannot be provided, the applicant must complete the relevant section(s) stating what steps have been taken to try to obtain them.

The application form, surrendered premises licence, consent form together with documents which demonstrate in the case of an individual and applications from partnerships which are not limited liability partnerships their right to work in the UK and fee of £23.00 should be returned to: **Burnley Borough Council Licensing Unit, 1st Floor, Parker Lane Offices, Parker Lane, Burnley, BB11 2DT. Email licensing@burnley.gov.uk**

A copy of the application form, consent form together with documents which demonstrate in the case of an individual and applications from partnerships which are not limited liability partnerships their right to work in the UK must also be sent to the Police Licensing Officer and Home Office Immigration Enforcement at the addresses below:-

**Pennine Divisional Headquarters
Burnley Police Station
Parker Lane
Burnley
BB11 2BT
Email EastpoliceLicensing@lancashire.pnn.police.uk**

**Alcohol Licensing Team, Home Office
Lunar House
40 Wellesley Road
Croydon CR9 2BY**

Application Form

At the top of the first page of the application form you will need to write the name(s) of the person(s) applying for the licence. Applicants must not be under 18 years of age. Applications can be made by an individual, several individuals, a company or organisation or individuals acting as representatives for a company or individual.

The applicant for a Premises Licence does not need to be a Personal Licence holder.

Part 1 – Premises Details

Write the name, postal address and telephone number of the premises for which you require the licence. You will need to provide a brief description of the premises (see note 1 at the rear of the form) and the name of the current or outgoing premises licence holder.

Part 2 – Applicant Details

You must tick appropriate box from (a) to (h). Please note there is a small * next to (a) and (b) which requires further information to be completed. This section can be found beneath (h) on page 2 of the application form.

If you are applying as an individual or individuals please fill out Part 2(A) or if you are a person other than an individual (i.e. a company) please fill out Part 2(B).

Part 3

Please tick the boxes that apply. If you request the transfer to have immediate effect, this will occur as soon as the licensing authority receives a correctly completed application and will remain in place until formally determined or withdrawn.

If you are not able to obtain the consent of the existing premises licence holder you will need to detail the exact steps you have taken to try and contact them.

If you are not able to return the premises licence you will need to state exactly why not.

On page 5 of the application form there is a check list to work through to confirm what else needs to be submitted with the form and the procedure to follow to make the application.

Part 4 – Signatures

Please ensure that all applicants sign the form or, if an agent such as a solicitor is making the application, this needs to be shown in the capacity field (see notes 2 to 4 at the rear of the application form).

The final box on the last page of the form is to be completed if you wish for any correspondence relating to the application to be sent to an alternative address. Otherwise the premises licence address will be used for correspondence.

What happens next?

The police and Home Office have 14 consecutive days (starting with the day they receive your application) to make an objection to your application.

If either do not make an objection to the transfer within the 14 day time period the transfer will take place and a new licence will be issued. **(The Premises Licence Summary section of the licence must be prominently displayed at the premises.)**

If either make an objection within the 14 day time period and the objection shows that they have good grounds for believing that the transfer of the premises licence would undermine the licensing objectives or the applicant is unable to demonstrate they have a right to work in the UK, a hearing will be held before the Licensing Sub-Committee (unless all parties agree a hearing is unnecessary), whereby all relevant parties may attend. The Licensing Sub-Committee will consist of three elected members of the Council. The applicant will be able to give evidence in support of their application, answer questions and call any witnesses. The Committee will listen to evidence from all parties before deciding whether to grant the transfer of the premises licence or refuse it. If the applicant is dissatisfied with a decision made by the Licensing Sub-Committee, the applicant can appeal to the Magistrates Court within 21 days of being notified of the Licensing Sub-Committee's decision.

Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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 or 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.

For further information please contact the Licensing Unit on 01282 425011 656870 or email: licensing@burnley.gov.uk