

## **Transfer of premises licence holder**

If the premises is sold or leased to a new owner, and they are going to become the Premises Licence Holder then an application must be applied for immediately.

An application form can be obtained from the council by contacting the licensing team or on Chesterfield Borough Council's website. If areas of the form are left blank or items omitted, the form will be returned to the applicant as an invalid application.

The new premises licence holder must complete and sign the application form to change the premises licence holder (an applicants agent i.e. Solicitor may sign the form on their behalf provided they have actual authority to do so).

The current premises licence holder stated on the premises licence must complete the consent form to transfer the licence to the new premises licence holder.

Problems obtaining consent:-

You may find that, in some cases, the previous licence holder will refuse to sign the consent form or they cannot be found. The following procedure must be followed:

The new applicant must send a letter and consent form to the last known address (even if that is the licensed premises) of the premises licence holders and/or their agent, asking them to complete the form and advise them that, should they not send the form within seven days or contact the Licensing Unit, the council, as the licensing authority, has the right to grant the transfer without the need for the consent form.

You will need to provide the council with a copy of your letter and provide proof of postage (for example, a recorded delivery slip).

There is no provision made in legislation for a failure to obtain consent to constitute a criminal offence. The Act states that consent is not required if: the new applicant already holds an interim authority or the applicant has taken all reasonable steps to obtain consent and is in a position to use the premises immediately for the licensable activities authorised by the licence.

The applicant can indicate on the application form whether they wish to have the request with 'immediate effect'. The application is effective from the date the application form has been submitted to the Council, and copy to Derbyshire Constabulary.

If the application is not with 'immediate effect' then the application is issued and granted by the Authority after fourteen days from the submission date, and provided Derbyshire Constabulary have approved the application.

### **Application process**

To apply to transfer the premises licence holder you must complete the following:

#### **Application form**

£23 payment (cash, cheque (payable to Chesterfield Borough Council) or by card.

Consent form or reasons why you cannot produce consent from previous Premises Licence Holder, detailing what action you have taken to obtain consent (i.e. date of letters, telephone numbers, etc).

Proof of right to work in the UK. The council requires all applicants to provide documentary evidence they are entitled to work in the UK. Documents which can be accepted are provided at the back of the application form.

Your right to work will be checked as part of the licence 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.

You will need to attach the existing Premises Licence. If you do not have the original or a certified copy, you must pay the appropriate fee of £10.50 for a duplicate copy.

On submitting your application to the council's Licensing Section at Customer Service Centre, you must pay the appropriate application fee of £23 by cash, cheques (payable to Chesterfield Borough Council), or card).

You will be required to submit a copy of your application to the following (on the same day that you have submitted your application to the Council):

Derbyshire Constabulary, Licensing Unit, Chesterfield Police Station,  
Beetwell Street, Chesterfield, Derbyshire, S40 1QP.

Once the Licensing Unit has accepted the application as complete and you have ticked the relevant box to indicate that you would like the application to take immediate effect you will be allowed to continue with the licensable activities immediately, as set out in the licence.

### **Objection to the application.**

The police or Home Office can object to the transfer if they feel it undermines the crime prevention objective. Such objections are rare and arise because the police have evidence that the business or individuals seeking to hold the licence are involved in crime or disorder.