

Licensing (Scotland) Act 2005, sections 33, 34 and 35

**APPLICATION FOR TRANSFER OF PREMISES
LICENCE/PROVISIONAL PREMISES LICENCE***

With/Without Variation of the licence*

*Delete as appropriate

If you are completing this form by hand, please write legibly in block capitals.

To:

**The Depute Clerk
Aberdeenshire Licensing Board
Legal & People
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ**

QUESTION 1: APPLICATION TYPE

Please complete, as appropriate:				
a) Is this application made in terms of Section 33 of the Act, [by the current licence holder]	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
b) Is this application made in terms of section 34 of the Act, [by someone other than the current licence holder]	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
c) Is the applicant applying for a minor variation of the premises licence with the transfer application?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
d) Is the applicant applying for a major variation of the premises licence with the transfer application?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
e) Is the transfer application dependent on the grant of the minor/major variation?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to e) above is YES, the Licensing Board must determine the Variation application before determining the Transfer Application, and if NO, the Board must determine the Transfer Application before determining the Variation Application. In either case, if the Board refuses the First Application then the second Application automatically falls.				

QUESTION 2: PREMISES DETAILS

a. Premises Licence Number	
b. Name of Premises	
c. Address of Premises	
d. Postcode	

Please submit the premises licence with this application

QUESTION 3: APPLICANT DETAILS

PART 1: DETAILS OF CURRENT LICENCE HOLDER

a. Full Name of Current Licence Holder	
b. Address (please insert registered address if applicant is a company/partnership or address of club or body)	
c. Postcode	
d. Contact Telephone Number	
e. E-mail address	
f. Correspondence address if different from above	

Where the applicant is also the current licence Holder go to PART 3 below

PART 2: TO BE COMPLETED WHERE APPLICANT IS SOMEONE OTHER THAN THE CURRENT LICENCE HOLDER

a) Has the current licence holder died?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to a) above is YES, please attach the death certificate and either the Will appointing you as Executor or the Document specifying your entitlement to act as Executor				
b) Has the current licence holder become incapacitated?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to b) above is YES, please provide the date of Incapacity and attach the Power of Attorney or produce authority entitling you to make application under Section 34 of the Licensing (Scotland) Act 2005				
c) Has the current licence holder become insolvent?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to c) above is YES, please provide the date of insolvency and attach evidence of your authority to act.				
d) Has the current licence holder been dissolved?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to d) above is YES, please provide the date of dissolution and attach evidence of your authority to act.				
e) Has the current licence transferred the business in the premises to another person?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to e) above is YES, please provide a letter from the current licence holder or his solicitor confirming the date of transfer of the BUSINESS and the date of transfer.				

Now go to **PART 3** below

NOTES

- (1) *Where the events a)-d) above happen, the Premises Licence itself ceases to have effect unless, within 28 days of the occurrence of the event, an application for the Transfer of the licence is made under Section 34.*
- (2) *The 28-day limit on applications applies to a)-e), so the time limit applies to business transfers too.*

PART 3 – DETAILS OF TRANSFEREE

Please complete as follows:-

◆ Where the transferee is an individual person:	Section A
◆ Where the transferee is a Partnership:	Section B and Section E
◆ Where the transferee is a Company:	Section C and Section E
◆ Where the transferee is a members' club or other body:	Section D and Section E

Section A: To be Completed Where Transferee is an individual person

a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)
b. Surname (include any previous names or maiden name where applicable)	
c. Forename(s)	
d. Address where ordinarily resident	
e. Postcode	
f. Contact Telephone Number	
g. E-mail address	
h. Fax Number	
i. Date of Birth	
j. Place of Birth	
l. Correspondence address, including postcode (if different from c. above)	

Now go to QUESTION 4 below.

Section B: To be Completed Where Transferee is a Partnership

a. Full name of Partnership	
b. Address of Partnership	
c. Postcode	
d. Contact Telephone Number	
e. E-mail address	
f. Fax Number	
g. Correspondence address (if different from b. above)	

Now go to Section E below.

Section C: To be completed where Transferee is a Company

a. Full name of Company	
b. Company Registration Number	
c. Registered Address of Company	
d. Postcode	
d. Contact Telephone Number	

e. E-mail address	
f. Fax Number	
g. Correspondence address (if different from c. above)	

Now go to Section E below.

Section D: To be completed where Transferee is a Members' Club or Other Body

a. Full name of Club/Body	
b. Address of Club/Body	
c. Postcode	
d. Contact Telephone Number	
e. E-mail address	
f. Fax Number	
g. Correspondence address (if different from b. above)	

Now go to Section E below.

Section E: Connected Persons

If you have completed Sections B, C, or D above, please complete the following details for each connected person*

* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.

<u>Person 1</u>	
a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)
b. Surname (include any previous names or maiden name where applicable)	
c. Forename(s)	
d. Address where ordinarily resident	
e. Postcode	
f. Contact Telephone Number	
g. Date of Birth	
h. Place of Birth	
<u>Person 2</u>	
a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)
b. Surname (include any previous names or maiden name where applicable)	
c. Forename(s)	
d. Address where ordinarily resident	
e. Postcode	
f. Contact Telephone Number	
g. Date of Birth	
h. Place of Birth	

<u>Person 3</u>	
a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)
b. Surname (include any previous names or maiden name where applicable)	
c. Forename(s)	
d. Address where ordinarily resident	
e. Postcode	
f. Contact Telephone Number	
g. Date of Birth	
h. Place of Birth	
<u>Person 4</u>	
a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)
b. Surname (include any previous names or maiden name where applicable)	
c. Forename(s)	
d. Address where ordinarily resident	
e. Postcode	
f. Contact Telephone Number	
g. Date of Birth	
h. Place of Birth	

Continue on a separate sheet if required.

Now go to **QUESTION 4** below

QUESTION 4: PREVIOUS APPLICATIONS

This section is to be completed by all applicants

a. Has the transferee or any connected person been refused a premises licence under Section 23 of the Licensing (Scotland) Act in respect of the same premises?	YES/NO*
b. If the answer is YES please give the date of refusal	
c. Please give details of why the licence was refused below^a	

^a provide full details of the licence applied for, including the name and address of the premises concerned, the name of the Applicant, the type of licence concerned, the licence reference number (if known) and the reason for refusal.. Details of the Licensing Board that made the decision and the date of the decision would also be helpful

QUESTION 5: PREVIOUS CONVICTIONS

This section is to be completed by all applicants

a. Has the transferee or any connected person ever been convicted or a relevant or foreign offence? ^b	YES/NO*
b. If the answer is YES please full details below	

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

Name & position (if applicable)	Date of conviction or sentence	Court	Offence	Penalty

Continue on a separate sheet if necessary

^b 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.

QUESTION 6: CONSTITUTIONS

To be completed only where applicant is a members' club

a. Does the club's constitution and rules conform to the requirements of Regulation 2 of the Licensing (Clubs)(Scotland) Regulations 2007?	YES/NO*
If the answer is NO please explain why they do not comply below	

PLEASE SUBMIT A COPY OF THE CONSTITUTION AND RULES WITH THIS APPLICATION

IF YOU ARE NOT APPLYING FOR A VARIATION OF THE LICENCE WITH THE TRANSFER APPLICATION, PLEASE NOW COMPLETE THE DECLARATION AT THE END OF THIS APPLICATION FORM.

IF YOU ARE APPLYING FOR A VARIATION OF THE LICENCE WITH THE TRANSFER APPLICATION, PLEASE COMPLETE THE FOLLOWING QUESTIONS.

- ◆ complete **QUESTION 7** if you are applying for a minor variation; or
- ◆ complete **QUESTION 8** if you are applying for a major variation.

QUESTION 7: MINOR VARIATIONS

1) Do you propose a variation that does not result in any inconsistency with the operating plan?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 1) is YES, please give details of the proposed variation below^c				
2) Do you propose to restrict the terms on which children and young persons are admitted to the premises?^d	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 2) is YES, please give details of the proposed variation below				
<u>Terms</u>				
Children				
Young Persons				
<u>Ages: Children being (0-15 years) and Young Persons being (16-17 years)^e</u>				
Children				
Young Persons				
<u>Times^f</u>				
Children				
Young Persons				
<u>Parts of the Premises specifically set aside for use by Children and Young Persons^g</u>				

^c Please submit 7 layout plans of the proposed layout with this application.

^d Please submit an amended operating plan reflecting the changes relating to children and young persons.

^e NOTE: Any amendment to increase the minimum age of children or young persons is classed as a minor variation. However, any amendment to reduce the minimum age of children or young persons is classed as a major variation in which case you should complete the relevant section at Question 5 on this form.

^f NOTE: Any amendment to reduce the times at which children or young persons are allowed onto the premises is classed as a minor variation. Any relaxation of the times at which children or young persons are allowed on the premises is classed as a major variation in which case you should complete the relevant section at Question 5 on this form.

^g Any restriction in access of children or young persons to certain parts of the premises is classed as a minor variation. Any increase in access of children or young persons to certain parts of the

Children				
Young Persons				
<u>Parts of the Premises to which Children and Young Persons have Access</u>^f				
Children				
Young Persons				
3) Do you propose to vary the information contained in the licence relating to the premises manager, including a variation to substitute a new premises manager?^h	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 3) is YES, please complete <u>PART 1</u> and <u>PART 2</u> below				
<u>PART 1</u>: Details of Current Designated Premises Manager				
a. Personal Licence Number				
b. Full Name of Current Designated Premises Manager				
c. Address				
d. Postcode				
<u>PART 2</u>: Details of Proposed Designated Premises Managerⁱ				
a. Title (delete as appropriate)	Mr/Mrs/Miss/Ms/Other (please state)			
b. Surname (include any previous names or maiden name where applicable)				
c. Forename(s)				
d. Address where ordinarily resident				

premises is classed as a major variation and you should complete the relevant section of Question 5 of this form.

^h Please submit an amended operating plan showing the details of the proposed premises manager with the application.

ⁱ Please submit the personal licence or a certified copy of the personal licence, for the proposed designated premises manager and an amended operating plan showing the details of the proposed premises manager with this application

e. Postcode				
f. Contact Telephone Number				
g. E-mail address				
h. Date of Birth				
i. Place of Birth				
j. Correspondence address, including postcode (if different from c. above)				
k. Personal Licence Number				
l. Date of Issue of Personal Licence				
m. Name of Licensing Board that issued the Personal Licence				
n. Is the variation to take effect during the application period?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to n. above is NO, please provide the date from which the variation is to take effect.				
4) Do you propose to vary the name of the premises?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 4) is YES, please give details of the proposed variation below				
Please provide details of the proposed name of the premises				

5) Do you propose a reduction in the licensed hours operated at the premises which does not result in the premises opening any earlier or closing	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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any later than stated in the premises licence and operating plan? ^j				
Is the reduction permanent? If the answer is “yes” please complete the relevant core hours and seasonal variations boxes below	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
Is the reduction temporary? If the answer is “yes” please indicate the variation in the seasonal variations box below	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>

5(a) STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES

Day	ON Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Question 5(b): STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

^j Please submit an amended operating plan showing the proposed hours with the application.

Question 5(c): SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand?	YES/NO*
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*If YES – provide details

6) Do you propose to reduce the capacity of the premises, whether resulting from a variation to the layout plan or otherwise?^k	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 6) is YES, please give details of the proposed capacity below				
Please provide details of the proposed capacity of the premises				

7) Do you propose a variation that will result in the cessation of the provision of licence or recorded music at a decibel level exceeding 85 decibels?^l	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 7) is YES, please give details of the proposed variation below				

8) Do you propose a variation which will provide that, when the premises are fully occupied, more customers are likely to be seated than standing?^k	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 8) is YES, please give details of the proposed variation below				

^k Please submit an amended operating plan showing the revised capacity for the premises

^l Please submit an amended operating plan, amending Section 5 as appropriate

9) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If the answer to 9) is YES, please give details of the proposed variation below^m

^m Dependent on the nature of the variation, you may require to lodge 7 sets of amended plans and/or an amended operating plan with the application.

QUESTION 8: MAJOR VARIATIONS

1) Do you propose a variation to the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))? ⁿ	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 1) is YES, please give details of the proposed variation below				

2) Do you propose a variation to any of the information contained in the operating plan contained in the licence?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 2) is YES, please give details of the proposed variation below ^o				

If you are proposing a relaxation in relation to the children and young persons section of the operating plan, please complete the following section ^p				
3) Do you propose to relax the terms on which children and young persons are admitted to the premises?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 3) is YES, please give details of the proposed variation below ^q				
<u>Terms</u>				
Children				
Young Persons				

ⁿ Dependent on the nature of the variation, you may require to lodge 7 sets of amended plans and/or an amended operating plan with the application.

^o Please submit an amended operating plan reflecting the proposed changes with this application.

^p Please submit an amended operating plan reflecting the proposed changes with this application.

^q Please submit an amended operating plan reflecting the changes to the terms.

<u>Ages: Children being (0-15 years) and Young Persons being (16-17 years)^r</u>				
Children				
Young Persons				
<u>Times^s</u>				
Children				
Young Persons				
<u>Parts of the Premises specifically set aside for use by Children and Young Persons^t</u>				
Children				
Young Persons				
<u>Parts of the Premises to which Children and Young Persons have Accessⁿ</u>				
Children				
Young Persons				
4) Do you propose a variation to the layout plan contained in the licence?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<u>If the answer to 4) is YES, please give details of the proposed variation below^u</u>				

^r NOTE: Any amendment to reduce the minimum age of children or young persons is classed as a major variation. However, any amendment to increase the minimum age of children or young persons is classed as a major variation in which case you should complete the relevant section at Question 4 on this form.

^s NOTE: Any amendment to relax the times at which children or young persons are allowed onto the premises is classed as a major variation. Any reduction of the times at which children or young persons are allowed on the premises is classed as a minor variation in which case you should complete the relevant section at Question 4 on this form.

^t Any relaxation in access of children or young persons to certain parts of the premises is classed as a major variation. Any restriction in access of children or young persons to certain parts of the premises is classed as a minor variation and you should complete the relevant section of Question 4 of this form.

^u Please submit 7 layout plans of the proposed layout with this application.

5) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or modification?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
If the answer to 5) is YES, please give details of the proposed variation below ^v				

Now complete the DECLARATION overleaf

GDPR

The applicant, and, where the applicant is a company, business or other body, any person who has supplied personal information as part of this application MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE.

^v Depending on the nature of the variation, you may also need to lodge 7 amended layout plans and/or an amended operating plan with this application.

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 **and the appropriate persons have read the attached privacy notice.**

Signature * (see note below)

Date

Capacity APPLICANT/AGENT

Where the signatory is an agent, please complete the following:

Name	
Telephone Number	
Postal address	
postcode	
DX Number	
Legal Post Number	
E-Mail address	

PLEASE NOTE – IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION (Criminal Law (Consolidation) (Scotland) Act 1995

*** 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.

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Premises Licence (inclusive of operating plan and layout plan)</i>	
<i>Letter explaining why the Premises Licence cannot be produced</i>	
<i>Copy of Constitution and Rules (where transferee is a Members' Club)</i>	

<i>Documentation to show entitlement to apply for a Transfer (where application is made by someone other than the current licence holder)</i>	
<i>Personal licence (where applicable)</i>	
<i>Amended Layout Plans (where applicable)</i>	
<i>Amended Operating Plan (where applicable)</i>	
<i>Application Fee</i>	

- **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.

FOR OFFICIAL USE ONLY	
DATE RECEIVED AT SERVICE POINT	
NAME OF CUSTOMER SERVICE ADVISOR	
CUSTOMER SERVICE ADVISOR SIGNATURE	

SUBMITTED AT WHICH SERVICE POINT?						
BANFF	ELLON	HUNTLY	INVERURIE	PETERHEAD	STONEHAVEN	TURRIFF

For use by the Licensing Board only	
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)	

For use by the Licensing Board only	
Documents required	
<i>Premises Licence</i>	
<i>Letter explaining why Premises Licence cannot be produced</i>	
<i>Copy of Transferee Club's Constitution and Rules</i>	
<i>Documentation to show entitlement to apply for a Transfer</i>	
<i>Personal licence (where applicable)</i>	
<i>Amended Layout Plans (where applicable)</i>	
<i>Amended Operating Plan (where applicable)</i>	
<i>Fee</i>	

PRIVACY NOTICE

The Data Controller of the information being collected is the Aberdeenshire Licensing Board. The information is collated on their behalf by Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AN.

Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- The processing of your application for a Transfer of Premises Licence
- The determination of your application a Transfer of Premises Licence
- The issue of any transferred Premises Licence granted
- Inclusion on the Register of Premises Licences available for public inspection
- Ensuring compliance with the terms of your transferred Premises Licence
- The processing of any complaints made in respect of your transferred Premises Licence
- The determination of any complaints made in respect of your transferred Premises Licence

Your information is:

Being collected by Aberdeenshire Council on behalf of the Aberdeenshire Licensing Board

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached application form, Aberdeenshire Council may not be in a position to accept the application as a competent application. This means that your application cannot be processed and will be returned to you.

Your information will be shared with the following recipients or categories of recipient:

- | | |
|---|--|
| <ul style="list-style-type: none">• <i>Police Scotland</i>• <i>Some information will also be shared with the Public as part of the online processing of applications for Premises Licences or investigation of complaints/reviews of licences via the Register of Premises Licence</i> | <ul style="list-style-type: none">• <i>Licensing Standards Officers</i>• <i>Scottish Government</i> |
|---|--|

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

NOT APPLICABLE

The retention period for the data is:

- | |
|---|
| <ol style="list-style-type: none">(1) Where an application related to a transfer of Premises Licence is refused by the Board, information relating to that application will be retained on the Licensing Register for a period of 5 years from the date of refusal and thereafter will be destroyed.(2) In all other cases information relating to transfer of Premises Licences will be retained on the Licensing Register for a period of 5 years from the date the premises licence ceases to have effect and thereafter will be destroyed. |
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The following automated decision-making, including profiling, will be undertaken:

Not Applicable

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or

- (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits