

Licensing Act 2003

Guidance Note - Transfer



Purpose

This guidance is aimed at individuals or businesses, who may need to apply to transfer an existing premises licence. For example if a business which has a premises licence is sold, the new owners can apply to have the licence transferred into their name(s), if they have the consent of the existing licence holders.

The guidance explains how to make an application to transfer a licence, what fees are involved and where applications must be sent.

The Licensing Act 2003

Under the 2003 Licensing Act (the Act) Leeds City Council issues premises licences allowing one or more of the following licensable activities:

- Sale by retail of alcohol
- The provision of late night refreshment between 11pm and 5am
- The provision of regulated entertainment

Regulated entertainment includes the following activities:

- a) performance of a play
- b) exhibition of a film
- c) indoor sporting event
- d) boxing or wrestling entertainment
- e) performance of live music
- f) playing of recorded music
- g) performance of dance
- h) entertainment of a similar description to e), f) or g)

The above list gives a quick overview of what the Act defines as regulated entertainment. There is further guidance contained in the Act which explains in more detail how the above areas are defined. If you are unsure if an activity is or is not licensable please speak to Entertainment Licensing for further advice.

If you are purchasing a business which involves any of the above activities then you will need a licence. If the business already has a licence, the current premises licence holder may agree to transfer the licence into your name. In any other case you will need to apply for a new licence. If you require a new licence please see the guidance document GN-A. This document is available on the Leeds City Council website at www.leeds.gov.uk/licensing or you can request a copy from the Entertainment Licensing Section.

How to transfer a premises licence

Alcohol

Every premises licence that includes the sale or supply of alcohol must include a DPS (Designated Premises Supervisor). The DPS must be a personal licence holder. If you are considering taking on a premises licence which includes the sale or supply of alcohol you need to find out if the current DPS is still going to be working at the premises after the transfer. If the existing DPS is not staying on then you will need a new DPS and personal licence holder before the transfer can be granted.

You also need to be aware that if the present DPS is staying on following the transfer, that you have a duty to notify them of the transfer as soon as the transfer is granted (see section 46 of the Act). If you ask for the transfer to take immediate effect this notification must take place straight away.

Licensing conditions

You should familiarise yourself with the licence which is in force and any conditions which relate to the licence. You should do this before you apply for the transfer especially if you plan to ask for the transfer to take immediate effect. Once the transfer is granted the responsibility to operate the premises licence in accordance with any conditions which are present on the licence will pass to you. If you need any help and guidance in understanding the meaning of any conditions on the licence please contact Entertainment Licensing as a matter of urgency. Breach of licence conditions is a serious offence under the Act.

Fees

Each premises licence carries an annual fee. See section 7 of this document. Once the licence has been transferred to a new holder, the new holder is then liable for the annual fee. You need to be aware that the annual fee is due on the anniversary of the grant of the licence. Please contact Entertainment Licensing to find out how much the annual fee will be and when it will be payable.

Opening hours

Following the transfer of a premises licence you will be granted a licence which authorises you to carry out certain licensable activities at specific times. Under the 2003 Licensing Act there is no requirement obliging a premises to remain open during the hours stated on the licence if the licence holder wishes to close early. In the interests of good relations, if you find that following the transfer of a premises licence you consistently want to close early, please contact us so we can alert the relevant agencies. Also if you find that the hours you inherit do not meet your business requirements you could always consider applying for a variation.

Variations

Under the legislation the holder of a premises licence can make an application to vary the premises licence. You may wish to extend the hours of a licensable activity, or ask to have conditions removed from the licence. You can also add a licensable activity that your current licence does not authorise you to carry out. If the variation is minor and does not adversely affect the licensing objectives, you may be able to apply using the minor variations process. To find out more about variations please contact Entertainment Licensing.

Checklist

1. Complete the form PREM4
2. Ask the current holder of the licence to fill out and sign a PREM5 form to give their consent to the transfer.
3. Send your completed application including all forms and the relevant fee to the Entertainment Licensing Section, Leeds City Council.
4. When you send your application to Leeds City Council also send copies of your application to West Yorkshire police

Please note if you need a new DPS you will need to complete the paperwork to vary the licence to specify a new DPS. This will incur an additional fee.

Fees

Application to transfer	£23
Application to vary the designated premises supervisor	£23

Payment

We can accept payment by all major credit and debit cards at our St George House office. Please visit St George House, Great George Street, Leeds, LS1 3DL and report to our reception on the first floor. Please make cheques payable to Leeds City Council.



Addresses to send application form to

Leeds City Council Entertainment Licensing Civic Hall Leeds LS1 1UR	Application form Consent form Fee Original licence
West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX	Application form Consent

Use of personal data

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details and address to send application to:

Entertainment Licensing Section
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Phone: 0113 247 4095
Fax: 0113 224 3885
Website: www.leeds.gov.uk/licensing
Email: entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law.

Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law.

You should seek your own legal advice on the matters raised in this guidance note.