



## SCOTTISH BORDERS LICENSING BOARD

### Licensing (Scotland) Act 2005

Sections 33, 34 and 35

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

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

*Is this application made in terms of Section 33 of the Licensing (Scotland) Act 2005?* YES/NO\*

*Is this application made in terms of Section 34 of the Licensing (Scotland) Act 2005?* YES/NO\*

*Is the applicant applying for a variation with the transfer application* YES/NO\*

#### APPLICANT INFORMATION

##### Question 1

Please provide the name, address, postcode, date and place of birth, and contact telephone number of the current Licensee.

##### Question 2

Where the application is made by the current licence holder 'applicant' is the person(s) into whose name the licence is to be transferred.

Where applicant is an individual, provide full name, date and place of birth, home address including postcode, telephone number and e-mail address.

Where applicant is a partnership, please provide full name, and postal address of partnership.

Where applicant is a company, please provide name, registered office and company registration number and a contact address.

Where the applicant is a club or other body, please provide full name, and postal address of club or other body.

Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\*

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

**Question 3**  
**Previous applications**

Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? YES/NO\*

If YES – provide full details

#### Question 4

##### Previous convictions

Has the applicant or any connected person ever been convicted of a relevant or foreign offence<sup>a</sup>  
YES/NO\*

\*If YES – provide full details

*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

#### Question 5

Has the licence holder: –

- Died
- Become incapacitated
- Become Insolvent
- Been dissolved
- Transferred the business in the premises to another person

#### Question 6

Please provide full name, address, postcode and licence number of the premises

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***If you do not wish to apply for a variation of the licence with the transfer application, please go to page 7 and date and sign the application form.***

***If you do wish to apply for a variation of the licence with the transfer application, please complete the rest of the application form.***

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<sup>a</sup> 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.

## MINOR VARIATIONS

### Question 7

Do you consider the proposed variation to be a minor variation? YES/NO\*  
(If YES, please answer the rest of question 3. If NO please go to question 4)

Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises? YES/NO\*  
(if YES, please give details of the proposed variation below)

Do you propose to restrict the terms on which children and young persons are admitted to the premises? YES/NO\*  
(if YES, please give details of the proposed variation below)

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? YES/NO\*  
(if YES, please go to question 5 below)

Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act? YES/NO\*  
(if YES, please give details of the proposed variation below)

## OTHER VARIATIONS

### Question 8

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))?  
(if YES, please give details of the proposed variation below)

YES/NO\*

Do you propose to vary any of the information contained in the operating plan contained in the licence?  
(if YES, please give details of the proposed variation below)

YES/NO\*

Do you propose a variation to the layout plan contained in the licence?  
(if YES, please give details of the proposed variation below)

YES/NO\*

Do you propose to vary any other information contained or referred to in the licence including an addition, deletion or other modification?  
(if YES, please give details of the proposed variation below)

YES/NO\*

## VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

### Question 9

Please provide details below of the name, address and personal licence number of the EXISTING Premises Manager.

### ***Proposed Premises Manager***

Name and telephone number

Date and place of birth

Contact address, including postcode

Email address

Personal licence

Date of issue	Name of Licensing Board issuing	Reference number of personal licence

Is the variation in respect of Question 9 to take effect during the application period?      YES/NO\*

If the answer to the above question is NO, please provide below the date from which the variation is to take effect.

**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.

Signature ..... \* (see note below)

Date .....

Capacity ..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

.....

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Premises Licence</i>	
<i>Operating Plan**</i>	
<i>Layout plans**</i>	
<b>Planning certificate</b>	
<b>Building standards certificate</b>	
<b>Food hygiene certificate</b>	

\*\* Where the proposed variation affects the current layout plan, please submit 7 sets of plans showing the proposed new layout of the premises. Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations.

**Variations involving structural alterations should submit the relevant Section 50 certificates with their application.**

<b>For use by the Licensing Board only Application checklist</b>	
<b>Date received</b>	<b>Documents</b>
<b>Fee amount</b>	<b>Premises Licence</b>
<b>Receipt number</b>	<b>Operating Plan</b>
<b>Received by (INITIALS)</b>	<b>Layout Plans</b>
<b>Consideration date</b>	<b>Planning Certificate</b>
<b>Last date for consideration</b>	<b>Building Standard Certificate</b>
<b>Date of initial hearing</b>	<b>Food Hygiene Certificate</b>
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

# Scottish Borders Licensing Board

## PRIVACY NOTICE – LIQUOR LICENCES

### What information do we need?

The Scottish Borders Licensing Board will act as the 'Data Controller' for the personal data you provide to us. The information held by the Licensing Board is managed by employees of Scottish Borders Council, and contained within Scottish Borders Council systems. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: [dataprotection@scotborders.gov.uk](mailto:dataprotection@scotborders.gov.uk)

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, e-mail address, telephone number, date of birth, and (if applicable) national insurance number, details of any previous criminal convictions and previous licence information.

### Why do we need this information?

Your information is being collected to allow the Scottish Borders Licensing Board to administer the process of applying for licences under the Licensing (Scotland) Act 2005.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

**Compliance with legal obligation:** Scottish Borders Licensing Board is required to collect your information in order to carry out the function of providing licences in relation to the Licensing (Scotland) Act 2005.

Where we collect special category data this processing is necessary for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures.



## What will we do with your information?

We will use your information to process your application for a licence. Depending on the type of licence, this will involve sharing your information as shown in the table below.

Type of licence	Who your information will be shared with
Premises Licence (including Provisional)	Police Scotland, Licensing Standards Officer, Environmental Health, Planning Regulatory Services, Building Standards, NHS Borders, Scottish Fire and Rescue Service, The Local Community Council and neighbouring properties. Notification of the application will also appear on the Council's Website.
Occasional Licence	Police Scotland, Licensing Standards Officer. Notification of the application will also appear on the Council's Website
Extension of Hours	Police Scotland, Licensing Standards Officer
Variation of Premises (Major)	Police Scotland, Licensing Standards Officer, Environmental Health, Planning Regulatory Services, Building Standards, NHS Borders, Scottish Fire and Rescue Service, The Local Community Council and neighbouring properties. Notification of the application will also appear on the Council's Website.
Variation of Premises (Minor)	Police Scotland, Licensing Standards Officer, and Environmental Health
Substitution of DPM	Police Scotland, Licensing Standards Officer
Personal Licence	Police Scotland, Licensing Standards Officer
Transfer of Premises	Police Scotland, Licensing Standards Officer

Applications for Premises Licence (including Provisionals) and Major Variation of Premises Licence will be considered at meetings of the Scottish Borders Licensing Board along with other applications where valid objections or representations are made. These meetings are open to the public, however some business may require to be held in private. We are also required to publish information in licensing registers, which will include the licence holder and premises manager's name, and details about the premises.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer (contact details can be found above).

## How long will we keep your information?

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements.

## Automated Decision Making

No automated decision making will take place.

## Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/DPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

## Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 0303 123 1113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland  
45 Melville Street, Edinburgh, EH3 7HL  
Telephone: 0303 123 1115  
Email: [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)