

Applying for an Interim Authority or to Transfer a Premises Licence

Status of this Leaflet

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

General

A Premises Licence authorises the use of premises for licensable activities described in the Act. The situation may arise that a business is sold, the applicant dies, becomes incapacitated, insolvent or bankrupt. In order to ensure that there should be no interruption to the business or activity an application can be made to transfer the premises licence or serve an Interim Authority notice.

Interim Authority

The Act provides special arrangements for the continuation of permissions under a premises licence when the holder of the licence suddenly dies or becomes bankrupt or mentally incapable. In the normal course of events, the licence would lapse in such circumstances. An Interim Authority Notice must be served on the Licensing Authority within seven days beginning the day after the licence lapsed. The premises licence would lapse until such a notice is given and carrying on licensable activities in that time would be unlawful. Only certain persons can give a notice. If in doubt please ask for advice.

The effect of giving a notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence and thereby allow licensable activities to continue to take place pending a formal transfer. The maximum period for which an interim authority notice may have effect is two months.

A copy of the notice must be given to the Police within 7 days. The Police, within 48 hours of receiving the notice, may serve a notice of objection and a hearing must then be held.

Transfer Application

A transfer of a premises licence would often arise when a business involving licensable activities is sold to a new owner. A transfer of the licence only changes the identity of the holder of the licence and does not alter the licence in any other way.

Requirements for a Transfer Application:

- Two completed application forms (The Licensing Authority will forward a copy to the Police).
- Consent form signed by existing premises licence holder or a statement as to why it is not enclosed.
- Enclose the premises licence or relevant part or a statement as to why it is not enclosed.
- Proof that the required fee has been paid.
- The Applicant must be over 18 years of age
- The Applicant must notify the Designated Premises Supervisor (DPS), where a sale of alcohol takes place, of a transfer application. Failure to do so is an offence. If the application is granted the Applicant must also notify the DPS.

You will need to bring or post your application forms, supporting documentation and copies to the Licensing Office at the address overleaf. Once we receive your application it will be checked to ensure that it is complete and that the appropriate fee has been paid.

Determination of the Application

The Police will be able to make representations against the application. They have 14 days to do so.

If there are no representations the application will be granted. If representations are received a mediation meeting may be held in order to discuss the issues and attempt to reach an agreement without the need for a hearing. If agreement cannot be reached the application will be heard before a panel of the Councils Licensing Committee.

For further information contact Oldham Council's Licensing Section

In person or in writing to:	Licensing Section Oldham MBC North House, 130 Rochdale Road, Oldham, OL1 2JA.
By phone:	0161 911 4730 or 4731
Fax:	0161 911 4481
E-mail:	licensing@oldham.gov.uk

<u>Opening Hours</u> In person	Mon to Wed & Friday 9am – 4pm Thursday 10am-4pm (to allow for training)
By phone	Mon to Wed & Friday 8.40am to 5pm Thursday – 10am-5pm

Any advice given in this guidance is not to be taken as legal advice. Independent legal advice should be sought on any points of law.