

# Licensing (Scotland) Act 2005

## Guidance for existing Licence Holders applying to transfer their Premises Licence

**City of Glasgow**  
**Licensing Board**

**Before lodging your application for a transfer of Premises Licence under section 33 of the 2005 Act, please ensure that you have read the following guidance.**

### 1. WHAT IS AN APPLICATION FOR TRANSFER UNDER SECTION 33 OF THE ACT?

This guidance is to provide existing Licence Holders and potential transferees with information on the application process for transferring a Premises Licence under section 33 of the Licensing (Scotland) Act 2005.

The Licensing Board assumes that both the existing Licence Holder and potential transferee understand the purpose of a transfer application.

The Board will also expect both parties to be fully aware of their responsibilities under the Licensing (Scotland) Act 2005 particularly if the premises is being operated during the processing of the transfer application.

Both parties should consider taking independent legal advice if they have any questions or concerns regarding the transfer procedure or the operation of the premises during process of the transfer application.

### 2. WHO CAN APPLY?

An application can only be made by the holder of the relevant Premises Licence issued under the Licensing (Scotland) Act 2005 or an authorised agent who has been **instructed by the current Licence Holder** to act on their behalf.

An agent acting for the proposed transferee cannot lodge an application under section 33 of the 2005 Act unless they are also acting for the current Licence Holder and have been instructed by the Licence Holder to submit the application.

### 3. HOW DO YOU APPLY?

To apply you should complete the attached application form and submit it to the Licensing Board with the relevant fee.

#### **AT OUR CITY CENTRE SERVICE DESK**

Your application can be submitted in person at our:

City Centre Service Desk  
45 John Street  
Glasgow G1 1JE

**From 5 February 2018 you can book an appointment online to submit your application at the Service Desk.** Please be aware you will no longer be able to book your appointment via telephone. An appointment can be made using the following link. Please select 'Licensing' from the list of available options and choose 'Apply for a Licence' to schedule a suitable appointment.

<http://www.glasgow.gov.uk/booking>

Appointments are available Monday to Friday excluding Public Holidays. More information on making an appointment is available on our website:

<http://www.glasgow.gov.uk/licences/appointments>

We recommend that applications are lodged in person in order to ensure they are correct. Our staff will check your application and help you correct any mistakes. Please note our staff cannot complete the form for you.

You can ask someone to lodge the form on your behalf at the Service Desk; however, if the form requires to be amended, you must initial any changes before the form is accepted.

#### **BY POST**

You can submit your application by post to the following address:

City of Glasgow Licensing Board  
City Chambers  
George Square  
Glasgow G2 1DU

We recommend that you send the application by Recorded Delivery/Special Delivery to ensure that it is received.

#### 4. WHAT NEEDS TO ACCOMPANY THE APPLICATION?

The current Premises Licence, inclusive of the Operating Plan and the Layout Plan should accompany the application. If that is not practicable, a statement of the reasons for failure to produce the licence must accompany the application.

#### 7. HOW MUCH IS THE APPLICATION FEE?

The application fee is £35.

Applications lodged in person can be made by Cash, Cheque, Postal Order or Credit/Debit Card. Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Cheque and Card payments will only be accepted from the applicant or their registered agent. Cheques should be made payable to 'City of Glasgow Licensing Board' or 'Glasgow City Council'

A list of the fees and charges levied by the Licensing Board can be found on our website:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=26980&p=0>

#### 8. HOW WILL THE APPLICATION BE PROCESSED?

Once an application has been received a copy is sent to Police Scotland; they have 21 days in which they may respond to the Licensing Board.

Once the police report has been received the application will be reviewed by the Clerk to the Licensing Board. The Clerk will consider the terms of the application and the report by Police Scotland before deciding whether or not to grant the application.

If the police make an comment to the application or some other factor prevents the Clerk from determine the application, it will be referred to a meeting of the Licensing Board for consideration. If this happens you will receive a letter requesting your attendance at the meeting and explaining the reason you are being called. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Licensing Board's decision.

#### 9. HOW LONG WILL IT TAKE TO PROCESS THE APPLICATION?

Most applications for transfer are determined within 3 to 4 months of being lodged.

#### 10. CAN I SPECIFY A DATE THAT THE TRANSFER SHOULD BE DETERMINED ON?

The Licensing Board understands that transfer applications often form part of wider commercial transactions. Where possible, the Board will try to work with applicants and agents to grant transfer applications in line with their wider requirements. If you have such requirements, it is imperative that you set these out in writing when submitting your application, otherwise the Licensing Board will determine the application at its earliest convenience.

#### 11. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

The Premises Licence will be updated to reflect the transfer and forwarded to new Licence Holder or their agent. You will received written confirmation from the Board that you are no longer the Licence Holder.

#### 12. CAN I GET FURTHER INFORMATION?

If you have any further questions about the application process the Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone, fax or email.

Licensing Team	<b>Phone:</b>	0141 287 5354
City of Glasgow Licensing Board	<b>Email:</b>	<a href="mailto:LicensingBoard@glasgow.gov.uk">LicensingBoard@glasgow.gov.uk</a>
City Chambers		
George Square		
Glasgow G2 1DU		

# Privacy Statement:

## Licensing schemes administered by the City of Glasgow Licensing Board

### WHO WE ARE

The City of Glasgow Licensing Board is a public body established under the Licensing (Scotland) Act 2005. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk), and by telephone on 0141 287 1055.

### WHY DO WE NEED YOUR PERSONAL INFORMATION AND WHAT DO WE DO WITH IT?

You are giving us your personal information to allow us to carry out our statutory functions in relation to licensed activities regulated by the City of Glasgow Licensing Board. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

### LEGAL BASIS FOR USING YOUR INFORMATION

We provide these services to you as part of our statutory function as a public body. You can find more details of our role on our website at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy) and [www.glasgow.gov.uk/licensingboard](http://www.glasgow.gov.uk/licensingboard). Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law. In addition, we may also process data about any criminal convictions you may have. This is because we are required to ascertain the suitability of individuals to hold licences and, to do this, we may need to process information on an individual's criminal convictions.

### WHO DO WE SHARE YOUR INFORMATION WITH?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services.

This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

We are required by law to enter personal information about applicants and other relevant persons on a public register of applications for licences. This register can be accessed by any member of the public. We may publish this register or extracts of the register online. We may also provide the register to other public bodies to support a national register of licences.

In processing an application for a licence or a complaint, we may need to refer you to a meeting of the Licensing and Regulatory Committee. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)

Licensing Board meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to.

We will also share your personal data with other public bodies and statutory consultees as required by law.

## HOW LONG DO WE KEEP YOUR INFORMATION FOR?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at [www.glasgow.gov.uk/rrds](http://www.glasgow.gov.uk/rrds) or you can request a hard copy from the contact address stated above.

## Your rights under data protection law

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
  - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
  - II. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
  - III. our use of your personal information is contrary to law or our other legal obligations.

**Objecting to how we may use your information** – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

**Restricting how we may use your information** – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

## INFORMATION YOU HAVE GIVEN US ABOUT OTHER PEOPLE

If you have provided anyone else's details on this form, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. If they want any more information on how we will use their information they can visit our web site at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy) or email [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk).

## COMPLAINTS

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk) or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at [www.glasgow.gov.uk/complaints](http://www.glasgow.gov.uk/complaints).

## MORE INFORMATION

For more details on how we process your personal information visit [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)  
If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.