

## **Licensing (Scotland) Act 2005 Guidance for existing Licence Holders applying to transfer their Premise Licence**

**Before lodging your application for a transfer of Premises Licence (under S33 of the 2005 Act) please ensure that you have read the following guidance.**

1. What is an application for transfer under S33 of the Act?
2. Who can apply?
3. How do you apply?
4. What needs to accompany the application?
5. How much is the application fee?
6. How will the application be processed?
7. How long will it take to process the application?
8. Can I specify a date that the transfer should be determined on?
9. What happens after my application is granted?
10. Other FAQs

### **1. What is an application for transfer under S33 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 for a transfer you should complete the appropriate application form and submit it to the Licensing Authority with the relevant fee.

By Email:

To [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk). You must also email any supporting documents and proof of the relevant fee being paid.

By Post:

Licensing  
East Lothian Council  
John Muir House  
HADDINGTON  
EH41 3HA

In Person:

Your application can be submitted at any of our local offices:

Bleachingfield Centre  
Countess Crescent  
DUNBAR  
EH42 1DX

Brunton Hall  
Ladywell Way  
MUSSELBURGH  
EH21 6AF

George Johnstone Centre  
35 Winton Place  
TRANENT  
EH33 1AE

Please note, staff cannot complete the form for you.

## 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.

## 5. How much is the application fee?

The application fee is £37.50.

Applications lodged in person can be paid 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**).

Payments can be made online at [Pay for it | East Lothian Council](#)

Cheque and Card payments will only be accepted from the applicant or their registered agent.  
Cheques should be made payable to East Lothian Council

**APPLICATION FEES WILL NOT BE REFUNDED IF AN APPLICATION IS WITHDRAWN OR REFUSED**

**6. 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 a 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.

**7. How long will it take to process the application?**

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

**8. 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.

**9. 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.

## **10. Other FAQs**

**Can I get further information?** – Yes. If you have any further questions about the application process, the Licensing team will be happy to assist you. Please note that the Licensing Team cannot offer you legal advice.

You can contact the Licensing Team by phone or email:

Phone: 01620 827664

Email: [licensing@eastlothian.gov.uk](mailto:licensing@eastlothian.gov.uk)