

## Guidance for Premises Licence - Transfer

### Completing the form

Please include a description of the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives.

Please provide a correspondence address which is the address which we shall use to correspond with you about this application.

### Other information

Not later than the day the application is made, a copy of the application together with any other accompanying documentation, must also be given to the relevant responsible authorities. Please refer to the list of responsible authorities for further details of the notification requirements for the various types of application.

Proof of postage is not required however applicants should note that the Council will conduct frequent spot-checks in order to ensure that the responsible authorities are kept apprised of all relevant applications.

If you are applying as an individual and the premises licence permits the sale by retail of alcohol and/or the provision of late night refreshment, evidence of your right to reside and work in the UK must be supplied with the application. Please read the [guidance note for Entitlement to work for Individual Applicants](#).

The application must be accompanied by a written consent from the current licence holder in the required format – The consent form can be downloaded from the Council's website. Applications will not be considered without a completed consent form unless the Council has specifically exempted an applicant from this requirement. – Please see the additional guidance below if you are unable to obtain the current licensee's consent.

The completed transfer application, together with the required fee and **the original premises licence** (if this is not practicable, a statement of the reasons for the failure to provide the licence must be submitted) should be sent to the Licensing Team at PO Box 66532, London W8 9GJ. Cheques etc. should be made payable to the London Borough of Hammersmith and Fulham. Payment may also be made by debit/credit card by telephone on 020 8753 1081.

### Applications without existing licensee's consent

It is a requirement under the Act that an application for transfer be accompanied by a consent form from the existing licensee agreeing to the transfer.

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Section 43 (5) of the Licensing Act 2003 (“The Act”) provides that the Licensing Authority must exempt the applicant from the requirement to obtain the holder’s consent if the applicant shows to the authority’s satisfaction –

- a) that he has taken all reasonable steps to obtain that consent, and
- b) that he would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence.

Therefore in order to exempt an applicant from the requirement to obtain consent from the existing Licence holder this authority must be satisfied that the applicant has met both of the above criteria. For the purposes of section b) above, the application period begins when the application is received by the Licensing Authority.

In order for the Licensing Authority to consider whether an applicant has met the requirement set out in section 43(5)(a) of the Act the applicant should confirm what steps they have taken to obtain the existing Licensee’s consent, and provide copies of documentary evidence, e.g. copy letters, recorded delivery slips, e-mails etc, in support of their actions.

Applicants must also demonstrate that they are in a position to use the premises for the licensable activities during the application period, in accordance with section 43(5)(b). Applicants should therefore provide a copy of the signed lease or tenancy agreement and/or the land registry transfer form.

If the Licensing Authority is not satisfied that an applicant has met the exemption criteria in section 43(5) of the Act the authority must reject that application.