

Guidance on Consent Forms for Transfers

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.

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.