

Statutory Licensing Sub-Committee

17th July 2018

Application to Transfer a Premises Licence



Report of Ian Thompson, Corporate Director, Regeneration and Local Services

Name and Address of Premises: Off Licence, 4 Victoria Terrace, Murton,
Seaham, SR7 9BP

1. Summary

The Sub-Committee is asked to consider and determine an application to transfer the premises licence for Off Licence, 4 Victoria Terrace, Murton, Seaham, Co Durham.

The application was received from Mrs Neelam Randhawa.

A plan showing the location of the premises is attached at Appendix 1.

2. Details of the Application

The application to transfer premises licence number WV/PRE0240/05 was received on 6th June 2018. A copy of the application is attached along with the current premises licence, as Appendix 2.

3. The Representation

On 20th June 2018, a representation was received from Durham Constabulary's Harm Reduction Unit on behalf of the Chief Officer of Police, objecting to Mrs Neelham Randhawa being named as the premises licence holder.

A copy of Durham Constabulary's objection is attached at Appendix 3.

The Licensing Authority are satisfied that the application was properly made.

4. The Parties

The Parties to the hearing will be:

- Mrs Neelham Randhawa (the applicant)
- Durham Constabulary (responsible authority)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee are asked to consider the Council's Statement of Licensing Policy when determining the application.

6. Section 182 Guidance and Licensing Act 2003

The Sub-Committee's attention is drawn to parts 8.99 to 8.102 of the Section 182 Guidance and sections 42 to 45 of the Licensing Act 2003. This is attached at Appendix 4.

7. For Decision

The Sub-Committee is asked to determine the application to transfer the premises licence to Mrs Neelham Randhawa.

The Sub-Committee's options are to:

- Grant the application, or
- Reject the application, if it considers it necessary to do so for the promotion of the crime prevention objective

Background Papers:

- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)
- Licensing Act 2003

Contact: Karen Robson

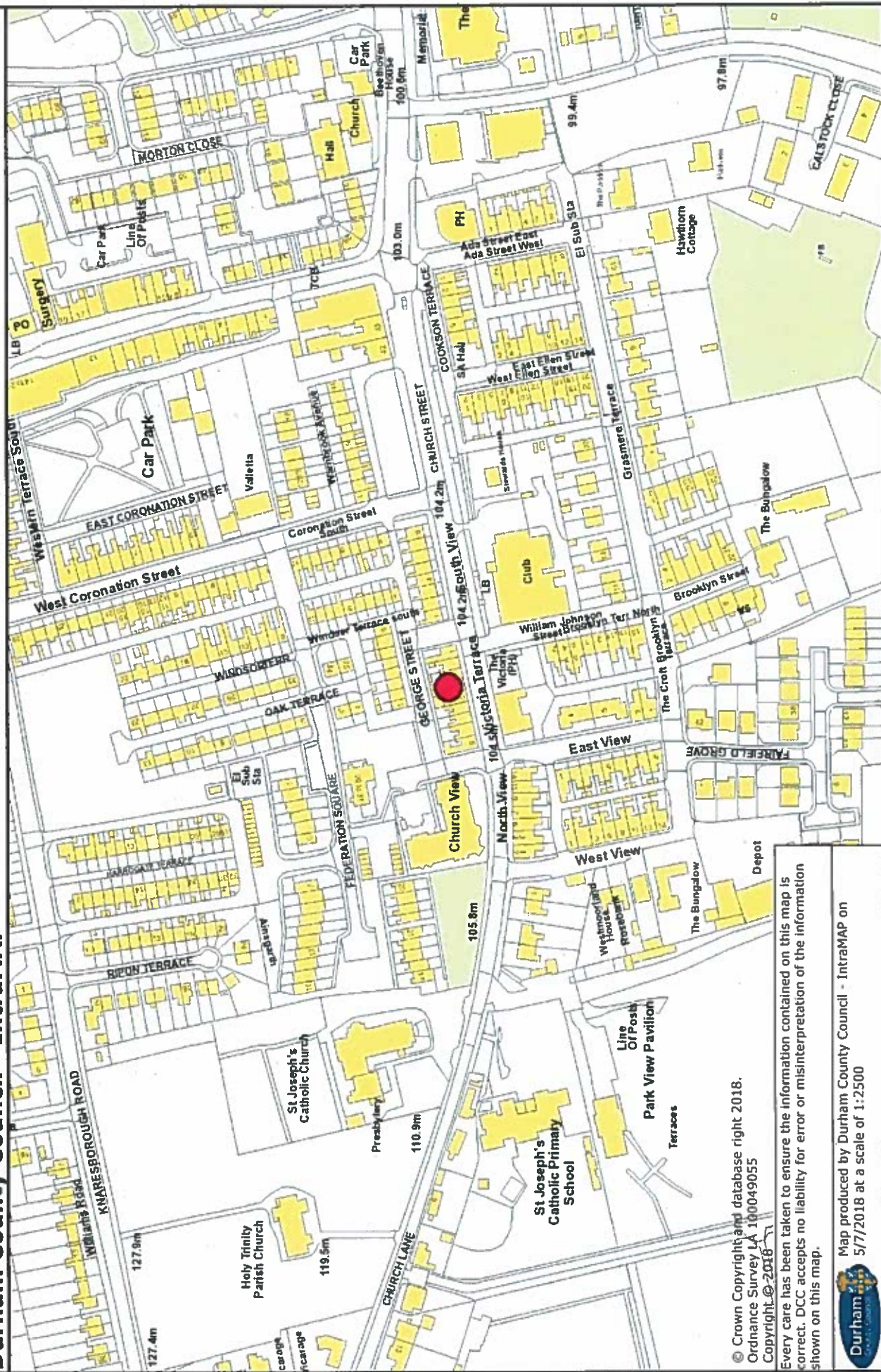
Tel: 03000 265104

E-mail: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN



Durham County Council - IntraMAP



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Ordnance Survey LA 100049055

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5/7/2018 at a scale of 1:2500



APPENDIX 2 – APPLICATION FORM

Application to transfer premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We Neelam RANDHAWA

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

DCCC/PLA0066

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Victoria Stores 4 Victoria Terrace, Church Lane, Murton. Seaham	
Post town Durham	Post code SR7 9BP
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1) Off Licence and General Store
--

Name of current premises licence holder Mrs Avtar Kaur Kahlon (Licence Recently Surrendered)
--

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals*

☒ **please complete section (A)**

b) a person other than an individual *

i. as a limited company/limited liability partnership

☐ **please complete section (B)**

ii. as a partnership (other than limited liability)

☐ **please complete section (B)**

☐ **please complete section (B)**

- iii. as an unincorporated association or ☐ please complete section (B)
- iv. other (for example a statutory corporation)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☒ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

RANDHAWA

First names

Neellam

Date of birth

Nationality British Citizen

Please tick ☒ yes

I am 18 years old or ☒

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick ☒ yes

☐

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice?

☐

Do you wish the transfer to have immediate effect?

☒

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder

☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application ☒
period for the licensable activity or activities authorised by the licence (see section 43 of the
Licensing Act 2003)

Please tick ☒ yes

I have enclosed the premises licence ☐

If you have not enclosed premises licence referred to above please give the reasons why not.
The current premises licence has recently been surrendered to Durham County Council
Licensing Department and is not in the possession of the former Premise Licence Holder we are
therefore unable to produce it.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or
my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- I have sent a copy of this form to Home Office Immigration Enforcement today ☒
- [Applicable to all individual applicants, including those in a partnership which is
not a limited liability partnership, but not companies or limited liability
partnerships] I have included documents demonstrating my entitlement to work in
the United Kingdom (please read note 2) ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE

A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Neelam Randhawa.

.....

.....

Date 3/6/2018

.....

Capacity Applicant.

.....

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Consent of premises licence holder to transfer

I/we Nes KAYLON
[full name of premises licence holder(s)]

the premises licence holder of premises licence number
[insert premises licence number]

relating to

4 VICTORIA TERRACE, CHURCH LANE, AUSTON SR7 9B
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

[insert premises licence number]

to

NEELAM RANDHAWA
[full name of transferee]

signed

name
(please print)

dated

Nes

KAYLON

29/5/18



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0066
14 January 2013
14 January 2013

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
OFF LICENCE 4 VICTORIA TERRACE MURTON SEAHAM SR7 9BP	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence
Sale by Retail of Alcohol

The opening hours of the premises (all times in 24hr format)

Monday	07:00 - 21:00	Non standard/seasonal timings:
Tuesday	07:00 - 21:00	N/A
Wednesday	07:00 - 21:00	
Thursday	07:00 - 21:00	
Friday	07:00 - 21:00	
Saturday	07:00 - 21:00	
Sunday	07:00 - 21:00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales
OFF ALCOHOL SALES ONLY

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Sale by retail of alcohol

Off Sales Only

Monday	07:00 - 21:00	Further details
Tuesday	07:00 - 21:00	
Wednesday	07:00 - 21:00	Non standard/seasonal timings:
Thursday	07:00 - 21:00	
Friday	07:00 - 21:00	
Saturday	07:00 - 21:00	
Sunday	07:00 - 21:00	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

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Registered number of holder, for example company number, charity number (where applicable)

Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

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Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

--

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

Will ensure all reasonable steps are taken to ensure the licensing objectives are adhered to through using common sense, professionalism, following guidance and best practice.

On-going training and guidance updates will be conducted with all staff members on a regular basis to ensure all licensing objectives are met and general conduct as expected by a business owner/employee are followed correctly.

The Prevention of Crime and Disorder

Installation of a recorded 24 CCTV system with 4 weeks backup.

Displaying of Challenge 21 Notice within the store.

Applying strict policy on request for proof of age cards.

Publicise any crime prevention notices.

Prompt and orderly response to any disorderly activities on site.

Engagement with the local authorities if any criminal or disorderly activities occur.

Public Safety

Ensure fire escape signs are properly highlighted and are building regs compliant.

Ensure gas safety certificates are conducted every year.

Regular maintenance of fire extinguisher.

Display any public safety notices if necessary.

Make sure there is a first aid box on site.

The Prevention of Public Nuisance

Ensure noise levels are kept to a minimum through properly glazed windows, sound boards etc.

Property is located on a main road therefore will have no disruption to residents from bright lights.

Bin collection and any deliveries will take place during normal working hours.

Local authorities would be contacted if there were any instances of public nuisance off the premises, eg large gathering of youths causing disruption to local residents etc.

The Protection of Children from harm

Within the premises there is a separate section where alcohol will be located.

Apply Challenge 21 should any underage person try to buy alcohol.

Strict policy will be applied requiring proof of age cards.

Will use own initiative and judgement if it is felt that alcohol may be being bought for children under the age of 18 by another party.

All staff will be adequately trained to ensure they are able to follow the necessary steps.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans attached

Attached

Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

APPENDIX 3 – REPRESENTATION FROM DURHAM CONSTABULARY

From: Judith Wilkinson
Sent: 20 June 2018 15:55
To: Yvonne Raine; Karen Robson;
Cc: Aimee Guest; Caroline Dickenson
Subject: Objections

20/06/18

To Durham County Council

The Harm Reduction Unit at Durham Constabulary wish to object on the grounds of Crime & Disorder to the application of Ms Neelam Randhawa to become the Premise Licence Holder of, Off Licence, 4 Victoria Terrace, Murton, Seaham, County Durham, SR7 9BP.

Ms Randhawa was the DPS when underage sales were made in a Police/TS Operation last year (25th August 2017 and 25th October 2017), contrary to section 146(1) of the Licensing Act, 2003.

Due to this fact we have concerns that Ms Randhawa is not a fit and proper person for this role.

Many Thanks

0570 Aimee Guest
Licensing Officer
Alcohol Harm Reduction Unit
Business Innovation and Development Command
Durham, Peterlee and Seaham areas
Meadowfield
Durham Constabulary

**ADDITIONAL INFORMATION
FROM THE APPLICANT**

Witness Statement

(CJ Act. 1967, S9 MCA 1980, s102: MC rules 1981 r 70)

Name :- David Lester.

Occupation :- Licensing Consultant

D.O.B.

This statement consisting of (2) page (s) is true to the best of my knowledge and belief and I make it knowing that if tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated... 6th July 2018

Signed. David Lester.

I am a retired Police Officer having served thirty one years with Cleveland Police.

On taking up retirement I took on a role within the licensed retail sector, being employed for four years as the Northern Regional Field Team Manager for Sainsbury's Convenience. As such, I had the responsibility for developing processes and staff training programmes in order to prevent underage sales of alcohol and cigarettes in one hundred and forty five off licence outlets in the North of England and Scotland. I am a Personal Licence holder in my own right and I am authorised by the BIIAB (British Institute of Inn Keeping Awarding Body) to tutor the National Certificate of Personal Licence Holders Examination, Responsible Drinks Retailing Award and the Alcohol Awareness Award.

For the past ten and a half years I have been self employed as a Licensing Consultant trading under the name of D&B Licensing.

Since setting up this company with my business partner I have worked in partnership with Darlington Licensing Authority, Middlesbrough Licensing and Trading Standards Authorities, Redcar and Cleveland Trading Standards and South Tyneside Trading standards delivering a Due Diligence, sale of alcohol and other restricted products course to independent off and On licence retailers throughout the North East.

In brief the sale of restricted products course which details highly on the sale of alcohol and tobacco, has had both police and licensing authority approval. Subjects covered are Licensable activities, the four licensing objectives, acceptable proof of age, how to prevent underage sales, how to deal with anti social behaviour, partnership working, offences under the licensing act and moral and legal obligations under the licensing act.

Signed.

Date. 6th July 2018

In total the course is approximately two hours in duration finishing with a multi choice test in retail licensing and also the showing of a Prevention of Underage Sales training DVD.

On Friday 6th July 2018 D&B Licensing Consultants visited Victoria Stores, 4Victoria Terrace Murton, and delivered the sale of Alcohol, cigarettes and other restricted products course to Mrs N Randhawa and her staff. Mr C

On completion of the initial training course the store was handed a training file with completed records of individual staff training and due diligence advice. This due diligence training manual should be updated by refresher training staff on a regular basis.

Mrs Randhawa is also aware of the need to provide new members of staff with induction training pending any next scheduled staff training session.

In addition to the training file, challenge 25 signs are always visible within the stores and a good quality CCTV system is operated together with refusal registers which are kept and used on the premises.

D&B Licensing Consultant have been retained by Mrs Randhawa to carry out staff licensing referresher training.

All staff will be trained at regular intervals in the sale of alcohol and prevention of underage sales including proxy sales, the offence of serving to a person who is believed to be drunk and other legislation within the licensing Act 2003.

Signed. David Lester

Partner D&B Licensing.

Date. 6th July 2018

D & B Licensing and Security Consultants

Authorised Grade One BIIAB Tutors - Centre No. C01699

E mail

Home

Mobile

Registered Office

Licensing course contents.

- Introductions
- Aims of the course
- Guess the age section
- What should we accept as proof of age?
- Why a premises licence is important
- Licensable activities
- Test purchasing
- What actions can be taken to prevent under-age sales?
- Proxy sales/ Buy and supply
- Refusal register.
- Incident report forms.
- Partnership working Police/Trading Standards/Licensing Authority/Local community.
- What is alcohol? How does it affect the body?
- Safe weekly limits of alcohol intake.
- Licensing objectives
- Irresponsible promotions
- Moral and legal obligations
- Offences under the licensing Act and penalties including persistently selling
- How to deal with refusals of possible underage sales.
- Difficult situations.
- New mandatory conditions
- CCTV
- Due diligence. Training records and refusal register.
- 20 Question multi choice tests
- Course Certificate.

APPENDIX 4 – SECTION 182 GUIDANCE AND LICENSING ACT 2003

Section 182 Guidance – Transfer of Premises Licence

8.99 The 2003 Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police in all cases, and the Home Office (Immigration Enforcement) if this licence authorises the sale of alcohol or provision of late night refreshment. Where it is made electronically via GOV.UK or the licensing authority's electronic facility, the licensing authority must notify the police and the Home Office (Immigration Enforcement) no later than the first working day after the application is given. However, the responsibility to notify the DPS remains the applicant. Otherwise the general guidance on electronic applications set out in paragraphs 8.21 to 8.28 applies.

8.100 In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police or the Home Office (Immigration Enforcement) raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.

8.101 In exceptional circumstances where the chief of police believes the transfer may under the crime prevention objective, the police may object to the transfer. The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises. Such objections are expected to be rare and arise because the police or the Home Office (Immigration Enforcement) have evidence that the business or individuals seeking to hold the licence, or businesses or individuals linked to such persons, are involved in crime (or disorder) or employing illegal workers.

8.102 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police or the Home Office (Immigration Enforcement) are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicant's backgrounds, it is expected that it would raise the matter immediately with the chief office of police or the Home Office (Immigration Enforcement).

LICENSING ACT 2003

SECTION 42 – APPLICATION FOR TRANSFER OF A PREMISES LICENCE

- (1) Subsection to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.
- (2) Where the applicant is an individual he must be aged 18 or over.
- (2A) Where the applicant is an individual who is resident in the United Kingdom and the premises licence authorises premises to be used for a licensable activity within section 1(1)(a) or (d) he must also be entitled to work in the United Kingdom
- (3) Subsection (1) is subject to regulations under –
 - (a) Section 54 (form etc of applications etc)
 - (b) Section 55 (fees to accompany applications etc)
- (4) An application under this section must also be accompany by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (5) The relevant person must give notice of the application to the chief officer of police for the police area (or each police area) in which the premises are situated.
- (5ZA) Where the premises licence authorised premises to be used for a licensable activity within section 1 (1)(a) or (d) the relevant person must also give notice of the application to the Secretary of State.
- 5(A) In subsections (5) and (5ZA) “relevant person² means
 - (a) The relevant licensing authority, in a case where the applicant submitted the application to the relevant licensing authority by means of a relevant electronic facility.
 - (b) The applicant, in any other case
- (6) Where a chief officer of police notified under subsection (5) is satisfied that the exceptional circumstances of the case such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied.
- (7) The chief of police must give that notice within the period of 14 days beginning with the day on which he is notified of the application under subsection (5).
- (8) Where the Secretary of State is given notice under subsection (5ZA) and is satisfied that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises, the Secretary of State must give the relevant licensing authority a notice stating the reasons for being so satisfied.

- (9) The Secretary of State must give that notice within the period of 14 days beginning with the day on which the Secretary of State is notified of the application under subsection (5ZA)

SECTION 43 – CIRCUMSTANCES IN WHICH TRANSFER APPLICATION GIVEN INTERIM EFFECT

- (1) Where
- (a) An application made in accordance with section 42 includes a request that the transfer have immediate effect, and
 - (b) the requirements of this section are met,
- then, by virtue of this section, the premises licence has effect during the application period as if the applicant were the holder of the licence.
- (2) For this purpose “the application period” means the period which –
- (a) Begins when the application is received by the relevant licensing authority, and
 - (b) Ends –
 - (i) When the licence is transferred following the grant of the application, or
 - (ii) If the application is rejected, when the applicant is notified of the rejection, or
 - (iii) When the application is withdrawn.
- (3) Subject to subsections (4) and (5), an application within subsection (1)(a) may be made only with the consent of the holder of the premises licence.
- (4) Where a person is the holder of the premises licence by virtue of an interim authority notice under section 47, such an application may also be made by that person.
- (5) The relevant licensing authority must exempt the applicant from the requirement to obtain the holder’s consent if the applicant shows to the authority satisfaction-
- (a) That he has taken all reasonable steps to obtain that consent, and
 - (b) That, if the application were one to which subsection (1) applied, he would be in a position to use the premises during the application period for the licensable activity or activities authorised by the premises licence.
- (6) Where the relevant licensing authority refuses to exempt an applicant under subsection (5), it must notify the applicant of its reasons for that decision.

SECTION 44 – DETERMINATION OF TRANSFER APPLICATION

- (1) This section applies where an application for the transfer of a licence is made in accordance with section 42.
- (2) Subject to subsections (3) and (5), the authority must transfer the licence in accordance with the application.
- (3) The authority must reject the application if none of the conditions in subsection (4) applies.

- (4) The conditions are –
- (a) That section 43(1) (applications given interim effect) applies to the application,
 - (b) That the holder of the premises licence consents to the transfer,
 - (c) That the applicant is exempted under subsection (6) from the requirement to obtain the holder's consent to the transfer.
- (5) Where a notice is given under section 42(6) or (8) and not withdrawn, and subsection (3) above does not apply, the authority must –
- (a) Hold a hearing to consider it, unless the authority, the applicant and the person who gave the notice agreed that a hearing is unnecessary and
 - (b) Having regard to the notice-
 - (c) (i) where the notice is given under section 42(6), reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
 - (ii) where the notice is given under section 42(8), reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.
- (6) The relevant licensing authority must exempt the application 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, if the application were granted, he would be in a position to use the premises for the licensable
- (7) Where the relevant licensing authority refused to exempt an applicant under subsection (6), it must notify the applicant of its reasons for that decision.