

Licensing Act 2003

Personal Licence Application Guidance Notes



These licences authorise the specified persons to supply alcohol or allow the supply of alcohol in accordance with a Premises Licence. Such Personal Licences are 'portable' throughout England and Wales.

Information on the Licensing Act 2003 is available on legislation.gov.uk

Applications for new Personal Licences can be submitted at any time to the **Licensing Team, Richmondshire District Council, Mercury House, Station Road, Richmond, North Yorkshire, DL10 4JX**. Forms for making such an application are available upon request from the Council (01748 829100) and will also be available on the Council's website www.richmondshire.gov.uk.

For new applications an applicant must:

- Be over eighteen years old
- Not have forfeited a Personal Licence in the previous five years
- Submit a Basic or Enhanced Disclosure from Disclosure and Barring Service (<https://www.gov.uk/government/organisations/disclosure-and-barring-service>) obtained not more than one calendar month prior to submission of the application. The original certificate should be enclosed.
- Submit two photographs -
 - (a) taken against a light background so that the applicant's features are distinguishable and contrast against the background;
 - (b) 45 millimetres by 35 millimetres;
 - (c) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his/her religious beliefs, without a head covering;
 - (d) on photographic paper, and
 - (e) endorsed on the reverse by –
 - (i) the chief executive of the licensing justices for the relevant licensing authority;
 - (ii) a solicitor or notary;
 - (iii) a person of standing in the community; or
 - (iv) an individual with a professional qualification
- Possess an approved licensing qualification. The original certificate should be enclosed.
- Enclose the appropriate fee of £37.00. Cheques should be made payable to Richmondshire District Council.

The Police will be able to object to the granting of any Personal Licence on the ground of crime prevention if the person has a relevant criminal conviction (as defined in the Act). In such a case, a hearing will be held by the Council's Licensing Committee and a decision made. Personal Licences can subsequently be suspended for up to six months or forfeited by the Council.

1. Licensing Qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003

2. Right to work/immigration status

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- Does not have the right to live and work in the UK; or
- Is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not have to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as a child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national or a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produce in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen **when produce in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to any condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work in relation to the carrying on of licensable activities.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and

is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- i. any page containing the holder's personal details including nationality;
- ii. any page containing the holder's photograph;
- iii. any page containing the holder's signature;
- iv. any page containing the date of expiry; and
- v. any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

NOTES for the Disclosure of convictions and declaration form

1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 of the Licensing Act 2003.

The meaning of **foreign offences** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal Licence) Regulations 2005 see paragraph 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale.

2. Civil Immigration penalty

An Immigration penalty means a penalty under either section 15 of the Immigration Asylum and Nationality Act 2006 or section 23 of the Immigration Act 2014.