

## LICENSING ACT 2003

### GUIDANCE FOR PERSONAL LICENCE APPLICATIONS

#### **IF YOU ARE SUBMITTING AN APPLICATION BY POST PLEASE DO NOT INCLUDE ORIGINAL DOCUMENTS WITH YOUR APPLICATION**

A Personal Licence is held by a particular individual to permit that person to authorise the sale of alcohol from premises that hold a Premises Licence.

You can only apply for one Personal Licence from the Licensing Authority where you are normally resident. For example, if you live in Burnley but work in Blackburn, you must apply to Burnley Borough Council for your Personal Licence. Burnley then becomes your Licensing Authority for life, no matter where you live or work in the future. **To attempt to obtain more than one Personal Licence is a serious criminal offence.**

Our Licensing policy will help you to understand how we will administer the law. The Licensing Policy and copies of all application forms are available on our website [www.burnley.gov.uk](http://www.burnley.gov.uk) or from the licensing office at the address shown below.

Your completed application should be emailed to [licensing@burnley.gov.uk](mailto:licensing@burnley.gov.uk) or posted to: The Licensing Office, 1<sup>st</sup> Floor Parker Lane, Burnley, BB11 2BY.

The information you provide on your application will be held by the Council on computerised and manual files (data will be made available on a public register as required by relevant legislation).

The data may also be disclosed to other departments within the Council or other organisations, but only in order to ensure compliance with relevant legislation or for identification purposes or to prevent or detect fraud or a crime. Burnley Borough Council is a registered Data Controller in accordance with the Data Protection Act 1998.

#### ***You will need to enclose:-***

- A fully completed application form;
- Confirmation of your receipt for payment of the fee of £37 which is payable by debit/credit card or bank transfer.
- Two photographs of yourself. The photograph must be:-
  - Taken against a light background so that your features are distinguishable and contrast against the background;
  - 45 millimetres by 35 millimetres (standard passport);
  - Full face uncovered and without sunglasses and unless you wear a head covering due to religious beliefs, without a head covering;

On photographic paper; and

One copy endorsed “this is a true likeness of the applicant (insert your name)” and signed. It may be signed by:-

The Chief Executive of the Licensing Justices for the relevant Licensing Authority;

a Solicitor or notary;

a person of standing in the community such as a bank or building society official, a Police Officer, a civil servant or a minister of religion; or an individual with a professional qualification.

- A completed criminal convictions declaration form.
- A criminal record conviction certificate that is no more than 1 calendar month old at the time we receive your application
- Documents from the below list which demonstrate entitlement to work in the UK
- Proof of a relevant licensing qualification accredited by the relevant awarding body and the Secretary of State. A relevant licensing qualification is either;

i) BIIAB Level 2 National Certificate for Personal Licence Holders.

ii) GOAL Level 2 Certificate for Personal Licence Holders.

iii) GQAL Level 2 National Certificate for Personal Licence Holders

### **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 licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need 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 the 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 of 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 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 registration or naturalisation as a British citizen, **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 **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 a 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 relation to the carrying on of a licensable activity.

- 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 THE 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.

## **RELEVANT OFFENCES**

### 1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

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

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.