

LICENSING ACT 2003 – REVIEW OF STATEMENT OF LICENSING POLICY

SUMMARY OF PROPOSED CHANGES TO EXISTING POLICY

March 2022

Paragraph number ⁱ	Title/description ⁱⁱ	Proposed amendment ⁱⁱⁱ	Reason ^{iv}
6	Application for a Premises Licence or a Club Premises Certificate	<p>6.5 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. From 6th April 2017 the licensing authority must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual who does not have the right to work in the UK will be rejected. This applies to applications which include the sale of alcohol and the provision of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or provide late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However they will commit an offence if they work illegally.</p> <p>6.6 Where an applicant's permission to work in the UK is time-limited the licensing authority will issue a licence for an indefinite period, but the licence will become invalid when the immigration permission expires.</p>	Update to legislation

30.0	Personal Licence	<p>Inserted</p> <p>30.3 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend a personal licence. This is a discretionary power and may be exercised following any relevant offence as prescribed by the Act being brought to the authority's attention. The holder of the personal licence will be given the opportunity to make representations before any decision is made.</p> <p>30.4 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences will not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, from 6th April 2017, the licensing authority must be satisfied that an applicant has the right to work in the UK and to undertake work in a licensable activity. The licensing authority will require applicants to submit one of the documents listed at appendix D, to show that the applicant has permission to be in the UK and to work in a licensable activity.</p>	Changes to the legislation
	Appendix D	Table of documents required to prove right to work in the UK	Changes to the legislation

ⁱ List in this column the paragraph number from the licensing policy as published by your authority. Only list those paragraphs which are proposed to be amended

ⁱⁱ Set out the paragraph or section heading to give an indication of the matter covered by the paragraph

ⁱⁱⁱ Insert details of the proposed amendment eg “delete X”, “insert Y”, “insert replacement as follows ‘Z...’”

^{iv} Where possible, give a reason for making the amendment eg “to correct an error”, “transitional provisions are no longer relevant”