



LICENSING ACT 2003

APPLICATION FOR GRANT OF A PERSONAL LICENCE

GUIDANCE NOTES

This document has been produced to assist you in applying for your Personal Licence.

Pendle Borough Council is a Licensing Authority under the Licensing Act 2003.

A Personal Licence is a licence 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 Pendle but work in Burnley, you must apply to Pendle for your Personal Licence. Pendle 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 Statement of Licensing Policy will help you to understand how we will administer the law. The Statement of Licensing Policy is available on our website www.pendle.gov.uk or from the Planning, Building Control and Licensing Services Manager.

You should deliver your completed application to **Planning, Building Control and Licensing Services Manager, Pendle Borough Council, Town Hall, Market Street, Nelson, Lancashire BB9 7LG**

You will need to enclose:

- A fully completed application form.
- The fee of £37.00 (cheque payable to 'Borough of Pendle'). Cash should not be sent through the post but will be accepted if handed over in person with the completed application.
- two photographs of yourself. The photographs 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
 - 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.
- Proof of your good character. Whilst statute does not prescribe how this will be proved, it is expected that applicants produce a Disclosure and Barring Service (DBS) Basic Disclosure, dated within a calendar month of the application date. (Please note the DBS Disclosure was formally known as a CRB Disclosure)*.
 - A completed disclosure of convictions and civil immigration penalties and declaration.
 - An original, acceptable Licensing Qualification (please contact Licensing if you require a list of nearby training providers).
 - Proof of your right to work in the United Kingdom – please see the list of acceptable documentation on the list below. Please do not send original documents.

Making a false declaration is a serious offence.

Relevant Offences and Foreign Offences are shown on the attached list. Your application may take longer to process and may be refused if there are relevant or foreign offences on your application as these will be referred to Lancashire Constabulary for comment. Any application which receives comment from the Police will be considered at a hearing of the Licensing Committee, to which you will be invited. A Personal Licence can also be suspended or revoked by HM Courts Service or the Licensing Authority if it comes to light at any time after the grant of the licence that you have been convicted of a Relevant or Foreign Offence.

*You can apply for a Basic Disclosure online at www.gov.uk/request-copy-criminal-record. Details of the fee can be found on the website. The fee is payable at the time of the application with an additional charge if you pay by debit or credit card.

An application for a Personal Licence will not be accepted as a valid application unless accompanied by all the relevant documentation.

Proof of right to work in the United Kingdom

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 of 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.

RELEVANT OFFENCES

1. An offence under the Licensing Act 2003.
2. An offence under any of the following enactments -
 - a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
 - b) The Licensing Act 1964 (c. 26);
 - c) The Private Places of Entertainment (Licensing) Act 1967 (c. 19);
 - d) Section 13 of the Theatres Act 1968 (c. 54);
 - e) The Late Night Refreshment Houses Act 1969 (c. 53);
 - f) Section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
 - g) The Licensing (Occasional Permissions) Act 1983 (c. 24);
 - h) The Cinemas Act 1985 (c. 13);
 - i) The London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c.60) –
 - a) Section 1 (theft);
 - b) Section 8 (robbery);
 - c) Section 9 (burglary);
 - d) Section 10 (aggravated burglary);
 - e) Section 11 (removal of articles from places open to the public);
 - f) Section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
 - g) Section 13 (abstracting of electricity);
 - h) Section 15 (obtaining property by deception);
 - i) Section 15A (obtaining a money transfer by deception);
 - j) Section 16 (obtaining pecuniary advantage by deception);
 - k) Section 17 (false accounting);
 - l) Section 19 (false statements by company directors etc.);
 - m) Section 20 (suppression, etc. of documents);
 - n) Section 21 (blackmail);
 - o) Section 22 (handling stolen goods);
 - p) Section 24A (dishonestly retaining a wrongful credit);
 - q) Section 25 (going equipped for stealing etc.).
6. An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38) –
 - a) Section 4(2) (production of a controlled drug);
 - b) Section 4(3) (supply of a controlled drug);
 - c) Section 5(3) (possession of a controlled drug with intent to supply);
 - d) Section 8 (permitting activities to take place on premises).
- 7A. An offence under any of the Immigration Acts.

8. An offence under either of the following provision of the Theft Act 1978 (c. 31) –
 - a) Section 1 (obtaining services by deception);
 - b) Section 2 (evasion of liability by deception).
9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2) –
 - a) Section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
 - b) Section 170B (taking preparatory steps for evasion of duty).
10. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7) –
 - a) Section 8G (possession and sale of unmarked tobacco);
 - b) Section 8H (use of premises for sale of unmarked tobacco).
11. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
12. An offence under the Firearms (Amendment) Act 1988 (c. 45).
13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48) –
 - a) Section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
 - b) Section 107(3) (infringement of copyright by public performance of work etc.);
 - c) Section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
 - d) Section 297(1) (fraudulent reception of transmission);
 - e) Section 297A(1) (supply etc. of unauthorised decoder).
14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52) –
 - a) Section 3A (causing death by careless driving while under the influence of drink or drugs);
 - b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs);
 - c) Section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit);
 - d) Section 6(6) (failing to co-operate with a preliminary test).
15. An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol –
 - a) Section 14 (selling food or drink not of the nature, substance or quality demanded);
 - b) Section 15 (falsely describing or presenting food or drink).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1964 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1997 (c. 5).
18. A sexual offence, being an offence –
 - a) Listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
 - aa) Listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);
 - b) An offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

- c) An offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
- 19. A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
- 19A. An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).
- 20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).
- 21. An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.
- 22. An offence under the Fraud Act 2006.
- 22A. An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
- 22ZA. An offence under any of the following provisions of the Violent Crime Reduction Act 2006 –
 - a) Section 28 (using someone to mind a weapon);
 - b) Section 36 (manufacture, import and sale of realistic imitation firearms).
- 23. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.
- 23A. An offence under any of the following provisions of the Psychoactive Substances Act 2016 –
 - a) Section 4 (producing a psychoactive substance);
 - b) Section 5 (supplying, or offering to supply, a psychoactive substance);
 - c) Section 7 (possession of psychoactive substance with intent to supply);
 - d) Section 8 (importing or exporting a psychoactive substance).
- 23B. An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).
- 24. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
- 25. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
- 26. The offence at common law of conspiracy to defraud.

A foreign offence means an offence (other than a relevant offence), under the law of any place outside England and Wales.