



LICENSING ACT 2003 GUIDANCE TO MAKING A NEW APPLICATION FOR A PERSONAL LICENCE

This document is intended to give general guidance on how to make a new application for a Personal Licence under the Licensing Act 2003.

Personal Licence	2
Requirements for a New Personal Licence Application:	2
How do I make my application?	2
Licensing Qualifications	2
DBS Basic Check	2
Applicant photographs	3
Immigration Act 2016	3
What happens next?	3
Responsibilities of a Personal Licence Holder	3
Change of Name or Address:	3
Convictions once the Licence has been issued:	4
If you lose your personal licence	4
Renewal of Personal Licence	4
Licensing Section Contact Details	4
Annex A	5

Personal Licence

A premises licence granted under the Licensing Act 2003 which permits the sale of alcohol, must hold a Designated Premises Supervisor (DPS), this person is responsible for authorising its' sale of alcohol. The DPS **must hold a personal licence to be able to authorise alcohol sales.**

A Personal Licence **is not required** for:

- Persons who only ever sell alcohol when authorised to do so by someone else who themselves hold a personal licence.
- Other licensable activities such as the provision of regulated entertainment or late night refreshment.
- For the supply of alcohol under a club premises certificate.
- For the sale or supply of alcohol under a temporary event notice.

Requirements for a New Personal Licence Application:

- You must be 18 years of age or over.
- You must not have had a personal licence forfeited in the past 5 years.
- You must not have any unspent convictions for any relevant offence under [schedule 4 of the Licensing Act 2003](#) or any foreign offence (an offence under the law of any place outside England and Wales).
- You must possess an approved [licensing qualification](#).

How do I make my application?

The application is made to the Licensing Authority for the area in which you normally reside.

The following must be provided in order that your application may be accepted for processing:

- The completed application form
- Licensing Qualification ([see below](#) for details). This must be the original certificate or a certified copy.
- Application Fee of £37.00 (Cheques made payable to West Oxfordshire District Council)
- Completed disclosure of convictions and civil penalties form
- [Document\(s\) which demonstrate](#) the applicant's right to work within the UK
- [DBS Basic Check](#)
- Two photographs of the applicant

Licensing Qualifications

To apply for a personal licence to sell alcohol, you must hold an alcohol licensing qualification, for example a BII Level II examination certificate. Please see the [list of organisations](#) accredited by the Home Secretary under the Licensing Act 2003 which offer a personal licence course.

DBS Basic Check

The above is issued by Disclosure and Barring Service (DBS), please [visit the website](#) to apply.

Applicant photographs

You must supply 2 photos which meet the criteria below:

- Taken against a light background so that your features are distinguishable and contrast against the background
- The size of passport photograph (45 by 35 millimetres)
- Full face uncovered and without sunglasses and without a head covering (unless this is due to religious belief)
- On photographic paper.
- One photograph must be endorsed with a statement “I agree that this is a true likeness of (your name)” and signed by one of the following; a solicitor, notary, a person holding a professional qualification or a person of standing in the community (this includes a bank or building society official, a police officer, a civil servant or a minister of religion)

Immigration Act 2016

As from 6 April 2017, you are required to provide documentation to prove entitlement to work/immigration status. This is done by providing with your application copies or scanned copies of documents which demonstrate your right to work (see [Annex A](#)) within the UK. These documents do not need to be certified.

A personal licence may not be held by an individual 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.

What happens next?

When we receive your application we will send you an acknowledgement letter that will confirm if your application is complete or whether you need to provide more information. Providing that the application is complete and that you have not been convicted of a relevant or foreign offence, your Personal Licence will be granted.

If you have been convicted of a relevant or foreign offence, the Police have a right to object if they consider that granting the application would undermine the Act's crime prevention objective. In the event that the Police object to your application, you will be notified as West Oxfordshire District Council must hold a hearing to consider the objection.

Responsibilities of a Personal Licence Holder

Holders of a personal licence have certain duties under the Act:

Change of Name or Address:

If either of these change, you must contact the [Licensing Team](#) at West Oxfordshire District Council so that your licence can be replaced (there is a fee of (£10.50)).

This is true even if you move to an address which is outside of the West Oxfordshire District area, as

wherever you work or live in the future the West Oxfordshire District Council will always be the issuing authority for your personal licence.

Convictions once the Licence has been issued:

If you are charged with a relevant offence you must notify the court, no later than the first hearing, that you are a personal licence holder.

You must then notify the [Licensing Team](#) at the West Oxfordshire District Council of any conviction occurring during the duration of your licence. If any relevant conviction comes to light after a Personal Licence has been granted, the case will be referred to a Licensing Sub-Committee. The courts also have power to suspend or revoke your personal licence if you are convicted of a relevant offence.

If you lose your personal licence

You must notify the [Licensing Team](#) at the West Oxfordshire District Council and apply for a replacement (there is a fee of (£10.50).

Renewal of Personal Licence

There is no requirement to renew a Personal Licence.

Licensing Section Contact Details

The licensing team of West Oxfordshire District Council can be contacted via one of the below methods:

Postal Address:

Business Support - Licensing
Environmental & Regulatory Services
West Oxfordshire District Council
Woodgreen
Witney, OX28 1NB

Telephone: 01993 861000

Email: ers.licensing@publicagroup.uk

Internet:

<https://www.westoxon.gov.uk/business/licences-permits/>

Annex A

IMMIGRATION ACT 2016

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 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 licensing application will not be determined until you have complied with this guidance.