



## *Knowsley Council*

### **Changes to Licensing Act 2003- Effective from 6 April 2017**

#### **Guidance to the Licensed Trade**

##### Premises Licences

- Any applicant for a premises licence, transfer of premises licence, or interim authority notice must be able to evidence their right to work in the UK and to undertake work relating to the carrying on of a licensable activity.
- The Secretary of State (Home Office Immigration Enforcement) have become one of the Responsible Authorities, only where the premises intends to sell alcohol or provide late night refreshment (hot food between 11pm and 5am)
- Copies of the application types above must be served on the Secretary of State in the same way as the other Responsible Authorities
- Premises Licences will automatically lapse if the licence holder ceases to be entitled to work in the UK (or becomes resident without being entitled to work)
- Immigration Officers will be able to enter premises selling alcohol or providing late night refreshment with a view to establishing whether an offence under any of the Immigration Acts is being committed in connection with any licensable activity taking place.
- If illegal working is taking place a Closure Notice can be issued for up to 48 hours, and if this is not cancelled the Court will hear an application for an Illegal Working Compliance Order, which can remain in force for up to 12 months, with the option to be extended for a total period 24 months.

- The Licensing Authority **must** Review a premises licence if the premises it relates to becomes the subject of an Illegal Working Compliance Order.
- The Policing and Crime Act 2016 gives a new definition of **alcohol**: *“spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state”*. This change makes it clear that powdered alcohol and vaporised alcohol are to be regulated in the same way as liquid alcohol.
- Summary Reviews (A fast track review application which can be served by the Police on premises that are associated with serious crime and disorder) have some new rules. If the Licensing Authority decides to implement Interim Steps while the Review application proceeds, the premises licence holder can make representations against the Interim Steps and the Authority must consider these representations within 48 hours. Unless there is a significant change in circumstances since the first consideration the premises licence holder cannot make further representations against the Interim Steps.
- At the full review hearing, any decision made can't take effect until after the time limit for appeal (21 days). However, the Licensing Authority can decide whether continuation of Interim Steps is necessary during the appeal period and while any appeal is determined by the Magistrates' court.

### Personal Licences

- Any applicant for a personal licence must be able to evidence their right to work in the UK and to undertake work relating to the carrying on of a licensable activity.
- New Relevant Offences have been added to Schedule 4 of the Licensing Act, including additional offences of a sexual or violent nature, fraud offences, and Immigration offences.
- As well as disclosing relevant and foreign offences, new applicants for a personal licence **must** also disclose any immigration penalties contrary to s15 Immigration, Asylum and Nationality Act 2006 or s23 Immigration Act 2014.

- If the Licensing Authority receives an application for a personal licence and the applicant has disclosed an unspent immigration offence, foreign offence equivalent or has been required to pay an immigration penalty, the Licensing Authority will serve a copy of the application on the Secretary of State (Home Office Immigration Enforcement), who will have the opportunity to object to it. The Licensing Authority must reject the application if it is considered appropriate for the prevention of illegal working.
- There is a new duty for existing personal licence holders to inform the Licensing Authority if they are convicted of a relevant or foreign offence, or if they are required to pay an immigration penalty.
- The Licensing Authority can now suspend or revoke a personal licence if the holder has been convicted of a Relevant or foreign Offence or has been required to pay an immigration penalty.
- A personal licence will automatically lapse if the holder ceases to be entitled to work in the UK.