

Guidance for new applications for a Personal Licence

Section 117(2) of the Licensing Act 2003 states that..

An application for the grant of a Personal Licence –

- a) must, if the applicant is ordinarily resident in the area of a licensing authority, be made to that authority, and
- b) may, in any other case be made to any licensing authority

Personal Licence applications must be accompanied by the following documents:

- **Two recent photographs.** These must be passport size (45 millimetres by 35 millimetres), taken against a light background and with the subject's features clearly distinguishable (no sunglasses or head coverings unless the applicants wears a head covering due to religious beliefs). One of the photographs must be endorsed, with a statement verifying the likeness of the photograph to the applicant, by a solicitor, a notary, a person of standing in the community (i.e.: a bank or building society official, police officer, civil servant or a minister of religion) or any individual with a professional qualification.
- **An official criminal record disclosure form.** This may be downloaded from <https://www.gov.uk/request-copy-criminal-record> The search results shall be issued no earlier than **one calendar month** before the giving of the application to the relevant licensing authority.
- **A completed Disclosure of Convictions and Declaration Form** (enclosed herein).
- **An accredited licensing qualification (or equivalent).** This requirement is waived if the applicant is a person of prescribed description (i.e.: a member of the company of the Master, Wardens, Freemen and Commonalty of the Mistery of the Vintners of the City of London, a person operating under a licence granted by the University of Cambridge or a person operating premises under a licence granted by the Board of the Green cloth) and relevant documents are submitted to demonstrate this.
- **The relevant fee of £37.** Cheques etc. should be made payable to the Royal Borough of Kensington & Chelsea. Payment may also be made by credit card, by calling us on 020 7341 5152.
- **Documents which demonstrate entitlement to work in the UK – see notes on page 2**

The completed application form along with relevant documents should be submitted to the Licensing Team, Royal Borough of Kensington and Chelsea - please visit our website www.rbkc.gov.uk for our current postal address or contact us via Telephone: 020 7341 5152 or email: licensing@rbkc.gov.uk

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 in one of two ways:

- 1) by providing with this application copies or scanned copies of the documents which an applicant may provide to demonstrate their entitlement to work in the UK (which do not need to be certified) that are published on GOV.UK and in [guidance issued under section 182 of the Licensing Act 2003](#)
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing this service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

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.