

Changes to the Licensing Act 2003

1. Premises Licence applications

- Only those entitled to work in the United Kingdom may apply for a licence.
- The Home Office is the responsible authority when a venue sells, or proposes to sell, alcohol or provides late-night refreshments. This allows the Immigration Service to make representations against granting a licence.
- Licences will lapse if the holder ceases to be entitled to work in the United Kingdom.

2. Premises Licence transfers

- Only residents entitled to work in the United Kingdom can apply for a licence transfer that authorises the sale of alcohol or late-night refreshments.
- The Home Office will need to be served a copy of the application. It then has 14 days to object if it feels the licence would make it harder to stop people working illegally.
- If an objection is raised the licensing authority would reject the application on those grounds.

3. Personal Licences

- Only those entitled to work in the United Kingdom may apply for a Personal Licence.
- Immigration offences are relevant for Personal Licences and immigration fines are disclosable subject to certain exceptions.
- The Home Office will need to be served a copy if the applicant has any unspent immigration offences, foreign offence equivalents, or paid immigration penalties.
- As with Premise Licence Transfers, the Home Office has 14 days to object to the application and the licensing authority must reject the application if it considers it appropriate for the prevention of illegal working in licensed premises.
- There will be a new duty for Personal Licence holders to inform the local authority if they have to pay an immigration penalty.
- A Personal Licence will cease if the holder is no longer entitled to work in the United Kingdom.

4. Rights of entry

- Immigration officers can enter premises that sell alcohol or provide late-night refreshment to see if an offence under of the Immigration Act is being committed in connection with a licensing activity.

5. Illegal working closure notices

- An immigration officer can issue an 'illegal working closure notice' for up to 48 hours they are satisfied people are working illegally. A closure notice can only be issued if reasonable efforts have been made to inform any person with an interest in the premises. Additionally, the immigration officer is required to consult all appropriate parties.