



THE LICENSING ACT 2003

GUIDANCE NOTES FOR PERSONAL LICENCES

1. What is a Personal Licence?

- 1.1 Under the Licensing Act 2003, all sales of alcohol must be made by, or under the authority of a Personal Licence Holder. Not everyone who makes a sale has to hold a Personal Licence, so long as a Personal Licence Holder has authorised the sale. This does not apply to qualifying clubs or premises operating under a Temporary Event Notice (TEN).
- 1.2 An application for a Personal Licence must be made to the authority where you are normally resident, even if you work in another authority's area. Once a Personal Licence is issued in a particular licensing authority area, it will be valid for use anywhere in England and Wales and remains valid indefinitely unless it has been surrendered or revoked. A personal licence, however, ceases to have effect if the holder of the licence ceases to be entitled to work in the United Kingdom.
- 1.3 You can have as many Personal Licence Holders on one premise as you wish, providing there is only one Designated Premises Supervisor (see below). You can also choose to become a Personal Licence Holder if you wish to apply for more than five Temporary Event Notices a year, but otherwise would not require one.

2. What is a Designated Premises Supervisor?

- 2.1 A person cannot become a Designated Premises Supervisor (DPS) unless he is also a Personal Licence Holder. All premises operating under a Premises Licence to sell or supply alcohol must appoint a DPS for the premises. There can only be one DPS per premises. The DPS will be held as the person in overall charge of the premises. You should therefore choose this person with care.
- 2.2 Applicants must nominate the DPS on their application form for a Premises Licence. This person does not have to be on the premises at all times, but they must take responsibility for what happens there. This means the DPS should ensure any staff they appoint are appropriately trained in the requirements of the Licensing Act 2003 and of any specific conditions attached to the Premises Licence.
- 2.3 Although qualifying clubs do not need a DPS to sell alcohol to members and their guests, this exemption does not apply if the premises are hired out for wedding receptions and the like. You need a full Premises Licence for these activities (unless you are only holding a small number of events, which you can hold under a TEN) and therefore need to appoint a DPS.

3. Application for Grant of a Personal Licence

- 3.1 You must comply with the following:-
 - (i) Be over the age of 18.,

- (ii) Completed the prescribed form.
- (iii) Pay the fee, which is currently set at £37.00.
- (iv) Provide two photographs which shall be.
 - (a) taken against a light background so that the applicant's features are distinguishable and contrast against the background.
 - (b) 45 millimetres by 35 millimetres.
 - (c) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering.
 - (d) on photographic paper, and one of which is endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.
- (v) Demonstrate that you have the right to live and work in the UK. Copies or scanned copies of documents, must accompany the application form (see application for details)
- (vi) Provide proof that you hold a Licensing Qualification that has been accredited by the Secretary of State, or proof that you are a person of prescribed description. (See Appendix A)
- (vii) Either –
 - (a) a criminal conviction certificate issued under section 112 of the Police Act 1997(a)*
 - (b) a criminal record certificate issued under section 113A of the Police Act 1997, or*
 - (c) the results of a subject access search under the Data Protection Act 1998(b) of the Police National Computer by the National Identification Service.

In any case such certificate of search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority.

*Unfortunately, these checks are currently unavailable in England and Wales and applicants are advised to contact Disclosure Scotland by telephoning 03000 200040. Alternatively, for further information you may wish to visit their website at www.mygov.scot/disclosure

- (viii) A declaration by the applicant, that either he has not been convicted of a relevant offence, immigration offence, foreign offence, or an immigration penalty, or that he has been convicted of a relevant offence, immigration offence, foreign offence or an immigration penalty, accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it (see Appendix B). A relevant/foreign offence that is spent within the terms of the Rehabilitation of Offenders Act 1974 need not be declared. For further information on spent and unspent convictions, please see Appendix C.

- 3.2 If there are any relevant or foreign offences, the licensing authority must notify the Chief Officer of Police for its area. The Police can make a representation against the application on crime prevention grounds. Similarly, if an applicant has been convicted of an immigration offence, or required to pay an immigration penalty, the Licensing Authority must also notify the Secretary of State, who can make representations against the application where they are satisfied that granting the licence would be prejudicial to the prevention of illegal working in licensed premises. If there is a representation by the Police or Secretary of State, your application will be determined by the Council's Licensing and Gambling Sub-Committee, an elected body of Councillors. They will listen to evidence from both sides before deciding whether to grant the licence. Alternatively, all parties may agree that a hearing is unnecessary.
- 3.3 If there is no representation by the Police, the licence will be granted.
- 3.4 Licensing authorities are unable to issue a personal licence to anyone who is not entitled to work in relation to a licensing activity. An application made by someone who is disqualified by reason of their immigration status, is invalid and must be rejected.

4. Application Format

- 4.1 You must comply with the following -
- (i) An application shall be given in writing.
 - (ii) Notwithstanding the requirement in paragraph (i) and subject to paragraph (iii), that requirement shall be satisfied in a case where –
 - (a) The text of the application:-
 - (i) is transmitted by electronic means
 - (ii) is capable of being accessed by the recipient
 - (iii) is legible in all material respects; and
 - (iv) is capable of being read and reproduced in legible written form and used for subsequent reference
 - (b) the person to whom the application is to be given has agreed in advance that an application may be given to them by those means; and
 - (c) forthwith on sending the text of the application by electronic means, the application is given to the recipient in writing.
 - (iii) Where the text of the application is transmitted by electronic means, the giving of the application shall be effected at the time the requirements of paragraph 2(a) are satisfied, provided that where any application is required to be accompanied by a fee, or any document that application shall not be treated as given until the fee or document has been received by the relevant licensing authority.

This leaflet is produced as a guide and should not be considered authoritative. For further information you should refer to the Act itself which can be viewed on the HMSO website www.hmso.gov.uk/acts2003/20030017 or the DCMS website www.culture.gov.uk

Professional advice should be sought if you have any doubt

APPENDIX A

LICENSING ACT 2003 PERSONAL LICENCE QUALIFICATION

Currently the approved licensing qualifications for personal licence holders are:

BIIAB Level 2 Award. Qualification accreditation number 501/1494/3. Website www.bii.org: Telephone 01276 684 449. Email: qualifications@bii.org

HABC Level 2 Award. Qualification accreditation number 500/9974/7. Website www.highfieldabc.com: Telephone 0845 226 0350: Email: info@highfieldabc.com

NCFE Level 2 Award. Qualification accreditation number 600/1323/0: Website: www.ncfe.org.uk: Telephone 0191 239 8000: Email: info@ncfe.org.uk

SQA Level 2 Award. Qualification accreditation number 600/1269/9: Website www.sqa.org.uk: Telephone 0845 279 1000. Email: customer@sqa.org.uk

CIEH Level 2 Award. Qualification accreditation number 601/2104/X: Website: <http://www.cieh.org/> : Telephone 0207 827 5800. Email: customerservices@cieh.org

IQ Level 2 Award. Qualification accreditation number 601/4980/2: Website: <http://www.industryqualifications.org.uk/> Telephone 01952 457 452. Email: info@industryqualifications.org.uk

LASER Level 2 Award. Qualification accreditation number 600/6446/8 Website: www.laser-awards.org.uk/ Telephone: 01932 569894 Email: enquiries@laser-awards.org.uk

Pearson Education Ltd Level 2 Award. Qualification accreditation number 601/3483/5. Website: <http://qualifications.pearson.com> . Email: wblcustomerservices@pearson.com

Training Qualifications UK Level 2 Award. Qualification accreditation number 601/6508/X. Website: www.tquk.org. Email: account.managers@tquk.org

Details of Local Training Providers are set out below

Training Provider	Contact Details
Coleg y Cymoedd Ystrad Mynach Campus Twyn Road, Hengoed CF82 7XR	Phone: 01443 816888 Email: enquires@cymoedd.ac.uk Website: www.cymoedd.ac.uk
Coleg Gwent Nash Road Newport NP19 4TS	Phone: 01495 333777 Email: Website: www.coleggwent.ac.uk
CPL Training Egerton House 2 Tower Road Birkenhead CH41 1FN	Phone: 01516 506910 Email: contact.us@cpltraining.co.uk Website: www.cpltraining.co.uk
Knight Training 134 The Barracks White Cross Business Park South Road LA1 4XQ	Phone: 03309 993199 Email: info@knighttraining.co.uk Website: www.knight.training.co.uk
Licensed Trade Training Agency Ltd Aberdare Mid Glamorgan	Phone: 01685 811357 Email: Website:
About Training The Business Centre Cardiff House Cardiff Road Barry Vale of Glamorgan CF63 2AW	Phone: 08700 346090 or 01446 731266 Email: Website: www.about-training.co.uk

This list of training providers has been given for your information and assistance. This is not an exhaustive list and the authority does not recommend any one provider in particular.

APPENDIX B

Meaning of “relevant offence” , “immigration offence”, “foreign offence” and “immigration penalty””.

- (1) In this Part “relevant offence” means an offence listed in Schedule 4 of the Licensing Act 2003.
- (2) The Secretary of State may by order amend that list so as to add, modify or omit any entry.
- (2A) In this Part “immigration offence” means –
 - (a) an offence referred to in paragraph 7A of Schedule 4, or
 - (b) an offence listed in paragraph 24 or 25 of Schedule 4 that is committed in relation to an offence referred to in paragraph 7A of that Schedule.
- (3) In this Part “foreign offence” means an offence (other than a relevant offence) under the law of any place outside England and Wales.
- (4) In this Part “immigration penalty” means a penalty under -
 - (a) Section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
 - (b) Section 23 of the Immigration Act 2014 (“the 2014 Act”)

Personal Licence: Relevant Offences

Schedule 4

Section 113

1. An offence under this Act.
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 sub-section (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 of 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)
 8. An offence under either of the following provisions 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 sub-section (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) -
 - (c) section 8G (possession and sale of unmarked tobacco)
 - (d) 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 1994 (c. 26) (unauthorised use of trademark, 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.

APPENDIX C

For the purposes of this Part a conviction for a relevant offence or a foreign offence must be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974

Summary of Rehabilitation of Offenders Act 1974 (as amended)

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3 ½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months

Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

* Compensation Orders – it is important that individuals obtain proof of payment from the court and keep this document to prove that the compensation order has been paid in full.