

Licensing Act 2003 Personal Licences Application Guidance



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What is a Personal Licence?

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).

You must normally apply for your Personal Licence to the Council in whose district you ordinarily live.

You can have as many Personal Licence Holders on one premises 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.

What is a Designated Premises Supervisor (DPS)?

All premises operating under a Premises Licence to sell or supply alcohol must appoint a Designated Premises Supervisor (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.

Applicants for Premises licences must nominate the DPS on their application form. 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.

A person cannot become a DPS unless he is also a Personal Licence Holder.

Although qualifying clubs don't 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.

Application for a Personal Licence

Requirements for an application for a Personal Licence

- Be over 18
- Completed Application form **PEN01**
- Two photographs of the applicant, which shall be
 - (i) Taken against a light background so that the applicant's features are distinguishable and contrast against the background,
 - (ii) 45 millimetres by 35 millimetres,
 - (iii) Full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his/her religious beliefs, without a head covering,
 - (iv) 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;
- 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.
- Either-
 - (i) a criminal conviction certificate issued under section 112 of the Police Act 1997(a), or
 - (ii) a criminal record certificate issued under section 113A of the Police Act 1997, or
 - (iii) the results of a subject access search under the Data Protection Act 1998(b) of the Police National Computer by the National Identification Service.
 - a) Currently a basic criminal conviction record can only be obtained from Disclosure Scotland on payment of a fee. Contact details are:
Disclosure Scotland,
PO Box 250,
Glasgow, G51 1YU
Telephone 0870 609 6006
www.disclosurescotland.co.uk
 - b) Alternatively but less straight forward a subject access search can be obtained from a Police Station on payment of a fee. Experience has shown that the Disclosure Scotland avenue is generally quicker than a police subject access report.

Important Note:

In all cases these certificates or subject access reports shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority. This means that the certificate/subject access report must be less than one month old when the Council receive it together with the Personal licence application.

- a declaration by the applicant, in the form set out in form **PEC02**, that either he/she has not been convicted of a relevant offence or a foreign offence or that he/she has been convicted of a relevant offence or a foreign offence 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. Further information on spent and unspent convictions, please see Appendix A.
- Fee (£37.00).

If there are relevant offences, the Police can make a representation against the application on crime prevention grounds. If the police make a representation then there will be a hearing of the application as described above.

Making an application

- (1) An application shall be given in writing.
- (2) Notwithstanding the requirement in paragraph (1) and subject to paragraph (3), 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;

The person to whom the application is to be given has to agree in advance that an application may be given to them by those means, and;

 - (b) forthwith on sending the text of the application by electronic means, the application is given to the recipient in writing.
- (3) 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.

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. Any statements on these pages do not replace, extend, amend or alter in any way the statutory provisions of the Licensing Act 2003 or any subordinate legislation made under it or statutory guidance issued in relation to it. No responsibility is accepted by East Devon District Council for any errors, omissions or misleading statements on these pages, or any site to which these pages refer. In particular, it must be noted that, although East Devon District Council has made every effort to ensure that the information in these pages is correct; changes in the law and the nature of implementation mean that the information in these pages cannot be guaranteed as accurate.

SPENT CONVICTIONS

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 (See Act for full details)	
Sentence	Becomes Spent After
*Imprisonment of between 6 months and 2½ years	10 years
*Imprisonment or youth custody of up to 6 months.	7 years
Borstal training	7 years
*A fine or other sentence not otherwise covered in this table.	5 years
For an absolute discharge	6 months
For a probation order	5 years or 2½ years, if under 18 years of age at the time of conviction, or until the order expires (whichever is the longer)
Conditional discharge or bind over.	1 year (or until Order expires, whichever is the longer).
Disqualification (Driving)	For period of disqualification.
Remand Home, Attendance Centre or Approved School Order	Period of the Order and a further year after the Order expires.
Hospital Order under the Mental Health Act	Period of the Order and a further 2 years after it expires.
*Cashiering, discharge with ignominy or dismissal from the Armed Forces.	10 years
*Dismissal from the Armed Forces	7 years
*Detention by the Armed Forces	5 years
Detention by direction of the Home Secretary:-	
For a period exceeding 6 months but not exceeding 30 months (Armed Forces);	5 years
Detention of less than 6 months.	3 years
Note: (i) A sentence of more than 2½ years imprisonment can never become spent (ii) If you were under 18 years of age on the date of conviction, please halve the period in the right hand column for the sentences marked with an *.	

Meaning of "relevant offence" and "foreign offence"

- (1) In this Part "relevant offence" means an offence listed in Schedule 4 (see below).
- (2) The Secretary of State may by order amend that list so as to add, modify or omit any entry.
- (3) In this Part "foreign offence" means an offence (other than a relevant offence) under the law of any place outside England and Wales.

PERSONAL LICENCE: RELEVANT OFFENCES

Licensing Act 2003 - SCHEDULE 4

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 subsection (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 by 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 subsection (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):
 - (a) Section 8G (possession and sale of unmarked tobacco);
 - (b) 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
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, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6).
19. A violent offence, within the meaning of section 161(3) of that Act.
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).

APPENDIX C

Accredited personal licence qualification providers

The Secretary of State has accredited the following personal licence qualifications under the Licensing Act 2003:

BIIAB Level 2 National Certificate for Personal Licence Holders

QCA Accreditation Number:100/4866/2

Website: www.bii.org

Telephone:01276 684449

Email: qualifications@bii.org

Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT

GOAL Level 2 Certificate for Personal Licence Holders

QCA Accreditation Number:100/4865/0

Website: www.ediplc.com

Telephone:08707 202909

Email: customerservice@ediplc.com

Address: Qualifications and processing centre, Athena House, Station Road, Sidcup, Kent, DA15 7BJ

GQAL Level 2 National Certificate for Personal Licence Holders

QCA Accreditation Number:100/5040/1

Website: www.nationaltrainingco.com

Telephone: 01305 786639

Email: enquiries@pubshop.co.uk

Address: The Pubshop Ltd, Orchard Leigh, 96 Rodwell Avenue, Weymouth DT4 8SQ