



GUIDANCE NOTES ON APPLICATIONS FOR THE GRANT OF PERSONAL LICENCES UNDER THE LICENSING ACT 2003

IMPORTANT NOTE

This guide only relates to applications for the grant of new Personal Licences. It is not intended to be a comprehensive document and does not refer to other types of applications. The Council cannot accept any liability for any errors or inaccuracies.

More information about the Licensing Act 2003 and the necessary forms can be found

- on the Home Office website at:
<http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/>
- the Council's own website at:
<http://www.ambervalley.gov.uk/business/licences-and-street-trading.aspx>

If you have any queries please contact the Council's Licensing Section on 01773 570222 or take your own legal advice.

Contents

Applying for a new Personal Licence

- Introduction
- Who can apply?
- Who do I apply to?
- Applying for a Personal Licence
- What happens next?
- Surrendering a Personal Licence
- Convictions

Appendix 1 – Useful contacts and addresses

Appendix 2 – Relevant Convictions

FORMS needed:

Application for a Personal Licence

Disclosure of convictions and declaration

Personal Licences

Introduction

Where a Premises Licence has been issued alcohol can only be sold or supplied by a person who holds a Personal Licence or by someone who a Personal Licence holder has authorised¹.

All licensed premises (but not a Qualifying Club which has been granted a Club Premises Certificate) must have a Designated Premises Supervisor who holds a Personal Licence. There can only be one Designated Premises Supervisor at any one time. Other staff can apply for a Personal Licence if needed, but this is a matter for the Premises Licence holder².

Note

1. The Personal Licence holder doesn't need to be on the premises at all times alcohol is sold or supplied but must be able to satisfy the Police and the courts that any authorisations given to other staff are genuine. Keeping a signed record of authorisations may help.
2. Licensees might consider having more than one Personal Licence holder in case the nominated Designated Premises Supervisor dies or leaves at short notice and a new Designated Premises Supervisor has to be appointed.

Personal Licences last indefinitely unless they are surrendered or revoked by the Council or the Courts. A Personal Licence becomes ineffective if it is surrendered.

Who can apply?

Persons over 18 years of age can apply for the Grant of a Personal Licence subject to conditions.

Who do I apply to?

If you are applying for the Grant of a Personal Licence for the first time, you need to apply to the licensing authority for the area where you are ordinarily resident (ie if you live in the Borough of Amber Valley, you need to apply to Amber Valley Borough Council).

How do I apply?

Applying for the grant of a Personal Licence

There are important conditions¹ for applications for Personal Licences.

Note

1. The Council will grant your application if you comply with all of the following conditions:
 - you are 18 years of age or over
 - you hold a qualification awarded by an accredited body or a certified or other qualification or be a person prescribed by regulations
 - you have not forfeited a Personal Licence within 5 years of your application
 - you have not committed a relevant or foreign offence (see Appendix 2)
 - you have the right to work in the UK
 - the application has been made correctly
2. If you comply with the other conditions but have been convicted of a relevant or foreign offence or a civil immigration policy the Council will notify the Police and Immigration Enforcement (who may object).

The application

Send to the Council

- The application form for the grant of a Personal Licence duly completed and
- Two photographs¹ of the applicant, one of which is duly endorsed² as a true likeness and
- The applicant's original licensing qualification or a certified copy signed by a person in authority³ and
- The applicant's original criminal conviction certificate or search or a certified copy signed by a person in authority (This document must be no more than one month old when the application is made.)⁴.
- A declaration giving details of any relevant or foreign offence of which the applicant has been convicted or confirming that there are none.
- The fee of £37.00 (make cheques payable to 'Amber Valley Borough Council')

Note

1. The photographs must:

- be taken against a light background so that the applicant's features are distinguishable and contrast against the background
- be 45 mm by 35 mm in size
- full face uncovered without sunglasses and without a head covering (unless a head covering is worn for religious beliefs)
- on photographic paper

2. One photograph must be endorsed as being a true likeness by;

- a solicitor
- a person of standing in the community (eg a bank or building society official, a police officer, a civil servant or a minister of religion)
- a person with a professional qualification

3. A licensing qualification is one which has been accredited at the time of its award and has been awarded by a body accredited by the government.

(see Appendix 1 – Useful Contacts)

4. A criminal conviction certificate or search is one of the following:

- A criminal conviction certificate from the Disclosure and Barring Service (a standard DBS certificate).
- A criminal record certificate from the DBS (a Standard or Enhanced Certificate). This form of certificate has to be obtained via a body registered with the DBS and will only be appropriate in limited circumstances.
- A subject access search from the Police National Computer. This is obtained by applying to the police.
- **This document must be no more than one month old when the application is made.**

What happens next?

1. If you satisfy the conditions mentioned on the previous page, the Council will grant the application, notify both you and the Police and issue a Personal Licence¹
2. If it appears to the Council that you have been convicted of a relevant or a foreign conviction the Council will notify the Police and Home Office (Immigration Enforcement).

If the Police or Home Office (Immigration Enforcement)

- Do not object within 14 days, the Council will grant the application and issue a Personal Licence.
- Object within 14 days, the Council will arrange a hearing

3. All Personal Licence applications which include a declaration of an unspent conviction for a relevant offence or a foreign offence, as set out in Schedule 4 of the 2003 Act and all Personal Licence applications which declare a civil immigration penalty will be forwarded to the Home Office (Immigration Enforcement) Alcohol Licensing Team.

Note

1. The Personal Licence will be in two parts.

The first part will be no larger than 70 mm x 100 mm and will contain:

- the applicant's name and address
- the details of the licensing authority
- the applicant's photograph
- the licence number
- the expiry date

The second part will have the same information except for the photograph and will also include;

- a record of all relevant and foreign offences; the dates of conviction and the penalties imposed.

Surrendering a Personal Licence

If you wish to surrender a Personal Licence you need to:

- give the Council notice in writing
- send the Personal Licence with the notice (or a statement explaining why it is not enclosed).

The Licence lapses when the Council receives the notice.

Convictions

Relevant¹ and Foreign² Convictions (other than Spent Convictions³) must be disclosed in any application.

If you are convicted of an offence between the time you make the application and the time it has been determined by the Council, you must notify the Council⁴. The Council will then notify the Police whenever a Relevant and Foreign Conviction comes to light (even after the Grant or Renewal of a licence). The Police can then object within 14 days and if they do, the Council will then arrange a hearing to decide whether or not to revoke the licence.

If you are convicted of an offence after the Council has granted the application, you must notify the Council⁴. The Court can order that your licence be suspended or forfeited.

Note

1. A relevant conviction is a conviction listed in Schedule 4 to the Licensing Act 2003 (as amended from time to time). See Appendix 2.
2. A foreign offence is an offence (other than a relevant offence) under the law of a place outside England and Wales.
3. A Spent Conviction is a conviction which is 'spent' under the Rehabilitation of Offenders Act 1974 and will be disregarded.

APPENDIX 1 – USEFUL CONTACTS AND ADDRESSES

Amber Valley Borough Council
Licensing Section
(this is the address where the Register is kept and
to which all applications should be sent)

Amber Valley Borough Council
Licensing Section
Town Hall
Market Place
Ripley
DE5 3BT

Tel: 01773 570222
Email: licensing@ambervalley.gov.uk
Website: www.ambervalley.gov.uk

Home Office (Immigration Enforcement)
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

Licensing Qualifications

Please see the link below for a list of Accredited Personal Licence Qualification Providers:-

<https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers/accredited-personal-licence-qualification-providers>

Alternatively you can contact the Licensing Section on 01773 570222 for a copy of the list of the providers.

Criminal Checks

Disclosure and Barring Service

Website:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

Telephone: 0300 020 0190

Email: customerservices@dbs.gsi.gov.uk

Derbyshire Constabulary
'C' Division Operations Licensing
(for assistance on licensing matters from the police)

Derbyshire Constabulary
'C' Division Operations Licensing
Chesterfield Police Station
Beetwell Street
Chesterfield
Derbyshire
S40 1QP

Tel: Non emergency: 101
Direct: 0300 122 8170
Fax: 0300 122 8361
Email: northdivlicensing@derbyshire.pnn.police.uk

APPENDIX 2 – PERSONAL LICENCE: RELEVANT OFFENCES

1. An offence under the Licensing Act 2003
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 a 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 trade mark, 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[2], 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));
 - (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)."
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.