

## **LICENSING ACT 2003**

# **PERSONAL LICENCES**

### **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, as 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 may decide to become a Personal Licence Holder if you want to apply for more than five Temporary Event Notices a year.

You must normally apply for your Personal Licence to the Council in whose district you live. If you do not live in the United Kingdom, you can apply to any Council that issues Personal Licences.

You can have as many Personal Licence Holders on your premises as you wish, but only one Personal Licence Holder must be nominated as the Designated Premises Supervisor (see below).

### **What is a Designated Premises Supervisor?**

All Premises Licences that authorise the sale of alcohol must specify a Designated Premises Supervisor (DPS). This person is ultimately responsible for everything that happens on the premises, and must hold a valid Personal Licence.

You are only permitted to nominate one DPS per Premises Licence. The DPS does not have to be present on the premises at all times. However, as they are responsible for ensuring the premises are compliant with the law, we would suggest you appoint somebody who has day-to-day responsibility for the business.

## Applying for a Personal Licence

You can apply for a Personal Licence if you:

- Are aged 18 or over
- Have not forfeited a Personal Licence in the past five years
- Have obtained a current criminal records check
- Have obtained the relevant licensing qualification\*

*\*This requirement can be waived if you are a person of prescribed description under s.120(2)(b) Licensing Act 2003. This includes, for example, a person operating a premises under a licence granted by the Board of the Green Cloth.*

Applications for a Personal Licence must be sent to the Licensing Team at the address on the front of this document. If the application is valid, and you do not have any unspent convictions for a relevant or foreign offence, we will issue your Personal Licence.

If you have an unspent conviction for a relevant or foreign offence, we will notify the Police that you have applied for a Personal Licence. If they believe the granting of a Personal Licence will undermine the crime prevention objective, they can make an objection against the application.

Once we receive an objection from the Police, we will arrange a hearing with the Licensing Sub Committee, who will decide whether to grant the Personal Licence.

### Your application for a Personal Licence must include ALL of the following:

1. Completed **Application for a Personal Licence** form.
2. Completed **Disclosure of Convictions and Declaration** form.

This form is a declaration that you have not been convicted of a relevant offence or a foreign offence, or, if you have been convicted of a relevant/foreign offence, gives details of the nature and date of the conviction and any sentence imposed (see Appendix A).

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 B.

3. One of the following **Criminal Records Certificates**:
  - A **DBS check** – Can be applied for online. Visit <https://www.gov.uk/request-copy-criminal-record> for further information.
  - A **Subject Access Search** – Can be obtained from the local police station. Further information can be obtained by calling the Data Protection Unit on 0845 4567 000.

The certificate must be dated no earlier than one calendar month before your application is received by the Licensing Office.

4. The original or a certified copy of the **Level 2 National Certificate for Personal Licence Holders**. This qualification can be obtained from any of the following providers:

- The **British Institute of Innkeeping** – [www.biiab.org](http://www.biiab.org) / 01276 684449
- **GQAL** – [www.nationaltrainingco.com](http://www.nationaltrainingco.com) / 01305 786639
- **GOAL** – [customerservice@ediplc.com](mailto:customerservice@ediplc.com) / 08707 202909

5. Two **photographs**, which must be:

- Taken against a light background so that the applicant's features are distinguishable and contrast against the background
- 45 millimetres by 35 millimetres
- Full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering
- On photographic paper
- 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

6. The fee of £37 made payable to B&NES.

**This information has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.**

**Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.**

