

Basingstoke and Deane Borough Council

Licensing Act 2003

Notes for Applicants – Personal Licences

1) Introduction

This leaflet provides advice about the procedure under the Licensing Act 2003 for personal licence applications.

The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol or other licensable activities (the 'premises licence'). The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the current outdated regime where individuals are tied by licence to the premises where they work. The Act also provides the police and licensing authorities with powers to deal with errant personal licence holders.

A personal licence authorises its holder to supply alcohol from establishments with a relevant premises licence. An individual may hold only one personal licence at any one time.

Not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be authorised by a licence holder.

Personal licences are valid for ten years unless surrendered or suspended or revoked or declared forfeit by the courts. Once granted, the licensing authority which issued the licence remains the "relevant licensing authority" for it and its holder, even though the individual may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

2) The Application Process

The applicant must submit an application form to the relevant Licensing Authority (see paragraph 7). The form, which is available from the Licensing Authority and downloadable from www.basingstoke.gov.uk, requires certain details of the applicant to be provided. The Licensing Authority will then process the application.

3) Applicants

In the case of a new application for a personal licence, the applicant must:

- be aged 18 or over;
- possess one of the following licensing qualifications and provide evidence of the qualification:
 - BIIAB Level 2 National Certificate for Personal Licence Holders.
 - QCA Accreditation Number: 100/4866/2.
 - Website: www.bii.org
 - Telephone: 01276 684 449
 - Email: qualifications@bii.org
 - Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey. GU15 3PT
 - or
 - 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, 112 Station Road, Sidcup, Kent, DA15 7BJ
 - or
 - GQAL Level 2 National Certificate for Personal Licence Holders.
 - QCA Accreditation Number: 100/5050/1.
 - Website: www.nationaltrainingco.com
 - Telephone: 01305 786 639
 - Email: enquiries@pubshop.co.uk
 - Address: The Pubshop Ltd, Orchard Leigh, 96 Rodwell Avenue, Weymouth, DT4 8SQ
- not have a forfeited a personal licence within five years of the application.
- provide a completed application form ('Application For a Personal Licence');
- provide 2 photographs of him/herself; one of which must be endorsed by a person of the "specified description" (see application form) to the effect that it is a true likeness.

The photographs must 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.
- provide;
 - a. a criminal conviction certificate issued under section 112 of the police Act 1997 or,
 - 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 of the Police National Computer by the National identification Service.

(In any such certificate or search, results shall be issued no earlier than one calendar month before the giving of the application to the relevant Licensing Authority.

Applicants can contract Disclosure Scotland for a Basic Disclosure – helpline **0870 609 6006**; fax **0870 609 6996**; email on info@disclosurescotland.co.uk or by writing to Disclosure Scotland, PO Box 250, Glasgow, G51 1YU. Their web address is www.disclosurescotland.co.uk).

- provide a declaration (on the 'Disclosure of Convictions and Declaration' form) that either they have not been convicted of a relevant offence or a foreign offence or that they have 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 in respect of it;
- have paid the appropriate fee of £37 to the licensing authority;

If the police do not issue an objection notice following notification of any unspent relevant offence or foreign offence within 14 days; or the police have issued an objection notice, but the Licensing Authority do not consider it

necessary to reject the application on crime prevention grounds, the licence will be issued.

A list of relevant offences is set out at the end of these Guidance Notes.

4) Change of name and address

A personal licence holder must inform the relevant Licensing Authority of any change to the name and address on the licence as soon as reasonably practicable.

5) Convictions for relevant offences

If a personal licence holder is charged with a relevant offence they must notify the court and, if convicted, must notify the relevant Licensing Authority and send them their personal licence.

6) Designated Premises Supervisor

All premises licences authorising the supply of alcohol must have an identified personal licence holder known as the Designated Premises Supervisor.

This ensures there is always one specified individual who can be easily identified at a premise where a premises licence is in force. This person will be responsible for the day-to-day running of the premises. All supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

7) If the applicant is ordinarily a resident in the area of Basingstoke & Deane Borough Council, the applications should be sent to:

Licensing Team, Basingstoke & Deane Borough Council, Civic Offices,
London Road, Basingstoke, Hampshire RG21 4AH

Personal Licences – Relevant Offences

An offence under the Licensing Act 2003

An offence under any of the following enactments

- a. Schedule 12 to the London Government Act 1963 (public entertainment licensing);
- b. The Licensing Act 1964;
- c. the Private Places of Entertainment (Licensing) Act 1967;
- d. Section 13 of the Theatres Act 1968;
- e. the Late Night Refreshment Houses Act 1969;
- f. section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982;
- g. the Licensing (Occasional Permissions) Act 1983;
- h. the Cinemas Act 1985;
- i. the London Local Authorities Act 1990.

An offence under the Firearms Act 1968

An offence under any of the following provisions of the Theft Act 1968

- 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 money transfer by deception);
- j. section 16 (obtaining pecuniary advantage by deception);
- k. section 17 (false accounting);
- l. section 19 (false statements by company director 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).

An offence under section 7(2) of the Gaming Act 1968 (allowing a child to take part in gaming on premises licensed for the sale of alcohol).

An offence under any of the following provisions of the Misuse of Drugs Act 1971

- 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).

An offence under either of the following provisions of the Theft Act 1978

- a. section 1 (obtaining services by deception);
- b. section 2 (evasion of liability by deception).

An offence under either of the following provisions of the Customs and Excise Management Act 1979

- a. section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);

- b. section 170B (taking preparatory steps for evasion of duty).

An offence under either of the following provisions of the Tobacco Products Duty Act 1979

- a. section 8G (possession and sale of unmarked tobacco);
- b. section 8H (use of premises for sale of unmarked tobacco).

An offence under the Forgery and Counterfeiting Act 1981 (other than an offence under 18 or 19 of that Act)

An offence under the Forearms (Amendment) Act 1988

An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988

- a. section 107(1)(d)(iii) (public exhibition in the course of a business of an 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).

An offence under any of the following provisions of the Road Traffic Act 1988

- 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).

An offence under either of the following provisions of the Food Safety Act 1990 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).

An offence under section 92(1) or (2) of the Trade Marks Act 1994 (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

An offence under the Firearms (Amendment) Act 1997.

A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000.

A violent offence, within the meaning of section 161(3) of that Act.

An offence under section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).

An offence under section 1 of the Trade Descriptions Act 1968 (false trade description of goods) in circumstances where the goods in question are or include alcohol.