



New Forest

DISTRICT COUNCIL

Licensing Act 2003 Personal licence Guidance

Personal licences

A personal licence enables the holder to authorise the sale of alcohol at premises licensed for the sale of alcohol. It also enables the holder to be nominated as the Designated Premises Supervisor on a premises licence which includes the sale of alcohol. The DPS has a legal responsibility for authorising the sale of alcohol and control of the day to day management of that premises under the terms of the licence. If the designated premises supervisor is not physically on the premises, there must be a clear management structure with which staff are familiar.

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 personal licence holder.

Personal licences do not have an expiry date unless surrendered, suspended, revoked or declared forfeit by the courts. Once granted, the licensing authority which issued the licence originally must be notified of any change of address during the life of the licence, even if the holder moves away from the original Council area. It is an offence if changes are not notified to the licensing authority and failure to do so may result in a large fine. If the licence holder has a change of name, through marriage or deed poll you must submit a marriage certificate or evidence of the deed poll change.

Personal licences consist of two parts, a plastic card with a photograph and a paper document.

2.1 The application process

Applications for personal licences must be made to the local authority in whose area the applicant normally resides.

To make an application for a personal licence must be able to show that you have sufficient knowledge of licensing law and the social consequences of selling alcohol. This is proved by successfully completing an appropriate training course. Lists of suitable courses are available from the BII (British Institute of Innkeepers) and can be located on their website. There are a number of different course providers that run courses in the area for level 2 Personal Licence Holders.

There is also a requirement to submit a document in the form of a basic disclosure check to prove that you have not been convicted of any relevant offences.

From January 2018 you should apply to the Disclosure and Barring Service (DBS) for your report.

You are able to use the new online application route that is available on www.gov.uk. To obtain your DBS. Alternatively, you can use a 'Responsible Organisation' (RO) – a third party registered with DBS – to submit a check on your behalf. A list of Responsible Organisations can be found at <https://www.gov.uk/guidance/responsible-organisations>.

*******NOTE: The DBS check must be less than one month old*******

Personal licence applicants must submit the following:-

- A completed application form and disclosure form
- The appropriate fee (37.00) (cheques payable to New Forest District Council)
- Two passport sized photographs, one of which should be endorsed on the back by a solicitor, notary, teacher, lecturer or other professional person as a true likeness.
- Evidence of passing the approved Personal Licence training course to level 2
- Basic DBS disclosure
- Copies of identification documents that indicate the applicant's Right to Work in the UK (See 2.2 below)

A duplicate copy does not need to be sent to the Police, but if any relevant offences are declared, the Licensing Authority will inform the Police who may raise representations against the issue of a licence.

If you have no relevant convictions, are suitably trained, over 18 and have the right to work in the UK there is no reason why you should not qualify for a personal licence.

Personal licences are not required in qualifying clubs, permitted temporary events and for premises licences that do not retail alcohol. Although, personal licence holders are not prevented from giving temporary event notices.

2.2 Right to Work/Immigration status

A personal licence may not be issued to an individual who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity.

Please submit copies or scanned copies of the following documents DO NOT SEND ORIGINALS.

List of documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

If sending in passport documents YOU MUST SEND COPIES OF THE FOLLOWING:-

- (i). any page containing the holder's personal details including nationality;
 - (ii) any page containing the holder's photograph;
 - (iii) any page containing the holder's signature;
 - (iv) any page containing the date of expiry; and
 - (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work. or
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
 - A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
 - A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
 - A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
 - A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
 - A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the

person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

2.3 Relevant offences under the Act

One of the qualifying criteria for obtaining a personal licence is that a person has no unspent convictions for the 'relevant offences' specified in the Act.

These relevant offences are as follows:-

1 An offence under the Licensing Act 2003

2 Any convictions 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 15 A (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 director, etc.);
- m) Section 20 (suppression, etc. of documents);
- n) Section 21 (blackmail);
- o) Section 22 (handling stolen goods);
- p) Section 24A (dishonesty retaining a wrongful credit);
- q) Section 25 (going equipped for stealing, etc).

6 An offence under section 7 (2) of the Gaming Act 1989 (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 8 G (possession and sale of unmarked tobacco);
- b) Section 8 H (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 (l) (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 (l) (fraudulent reception of transmission);
- e) Section 297 A (l) (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, 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.

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.

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.

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