

LICENSING ACT 2003 PERSONAL LICENCE GUIDANCE NOTES

The scheme established by the Licensing Act 2003 for the regulation of the supply of alcohol includes a regime for the granting of Personal Licences to individuals to supply, or to authorise the supply of alcohol. This licence is separate from a Premises Licence which authorises the premises to be used for the supply of alcohol.

As such the Personal Licence only relates to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for other licensable activities such as the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a Club Premises Certificate.

A Personal Licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a Premises Licence authorising the supply of alcohol in accordance with that licence. An individual can only hold one Personal Licence at any one time.

1. Who can apply for a Personal Licence?

To qualify for a Personal Licence an applicant must fulfil certain criteria; these are set out in the Act and state that the applicant:

1. Must be entitled to work in the United Kingdom
2. Must be aged 18 or over;
3. That no personal licence held by them has been forfeited within the period of five years before making the application;
- 4 That they possess an accredited licensing qualification; and,
5. That they have not been convicted of any relevant or foreign offence.

2. What accredited Courses are there?

Please refer to the enclosed sheet advising who the current Accredited Personal Licence Qualification Providers are.

3. What does an applicant need to produce to be granted a Personal Licence?

The applicant must produce:

1. A completed Application for a Personal Licence under the Licensing Act 2003.
2. Proof of your entitlement to work in the United Kingdom (information is available on the application form).
3. A completed Disclosure of convictions and declaration under the Licensing Act 2003.
4. Two photographs of themselves, which must:
 - be taken against a light background so that your features are distinguishable and contrast against the background;
 - be 45 millimetres by 35 millimetres;
 - be full face uncovered and without sunglasses and, unless the applicant wears a head covering due to religious beliefs, without a head covering;
 - be on photographic paper; and
 - one must be endorsed as a true likeness of yourself by either:
 - i) a solicitor or notary;
 - ii) a person of standing in the community; or,
 - iii) an individual with a professional qualification
5. The **original** accredited licensing qualification.
6. The appropriate fee (which is currently £37). Cheques are no longer accepted. See below for payment methods
7. One of the below:
 - i) a criminal conviction certificate issued under section 112 of the Police Act 1997 9(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.

Online applications https://www.acro.police.uk/subject_access.aspx

Such certificate or search results shall be issued no earlier than one calendar month before the receipt of the application by the Licensing Authority.

A basic criminal record check is available in England & Wales from the DBS disclosure service contact details as follows;

DBS customer services
PO Box 3961
Royal Wootton Bassett
SN4 4HF

Email customerservices@dbsgsi.gov.uk

DBS helpline 03000 200 190

Minicom 03000 200 192

Welsh 03000 200 191

International +44151 676 9390

<https://www.gov.uk/request-copy-criminal-record>

4. What are “relevant” or “immigration offences, foreign offences and immigration penalties”?

‘Relevant offence’ refers to the offences listed in the Act that could, on conviction, rule out the grant, renewal or conversion of a personal licence to the applicant concerned.

The offences include:

- those involving serious crime;
- those involving serious dishonesty;
- those involving controlled drugs;
- certain sexual offences; and
- offences created by the Act.

The full list of relevant offences can be found within Schedule 4 to the Act.

“Foreign Offence refers to any

Convictions for offences (other than ‘relevant offences’) under the law of any place outside England and Wales, including other parts of the United Kingdom such as Scotland and Northern Ireland. Details of these will, also need to be given. The reason for the separate terms is that offences under the law of places outside England and Wales, which are equivalent to ‘relevant offences’, will not necessarily exist in exactly the same form.

“Immigration offences” refers to

- (a) an offence referred to in paragraph 7A of Schedule 4, or
- (b) an offence listed in paragraph 24 or 25 of Schedule 4 that is committed in relation to an offence referred to in paragraph 7A of that Schedule.

“Immigration penalties” refers to

- (a) section 15 of the Immigration, Asylum and Nationality Act 2006 (“the 2006 Act”), or
- (b) section 23 of the Immigration Act 2014 (“the 2014 Act”).¹⁸⁸

The Act can be viewed at www.hmso.gov.uk/acts/acts2003/20030017.htm.

5. Who do I submit my application to?

The Licensing Authority
Basildon Borough Council
The Basildon Centre
St Martin's Square
Basildon
Essex
SS14 1DL

Tel: 01268 206925
E-mail: licensing@basildon.gov.uk

6. How long does a licence last?

A Personal Licence is valid as long as you hold the entitlement to work in the United Kingdom, unless surrendered by the holder or suspended/revoked by the Licensing Authority or Magistrates court.

You can pay by contacting this service directly and payment will be taken over the phone or go to WWW.basildon.gov.uk/payments or pay by BACS

Lloyds Banking Group Sort Code 30-80-12 A/C 18317060

If you do pay by BACS or on the website please provide us with a copy of your receipt or remittance details.