



LICENSING ACT 2003

PERSONAL LICENCES (APPLICATIONS FOR NEW LICENCES)

**LICENSING TEAM
REGULATORY SERVICES
TOWN HALL
MATLOCK
DERBYSHIRE
DE4 3NN**

Enquiries: (01629) 761313

Email: licensing@derbyshiredales.gov.uk

The contents of these pages are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute professional or legal advice. Any statements on these pages do not replace, extend or amend or alter in any way the statutory provisions of the Licensing Act 2003 or any subordinate legislation made under it, or statutory guidance issued in relation to it. You are advised to take your own independent legal advice.

IMPORTANT NOTE: You must make your application for a **personal licence** to the Licensing Authority in the District where you ordinarily live – this is not necessarily the same as where you work. For example, if you work in Matlock and live in Ripley you will need to make application to Amber Valley District Council and not Derbyshire Dales District Council.

Under the Licensing Act 2003 ("the Act"), Derbyshire Dales District Council becomes the Licensing Authority for:

- sale of alcohol by retail;
- supply of alcohol by or on behalf of a club to, or the order of, a member of a club;
- supply of hot food and/or drink between 11.00pm and 5.00am;
- performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- or entertainment of a similar description to live music, recorded music or dance.

The Act can be viewed on the HMSO website

<http://www.legislation.hmso.gov.uk/legislation/uk.htm>

When carrying out its licensing functions, the Council must do so with a view to promoting the licensing objectives and must also have regard to its Licensing Policy and any Guidance issued by the Secretary of State.

The licensing objectives are:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of children from harm

A copy of the Council's Licensing Policy can be downloaded from the Council's website: <http://www.derbyshiredales.gov.uk/licensingpolicy> or can be inspected at the Council Offices, at the Town Hall, Matlock. Paper copies of the Policy are available on request from the Licensing Team, (01629) 761313 or by email:

licensing@derbyshiredales.gov.uk

A copy of the Guidance issued by the Secretary of State under Section 182 of the Act can be downloaded from the DCMS website <http://www.culture.gov.uk/>

What is a Personal Licence?

The scheme established by the Act for the regulation of the sale or supply of alcohol includes a system for the granting of Personal Licences to individuals to sell or supply, or to authorise the sale or supply of alcohol. A Personal Licence is separate from the licence that authorises the premises to be used for the sale or supply of alcohol.

The Personal Licence relates only to the sale or 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 or Temporary Event Notice.

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

All Premises Licences authorising the sale or supply of alcohol must have an identified Personal Licence holder, known as the designated premises supervisor. More than one individual at the licensed premises may hold a Personal Licence, although it is not necessary for all staff to be licensed. All sales or supplies of alcohol under a Premises Licence must be made by or under the authority of a Personal Licence holder.

What will a Personal Licence look like?

It will be in 2 separate parts. In the first part the licence will be in a durable form of a size no greater than 70mm x 100mm. This part will contain the holder's name and address, his/her photograph, the date of expiry of the licence and will identify the licensing authority that granted it. The second part will also contain a record of each relevant offence and each foreign offence and will omit the photograph of the licence holder.

How long will a Personal Licence last?

A Personal Licence is no longer renewable. Once issued it will last forever, unless the licence-holder is convicted of a relevant offence and the licence is revoked.

Do I have to hold a Personal Licence to work in a pub?

No-one is required to hold a Personal Licence to work in any licensed premises other than the person who is the Designated Premises Supervisor. However, every sale or supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.

Why do I need to apply for a Personal Licence?

The system of Personal Licences will allow holders to sell alcohol for consumption on or off any premises covered by a Premises Licence.

What is the meaning of the term "relevant offence" that is referred to in the Act?

"Relevant offence" refers to the offences listed in the Act that could, on conviction, rule out the grant or renewal 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.

What if I am convicted of an offence while holding a Personal Licence?

The Act makes provision for the holder of a Personal Licence convicted of a relevant offence to produce his Licence to the Court, or if that is not practical, to notify the Court of the existence of the Personal Licence.

If a Personal Licence holder is convicted of a relevant or foreign offence while holding a Personal Licence, they must, as soon as reasonably practicable, inform the Council which granted the Licence, of the conviction.

The Council must then notify the Chief Officer of Police for its area, who may, within fourteen (14) days, notify the Council that he or she considers that the continuation of the Licence would undermine the crime prevention objective. If so, the Council must hold a hearing to consider the objection notice, unless it is agreed that a hearing is unnecessary, and this could lead to the revocation of the Personal Licence.

If an applicant for the grant or renewal of a Personal Licence is convicted of a relevant or foreign offence during the application process, they must also notify the Council of the conviction. Failure to do so is an offence.

How do "foreign offences" differ from "relevant offences"?

"Relevant offences" mean those offences listed in Schedule 4 to the Act. 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, are counted as foreign offences. 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 as relevant offences.

How much will I have to pay for a Personal Licence?

The fee is £37.00 – the licence will be granted for 10 years.

How do I qualify for a Personal Licence?

To qualify for a Personal Licence, the applicant must fulfil certain criteria. These are set out in the Act. The Council must grant the Licence if it appears that:

- the applicant is aged 18 or over;
- no Personal Licence held by him or her has been forfeited within the period of five years before making the application;
- he or she possesses an accredited licensing qualification, or is a person of a prescribed description; and
- he or she has not been convicted of any relevant or foreign offence.

If the applicant fulfils all these criteria, the Licence will be granted. If any of the first three criteria are not met, the Council must reject the application. The Council must notify the Chief Officer of Police for its area if it appears that an applicant has been convicted of any relevant or foreign offence.

What is the application process for a Personal Licence?

- 1 The applicant must submit a completed application form to the Council. A form is enclosed in this application pack – if you require more forms these are available from the Licensing Team at the District Council. These can be emailed to you.
- 2 The applicant must provide with the Application Form, 2 photographs. The photographs shall be –
 - (i) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
 - (ii) 45 millimetres by 35 millimetres,
 - (iii) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
 - (iv) on photographic paper, and

- (v) 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 (this includes a bank or building society official, a police officer, a civil servant or a minister of religion); or any individual with a professional qualification.

(Note: The person verifying the likeness should be confident that the applicant is the person they say they are. The second photograph does not need to be endorsed with a statement verifying the likeness of the photograph to the applicant as in 2(v) above).

- 3** The applicant must also submit with the Application Form either:
- (i) a criminal conviction certificate issued under section 112 of the Police Act 1997,
 - (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 of the Police National Computer by the National Identification Service, and

In any case such certificate or search results shall be issued no earlier than one calendar month before the giving of the application to the Council.

Basic criminal record checks can be applied for online from the Government Website: <https://www.gov.uk/request-copy-criminal-record>.

The applicant must also submit a Declaration Form stating that either he has not been convicted of a relevant offence or a foreign offence or that he has 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 on him in respect of it. The 'Disclosure of convictions and declaration' form is available in the application pack – additional copies are available from the Licensing Team.

- 4** The application must also be accompanied by an accredited licensing qualification. (see page 7 and 8 of this information leaflet) The Secretary of State has so far accredited 2 personal licence qualifications. These are the BIIAB Level 2 National Certificate for Personal Licence Holders (contact 01276 684449 for further details) and the GOAL Level 2 Certificate for Personal Licence Holders (contact 08707 202909 for further details). Either of these qualifications will suffice.
- 5** The application must be submitted with the fee of £37.00. **Please note that the Council will no longer accept cheque payments.** Payment can be made by telephoning this office: 01629 761313, or on-line using our website link in the first paragraph of this letter. Please do not send cash payments by post, cash payments may be made in person if you hand-deliver your application to the District Council Offices.
- 6** If it appears there are convictions for any relevant or foreign offences, the Council will give a notice to the Chief Officer of Police for the area. If the Police make no objections within a 14-day period, the Licence must be granted.
- 7** If the Police do make an objection then the Council's Licensing Sub-Committee will hear the application and decide whether or not to grant the application.

Incomplete Applications

It is the applicant's responsibility to ensure that applications are completed correctly. Any incomplete applications will not be accepted by the Council and will be returned to the applicant. If an applicant is in any doubt about completing an application form he or she should seek independent advice on the matter.

Service of Documents on the Council

The following address must be used for service of documents on the Council in respect of its functions under the Licensing Act 2003.

Licensing Team
Regulatory Services
Derbyshire Dales District Council
Town Hall,
Matlock
Derbyshire DE4 3NN

The Licensing Team at the Town Hall is open to the public Monday to Friday from 9.00am to 5.00pm (excluding Bank Holidays). If you wish to speak to a member of staff they can be contacted on telephone numbers (01629) 761313.

In the event that you need to speak to the Licensing Manager, please contact Eileen Tierney, 01629 761313.

Please be aware that the information contained in your application will be treated as confidential, although Derbyshire Dales District Council reserve the right to share this information with any other Government Agency, ie Inland Revenue, Criminal records Bureau, Department for Work and Pensions, Home Office (Immigration), HM Revenue and Customs, Trading Standards and the Police.

REGULATORY SERVICES

TOWN HALL, MATLOCK, DERBYSHIRE,
DERBYSHIRE, DE4 3NN
TEL: 01629 761313

PERSONAL LICENCE QUALIFICATION

Applicants for personal licences will need to obtain an accredited qualification first. The aim of the qualification is to ensure that all licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

Currently there are several Accredited Personal Licence Qualification Providers. These include:

Contact: BIIAB (British Institute of Innkeepers Awarding Board) qualification - website www.bii.org.uk

GOAL Level 2 National Certificate for Personal Licence Holders

Contact: GOAL qualification - customerservice@ediplc.com or telephone 0870 720 2909

GQAL Level 2 National Certificate for Personal Licence Holders.

GQAL (Graded Qualifications Alliance) 0845 170 0001

Highfield Awarding Body for Compliance Level 2 Award for Personal Licence Holders 0845 2260350 or 01302 363277 fax 0845 2260360
info@highfieldabc.com website www.highfieldabc.com

NCFE Level 2 National Certificate for BIIAB Level 2 National Certificate for Personal Licence Holders

0191 239 8000 email info@ncfe.org.uk website: www.ncfe.org.uk

Further information about the BIIAB qualification is available on the BII website www.bii.org.uk. Enquiries about the GOAL qualification can be made to customerservice@ediplc.com or telephone 08707 202909.

You will need to check with the above providers for approved course trainers and availability.

These courses are also offered by Chesterfield College, telephone 01246 500553, and Derby University (Buxton), telephone 01332 594650. You will need to contact the Colleges direct for dates and venues.

Further Training is available for Designated Premises Supervisors

- **BIIAB National Certificate for Designated Premises Supervisors**
Contact: BIIAB (British Institute of Innkeepers Awarding Board) qualification - website www.bii.org.uk
- **GOAL Level 3 National Certificate for Designated Premises Supervisors**
Contact: GOAL qualification - customerservice@ediplc.com or telephone 0870 720 2909

Unlike the National Certificate for Personal Licence Holders, this qualification is not obligatory training in order to apply for a Personal Licence.

The following is a list of other organisations that offer Personal Licence Holders Training but please note that this is not an approved list of providers from this Council, they have purely asked us to include them on our information leaflet: -

- Mrs Chris Theyer, Remscott Training Development Gregg Meadow, 60a Manchester Road, Chapel-en-le-Frith, SK23 9TH Tel: 01298 812825. Web: <http://www.remscott.com/>
- John Gaunt & Partners, Omega Court, 372 Cemetery Road, Sheffield, S11 8FT. Tel: 0114 2668664 Fax: 0114 266010/0114 2679613;
Email: johng@john-gaunt.co.uk
- David Elphick, Training and Consultancy Manager, Poppleston Allen Training Ltd, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS, Email <mailto:d.elphick@pactltd.co.uk>, Office number: 0115 9487400. Mobile number: 07795 490448
- Lisha Cao, Managing Director, Chinese Business Support Ltd (provides NCPLH and DPS Training Courses in Chinese and Funding, 1st Floor York House, 353a Station Road, Harrow, HA1 1LN. Tel: 020 8987 8999 Fax: +44 870 471 7867

Please note* A full list of training providers can be obtained from the British Institute of Innkeepers Awarding Board, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT. Tel; 01276 684449 Fax: 01276 23045 or website www.bii.org.uk