

Licensing Act 2003 Personal Licences

What is a personal licence?

A personal licence allows an individual to authorise the sale or supply of alcohol. In most cases, premises with a premises licence will need at least one personal licence holder where one of their activities is the sale or supply of alcohol.

How long is a personal licence valid for?

Personal licences were first granted in 2005, valid for 10 years. Section 115 of the Licensing Act 2003 was amended by the Deregulation Act 2015 removing the requirement to renew a personal licence with effect from 1 April 2015. Unless a personal licence is surrendered, suspended, revoked or forfeited, it has effect indefinitely regardless of any expiry date on the licence. For applications made on or after 6 April 2017, a licence granted to someone subject to immigration control will lapse if the individual ceases to be entitled to work in the UK.

Personal licence holders have a duty to notify the licensing authority of any change in their name or address and a replacement licence will be issued on payment of the statutory fee of £10.50. The holder is also under a duty to notify any convictions for relevant or foreign offences to the licensing authority. There is provision for the suspension/forfeiture of a personal licence by the courts and licensing authorities where a personal licence holder has been convicted of a relevant or foreign offence or been required to pay an immigration penalty. In the case of licensing authorities, this provision only applies to convictions received on or after 6 April 2017.

What is a Designated Premises Supervisor?

A Designated Premises Supervisor (DPS) is the person named on the premises licence (not necessarily the licence holder) who is singularly responsible for the running of those premises. A DPS must hold a personal licence. The Council's Guidance Document GD13 provides more information regarding the role and responsibilities of a DPS.

Who needs a personal licence?

Any premises (except qualifying clubs) that sell or supply alcohol will need at least one personal licence holder, one of whom must be named on the premises licence as the Designated Premises Supervisor. The only exception is for community premises in respect of which a successful application has been made to disapply the usual mandatory conditions - see the Council's Guidance Document GD08A for further information.

Who can apply for a personal licence?

Applicants for a personal licence must:

- be aged 18 or over;
- have not forfeited a personal licence within 5 years prior to making an application;
- have not been convicted of any relevant or foreign offence;
- possess an accredited licensing qualification;
- have the right to live and work in the UK.

What is considered an accredited licensing qualification?

The list of qualifications accredited by the Home Secretary for personal licences is available on the Government website at:

<https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers/accredited-personal-licence-qualification-providers>

What is a relevant offence?

Relevant offences are listed under Schedule 4 to the Licensing Act 2003. A full list of relevant offences is contained within the Council's Guidance Document GD15.

How do I apply for a personal licence?

Personal licence applications should contain the following:

- a completed application form (form 6);
- the appropriate fee (£37.00);
- 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;
- disclosure of convictions and civil immigration penalties and declaration form (form 8);
- either a basic disclosure criminal conviction certificate or the results of a subject access search under the Data Protection Act 1998(b) of the Police National Computer by the National Identification Service (this should be no more than one calendar month old when received by the Council);
- accredited Licensing Qualification Certificate (see details above);
- proof of right to work in the UK (a list of acceptable documents is provided in the guidance notes attached to the application form)

Details on how to apply for a basic criminal record check are available on the Government website (www.gov.uk). Subject access forms can be obtained from the data protection department of Cumbria Police or ring 101.

The licensing authority is required to notify the police when an applicant is found to have an unspent conviction for a relevant or foreign offence. The police may object to the application on crime prevention grounds. Similarly, the licensing authority is required to notify the Secretary of State through Home Office Immigration Enforcement when an applicant declares that they have been issued with an immigration penalty or convicted of an immigration offence. The Home Office may object on grounds that granting the licence would be prejudicial to the prevention of illegal working in licensed premises. In either case when an objection is received, the applicant is entitled to a hearing to determine the application. If there are no objections and the applicant otherwise meets the requirements, the application will be granted.

Where do I send my completed application?

Send your completed application to:

Licensing Section, Eden District Council, Town Hall, Penrith, CA11 7QF

All applications forms, together with more detailed information regarding Temporary Event Notices, Premises Licences, the role and responsibilities of a Designated Premises Supervisor, Fees, Plans, Public Notices and Responsible Authorities, are available on our website www.eden.gov.uk.

If you have any further queries please telephone 01768 212148/212273, or email admin.licensing@eden.gov.uk.