



LICENSING ACT 2003

GUIDANCE NOTES RELATING TO A PERSONAL LICENCE

A Personal Licence will be required by those who sell or supply alcohol, for consumption on or off the premises. Any individual may apply for a personal licence whether or not he/she is currently employed or has business interests associated with the use of the 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.

An individual will not require a Personal Licence for other licensable activities such as regulated entertainment or late night refreshment, or for the supply of alcohol under a club premises certificate.

New Application for a personal licence

The applicant will be required to submit a completed application form (*Ref:Lic.7/05*) to the local authority where you live, together with the following documents:

- Two passport-sized photographs, one of which must be endorsed as a true likeness of you by either a solicitor or notary, a teacher or lecturer, or other professional person;
- A copy of the applicant's licensing qualification. The following are acceptable qualifications
 - BIIAB Level 2 – National Certificate for Personal Licence Holders;
 - GOAL Level 2 Certificate.

Further information can be obtained by contacting the BII on (01276) 684449, or go to their website www.biiab.org or email them at qualifications@bii.org. Enquires about the GOAL qualification can be made via email to customerservice@ediplc.com or telephone 08707 202909;

- A declaration by the applicant that either he/she has not been convicted of a relevant offence or a foreign offence (*Form Ref Lic.6/05*);
- A basic disclosure, which is available from via Disclosure Scotland. An application can be made on line www.disclosurescotland.co.uk or by telephoning 0870 609 6006. The disclosure costs £13.60 and can take up to six weeks to process; and
- The licence fee of £37.00 – cheques must be made payable to 'Bromsgrove District Council'.

Only the police can object to the granting or renewal of a personal licence application on the grounds of crime and disorder. If the police object to an application, the matter will be referred to the Council's Licensing Sub-Committee for further consideration.

Personal licences are valid for 10 years and are renewable, unless surrendered, suspended, revoked or declared forfeit by the Courts. Once granted, the Council which issued the licence remains the 'relevant licensing authority' for it and its holder, even though you may move out of the area or take employment elsewhere. The personal licence itself will give details of the issuing licensing authority.

Changes in name or address

The holder of the licence is required to notify the issuing licensing authority of any changes of name or address. A form is available for this purpose (*Form Ref:Lic.1/06*). A fee of £10.50 will also be required. Any person failing to do this will be committing an offence.

Convictions

If you have been convicted by a Court of a relevant offence, including a foreign offence, you are required to notify the issuing licensing authority of the conviction, including if the Court has ordered that your personal licence be suspended or declared forfeit. The sentence of the Courts has immediate effect despite the fact you can lodge an appeal against your conviction or sentence.

You are also required to submit your personal licence to the issuing licensing authority within 14 days so that the details of the conviction can be endorsed on the licence. If the licence is declared forfeit, it will be retained by the Council. A list of relevant offences is available from the Council.

Designated Premises Supervisors

Not every person retailing alcohol at a premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be authorised by such a licence holder. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders, but one of those licence holders must be specified as the 'designated premises supervisor'.

The main purpose of the 'designated premises supervisors' is to ensure that there is always one specified individual among the personal licence holders, who can be readily identified where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises.

The premises licence will specify the name of this person and a summary of the premises licence must be displayed on the premises. This should ensure that any problems are dealt with swiftly by engaging with this key individual. The 'designated premises supervisor' does not have to be on the premises at all times when alcohol is being sold. What is essential is that the DPS is contactable, particularly should problems arise on the premises. The fact that every supply of alcohol must be authorised by a personal licence holder does not mean that only personal licence holders can make such sales or must be personally present at every transaction. A personal licence holder may, for example, authorise members of staff to make sales of alcohol during the course of an evening. It would be expected that the personal licence holder would be available on the premises, but may be absent at times when transactions take place. However, the personal licence holder will not be able to escape responsibility for the actions of those he/she authorise to make such sales.

The Police Authority will have the opportunity to object to the designation of a premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. Where the police do object, the Council must arrange a hearing by the Council's Licensing Sub-Committee at which the issue can be considered and both parties can put forward their views.

The designation of the premises supervisor will be included in the application for a premises licence. It is possible at any time whilst the premises licence is in force, to vary the name of the premises supervisor. In such cases, a separate application (*Form Ref: Lic 12/05*) will have to be made to the Council, together with the appropriate fee of £23.00. The Police Authority will also have to be notified.

Further information

If you require further advice or any of the application forms, please telephone the Licensing Office direct on (01527) 881473 or (01527) 881405 or visit our web-site at www.bromsgrove.gov.uk/licensing. The forms are also available from the Customer Service Centre, School Lane, Bromsgrove.

Alternatively, further information can be found by visiting the Government Department for Culture, Media and Sport at www.culture.gov.uk/alcohol_and_entertainment

These notes are intended to help new licence holders applying for a personal licence under the Licensing Act 2003. These notes are not comprehensive and are not part of the Regulations. They may also be subject to change, pending further guidance from the DCMS.

Please send your completed application form to:

Licensing Department, Planning and Environment Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcs., B60 1AA. Alternatively you can drop it into the Customer Service Centre, School Lane, Bromsgrove between 9am and 5pm Monday to Friday and 9am to 12noon on Saturday.

If you wish to speak in person to a member of the Licensing Team, please telephone (01527) 881473 to make arrangements to attend the next available licensing surgery.