

OVERVIEW OF PERSONAL LICENCES

This document is an introductory guide for applicants. Further information is available via the Licensing Authority's Statement of Licensing Policy, Part 6 of the Licensing Act 2003, Part 3 of Schedule 8 to the Licensing Act 2003 and Section 4 of the national guidance (all available at www.culture.gov.uk)

What is a Personal Licence and why do I need one?

- A personal licence authorises an individual to sell alcohol by retail, supply or authorise the supply of alcohol. The licence is 'portable' and will allow the licence holder to work in any premises in England and Wales holding a valid premises licence which permits the supply of alcohol.
- The licence will be in the form of two separate parts:
 - A durable credit card style permit stating your name, address, licence details and photograph.
 - A counterpart document stating your name, address, licence details and any relevant or foreign unspent conviction.

How much does a Personal Licence cost and how long will it last?

- Refer to 'Licensing Fees' on this Council's website for the cost for a Personal Licence. Cheques can be made payable to North Norfolk District Council and will last for life (unless surrendered, forfeited, suspended, or revoked).
- If you change your name or address, you must inform the licensing authority. You must return your licence and pay the appropriate fee. The Licensing Authority will issue an amended licence.
- If you are charged with a relevant offence you must inform the court immediately that you are a personal licence holder. If you are subsequently convicted you will have to inform the licensing authority and return your licence so that the offence can be endorsed on it. Pages 7 & 8 give details of the relevant offences.

Do I need a Personal Licence if I just work behind a bar / or in an off-licence?

- No one is required to hold a personal licence to work in a premises licensed to sell alcohol, other than the person named as the Designated Premises Supervisor (DPS) on the premises licence. However, every sale or supply of alcohol must be authorised by an individual who does hold a personal licence. It is an operational decision for the person who holds the premises licence as to how many of his/her staff will need to hold a personal licence to comply with this requirement. The personal licence holder authorising the supply will be accountable for all transactions they authorise.

- If you work in a members club, supplying alcohol to members and their guests only, then a personal licence holder may not be required. This will depend on the type of license held by the Club and you will need to ask your employer about this.

I need a personal licence. How do I apply?

(Note: You should apply to the Licensing Authority in which you are normally resident)

How to apply for a licence under the provisions of the Licensing Act 2003

- 1. Fully complete the application form (Schedule 1, Regulation 6 (1)).**
(Note: You must send the form and other documents to the Licensing Authority where you normally live. If you have any relevant or foreign unspent convictions the Licensing Authority will liaise with the Police – you do not have to do this).
- 2. Supply the correct fee**
- 3. Supply two passport photographs**
(Note: please see page 4 for photograph requirements).
- 4. Provide either a criminal conviction certificate issued under section 112 of the Police Act 1997, a criminal record certificate issued under section 113A of the Police Act 1997 or the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.** (This certificate must be issued no earlier than one calendar month before the date of your application).
- 5. Supply a completed disclosure of criminal convictions and declaration form (Schedule 3, Regulation 7(a)(c)).**
- 6. Supply a copy of you accredited licensing qualification**
(See www.bii.org for more information about this).

General information concerning personal licence applications

- It is an offence to knowingly or recklessly make a false statement in connection with an application for a personal licence. To do so may result in prosecution and a fine of up to £5000.
- You must notify the Licensing Authority immediately if you are convicted of any offence during the time between making your application and the grant of your licence.

- If you have been convicted of a relevant or foreign offence then the Police could object to the grant of your application on Crime Prevention grounds, in which case a hearing may be necessary.
- See the following pages about convictions that are relevant to personal licence holders.

Contacts and Further Information:

Licensing Team
North Norfolk District Council
Council Offices
Holt Road
Cromer
Norfolk NR27 9EN

Tel: 01263 516189
Fax: 01263 514627
Email: licensing@north-norfolk.gov.uk
Website: www.northnorfolk.org

Norfolk Constabulary Licensing Team
4th Floor
Vantage House
Fishers Lane
Norwich
Norfolk NR2 1ET

Tel: 01603 276024
Fax: 01603 276025
Email: licensingteam@norfolk.pnn.police.uk

Department of Culture, Media and Sport
Website: www.culture.gov.uk

Training

Accredited Personal Licence Qualification Providers

The Secretary of State has accredited personal licence qualifications under the Licensing Act 2003. They are:

- ❖ **BIIAB Level 2 National Certificate for Personal Licence Holders.**
QCA Accreditation Number: 100/4866/2.
Website: www.bii.org Telephone: 01276 684 449 Email: qualifications@bii.org
Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT
- ❖ **EDI Level 2 National Certificate for Personal Licence Holders.**
QCA Accreditation Number: 100/4865/0.
Website: www.ediplc.com Telephone: 02476516500 Email: enquires@ediplc.com
Address: Qualifications and processing centre, International House, Siskin Parkway East, Middlemarch Business Park, Coventry, CV3 4PE
- ❖ **GQAL Level 2 National Certificate for Personal Licence Holders.**
QCA Accreditation Number: 100/5040/1. Website: www.developinghospitality.co.uk
Telephone: 0845 170 0001 Email: examinations@developinghospitality.co.uk
Address: Graded Qualifications Alliance, Garden Street, Leicester, LE1 3UA
- ❖ **HABC Level 2 Award for Personal Licence Holders**
QCA Accreditation Number: 500/7383/7
Website: www.highfieldabc.com
Telephone: 0845 2260350, Email: info@highfieldabc.com
Address: Highfield Awarding Body for Compliance Ltd, Highfield House, Sidings Court, Lakeside, Doncaster, DN4 5NL.
- ❖ **NCFE Level 2 National Certificate for Personal Licence Holders**
QCA Accreditation Number: 500/4228/2
Website: www.ncfe.org.uk, Telephone: 0191 239 8000, Email: info@ncfe.org.uk
Address: Citygate, St James' Boulevard, Newcastle upon Tyne NE1 4JE

ADVICE ON PHOTOGRAPHS TO BE SUBMITTED WITH PERSONAL APPLICATIONS

Personal licence applications must include two passport sized photographs – one of which must be signed on the back by a person as specified in the Regulations (similar to the requirements for passport photographs)

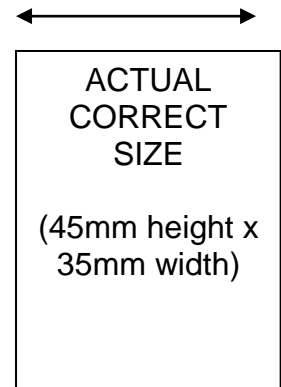
Your photographs must comply with the required standard, otherwise your application will not be processed.

The guide below should assist you in getting this right:

✓ PHOTOGRAPHS SHOULD BE:

- Full face uncovered
- Sized 45mm x 35mm
- Glasses may be worn where these are prescription and normally worn
- On photographic paper
- Without sunglasses
- Headgear or head coverings may be worn where this is part of the applicant's religious beliefs (note: if worn this should not obscure the applicant's facial features).
- Taken against a light and plain background so that the applicant's features are distinguishable and contrast against the background
- Endorsed on the back by a suitable person (see below) – only one of the photos requires this (*)

The endorsement should state "I certify that this is a true likeness of [insert full name of applicant]" or similar and this should be signed, include the name of person signing in capitals, and date of signature.



*** Note: Some examples of persons suitable to counter-sign photos submitted with new applications are given below, you must not get a relative to sign your photograph:**

Doctor, Accountant, Bank or Building Society Official, Fire Service Officer, Solicitor or Notary, Local Government Officer, Police Officer, Religious Minister, Optician, Director or Chairman of Limited Company, Teacher, Councillor.

✗ PHOTOGRAPHS MAY BE REJECTED WHERE:

- Hats, bandanas or other headgear (unless this is associated with religious or ethnic beliefs) are worn
- Sunglasses are worn
- They do not contrast the applicant's facial features against a light background
- The applicant's facial features undistinguishable
- They are not on photographic paper
- They are of poor quality or are not of the prescribed size
- They are black and white

- They are not, or are incorrectly, counter-signed
- They do not show the applicant's full face
- They are not recent and/or do not show a current likeness

GUIDANCE ON RELEVANT CONVICTIONS

The personal licence application form requires to disclose to the Licensing Authority any convictions for a "relevant offence" or a "foreign offence". "Spent" convictions for either a "relevant offence" or a "foreign offence" will not normally effect your application. Guidance on what constitutes a "spent" or "unspent" conviction, within the Rehabilitation of Offenders Act 1974, is provided in this document.

A "relevant offence" is one listed in Schedule 4 of the Licensing Act. A copy of this is attached for your assistance. A "foreign offence" is **any** offence under the law of any place outside England and Wales. For example, if you have been convicted of any offence in Scotland, this must be disclosed.

New Application

In addition to the disclosure of criminal convictions and declaration form (Schedule 3), you are also required to attach an additional document. This can be either a criminal conviction certificate, a criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service.

I have disclosed a conviction – what happens now?

The Licensing Authority will notify the Police – you do not have to do this. They will consider whether or not to make an objection to your application.

The Police may lodge an objection notice if they consider that granting you a personal licence would undermine the crime prevention objective.

How long do the Police have to object?

14 days from the date on which they receive our notice about your conviction(s).

If no objection notice is received from the Chief Officer of Police within that time limit, then the Licensing Authority will grant the personal licence.

If an objection notice is received and, unless all parties agree that the objection notice should be withdrawn, the Licensing Authority will hold a hearing to determine whether the licence should be granted. At the hearing, the application can only be rejected if it is determined that the granting of the licence would undermine the crime prevention objective.

What would count as an “unspent” conviction?

If you have been convicted of an offence and sentenced to more than 2½ years (regardless of the amount of time you actually spent in prison). This conviction can never become “spent” and you must disclose it when asked about your criminal convictions (such as when applying for a licence or a job).

Is this the only time a conviction is “unspent”?

No. If you were given a sentence of 2½ years or less, your conviction may be unspent, depending on the length of time that has elapsed since the date of your conviction. This time is called the “**rehabilitation period**” – and it differs according to the type of sentence passed.

So, what’s the rehabilitation period for my sentence?

The following table shows a range of rehabilitation periods for different sentences imposed. Your conviction will remain “unspent” until the period shown has elapsed and you must declare it.

Type of sentence imposed on adults aged 18 years and over at the time	Number of years from date of conviction before conviction becomes “spent”
Imprisonment or detention in a young offender institution (previously known as youth custody) between 6 months and 2½ years	10 years
Imprisonment or detention in a young offender institution (previously known as youth custody) of 6 months or less	7 years
A fine or any other sentence for which a different rehabilitation period is not provided (e.g. a compensation or community service order, or a probation order received on or after 3 February 1995)	5 years
An absolute discharge	6 months

With the exception of an absolute discharge, all of the periods above are **halved** if the person convicted was **under 18** at the time. If you were under 18 and received a probation order on or after 3 February 1995, the rehabilitation period is 2½ years or until the order expires – whichever is longer.

If you received a sentence that was a sentence that could only be imposed on young people (**i.e. Persons under 18 years of age**) you should contact your local licensing authority for further advice.

If you received a sentence when a member of the armed services Rehabilitation periods for imprisonment in the services are the same as civilian life. You should

contact your local licensing authority for further advice if you were convicted of an offence specific to the armed service.

What if I've been convicted again, after the original offence?

It depends. Later convictions only affect the rehabilitation periods of earlier convictions if they are imposed before the first conviction is completely 'spent'.

If it is one of the less serious offences, which can be tried **only** in a magistrates' court (some more serious offences can be tried both by a Crown Court and by magistrates) the first conviction becomes spent at the time originally fixed. The rehabilitation period for the second offence will then run for its normal length.

However, if the later conviction is for an offence which **could** be tried in Crown Court (for example, stealing) then neither conviction will become spent until the rehabilitation periods for both offences are over.

If, however, the second conviction is so serious that it incurs a prison sentence of more than 2½ years, then neither the second nor the first conviction will ever become spent.

PERSONAL LICENCE: RELEVANT OFFENCES

SCHEDULE 4 – Section 113

- 1 An offence under the Licensing Act 2003.**
- 2 An offence 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 (20(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 15A (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 directors etc);
 - (m) section 20 (suppression, etc, of documents);
 - (n) section 21 (blackmail);
 - (o) section 22 (handling stolen goods);
 - (p) section 24A (dishonestly retaining a wrongful credit);
 - (q) section 25 (going equipped for stealing etc).
- 6 An offence under section 7(2) of the Gaming Act 1968 (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 8G (possession and sale of unmarked tobacco);
 - (b) section 8H (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(1)(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(1) (fraudulent reception of transmission);

- (e) section 297A(1) (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 consumption 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, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6).**
- 19 A violent offence, within the meaning of section 161(3) of that Act.**
- 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).**

GUIDANCE ON CRIMINAL RECORD CERTIFICATE TO BE PROVIDED AS PART OF APPLICATION FOR NEW PERSONAL LICENCE

If you are a new applicant for a personal licence, you will need to provide a criminal record certificate or search as part of your application. Regulation SI 2005/41 Article 7(1)(b) of the Licensing Act 2003 gives applicants three options on how to provide this (although the first is currently unavailable). The three options are:

CRIMINAL RECORDS CERTIFICATES	How do I get it?	What will it show?	How much does it cost and how long will it take?
1 A Criminal Record Certificate issued under section 112 of the Police Act 1997	This service is currently not available from the CRB *. This record is a basic level of disclosure. It is expected the applicant will be able to request this direct from the CRB by phone or on-line.	Once available, this level of disclosure will show all convictions held at a national level that are not 'spent' as defined under the terms of the Rehabilitation of Offenders Act 1974.	Unknown at this time.
2 A Criminal Record Certificate issued under section 113 of the Police Act 1997	This service is available from the CRB*. This record is a standard level disclosure. The applicant will need to get a registered body † to provide this service to them.	This level of disclosure contains details of all convictions, 'spent' and 'unspent'. It will also show details of any reprimands, cautions or warnings.	Currently the CRB charge £28 for this service. Your local Council or Registered Body may charge you an additional fee for processing your form. Takes 3-4 weeks to obtain.
3 The results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service	This service is available from your local police station. You will need to obtain and complete the relevant request and provide required documentation. You should contact your local Police Station for advice about subject access checks.	This is dependant on the type of request you make. You should ensure that your request will show full details of any unspent convictions.	Your local Police Station will confirm this. Takes up to 40 days to obtain. Form 1091A can be downloaded from www.norfolk.police.uk

* CRIMINAL RECORDS BUREAU, PO Box 110, LIVERPOOL L3 6ZZ (Tel: 0870 9090811) www.crb.gov.uk see overleaf for Disclosure Scotland.

† REGISTERED BODY is an organisation registered with the CRB to authorise disclosure requests. The forms are available direct from the CRB and you will need to provide primary identification documents, proof of address etc. to the Registered Body. They will authorise and submit your request. Your employer may be able to help you obtain this. You should contact them directly or else seek your own legal advice.

IMPORTANT NOTES:

Only relevant offences, or foreign offences, will be considered in the determination of your application.

Whichever certificate or search you provide as part of your application must have been issued **within one calendar month** of the submission of your application for a personal licence, otherwise your application will be rejected and you will have to start again. Regulation SI 2005/41 7(1)(b) refers.

In addition to providing the criminal records certificate or search, you must provide a separate declaration with your application (the relevant form for you to complete is headed **Schedule 3 Regulation 7(1)(c)**).

A basic Criminal Records Bureau check can be obtained from Disclosure Scotland.

They can be contacted as follows:

Disclosure Scotland
PO Box 250
Glasgow
G51 1YU

Email: info@disclosurescotland.co.uk

www.disclosurescotland.co.uk

Helpline: 0870 609 6006