

## Licensing Act 2003 Personal Licence Application Guidance Notes

A personal licence is a licence held by a particular individual to permit that person to authorise the sale of alcohol from premises that hold a premises licence.

You can only apply for 1 personal licence from the licensing authority where you are normally resident. For example, if you live in Rossendale but work in Burnley, you must apply to Rossendale for your personal licence. Rossendale then becomes your licensing authority for life, no matter where you live or work in the future. To attempt to obtain more than 1 personal licence is a serious criminal offence.

Our Statement of Licensing Policy will help you to understand how we will administer the law. Our Statement of Licensing Policy is available on our website [www.rossendale.gov.uk](http://www.rossendale.gov.uk) or from the Licensing Unit. This pack is designed to assist you in applying for this licence only.

You should deliver or post your completed application to:

Rossendale Borough Council  
Licensing & Enforcement Unit  
The Business Centre  
Futures Park  
Newchurch Road  
Bacup  
OL13 0BB

You will need to enclose the following:

- ‡ **A fully completed application form**
- ‡ **The fee (currently £37.00) by cheque, postal order or telephone payment using a credit/debit card. Cash payments can only be made at a Post Office once you have received a GIRO from the Licensing Unit.**
- ‡ **Proof of your right to work in the UK. Refer to the list of Acceptable Documents for further information.**
- ‡ **Two photographs of yourself. The photographs must be:**
  - ✓ Taken against a light background so that your features are distinguishable and contrast against the background,
  - ✓ 45 millimetres by 35 millimetres (standard passport),
  - ✓ Full face uncovered and without sunglasses and, unless you wear a head covering due to your religious beliefs, without a head covering,
  - ✓ On photographic paper, and

- ✓ One copy endorsed “this is a true likeness of the applicant (insert your name here) and signed by one of the following:
  - ≈ The chief executive of the licensing justices for the relevant licensing authority
  - ≈ A solicitor or notary
  - ≈ A person of standing in the community, such as a bank or building society official, a police officer, a civil servant or a minister of religion; or
  - ≈ An individual with a professional qualification

‡ **Proof of your good character by enclosing one of the following dated within a month of your application date (refer to Note 1 below):**

- ✓ A criminal conviction certificate issued under Section 112 Police Act 1997
- ✓ A criminal conviction certificate issued under Section 112a Police Act 1997
- ✓ The results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.

**Note 1:**

You should obtain a basic disclosure from the Disclosure and Barring Service which must be done through a responsible organisation. The full list of these can be obtained from [www.gov.uk](http://www.gov.uk). The organisations that Rossendale Borough Council currently deal with are:

- ✓ Personnel Checks (<https://www.personnelchecks.co.uk/dbs-crb-checks/basic-disclosure>)
- ✓ GB Group (<https://www.gbgplc.com>)

‡ **Your acceptable Licensing Qualification (one of the following):**

- ✓ GQAL Award for Personal Licence Holders
- ✓ BIIAB Award for Personal Licence Holders
- ✓ GOAL Award for Personal Licence Holders

## **Relevant Offences:**

### **Attempted / conspiracy offences**

1. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
2. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

### **Copyright and trademark offences**

3. An offence under section 1 of the Trade Descriptions Act 1968 (false trade description of goods) in circumstances where the goods in question are or include alcohol.
4. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 —
  - (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).
5. An offence under either of the following provisions of the Food Safety Act 1990 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).
6. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
7. An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
8. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.

### **Drugs and drink/drug-driving offences**

9. An offence under any of the following provisions of the Misuse of Drugs Act 1971 —
  - (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).
  
10. An offence under any of the following provisions of the Psychoactive Substances Act 2016—
  - (a) section 4 (producing a psychoactive substance);
  - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
  - (c) section 7 (possession of psychoactive substance with intent to supply);
  - (d) section 8 (importing or exporting a psychoactive substance).
  
11. An offence under any of the following provisions of the Road Traffic Act 1988 —
  - (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 concentration above prescribed limit);
  - (d) section 6(6) (failing to co-operate with a preliminary test).

### **Firearms offences**

12. Any offence under the Firearms Act 1968.
  
13. Any offence under the Firearms (Amendment) Act 1988.
  
14. Any offence under the Firearms (Amendment) Act 1997.
  
15. An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
  - (a) section 28 (using someone to mind a weapon);
  - (b) section 36 (manufacture, import and sale of realistic imitation firearms).

### **Fraud, forgery and duty-evasion offences**

16. An offence under either of the following provisions of the Customs and Excise Management Act 1979 —
  - (a) section 170 (disregarding subsection (1)(a))(fraudulent evasion of duty etc.);
  - (b) section 170B (taking preparatory steps for evasion of duty).
  
17. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 —

- (a) section 8G (possession and sale of unmarked tobacco);
- (b) section 8H (use of premises for sale of unmarked tobacco).

- 18. Any offence under the Forgery and Counterfeiting Act 1981 (other than an offence under section 18 or 19 of that Act).
- 19. Any offence under the Fraud Act 2006.
- 20. The offence at common law of conspiracy to defraud.

### **Immigration offences**

- 21. An offence under any of the Immigration Acts.

### **Licensing offences**

- 22. Any offence under the Licensing Act 2003.
- 23. Any offence under any of the following enactments—
  - (a) Schedule 12 to the London Government Act 1963 (public entertainment licensing);
  - (b) the Licensing Act 1964;
  - (c) the Private Places of Entertainment (Licensing) Act 1967;
  - (d) section 13 of the Theatres Act 1968;
  - (e) the Late Night Refreshment Houses Act 1969;
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982;
  - (g) the Licensing (Occasional Permissions) Act 1983;
  - (h) the Cinemas Act 1985;
  - (i) the London Local Authorities Act 1990.

24. An offence under section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).
25. An offence under section 7(2) of the Gaming Act 1968 (allowing child to take part in gaming on premises licensed for the sale of alcohol).
26. An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.

### **Sexual offences**

27. A sexual offence, being an offence —
  - (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
  - (b) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);
  - (c) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
  - (d) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

### **Terrorism offences**

28. An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).

### **Theft offences**

29. An offence under any of the following provisions of the Theft Act 1968 —
  - (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 (2)(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.).

- 30.** An offence under either of the following provisions of the Theft Act 1978 —
- (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).

**Violent offences**

- 31.** An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).
- 32.** A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).

**Foreign Offences:**

Any offence for which you have been convicted in a court of law of another country (i.e. not in Great Britain) must be declared on your personal licence application.

Should a foreign offence be disclosed then the police will be given an opportunity to object to the application. If the police object then there will be hearing before the licensing committee, if they do not then the application will be granted.

If a person is convicted of a relevant or foreign offence between the making of the application to the local authority and its determination, then he must inform the licensing authority immediately. Failure to do so is a criminal offence. If the local authority finds out afterwards that an applicant has not informed them of such an offence then the personal licence may be revoked.

If a personal licence holder is convicted of a relevant or foreign offence at any time during the duration of that personal licence then they must inform the sentencing court that they are a personal licence holder. Failure to do so is also a criminal offence. The court dealing with the relevant or foreign offence may then order forfeiture or suspension of the personal licence. The sentencing court also has a duty to inform the licensing authority of the conviction. Should the sentencing court be unaware of the person's status as a personal licence holder then the duty falls upon the personal licence holder to inform the licensing authority. Failure to do so is also a criminal offence.

## **List of acceptable documents to show entitlement to work**

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with their application, copies or scanned copies of the following documents (which do not need to be certified):

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided.
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity .
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - working e.g. employment contract, wage slips, letter from the employer,
    - self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - studying e.g. letter from the school, college or university and evidence of sufficient funds, or
    - self-sufficient e.g. bank statements.

- Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.