



Licensing Act 2003 Guidance Notes

NEW PERSONAL LICENCES

What is a Personal Licence?

All sales of alcohol must be made by, or under the authority of, a Personal Licence Holder. Not everyone who makes a sale has to hold a Personal Licence, so long as a Personal Licence Holder has authorised the sale. This does not apply to Qualifying Clubs or premises operating under a Temporary Event Notice.

You must apply to West Lindsey District Council for your Personal Licence if you reside within the area.

You can have as many Personal Licence Holders on one premise as you wish, providing there is only one Designated Premises Supervisor (see below). You can also choose to become a Personal Licence Holder if you wish to apply for more than five Temporary Event Notices a year, but otherwise would not require one.

What is a Designated Premises Supervisor?

All premises operating under a Premises Licence to sell or supply alcohol must appoint a Designated Premises Supervisor (DPS) for the premises. There can only be one DPS per premises. The DPS will be held as the person in overall charge of the premises. You should therefore choose this person with care.

Applicants must nominate the DPS on their application form. This person does not have to be on the premises at all times, but they must take responsibility for what happens there. This means the DPS should ensure any staff they appoint are appropriately trained in the requirements of the Licensing Act 2003 and of any specific conditions attached to the Premises Licence.

A person cannot become a DPS unless he is also a Personal Licence Holder.

Although qualifying clubs don't need a DPS to sell alcohol to members and their guests, this exemption does not apply if the premises are hired out for functions such as wedding receptions. You need a full Premises Licence for these activities (unless you are only holding a small number of events, which you can hold under a TEN) and therefore need to appoint a DPS.

Applying for a Personal Licence

The steps to be taken to apply for a Personal Licence are as follows:

- Obtain a criminal record check (see below)
- Apply on the correct form enclosing the correct fee of £37.00. (Cheques to be made payable to West Lindsey District Council).
- Enclose 2 photographs (see below)
- Make a declaration that you have not been convicted of a relevant offence or equivalent foreign offence. If you have been convicted of a relevant or foreign offence please state so on the declaration accompanied by details of the nature and date of the conviction, the convicting court and any sentence imposed in respect of it.
- Enclose the appropriate licensing qualification with the application (see below)

Criminal record check

One of the following criminal record checks (which should not be over 1 month old) must be included with the application:

- A criminal Conviction Certificate issued under section 112 of the Police Act 1997; or
- 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; or

- 1 A Basic Criminal Conviction Certificate check and is available through the Disclosure and Barring Service.

For information contact: <https://www.gov.uk/request-copy-criminal-record>

- 2 The Subject Access Search is available through Lincolnshire Police at <https://www.lincs.police.uk/reporting-advice/access-to-your-personal-information/> or by phoning 01522 947122 or 01522 947120

Provision of Photographs

All personal licence applications must include two identical recent passport sized photographs. The quality, style and appearance of photographs must meet the standards set by the regulations made under the Licensing Act 2003 and guidance issued by West Lindsey District Council. The guidance in this leaflet will help you send us acceptable photographs, and will help avoid the need for us to ask for more photographs.

One of the photographs must be endorsed as a true likeness (see note below). The person endorsing the photograph must certify the back of one of the photographs with the words, "I certify that this is a true likeness of (give your full name and title)" and sign and date the endorsement. There must also be some reference to the status in which the person is endorsing the photograph (e.g. solicitor, parish clerk, etc.)

The two photographs must be:

- identical;
- recent (i.e. taken within the last six months);
- 45 millimetres (mm) x 35 millimetres (mm) in size;
- printed on normal photographic paper; and
- taken against a light plain background so that your features are clearly distinguishable against the background

One of the photographs must be:

- endorsed as a true likeness of you by the Chief Executive of the licensing justices for the licensing district, a solicitor or notary, a person of standing in the community or an individual with a professional qualification.

The photographs must show:

- your full head, without any head covering, unless it is worn for religious beliefs;
- your face uncovered;
- your eyes open and clearly visible (with no sunglasses or heavily tinted glasses and no hair across your eyes); and
- no shadows

The photographs should:

- be in sharp focus and clear;
- have a strong definition between the face and background;
- be printed at 1200 dpi resolution or better if they are digital or scanned photographs
- show your full face, looking straight at the camera;
- show a neutral expression, with your mouth closed;
- show no reflection on your spectacles, if you wear them, and the frames should not cover your eyes;
- be a close-up of your head and shoulders so that your face covers 70 to 80% of the photograph; and
- be of you on your own, no objects or other people

A personal licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any personal licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

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 licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Right to work/immigration status:

Documents which demonstrate entitlement to work in the UK

- 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 [please see note below about which sections of the passport to copy].
- 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 a 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 relation 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 a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or 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 a 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 a 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:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) 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.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Licensing Qualifications

The original certificate for your licensing qualification must be submitted with your application.

The qualifications that will be accepted are:

- BIIAB Level 2 National Certificate for Personal Licence Holders, QCF Accreditation Number 100/4866/2

A full list of accredited providers can be found at:

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

This leaflet provides a basic guidance; full requirements are detailed in the legislation.

This information was accurate when provided but may have changed since. Only the courts can give an authoritative opinion on statute law.

For further information please contact the Licensing Team at;

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