

# Licensing Act 2003

## A User-Friendly Guide



## Personal Licenses

The introduction of the Licensing Act 2003 in 2005 saw a major alteration in the way liquor and entertainment are regulated. New legislation has brought many changes for local government and service delivery with respect to licensing

A licensing policy has been established which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has been established, and a Central Administration Unit has been formed, serving the following Councils:

- **Kettering Borough Council**
- **East Northamptonshire Council**
- **Borough Council of Wellingborough**
- **Daventry District Council**
- **Corby Borough Council**

Details of how to contact the Central Administration Unit are on the back page of this leaflet.

A personal licence authorises the specified person to supply alcohol (or allow the supply of alcohol) in accordance with a premises licence. It is portable between premises. A personal licence is valid for a period of ten years, and is subject to a fee of £37.00.

In addition, any premises wishing to sell alcohol must appoint a responsible person to be the Designated Premises Supervisor (DPS). It is a pre-requisite that a DPS must be a personal licence holder

While the Premises Supervisor is ultimately responsible for the establishment, it is not necessary for them to be on site at all times. In the absence of the DPS, it is advisable that they should authorise the relevant members of staff to

serve alcohol in their absence. This should be done in writing, and a copy of the authorisation should be available for inspection, on request, by an authorised person, such as the Police, or Local Authority Enforcement Officer. However, it is good practice, wherever possible, for more than one member of staff to hold a personal licence, to cover cases of holidays and sickness.

In the case of licensed establishments where no alcohol is sold no Personal Licence holder is necessary.

### **Purpose of the Act.**

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm.**

### **Frequently Asked Questions**

#### **What is a Personal Licence?**

This is a portable licence granted by the local (licensing) authority of residence to an individual enabling the right to sell alcohol at any premises licensed for the sale of alcohol.

#### **What happens if I change jobs?**

Once a licence is granted, it is valid for a period of ten years. You can use your licence anywhere in the United Kingdom. You must notify your issuing authority if you change your permanent address.

#### **Are there any qualification requirements for Personal Licences?**

Yes, there will be a requirement for new personal licence holders to take a qualification approved by the Secretary of State. (BIAB Level 2 National Certificate for Personal Licence Holders, GQAL Level 2 Certificate for Personal Licence Holders,

or GOAL Level 2 Certificate for Personal Licence Holders

### **I reside in East Northamptonshire, but work in Kettering. Where do I apply?**

From 1<sup>st</sup> April 2008, anyone resident in the Kettering, East Northamptonshire, Corby, Wellingborough and Daventry areas, should apply directly to the Central Administration Unit at East Northamptonshire Council. If you reside outside these areas, however, It is important that you apply to the Council in whose borough you reside. This includes student or staff accommodation

### **Do I have to hold a personal licence to work in a pub?**

No one is required to hold a personal licence to work in any licensed premises other than the person who is the designated premises supervisor in respect of the premises licence, referred to above. However every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. For further information on the role of the designated premises supervisor, please see the leaflet on **premises licences**.

### **How do I apply?**

Please contact the Licensing Unit (details at the end of this leaflet) for application forms. You will need to submit the following:

- completed application forms
- two passport sized photographs, one of which must be endorsed as a true and proper likeness by an appropriate person
- your licensing qualification
- a criminal records bureau check, not more than one calendar month old. These can be obtained from Disclosure Scotland on 0870 609 6006 or [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

### **Why do I need to apply for a personal licence?**

The new system of personal licences will allow holders to sell alcohol for consumption on or off any premises covered by a premises licence, similar to the way that a driving licence permits the driving of a car. It replaces the vague 'fit and proper person' tests with a need to possess a licensing qualification, in most cases, or otherwise to be a person of description set out in regulations made by the Secretary of State.

### **What offences would affect my application?**

'Relevant offence' refers to the offences listed in the Act that could, on conviction, rule out the grant or renewal of a personal licence to the applicant concerned.

The offences include

- those involving serious crime;
- those involving serious dishonesty;
- those involving controlled drugs;
- certain sexual offences;
- offences created by the Act.

### **The full list of relevant offences can be found in Schedule 4 to the Act.**

If it appears there are convictions for any relevant or foreign offences, the licensing authority will give a notice to the chief officer of police for the area. If the police make no objections within a 14 day period, the licence must be granted.

### **What if I am convicted of a relevant offence while holding a personal licence?**

If you are charged with a relevant offence, you must produce your personal licence to the court. If that is not practical, you must tell the court that you have a personal licence; the issuing authority, and why you can't produce the licence. If you are convicted, the Court will notify the relevant licensing authority about the conviction,

and may order the forfeiture or suspension of the licence.

### **What happens if I am convicted for a relevant offence, but I failed to produce my licence to the court (or notify them of its existence)?**

This is an offence. It also becomes your duty to notify the licensing authority that granted the licence of the conviction for the relevant offence, and any sentence imposed. This notice must be accompanied by the personal licence, or a statement explaining why it was not enclosed.

### **What happens if I am convicted of a foreign offence?**

You must notify the licensing authority that granted the licence of the conviction, and any sentence imposed. This notice must be accompanied by the personal licence, or a statement explaining why it was not enclosed.

### **What happens if I am convicted of a relevant or foreign offence during the application period for the grant or renewal of a personal licence?**

You must notify the licensing authority applied to of the conviction. Failure to do so, without reasonable excuse, is an offence. The sentence on conviction of this offence is a fine of up to £2500. The Act makes provision for cases where appeals are made against convictions.

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Web Site: [www.northantslicensing.gov.uk](http://www.northantslicensing.gov.uk)

You can view a complete copy of the Act and associated guidance at [www.culture.gov.uk](http://www.culture.gov.uk)

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