

## **Personal Licence Holder.**

All Premises Licences authorising the supply of alcohol must have an identified Personal Licence holder, known as the designated premises supervisor. More than one individual at the licensed premises may hold the Personal Licence, although it is not necessary for all staff to be licensed. All supplies of alcohol under a Premises Licence must be made by or under the authority of a Personal Licence holder.

The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for other licensable activities, such as the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a Club Premises Certificate or Temporary Event Notice.

### **How do I qualify for a Personal Licence?**

To qualify for a Personal Licence, the applicant must fulfill certain criteria;

- the applicant is aged 18 or over;
- no Personal Licence held by him or her has been forfeited within the period of five years before making the application;
- he or she possesses an accredited licensing qualification, or is a person of a prescribed description; and
- he or she has not been convicted of any relevant or foreign offence.
- Hold a criminal check (issue date must be within one month when applying for the application for a Personal Licence).
- provide proof of right to work in the UK

If the applicant meets all these criteria, the Licence will be granted. If any of these are not met, the Council must reject the application. The Council must notify the Chief Officer of Police for its area if it appears that an applicant has been convicted of any relevant or foreign offence.

### **Documentation required.**

The application for a Personal Licence must include:-

- a personal licence application form;
- the Original Qualification Certificate – Level 2 National Certificate for Personal Licence;

- an Original Criminal Check (Basic Disclosure Check);
- a Disclosure of Criminal Convictions and Declaration Form;
- two photographs;
- the relevant fee of £37 by cash, cheque (payable to Chesterfield Borough Council) or by card.
- proof of right to work in the UK

### **Application Form.**

You must make the application to the Licensing Authority where you live. The applicant must submit a completed application form with all documentation to the Licensing Section. If areas of the form are left blank or items omitted, the form will be returned to the applicant as an invalid application.

### **Qualification.**

The application must be accompanied by a Licensing Qualification that has been accredited by the Home Secretary. This ensures that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

The qualification must be obtained and the original certificate submitted with a complete application. The original certificate will be returned to the applicant once the council has accepted the application as complete.

### **Acceptable Accredited Qualifications (by the Home Office) include:-**

**Acceptable accredited qualifications must be a Level 2 Award for a Personal Licence Holder.**

**BIIAB** (QCF Recognition number RN5118)

**CIEH** (QFC recognition number RN5238)

**HABC** (QCF Recognition number RN5219)

**IQ** (QCF Recognition number:RN5330)

**Laser** (QCF Recognition number RN5326)

**Pearson Education Ltd** (QCF Recognition number RN5133)

**QNUK** (RQF Recognition number RN5159)

**SQA** (QCF Recognition number RN5167)

**Training Qualifications UK**

### **Criminal Check.**

You have two options.

You can apply for a: Basic Disclosure Check; or Subject Access Search.

The issue date on the criminal check must be less than one month when applying for the Personal Licence.

You can apply for a basic disclosure check online from DBS (There is a fee charged which is payable direct to DBS). To apply online you must visit [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record). The check usually takes up to 14 days.

You can apply for a Subject Access Check which can take up to 40 days. At the present time you must apply to Derbyshire Constabulary Force Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS. Contact Tel no 101. There is a fee charged which is payable direct to Derbyshire Constabulary).

### **Disclosure of Convictions and Declaration.**

The applicant must complete a disclosure and declaration form to be submitted along with the application form. This form must be dated and signed by the applicant.

A Relevant Offence is an offence listed in Schedule 4 of the Act. The Secretary of State may, by order, amend that list so as to add, modify or omit any entry.  
Foreign Offence - This is an offence other than a Relevant Offence under the law of any place outside England and Wales.

Where an applicant for the grant or renewal of a personal licence is convicted of a Relevant Offence or a Foreign Offence during the application period, they must notify the conviction to the authority to which the application was made as soon as reasonably practicable.

A person commits an offence if they fail to comply without a reasonable excuse.

### **Hearings.**

Where an applicant is found to have a relevant or foreign offence and the police object to the application on the grounds of crime prevention, the applicant is entitled to a hearing before the council.

Refusal of an application will be the normal course of action, unless, in the opinion of the Licensing Committee, exceptional and compelling circumstances justify the granting of the application. Applicants will be given all the reasons for any decision that is made.

### **Photographs.**

The council requires two photographs of the applicant (any charge is payable by the applicant direct to the provider). The two photographs must meet the following criteria:

taken against a light background, so that the applicant's features are distinguishable and contrast against the background;

sized 45 mm x 35 mm;

showing the applicant's full face, uncovered, without sunglasses, without a hat or other head-covering unless the applicant wears a head-covering due to their religious beliefs;

endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification but not a family member.

### **Proof of right to work in the UK**

The council requires all applicants to provide documentary evidence they are entitled to work in the UK. Documents which can be accepted are provided at the back of the application form.

Your right to work will be checked as part of the licence 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.

### **Responsibility once Personal Licence has been granted.**

The holder of the licence is required by the 2003 Act to notify the licensing authority of any changes to a holder's name or address.

They must confirm their previous address, current address and date of move, in writing to the Council as soon as practicable enclosing the fee of £10.50. The holder must enclose the original paper licence and ID Card, or a reason as to why these cannot be produced to the Council.

The holder is also under a duty to inform the Magistrates Court if you are referred to Court for any offence or conviction that you hold a Personal Licence.

You are also under a duty to inform the licensing authority of any convictions for a foreign offence/relevant conviction.