



## LICENSING ACT 2003

### PERSONAL LICENCE GUIDANCE

In offering this advice East Hampshire District Council wishes to make it clear that:

- Legislation may change over time and the advice given is based on the information available at the time the guidance was produced.
- Only the courts can interpret statutory legislation with any authority.
- This advice is not intended to be a definitive guide to or substitute for the relevant law.
- Independent legal advice should be sought where appropriate.

#### Introduction

All premises carrying out licensable activities must have a premises licence or club premises certificate. If a premises licence authorises the supply of alcohol it is a requirement, unless the premises is a community premises, that there is a Designated Premises Supervisor (DPS). A DPS must be a Personal Licence holder.

Please contact the licensing office for information on community premises.

The following guidance provides information on what you need to do to apply for a Personal Licence. Forms are available on the EHDC website or by contacting the licensing office on 01730 234379/89.

#### Personal Licence Holder

A Personal Licence is granted to an individual and authorises that person to supply alcohol, or authorises the supply of alcohol in accordance with a Premises Licence. A Personal Licence is not required for a Temporary Event Notice (TEN).

An application for a Personal Licence is made to the local authority. This new licence does not expire. If you move house or move jobs you do not have to move your licence to another local authority. However, you do have to notify the local authority which issued your Personal Licence of any changes to your name or address. (See underneath for fees.)

Premises, which supply alcohol, must have at least one Personal Licence holder. Other employees, such as bar staff, are not required to hold a Personal Licence although there is nothing to prevent them qualifying and getting a Personal Licence. It may be good management practice to have at least two Personal Licence holders assigned to the premises.

You will need to have a specified licensing qualification or be a person of a prescribed description. Persons of prescribed description are currently the Master Vintners, persons licensed by the Board of Green Cloth and persons licensed by the University of Cambridge. If you are a person of a prescribed description, you must include evidence of this with your application.

The Government has published a syllabus for the Personal Licence qualification. For a list of “accredited personal licence qualification providers” please visit [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). The newest accredited certificates are -

**BIIAB (QCF Recognition number RN5118)**

BIIAB Level 2 Award for Personal Licence Holders

Qualification number: 603/2468/5

Qualification approval/designation number: C00/1212/8

BIIAB Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 501/1494/3

**CIEH (QFC Recognition number RN5238)**

CIEH Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 601/2104/X

**HABC (QCF Recognition number RN5219)**

Highfield Level 2 Award for Personal Licence Holders (RQF)

Qualification number: 603/2597/5

Qualification approval/designation number: C00/1221/1

HABC Level 2 Award for Personal Licence Holders (QCF)

Qualification accreditation number 500/9974/7

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

IQ Level 2 Award for Personal Licence Holders

Qualification number: 603/2659/1

IQ Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 601/4980/2

**LASER (QCF Recognition number RN5326)**

LASER Level 2 Award for Personal Licence Holders

Qualification number: 603/2603/7

Laser Level 2 Award for Personal Licence Holders

Qualification accreditation number 600/6446/8

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

Pearson BTEC Level 2 Award for Personal Licence Holders

Qualification number: 603/2538/0

Pearson BTEC Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 601/3483/5

**QNUK (RQF Recognition number RN5133)**

QNUK Level 2 Award for Personal Licence Holders

Qualification number: 603/2619/0

QNUK Level 2 Award for Personal Licence Holders

Qualification number: 603/1021/2

**SQA (QCF Recognition number RN5167)**

SQA Level 2 Award for Personal Licence Holders

Qualification number: 603/2596/3

SQA Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 600/1269/9

**Training Qualifications UK (Recognition number: RN5355)**

TQUK Level 2 Award for Personal Licence Holders (RQF)

Qualification number: 603/2835/6

TQUK Level 2 Award for Personal Licence Holders (QCF)

Qualification number: 601/6508/X

Information on local training providers can be obtained from the section on Training Providers in this Guidance, or by telephoning the British Institute of Innkeeping (BII) 01276 684449 or the Confederation of Professional Licensees on 0151 650 6910.

**Personal Licence Application**

Requirements for an application are:

1. Completed application form
2. Proof of right to work in the UK (see below)
3. Declaration of Convictions
4. Two photographs which must be
  - (a) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
  - (b) 45 millimetres by 35 millimetres,
  - (c) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
  - (d) on photographic paper, and
  - (e) one endorsed on the back by
    - (i) the chief executive of the licensing justices for the relevant Licensing Authority,
    - (ii) a solicitor or notary,
    - (iii) a person of standing in the community; or
    - (iv) an individual with a professional qualification.
5. Level 2 Award for Personal Licence Holders.
6. Criminal conviction certificate or a criminal record certificate or the results of a subject search of the police national computer by the National Intelligence Service. From January 2018 this criminal record check is available by completing an online request for a basic DBS (Disclosure and Barring Service) check on the GOV.UK website. The address is:

<https://www.gov.uk/request-copy-criminal-record>. The results of these disclosures must be issued no earlier than one month before the application is given.

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

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).

### **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.

<b>Application Fees</b>	<b>Fee</b>
Application for a grant or renewal of Personal Licence	£37
Theft, loss etc. of Personal Licence	£10.50
Notification of change of name or address	£10.50
Duty to notify change of name or address	£10.50

**British Institute of Innkeeping  
Training Providers in Hampshire  
For  
Level 2 Award for Personal Licence Holders (ALPH)**

Portsmouth	SOUTHDOWNNS COLLEGE, PORTSMOUTH	02392 797979	£137.00 1 day course Monday Exam following Friday pm
Havant	INN- DISPENSABLE	02392 345679	£150.00 + VAT 1 day course Exam pm
Slough	GET LICENSED	0207 078 7259	Enquire Direct
Portsmouth	CPL	0151 650 6910	£135 + VAT 1 day course
Southampton	INNPACKED	0800 0786056	1 day course including lunch and exam pm. Enquire direct

The information on the above table has been given by the Training Providers and was correct as at January 2018.

## Useful contacts

### Sources of further information

Can be obtained from –

East Hampshire District Council's Licensing Policy

The Council's website – [www.easthants.gov.uk](http://www.easthants.gov.uk)

East Hampshire District Council  
Licensing Office  
Penns Place  
Petersfield  
Hampshire  
GU31 4EX  
Telephone: 01730 234389  
Email: [licensing@easthants.gov.uk](mailto:licensing@easthants.gov.uk)

Information on how long it takes for applications to be processed can be found on the Council's website:

[www.easthants.gov.uk/ehdc/licensingweb.nsf/webpages/Licence+applications](http://www.easthants.gov.uk/ehdc/licensingweb.nsf/webpages/Licence+applications)

**The Home Office** website -

<http://www.homeoffice.gov.uk/drugs/alcohol/licensing-act-next-steps/>

where you can find Licensing Act 2003 Section 182 Guidance and other information on the licensing regime.

**Her Majesty's Stationery Office** [www.hmso.gov.uk](http://www.hmso.gov.uk) for the complete Licensing Act 2003 and regulations.

**The GOV.UK** website - <https://www.gov.uk/request-copy-criminal-record> for applying for a basic Disclosure and Barring Service (DBS) check to get a copy of your criminal record. This is for people living or working in England and Wales.

### Data Protection

Please note that the Council may provide information submitted on any application form for a licence and permission to other statutory authorities, such as the Home Office, the Department of Culture, Media and Sports (DCMS), Her Majesty's Revenue and Customs (HMRC) and, in the case of application under the Gambling Act 2005, the Gambling Commission. The Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud, including participating in the Cabinet Office's National Fraud Initiative exercise <http://www.easthants.gov.uk/privacy-policy>. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. The information may be shared with our partner local authority Havant Borough Council.