

# Personal Licences

*(Form Last Revised March 2023)*

Licensing Act 2003



LICENSING TEAM

# 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 requirement does not apply to a Club Premises Certificate or in certain limited circumstances when the sale is taking place in connection with a Temporary Event Notice (TEN).

You must apply for your Personal Licence to the Council in whose district you normally reside.

You can have as many Personal Licence Holders present on one licensed 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 (TENs) a year.

You must have the legal right to work in the UK in order to hold a Personal Licence. Proof of which will be required.

## 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 premises 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/she is also a Personal Licence Holder.

Although qualifying clubs do not need a DPS to sell alcohol to members and their guests, this exemption does not apply if the premises are hired out for wedding receptions, birthday parties, funeral wakes and the like. 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.

## Application for a Personal Licence

The following sections of this document indicate how you apply for a Personal Licence.

### Requirements for a new application for a Personal Licence

- Complete the application form
- Be over 18
- Hold a Licensing Qualification (see below) that has been accredited by the Secretary of State. The aim of this provision is to ensure that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol
- Submit a DBS Basic Disclosure (criminal conviction certificate which is not more than one month old). The purpose of the check is to determine if there are any relevant offences recorded against the applicant (see below for further details)
- Submit a signed statement relating to any convictions for a relevant offence, foreign offence or the receipt of a civil immigration penalty

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- The application fee of £37.00 (cheques made payable to East Lindsey District Council)\*
- Submit 2 passport sized photographs (one of which must be endorsed as a true likeness – see Appendix 2 of this leaflet for further details regarding photographs)
- Submit evidence of your entitlement to work in the UK

*\*Please note that we no longer accept cash payments for licence application fees. We are able to take credit or debit card payments over the telephone or in person at the Council's Tedder Hall offices. Cheques should be made payable to East Lindsey District Council.*


If there are relevant offences, the Police or the Home Office can make a representation (objection) against the personal licence application on crime prevention grounds. If the Police or the Home Office make a representation then there will be a hearing of the application as described below.

## Right to Work in the UK

Applicants for personal licences must prove that they have the legal right to work in the UK, by providing copies of official documents showing that they are either a British or UK citizen, a national of an EEA country or Switzerland, have been granted indefinite leave to remain and work in the UK, or have another immigration permission allowing them to lawfully work in a field relevant to the sale of alcohol.

Official guidance notes on what documents are acceptable and which pages must be photocopied are included within the current personal licence application form.

Personal licence applicants should not send original Right to Work documents through the post, but rather send good quality photocopies of all relevant pages.



This Authority may request further documentation or carry out further checks with the Home Office if an applicant's immigration status is unclear.

Personal licences cannot legally be granted to any person who does not have the right to work in the UK.

The above Right to Work requirements, for personal licence applicants, came into force on 6 April 2017.

## Licensing Act 2003 Sub-Committee

The Police or Home Office may object to a Personal Licence application.

If there is a representation by the Police or Home Office, your application will be determined by the Council's Licensing Act 2003 Sub-Committee, an elected body of Councillors. They will listen to evidence from both sides before deciding whether to grant the licence.

## Criminal Conviction Certificates

**DBS Disclosure** - We are advised that the Basic DBS Disclosure (criminal conviction certificate) can be obtained from the Disclosure and Barring Service's website at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record). For further information (including the cost of a disclosure) telephone 03000 200 190.

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## Licensing Qualifications

The original certificate for your licensing qualification must be submitted with your application. An up to date list of acceptable qualifications can be found on the [www.gov.uk](http://www.gov.uk) website.

Contact the bodies (shown on the [www.gov.uk](http://www.gov.uk) website) direct for information on courses, costs and availability in your area.

## Relevant Offences or Equivalent Foreign Offences or Civil Immigration Penalties that Must be Declared

When submitting an application for a Personal Licence you are required to declare any relevant offences or equivalent foreign offences or Civil Immigration Penalties you may have, unless they are regarded as "spent" under the Rehabilitation of Offenders Act 1974. The information you give will be treated in confidence and will only be taken into account in relation to your application.

Appendix 1 of this leaflet lists the relevant offences or equivalent foreign offences, which must be declared in an application for a Personal Licence (unless they are spent under the terms of the Rehabilitation of Offenders Act).

Further information on the Rehabilitation of Offenders Act can be found within this booklet, on the [www.gov.uk](http://www.gov.uk) website, or from a legal advisor.

## Duty to Notify the Licensing Authority of Convictions During Application Period

Where an applicant for the grant of a personal licence is convicted of a Relevant Offence or a Foreign Offence or receives a Civil Immigration Penalty 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. If a person is found guilty, they are liable to a fine not exceeding level 4 on the standard scale, currently £2,500.

## Duties of a Personal Licence

There are a number of duties with which a personal licence holder must comply during the currency of his / her licence.

## Convictions After the Grant of a Personal Licence

- a) If you appear in Court on a charge relating to a relevant offence, you must produce your personal licence to the Court. If you cannot produce your licence, you must notify the Court that you are a personal licence holder.
- b) If you are informed that you have been granted a personal licence after your first appearance in Court, you must inform the Court at the next hearing that you are now a personal licence holder.
- c) Where you have produced your licence to the Court, or notified them of its existence, you must also notify the Court at your next appearance, if any of the following events have occurred.

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- You have surrendered your personal licence
  - Your personal licence has been revoked
- d) If you are convicted of a relevant offence the Court may order the forfeiture or suspension of your licence. The Court will notify the Licensing Authority.
- e) You are required to notify this Licensing Authority of any convictions for a relevant offence. The notification must provide the nature and date of conviction and the sentence imposed. Your personal licence must be returned with the notification. Failure to make this notification is an offence.

## Change of Address

You must as soon as reasonably practical notify the Licensing Authority (The Licensing Team, East Lindsey District Council) of any change to your name or address as stated in your personal licence. Your licence must be returned with the notification and a new licence will be issued. A fee of £10.50 is payable to the Licensing Authority.

N.B: Once granted, East Lindsey District Council remains the relevant Licensing Authority for your personal licence even though you may move out of the area or taken employment elsewhere in England and Wales. Failure to notify a change of address is an offence. Please note a person commits an offence if he fails, without reasonable excuse, to comply with this section.

## Duty to Produce Personal Licence

- a) The Licensing Authority is required to update your personal licence whenever a change is required as a result of a notification from you or a Court. The Licensing Authority may require you to produce your licence



within a period of 14 days. Failure to provide your licence to the Licensing Authority is an offence.

- b) You must provide your personal licence for examination by a Constable or an Authorised Officer of the Licensing Authority whenever you are engaged in the supply or sale of alcohol. Failure to produce the licence for examination is an offence.

## Theft, Loss, etc of Personal Licence

Where your personal licence has been lost, stolen, damaged or destroyed, you may apply to the Licensing Authority for a copy of the licence. A fee of £10.50 is payable to the Licensing Authority for this service.

## Surrender of Personal Licence

Should you wish to surrender your personal licence you must return the licence to the Licensing Authority (The Licensing Team, East Lindsey District Council) together with a signed letter / declaration stating that you wish to surrender the licence.

*The information and guidance contained in this leaflet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.*

*The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.*

## Appendix 1

### Personal Licences

#### Relevant Offences or Equivalent Foreign Offences that Must be Declared

The offences listed below are specified as relevant offences under the Licensing Act 2003, and any convictions for these offences must be declared:

- By applicants, within an application for grant of a Personal Licence ('spent' convictions do not need to be disclosed – see below); or
- By licence-holders, as soon as reasonably practicable after conviction or disposal of any appeal.

If charged with a relevant offence, licensees must notify the Court that they hold a Personal Licence, before the end of their first appearance in a magistrate's court in connection with the offence.

Applicants and licence-holders are also required to declare any convictions for equivalent offences committed in any place other than England and Wales – these are known as 'foreign offences'.

## List of 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).

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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).

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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**

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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).

## 'Spent' convictions - Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time, dependent upon the severity of the sentence, convictions for offences are regarded as 'spent' and will not be taken into account when we consider applications for Personal Licences. Some examples of when convictions become 'spent' are set out below.

| Sentence/disposal   | Rehabilitation period   |   |
|---|---|---|
|   | Adults (18 or over when convicted)  | Young persons (under 18 when convicted) |
| Custodial sentences, including: Imprisonment (including suspended sentence), Detention in a young offender institution, Borstal, Youth custody, Corrective training | * these periods are measured from the day on which the sentence, including any licence period, is completed |   |
| Over 48 months (4 years)  | Never   | Never                                   |
| From 30 months to 48 months (2½ - 4 yrs)  | 7 years from end of sentence *  | 3½ years from end of sentence *         |
| From 6 months to 30 months (½ - 2½ yrs)   | 4 years from end of sentence *  | 2 years from end of sentence *          |
| 6 months or less  | 2 years from end of sentence *  | 18 months from end of sentence*         |

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| Sentence/disposal   | Rehabilitation period  |   |
|---|--|---|
|   | Adults (18 or over when convicted)   | Young persons (under 18 when convicted)                 |
| Armed forces service detention  | 1 year from end of sentence *  | 6 months from end of sentence *                         |
| Removal from Her Majesty's service  | 1 year from conviction date  | 6 months from conviction date                           |
| Fine  | 1 year from conviction date  | 6 months from conviction date                           |
| Compensation order  | When paid in full  | When paid in full                                       |
| Community order, Youth rehabilitation order                               | 1 year from end of order<br><i>(2 years from date of conviction if the order does not state an end date)</i> | 6 months from end of order                              |
| Conditional discharge   | End of the period specified in the order   | End of the period specified in the order                |
| Absolute discharge  | Spent immediately  | Spent immediately                                       |
| Bind-over order   | End of the period specified in the order   | End of the period specified in the order                |
| Referral order, Disqualification order, Hospital order, Supervision order | End of the period specified in the order   | End of the period specified in the order                |
| <b>Cautions</b>   |  |   |
| Conditional caution   | 3 months after issue, or on discharge of the conditions  | 3 months after issue, or on discharge of the conditions |
| Simple caution, Reprimand, Final warning                                  | Spent immediately  | Spent immediately                                       |

The periods of time which must elapse before the conviction becomes 'spent' may vary according to the circumstances of the individual and the offence. The rehabilitation period may, for example, be extended by the commission of further offences during the rehabilitation period.

Further information is available from the Government guidance on the Rehabilitation of Offenders Act, at [www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974](http://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974), or from a legal adviser.

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### Personal Licence 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 East 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 should 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 visible)

# Personal Licences

The following is a list of some of the persons who we will accept as countersignatories to a photograph. Please note that the list is not exhaustive.

- Accountant
- Articled Clerk of a Limited Company
- Assurance Agent of Recognised Company
- Bank/Building Society Official
- Barrister
- Broker
- Chairman/Director of Limited Company
- Chemist
- Chiropodist
- Commissioner of Oaths
- Councillor: Local or County
- Civil Servant (permanent)
- Dentist
- Engineer (with professional Qualifications)
- Fire Service Official
- Funeral Director
- Insurance agent (full time) of a recognised Company
- Journalist
- Justice of the Peace
- Legal Secretary (members and fellows of the Institute of legal secretaries)



- Local Government Officer
- Manager/Personnel Officer (of Limited Company)
- Member of Parliament
- Merchant Navy Officer
- Minister of a recognised religion
- Nurse (SRN and SEN)
- Officer of the armed services (Active or Retired)
- Optician
- Person with Honours (e.g. OBE MBE etc)
- Pharmacist
- Photographer (Professional)
- Police Officer
- Post Office Official
- President/Secretary of a recognised organisation
- Salvation Army Officer
- Social Worker
- Solicitor or Licensing Consultant
- Surveyor
- Teacher, Lecturer
- Trade Union Officer
- Travel Agency (Qualified)

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- Valuers and auctioneers (fellow and associate members of the incorporated society)
- Warrant officers and Chief Petty Officers
- Town or Parish Clerk

Or persons of similar standing to the above, working or retired are acceptable as countersignatures.

**Relatives or partners should not certify photographs in respect of a personal licence application.**







## Further help

If you need further advice please contact the Licensing Team on 01507 601111.

Please note photographs become part of the official records of the Council's Licensing Section and will not normally be returned.

Licensing Team  
East Lindsey District Council  
The Hub  
Mareham Road  
Horncastle  
Lincolnshire  
LN9 6PH  
[www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

If you would like this information in a different format, please contact us on 01507 601111.