

ALLERDALE BOROUGH COUNCIL



GUIDANCE SHEET

PERSONAL LICENCE

What is a Personal Licence?

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

This Licence is obtained independently of the Premises Licence. Following the grant of a Personal Licence it is valid anywhere in the country unless it has been revoked in court. The Licence remains valid for a 10 year period and is renewed by the original Licensing Authority.

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 singularly responsible for the running 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.

Why should you apply for a personal licence?

Every supply of alcohol under the premises license must be made or authorised by a personal licence holder. This means that even if a premises has a premises

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licence, alcohol cannot be served if a personal licence holder is not named as the Designated Premises Supervisor on the premises licence and if that person has not authorised the sale of alcohol.

Do all alcohol serving staff need a personal licence?

No, the only person at alcohol-serving premises who must have a personal licence is the Designated Premises Supervisor (DPS). However, it would be advisable for each premise to have at least one other personal licence holder in the case of accident or prolonged absence of the DPS at all times.

Does the Designated Premises Supervisor need to be on the premises when alcohol is being served?

No, but that person should always be contactable. As the Designated Premises Supervisor is ultimately responsible for every alcohol sale, if there is any problem at the premises, it will be a matter for the courts to decide if the DPS has shown due diligence.

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 wedding receptions 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.

There is a fee to obtain this Licence that must be paid at the time of application. The applicant must apply for the Licence to the Licensing Authority responsible for the region that they live in - ***This may not be the same region in which they work.*** The applicant must be over the age of 18 years.

Your application form must be accompanied by:

1. Two photographs of the applicant, which shall 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 of which is 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.

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2. Proof that you hold a Licensing Qualification that has been accredited by the Secretary of State, or proof that you are a person of prescribed description.
3. Either
 - (a) a criminal conviction certificate issued under section 112 of the Police Act 1997(a);
 - (b) a criminal record certificate issued under section 113A of the Police Act 1997; or
 - (c) the results of a subject access search under the Data Protection Act 1998(b) of the Police National Computer by the National Identification Service; and

in any case such certificate of search results shall be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority, and

4. a declaration by the applicant, in the form set out in Schedule 3, that either he has not been convicted of a relevant offence or a foreign offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it. A relevant/foreign offence that is spent within the terms of the Rehabilitation of Offenders Act 1974 need not be declared.
5. The fee of £37.
6. Accredited Licensing Qualification Certificate

For the purpose of Personal Licences, the Secretary of State has accredited 2 qualifications under the Licensing Act 2003. These are as follows:-

- BIIAB Level 2 National Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4866/2 and;
- GOAL Level 2 Certificate for Personal Licence Holders, QCA Accreditation Number: 100/4865/0

Further information about the BIIAB qualification is available on the BII website – www.bii.org

Enquiries about the GOAL qualification can be made to: customerservice@ediplc.com or Telephone No. 08707 202909

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If there are relevant offences, the Police can make a representation against the application on the prevention of crime and disorder grounds. If the police make a representation then there will be a hearing of the application.

A copy of the application must be submitted to:

- Local Licensing Authority
- Cumbria Police

The holder of the licence is required by the 2003 Act to notify the Licensing Authority that issued the licence of any changes in name or address. The changes will be recorded.

The holder is also under a duty to notify the Licensing Authority of any subsequent convictions of any relevant offences committed in this country or abroad.

These measures ensure that a single record will be held of the holder's history in terms of licensing.

For further information, please contact:

Licensing Department
Allerdale Borough Council
Allerdale House
Workington
Cumbria
CA14 3YJ

Tel. 01900 702720

Email: licensing@allerdale.gov.uk

Licensing Web site: www.allerdale.gov.uk