

11. Personal Licences

Basic criminal record checks

Basic criminal record checks can be obtained from Disclosure Scotland for further details call their helpline number 0870 609 6006, or their website <http://www.disclosurescotland.co.uk/>

Accredited personal licence qualification providers

On 7 February the Secretary of State accredited the first 2 personal licence qualifications under the 2003 Act. They are:

- **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](#). Enquiries about the GOAL qualification can be made to <mailto:customerservice@ediplc.com> or telephone 08707 202909

Information for course providers on how to obtain [Personal Licence Qualification Accreditation](#) (PDF 92k) is available.

Applicants for personal licences

Applicants for personal licences who do not have grandfather rights or an exemption will need to obtain an accredited qualification first. The aim of the qualification is to ensure that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

The scheme established by the [Licensing Act 2003](#) ("the Act") for the regulation of the supply of alcohol includes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol. The licensing of individuals separately from the licensing of premises permits the movement of personal licence holders from one premises to another, allowing greater flexibility. It ends the current outdated regime where publicans are tied by licence to the premises where they work. The Act also provides the police and licensing authorities with powers to deal with errant personal licence holders.

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 (although personal licence holders will be able to give 50 temporary event notices each year instead of the limit of 5 for non-personal licence holders).

A personal licence does not authorise its holder to supply alcohol anywhere, but only from establishments with a premises licence authorising the supply of alcohol in accordance with the premises licence. An individual may hold only one personal licence at any one time.

All [premises licences](#) authorising the supply of alcohol must have an identified personal licence holder known as the designated premises supervisor. This ensures there is always one specified individual who can be readily identified at a premises where a premises licence is in force. This person will usually be responsible for the day-to-day running of the premises. More than one individual at the licensed premises may hold a personal licence, although it is not necessary for all staff to be licensed. But, all supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

A personal licence is issued for ten years in the first instance and will be renewed on application for a further ten years if the licence holder has not been convicted of any relevant or foreign offence.

Q&A

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Answer

1. What will a personal licence look like?

The Secretary of State has made [regulations under the Licensing Act 2003](#), which set out the format for a personal licence.

2. How long will a personal licence last?

A personal licence will last for ten years (subject to certain provisions of the Act regarding, for example, surrender and forfeiture of the licence). The licence can be renewed for further periods of ten years. The licence will be renewed if the licence holder has not been convicted of any relevant or foreign offence. If any such convictions have occurred since the licence was granted or renewed, the licensing authority must notify the chief officer of police for its area who may object to the renewal.

3. Do I have to 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 section on [premises licences](#).

4. Why do I need to apply for a personal licence?

The new system of personal licenses 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.

5. What is the meaning of the term 'relevant offence'?

'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; and
- offences created by the Act.

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

When applying for the grant of a personal licence or for the renewal of a personal licence, the applicant must include details of any relevant or foreign offences for which they have been convicted or, in the case of applications for the renewal of the licence, have been convicted since the grant or last renewal of the licence.

7. What if I am convicted of an offence while holding a personal licence?

The Act makes provision for the holder of a personal licence charged with a relevant offence to produce his licence to the court or, if that is not practical, notify the court of the existence of the personal licence.

If a licence holder is convicted of a relevant or foreign offence while holding a personal licence, they must as soon as reasonably practicable inform the **licensing authority** which granted the licence of the conviction. The licensing authority must then notify the chief officer of police for its area who may, within 14 days, notify the authority that he considers that the continuation of the licence would undermine the crime prevention objective. If so, the authority must hold a hearing to consider the objection notice unless it is agreed that a hearing is unnecessary and this could lead to the revocation of the personal licence.

If an applicant for the grant or renewal of a personal licence is convicted of a relevant or foreign offence during the application process, they must also notify the licensing authority applied to of the conviction. Failure to do so is an offence.

8. How do 'foreign offences' differ from relevant offences?

Relevant offences mean those **offences listed in Schedule 4 to the Act**. Convictions for offences (other than relevant offences) under the law of any place outside England and Wales, including other parts of the United Kingdom such as Scotland and Northern Ireland, are counted as foreign offences. Details of these will also need to be given. The reason for the separate terms is that offences under the law of places outside England and Wales, which are equivalent to relevant offences, will not necessarily exist in exactly the same form as relevant offences.

9. How will licensing authorities check relevant and foreign offence records?

Each personal licence application will have to include details of records of any relevant or foreign offence for which the applicant has been convicted. The **licensing authority** must give notice, where an applicant has been convicted of a relevant or foreign offence, to the chief officer of police for that area. The police will then consider the conviction.

For relevant offences the police will consult either their own records or those of the relevant police force if the offence was committed in a different area. The chief officer of police will then notify the licensing authority if he is satisfied that granting or renewing the personal licence would undermine the licensing objective of preventing crime and disorder.

For foreign offences the police will take steps to contact their counterparts in the region or country where the conviction occurred.

10. How much will I have to pay for a personal licence?

The fee for a personal licence application is £37, with the same fee on each renewal, at ten yearly intervals.

11. How do I qualify for a personal licence?

To qualify for a personal licence the applicant must fulfil certain criteria. These are set out in the Act. The licensing authority must grant the licence if it appears that:

- the applicant is aged 18 or over;
- no personal licence held by him has been forfeited within the period of five years before making the application;
- he possesses an accredited licensing qualification, or is a person of prescribed description; and
- he has not been convicted of any relevant or foreign offence.

If the applicant fulfils all these criteria, the licence will be granted. If any of the first three criteria are not met, the licensing authority must reject the application. The licensing authority 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, as set out above.

The Secretary of State will accredit licensing qualifications and the bodies who will be able to award these. Details of the qualifications and accredited bodies may be viewed on the DCMS website in due course.

12. What is the application process for a personal licence?

The applicant must submit an application form to the relevant licensing authority as provided for in Part 6 of the Act. The form will require certain details of the applicant to be provided, and applicants will be required to provide additional information and documents such as photographs as well as the fee for the application. They will be asked for details of any relevant or foreign offences for which they have been convicted. The licensing authority will then process the application.

The Secretary of State has made **regulations under the Licensing Act 2003**, which set out the format for a personal licence.

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.

13. How do I obtain the necessary licensing qualification for a personal licence?

The syllabus for the personal licence qualifications was published in July 2003 and is available on the DCMS website. The syllabus sets out the structure for any course that will result in the student obtaining a licensing qualification. Information for course providers on how to obtain **Personal Licence Qualification Accreditation** (PDF 92k) is also available.

Details of those bodies have been accredited to award licensing qualifications can be found at the top of this page.

14. How do I convert my existing justices' licence to a personal licence?

The Act makes transitional provision for holders of justices' licences to apply for a personal licence without needing to possess a licensing qualification. The provisions will apply to applications made between 7th February and 6 August 2005. This recognises that justices' licence holders have already satisfied the licensing justices that they are 'fit and proper persons' to sell alcohol.

Applicants will be required to produce a completed application form accompanied by the prescribed fee and the following documents:

- their current justices' licence (or a certified copy);
- their photograph; and
- details of convictions of any relevant or foreign offences.

A copy of the application must be given to the police within 48 hours of the application being made.

Applications by holders of a justices' licence for a personal licence under the transitional provisions must be granted unless the applicant has been convicted of a relevant or foreign offence and the chief officer of police has given the **licensing authority** and the applicant a notice within 28 days of receiving a copy of the application stating that he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective. In this event the licensing authority must hold a hearing to consider the objection notice. The licensing authority must then reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

15. Can I apply for a new personal license during the transitional period?

A person who is not currently a justices' licence holder may apply for a personal licence during the transitional period in accordance with the provisions of Part 6 of the Act. Any personal licences issued takes immediate effect. However, the authorisation given by the licence has no practical effect until the second appointed day when premises licences will have effect and the provisions of the Act will be fully implemented.