



**WAVERLEY BOROUGH COUNCIL**  
**LICENSING ACT 2003 - PERSONAL LICENCES**  
**LICENSING ACT 2003 SECTIONS 111 - 135**

**WHAT IS A PERSONAL LICENCE?**

A personal licence entitles the holder to use it when working in the licensed trade. It also entitles the holder to apply for a greater number of temporary events notices (TENs) in a calendar year. Anyone wishing to have a career in licensed premises is likely to find it helpful to hold a Personal Licence. The Personal Licence will be valid for 10 years from the date on which it was granted, and can be used anywhere in England and Wales (if you want to work elsewhere for instance).

Every premises where alcohol is sold must have at least one personal licence holder to authorise sale or supply of alcohol, for consumption on or off the premises. This person will usually be named on the licence as the Designated Premises Supervisor (DPS). Every DPS will have a personal licence so that alcohol sales can be authorised. Many premises will seek to have more than one Personal Licence holder in situ to authorise sales at different times and also to demonstrate a responsible attitude to the activities at the premises concerned, particularly if the premises is open for many hours each day. Personal Licences may be renewed by re-applying to the same Council which granted the original licence, in good time before the licence has expired.

**WHY DO I NEED A PERSONAL LICENCE?**

If you wish to be named on a Premises Licence as the Designated Premises Supervisor (DPS) for the premises licence, you will need to have your Personal Licence in place and to produce the information from this as part of the application for the Premises Licence. You may also be asked to produce it at the premises, to the Police or to the Council's Licensing Enforcement Officer for instance. You may take the Personal Licence and use it anywhere in England and Wales, so this is an important possession for a career worker in the licensed trade. [The Personal Licence is not required for supply of alcohol at a members' club premises, although many members' clubs will see this as a suitable qualification when employing club stewards in the future, when the new legislation has bedded down further.]

**HOW DO I APPLY FOR A PERSONAL LICENCE?**

You will need to hold the National Certificate for Personal Licence Holders (NCPLH). Training sources for this qualification are set out *at the Annexe* below, or you can contact the British Institute of Innkeeping (01276 684449) or any Further Education college for information. You will need your certificate when you apply for the licence.

You will also need to have a Criminal Records disclosure to a standard level, see 6 on the list below for details. The disclosure must be not more than one month old when you apply for the licence.

Once you have these documents you can apply to the Council covering the area where you ordinarily live for a Personal Licence under the Licensing Act 2003, even though the place where you work may be in a different Council's area. Waverley will provide you with a form. Waverley also asks that you provide Surrey Police with a full copy of your application form, and the address is provided on our form. Provided the Council is satisfied that the application is complete and subject to there being no adverse elements in the application, the Council must grant the Personal Licence.

You must be over 18 years of age and you will need to submit:

1. The application form, fully completed, including Schedule 3
2. The prescribed fee of £37, cheques payable to Waverley Borough Council
3. Two photographs (on photographic paper) of the applicant, 45 X 35 millimetres in size and on a light background, full face, no sunglasses or unnecessary head covering. One of these photographs will be annotated by a Solicitor, Notary, Teacher, Lecturer, or other professional person as a true likeness of you.
4. Your own relevant licensing qualification (NCPLH certificate) which we will copy and return to you.
5. Your disclosure of convictions and declaration (Schedule 3 attached to the application form)
6. A criminal records disclosure (standard level) or a supplied by Disclosure Scotland (basic level) and can be dealt with on line via [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)) or from the Police National Computer (a PNC check), by asking for this at your local police station. **The disclosure must be less than one month old when you apply.**
7. A formal declaration must be made as to whether any offences have been incurred (Schedule 3, attached to application form).

The Council will supply you with an application form, or you can download a form from the website - [www.waverley.gov.uk](http://www.waverley.gov.uk). An application will not be considered complete until all seven elements listed above, (the full application) including payment, have been received by the Council.

Please send a copy of the application to the Chief Officer of Police, c/o The Police Licensing/Enquiries Officer, Cranleigh Police Station, Horsham Road, Cranleigh GU6 8DR. This will reduce the processing time .

You may find the relevant form on the Council's website, or you may ask for forms to be supplied to you, by contacting 01483 523223.

#### **WHAT IS A RELEVANT OFFENCE?**

A relevant offence under the legislation is any offence listed in Schedule 4 of the Licensing Act 2003. A list of relevant offences is attached to this leaflet. 'Spent' convictions may be disregarded. You are advised to obtain your own legal advice if you think you may have a relevant offence.

#### **WHAT HAPPENS NEXT?**

The Council will consider your application. If any relevant offences are shown, the Council will give notice to the Police. If you have given the Police a copy of the application, this will speed the process up. The Police may make observations within 14 days to the Council. The Council may then:

- Grant the licence, if satisfied with the full application, and police make no objection
- Hold a hearing (if Police object)

If a hearing is required, you will be invited to attend, with legal or other support if you wish within a set time period. We will discuss this with you, as necessary. If, after a hearing, a Personal Licence application is refused, reasons for rejection will be given, and the applicant has a right of appeal to the Magistrates Court. Information on the appeal process will be given with the Council's written decision.

#### **AMENDMENTS TO THE LICENCE**

A licence, once granted, must be kept up to date. Any change of name, address, or other details will require that you ask for the licence to be amended. You will return both parts of the licence to the issuing authority with a fee of £10.50 for amendment.

## **CONVICTIONS**

If you have to appear before a court, you must take your personal licence with you and declare it. The courts have powers which they may choose to exercise over the licence, depending on the charge they are dealing with.

## **OTHER USEFUL SOURCES OF INFORMATION**

- A. The Licensing Act 2003 can be viewed on the web site of Her Majesty's Stationery Office at [www.hmso.gov.uk/acts/acts2003/20030017.htm](http://www.hmso.gov.uk/acts/acts2003/20030017.htm)
- B. The Licensing Act, together with the Guidance for the Act, Regulations and Fees, can be viewed at the Department of Culture, Media and Sport web site on [www.dcms.gov.uk](http://www.dcms.gov.uk)
- C. The Government's Alcohol Harm Reduction Strategy can be viewed on [www.strategy.gov.uk](http://www.strategy.gov.uk)
- D. The Council's latest Licensing information can be found on its own web site at [www.waverley.gov.uk](http://www.waverley.gov.uk)
- E. You may email the Council via [licensing@waverley.gov.uk](mailto:licensing@waverley.gov.uk)
- F. [www.ias.org.uk](http://www.ias.org.uk) (the website of the Institute of Alcohol Studies)
- G. Registration and training of doorstaff from 2005 will be the responsibility of the Security Industry Authority (SIA). Information can be obtained from [www.the-sia.org](http://www.the-sia.org) or telephone 08702 430100. All doorstaff used must be registered with SIA.
- H. The British Institute of Innkeeping (BII) is a trainer and an awarding body for the appropriate qualifications for new personal licences. It can be contacted on [WWW.BII.org](http://WWW.BII.org) or 01276 684449.

## **NOTE**

This document is provided for information only and should not be taken as definitive advice. If you have any concerns, the Licensing Office will be happy to discuss these with you in the first instance. You should consider seeking your own legal or other independent advice if you have any concerns. The information contained here is to the best of the Council's knowledge at the time of writing.

## Extract from the Licensing Act 2003: Relevant Offences

This reproduces Schedule 4 of the Licensing Act 2003 as amended by SI 2005/2366 The Licensing Act 2003 (Personal licence: relevant offences) (Amendment) Order 2005. NB. A violent offence under paragraph 19 is 'any offence which leads, or is intended or likely to lead to a person's death or to physical injury to a person'. This would include Actual Bodily Harm and, common assault where it leads to physical injury.

### SCHEDULE 4

#### Section 113

#### PERSONAL LICENCE: RELEVANT OFFENCES

1. An offence under this Act.
2. An offence under any of the following enactments-
  - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
  - (b) the Licensing Act 1964 (c. 26);
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c. 54);
  - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - (h) the Cinemas Act 1985 (c. 13);
  - (i) the London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c. 60) -
  - (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.).
6. An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38) -
  - (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).
8. An offence under either of the following provisions of the Theft Act 1978 (c. 31) -
  - (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)-
  - (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
  - (b) section 170B (taking preparatory steps for evasion of duty).
10. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)-
  - (a) section 8G (possession and sale of unmarked tobacco);
  - (b) section 8H (use of premises for sale of unmarked tobacco).
11. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
12. An offence under the Firearms (Amendment) Act 1988 (c. 45).
13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)-
  - (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).
14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52) -
  - (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).
15. An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) 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).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1997 (c. 5).

18. A sexual offence, being an offence
  - (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003[2], 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) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
  - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
19. 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).
20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).