

BOSTON BOROUGH COUNCIL



LICENSING ACT 2003

A Guide to the Licensing Act 2003

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 does not apply to Qualifying Clubs or premises operating under a Temporary Event Notice.

You must apply to Boston Borough Council for your Personal Licence if you reside within the borough.

You can have as many Personal Licence Holders on one 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 a year, but otherwise would not require one.

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 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.

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 functions such as wedding receptions. 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.

Applying for a Personal Licence

The steps to be taken to apply for a Personal Licence are as follow:

- Obtain and enclose a criminal record check (see below)
- Apply on the correct form enclosing the correct fee of £37.00. (cheques to be made payable to Boston Borough Council).
- Enclose 2 photographs (see below)
- Make a declaration that you have not been convicted of a relevant offence or equivalent foreign offence and that you Immigration Civil Penalty If you have been convicted of a relevant offence, or foreign offence and/or have received an Immigration Civil Penalty, please state so on the declaration and provide details of the nature and date of the conviction, the convicting court and any sentence imposed in respect of it.
- Enclose the appropriate licensing qualification with the application (see below)
- Enclose proof of entitlement to be in the UK and to work in a licensable activity (see application).

Criminal record check

You must apply for a basic Disclosure and Barring Service (DBS) check to get a copy of your criminal record. This is called 'basic disclosure'. It's available for people living or working in England and Wales.

To obtain a Basic Disclosure please go to <https://www.gov.uk/request-copy-criminal-record> and follow the onscreen instructions.

Provision of 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 Boston Borough 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 must 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

Licensing Qualifications

The original certificate for your licensing qualification must be submitted with your application.

The Home Secretary has accredited the following personal licence qualifications under the Licensing Act 2003, commencing on 1 April 2011:

Please contact these bodies directly for information on courses, costs and availability in this area.

BIIAB (QCF Recognition number RN5118) - Level 2 Award for Personal Licence Holders

Qualification accreditation number 501/1494/3

Website: www.bii.org

Telephone: 01276 684 449

Email: qualifications@bii.org

Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT

EDI (QCF Recognition number RN5134) - Level 2 Award for Personal Licence Holders

Qualification accreditation number 500/9146/3

Website: www.ediplc.com

Telephone: 0247 651 6500

Email: enquires@ediplc.com

Address: Qualifications and processing centre, International House, Siskin Parkway East, Middlemarch Business Park, Coventry, CV3 4PE

HABC (QCF Recognition number RN5219) - Level 2 Award for Personal Licence Holders

Qualification accreditation number 500/9974/7

Website: www.highfieldabc.com

Telephone: 0845 226 0350

Email: info@highfieldabc.com

Address: Highfield Awarding Body for Compliance Ltd, Highfield House, Sidings Court, Lakeside, Doncaster, DN4 5NL.

NCFE (QCF Recognition number RN5156) - Level 2 Award for Personal Licence Holders

Qualification accreditation number 600/1323/0

Website: www.ncfe.org.uk

Telephone: 0191 239 8000

Email: info@ncfe.org.uk

Address: Citygate, St James' Boulevard, Newcastle upon Tyne NE1 4JE

SQA (QCF Recognition number RN5167) - Level 2 Award for Personal Licence Holders

Qualification accreditation number 600/1269/9

Website: www.sqa.org.uk

Telephone: 0845 279 1000

E-mail: customer@sqa.org.uk

Address: The Optima Building, 58 Robertson Street Glasgow G2 8DQ.

Formerly accredited courses which are still accepted

The following courses were formerly accredited:

BIIAB Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/4866/2. From 1 Feb 2005 to 31 March 2011.

EDI Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/4865/0. **From** 1 Feb 2005 to 30 April 2011.

GQAL Level 2 National Certificate for Personal Licence Holders.

QCA Accreditation Number: 100/5040/1. From 1 May 2005 to 30 April 2010.

HABC Level 2 Award for Personal Licence Holders.

QCA Accreditation Number: 500/7383/7. From 1 Sept 2009 to 30 April 2011.

NCFE Level 2 National Certificate for Personal Licence Holders

QCA Accreditation Number: 500/4228/2. From 1 Sept 2008 to 31 March 2011.

SQA Level 2 Award for Personal Licence Holders QCA Accreditation

This leaflet provides a basic guidance; full requirements are detailed in the legislation.

This information was accurate when provided but may have changed since. Only the courts can give an authoritative opinion on statute law.

Right to work

From the 6th April 2017, applicants for personal licences must prove that they have the legal right to work in the UK, by providing clear, legible 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 after the application form. Do not send original documents through the post, but rather send good quality photocopies of all relevant pages.
- We may request further documentation or carry out further checks, including checking 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.
- Licences will lapse automatically if your right to work in the UK expires or is revoked.

Privacy Notice

We are required by law to protect your privacy and inform you how your information may be used. The Licensing team collect your personal information to process and manage your application for a Personal Licence.

Some of your information will be recorded on a publicly available register as required by relevant legislation.

The information provided by you may also be used for legitimate reasons by other departments of Boston Borough Council and other lawful agencies. These reasons may include but are not limited to: prevention of crime, detection of fraud and public safety.

In some cases information relating to your application may be requested under the Freedom of Information Act, this council will review these requests to consider if it is lawful to comply.

The Council takes your privacy seriously. The Council is the Data Controller for the purposes of the Data Protection Act 1998.

If you want to know more about the information we have about you, or the way we use your information please contact the Council.

For further information please contact the Licensing Section at;

Licensing and Land Charges Section
Municipal Buildings
West Street
BOSTON
PE21 8QR

Telephone: 01205 314235

E-mail: licensing@boston.gov.uk