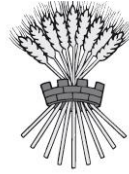


RYEDALE
DISTRICT
COUNCIL



RYEDALE DISTRICT COUNCIL

Application Guidance

For

A Personal Licence

LICENSING ACT 2003

LEGAL DISCLAIMER

This booklet is intended to provide a brief overview of the main requirements of the Licensing Act 2003 with regard to Personal Licences. **Its purpose is to give guidance to individuals and businesses.** The booklet is produced to give guidance only and the Council does not accept any responsibility or liability for any errors or omissions. **You are advised to seek your own independent legal advice if you think it necessary.**

Who needs a Personal Licence?

A Personal Licence is required by persons who are responsible for authorising the sale or supply of alcohol on licensed premises. A Designated Premises Supervisor must hold a Personal Licence.

Designated Premises Supervisor

A designated premises supervisor is the person named on a Premises Licence who has overall day to day responsibility for the running of the business.

A Personal Licence is not required for:

- Persons who only ever sell or supply alcohol when authorised to do so by someone else who holds a personal licence.
- Other licensable activities such as the provision of regulated entertainment or late night refreshment
- For the supply of alcohol under a club premises certificate
- For the supply of alcohol under a 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).

How long does a Licence Last?

You may only hold one personal licence at a time and the personal licence has an indefinite lifespan unless it is suspended, surrendered or revoked

Who do I make my application to?

An application is made to the Licensing Authority for the area in which you normally reside. If you live in the Ryedale District your Licensing Authority is Ryedale District Council. If you move you must let the Licensing Authority know your change of address.

Am I Eligible to Make an Application?

Requirements for a New Application

- You must be 18 or over
- You must possess an approved licensing qualification (See next page)
- You must not have had a personal licence forfeited in the past 5 years
- You must not have been convicted of a relevant offence under schedule 4 of the Licensing Act 2003 or foreign offence i.e. under the law of any place outside England and Wales. (See Relevant Offences Sheet attached)

Licensing Qualification

You must hold a licensing qualification that has been granted by an accredited organisation. The aim of the personal licensing qualification is to ensure licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.

There are five accredited qualifications under the Licensing Act 2003 as follows:

- BIIAB (QCF recognition number RN5118) Level 2 Award for Personal Licence Holders, Accreditation Number:501/1494/3 Website: www.bii.org or telephone 01276 684 449

- EDI (QCF recognition number RN5134) Level 2 Award for Personal Licence Holders, Accreditation Number: 500/9146/3 Website: www.ediplc.com or telephone 0247 651 6500
- HABC (QCF recognition number RN5219) Level 2 Award for Personal Licence Holders, Accreditation Number: 500/9974/7 Website www.highfieldabc.com or telephone 0845 226 0350
- NCFE (QCF recognition number RN5156) Level 2 Award for Personal Licence Holders, Accreditation Number: 600/1323/0 Website www.ncfe.org.uk or telephone 0191 239 8000
- SQA (QCF recognition number RN5167) Level 2 Award for Personal Licence Holders, Accreditation Number: 600/1269/9 Website www.sqa.org.uk or telephone 0845 279 1000

Whichever of these is applicable to you the original form of it must be supplied in support of your application. This is subsequently returned to you.

Local Training Providers

BII Training

Malton

Daniel Pettigrew Training Tel 01347 823271/www.danielpettigrewtraining.co.uk

Pickering

Popple Craven Licensing Training Ltd/NYCC Adult learning & Skills Service (Pickering Adult Learning Centre) Tel 07905 835051/jilly@pclt.co.uk

O'Brien Licensing & Training Services Tel 01723 588022 / www.obrienlicensing.co.uk

Scarborough

HCTC Ltd Tel 0800 0198322 / www.hctc.co.uk/trainingsolutions

O'Brien Licensing & Training Services Tel 01723 864835 / www.obrienlicensing.co.uk

Pure Training Solutions Tel.01262 424368 / www.puretrainingsolutions.org.uk

Yorkshire Coast College of FE & HE Tel 01723 372105 ext 6136

Bridlington

Pure Training Solutions Tel.01262 424368 / www.puretrainingsolutions.org.uk

York

Derby College Tel. 01332 520200 / www.derby-college.ac.uk

MSD Specialist Training Limited Tel 0800 0612 984 / www.msd.uk.net

Poppleston Allen Consultancy & Training Limited Tel. 0115 948 7400 / www.pactltd.co.uk

Protocol Skills Tel 0151 373 7700 / www.protocol-skills.co.uk

York College Tel 01904 770402 / www.yorkcollege.ac.uk

Training provided throughout the region

CPL Training, Egerton House, 2 Tower Road, Birkenhead, CH41 1FN.

www.cpltraining.co.uk. Tel 0845 833 1835

GQAL Training

National Training Co Tel. 0845 170 0001

EDI Training

Learning Curve (Training provided throughout the region) Tel. 01388 459300 or 01388 459430 / www.learning-curve.co.uk

How do I make an application?

To make an application you must submit the following items to the Licensing Team, Health & Environment Services, Ryedale District Council, Ryedale House, Old Malton Road, Malton YO17 7ZG:-

- **Completed Application Form** (available from The Licensing Team, Ryedale District Council)
- **Proof of Criminal record in one of the following forms:**
 - a. **Criminal Conviction Certificate (Basic Disclosure)** – This is the easiest method and therefore the one we would recommend. They can be obtained by contacting Disclosure and Barring Service on 0300 020 0190 or by email at customerservices@db.s.gsi.gov.uk and requesting an application pack for a basic disclosure. Disclosure and Barring Service can issue basic disclosures for anyone living in England or Wales. The cost of a Basic Disclosure is £25.00 (January 2018).
Or:
 - b. **Criminal Record Certificate (Standard Disclosure)** – This must be applied for through a Registered body. The Licensing Section at Ryedale District Council do not offer this Service
Or:
 - c. The results of a **Subject Access Search** under the Data Protection Act 1998 of the Police National Computer by the National Identification Service

Whichever of the above you use it must be no more than one calendar month old i.e. it must have been issued no earlier than one calendar month before the application for the Personal licence is made and must be in original format (not a photocopy). This is subsequently returned to you.

- **Completed disclosure of criminal convictions and declaration form** (available from The Licensing Team, Ryedale District Council)
- **Licensing Qualification** (See above)
- **Two photographs of the applicant**, which shall be :-
 - ❖ Identical
 - ❖ Taken against a light background so the applicant's features are distinguishable and contrast against the background
 - ❖ Of passport size and measure 35mm wide and 45mm high
 - ❖ Full face uncovered and without sunglasses and, unless the applicant wears a head-covering due to his/her religious beliefs, without a head covering
 - ❖ On photographic paper
 - ❖ Properly endorsed – one must be endorsed as a true likeness by a solicitor, notary, a person of standing in the community or an individual with a professional qualification, who should identify themselves and their qualification.
- **Fee of £37** – Cheques should be made payable to Ryedale District Council. Your fee must be received before your application can be considered valid.
- **Copy documentation showing Right to work/immigration status** - See Note 2 of the application form for documentation deemed acceptable.

What happens next?

When we receive your application we will check that it has been correctly made and where anything is missing we will contact you to remedy the omission. Once your application is complete and confirmation that you have not been convicted of a relevant or foreign offence has been established, your Personal Licence will be granted.

If you have been convicted of a relevant or foreign offence the police have a right to object if they consider that granting the application would undermine the crime prevention objective. In the event that the police do object to your application you will be notified and Ryedale District Council must hold a hearing to consider the objection notice.

After the Licence has been issued

Change of Name or Address:

You must contact The Licensing Team, Ryedale District Council if you change your name or move to a new address. A statutory fee of £10.50 (at May 2009) is payable for such changes.

Convictions once the Licence has been issued

You must notify The Licensing Team, Ryedale District Council of any conviction occurring during the duration of your licence. If any conviction comes to light after a personal licence has been granted, the case will be referred to a Licensing Sub-Committee and the licence may be revoked. The law courts also have power to suspend or revoke your personal licence if you are convicted of a relevant offence.

If your Personal Licence is lost stolen, damaged or destroyed

You must notify the Licensing Team at Ryedale District Council and apply for a replacement. A statutory fee of £10.50 (at May 2009) is payable for a duplicate licence.

Inspection of Licences

Your Personal Licence should be available for inspection whilst you are on licensed property making or authorising the supply of alcohol.

Auditing and Administering Public Funds

Ryedale District Council is required by law to protect the public funds it administers. We may use the information you have provided on your Personal Licence application form for the prevention and detection of fraud. We may also share the information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be found on the website www.ryedale.gov.uk or www.audit-commission.gov.uk/nfi

For further information on data matching see <http://www.ryedale.gov.uk/news> and press releases fraud initiative 2010.aspx or contact the data protection officer on 01653 600666 ext 348.

Further information on The Licensing Act 2003 may be obtained from:

Department for Digital, Culture, Media and Sport website at www.culture.gov.uk

HOW TO CONTACT US

By Personal visit to:

Ryedale District Council Offices, Ryedale House, Old Malton Road, Malton.
Please telephone first to make an appointment.

By writing to us at:

The Licensing Team, Health & Environment Services, Ryedale District Council, PO Box 67, Ryedale House, Old Malton Road, Malton YO17 7ZG

By phone:

Licensing Team: (01653) 600666 ext 250/253

LICENSING ACT 2003
PERSONAL LICENCE: RELEVANT OFFENCES

1. An offence under the Licensing Act 2003.
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