

## Licensing Act 2003

### Advice for Applicants - Personal Licences

The Licensing Act 2003 changed the law relating to the sale and supply of alcohol, with responsibility for granting licences transferring from the Magistrates Courts to Local Authorities such as Newcastle upon Tyne City Council.

One of the main changes under the Act was the requirement for certain people who work in premises where alcohol is sold to hold a Personal Licence. Anyone can apply for a Personal Licence, even if they do not currently work in a bar, so long as they meet the set criteria.

Personal Licences are granted by the Local Authority in which the applicant normally resides, not the Local Authority where they work. The licence is valid throughout England and Wales and will last for 10 years.

#### Who needs to apply for a Personal Licence?

You need to apply for a Personal Licence if you wish to supervise the sale or supply of alcohol for consumption on or off any premises covered by a Premises Licence. If no alcohol is to be sold for consumption on or off the premises you are not required to hold a Personal Licence.

#### How do I obtain a Personal Licence?

**All applicants must complete the appropriate application form and a declaration of convictions. Applicants must also provide the following documents.**

1. Two photographs of the applicant which shall be -
  - (i) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
  - (ii) 45 millimetres by 35 millimetres,
  - (iii) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his religious beliefs, without a head covering,
  - (iv) on photographic paper, and
  - (v) 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.

**Note:-** \* a "person of standing in the community" includes a bank or building society official, a police officer, a civil servant or a minister of religion.

2. Either —
  - (i) a criminal conviction certificate issued under section 112 of the Police Act 1997\*\*
  - (ii) a criminal record certificate issued under section 113A of the Police Act 1997\*\* or
  - (iii) the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service, and

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

**Note:-\*\***The Council have been advised that a “Basic disclosure” which satisfies these requirements is obtainable from Disclosure Scotland for all residents of the UK. Disclosure Scotland offer an online application service for a fee of £13.60 plus 50 pence for using a credit or debit card at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

3. A licensing qualification certificate. (Awarding Bodies and licensing qualifications are approved by the Department for Culture Media and Sport.) [www.culture.gov.uk](http://www.culture.gov.uk) \*\*\*

**Note:-\*\*\***The City Council has been advised that the following awarding bodies and qualifications have been approved:-

- (i) British Institute of Innkeeping – BIIAB Level 2 National Certificate for Personal Licence Holders (contact; [www.bii.org.uk](http://www.bii.org.uk))
- (ii) Education Development International plc – GOAL Level 2 Certificate for Personal Licence Holders (contact; [www.ediplc.com](http://www.ediplc.com))

Application forms can either be provided by post (contact the Licensing Office, at Newington Road East, tel: 0191 2783864) or via the City Council website [www.newcastle.gov.uk/licensing.nsf/a/home](http://www.newcastle.gov.uk/licensing.nsf/a/home), or from the government’s Department of Culture Media & Sport website: [www.culture.gov.uk](http://www.culture.gov.uk)

Licensing Solicitors will also have copies.

### **What if I have a relevant conviction?**

'Relevant offence' refers to the offences listed in the Licensing Act 2003 which could, on conviction, rule out the grant of a Personal Licence to the applicant concerned. The Police will be advised when an applicant has a relevant offence and they can serve an objection notice on the City Council. If they do so, the application will be dealt with by members of the City Council’s Licensing Committee. (Details of what are relevant offences are listed on a separate sheet).

You would have a right of appeal to the Magistrates Court if the application is refused

If you require further information, you may need to consult a Licensing Solicitor. You can also contact the City Council (0191 2783864) or at the address below or on the e-mail address: [licensing@newcastle.gov.uk](mailto:licensing@newcastle.gov.uk)

Licensing Office  
Newcastle City Council,  
Newington Road East  
NEWCASTLE UPON TYNE  
NE6 5BD

**If you wish to call into the Licensing Office the office is open Monday – Friday from 9.30 to 12noon and from 1pm to 3.30pm.**