



Licensing Authority
BABERGH & MID SUFFOLK District Councils
Endeavour House, 8 Russell Road
IPSWICH
Suffolk IP1 2BX
☎ Tel: 0300 123 4000 Option 6
e-mail: licensingteam@baberghmidsuffolk.gov.uk

PERSONAL ALCOHOL LICENSING UNDER THE LICENSING ACT 2003: Guidance pack for new applicants

Pack contents:

1. General information

A summary overview of Personal Licence requirements

2. Contact and service details

You only need to serve your application on the Licensing Authority. You apply to the Licensing Authority in whose area you are ordinarily resident, NOT the area in which you are working - although this may be the same.

3. Information on Photographs

Guide to help you provide an acceptable photo (including who can endorse photographs as a true likeness)

4. Guidance on 'relevant' and 'foreign' offences and convictions

Advice sheet on offences and what is a relevant or spent conviction.

5. Guidance on obtaining a Criminal Records Certificate

Advice on the various options available to obtain a Criminal Records Certificate.

6. Qualification for personal licence applicants

Information on the accredited qualification requirements including syllabus

Application Forms (normally enclosed with this guidance pack)

The relevant application forms for you to apply are available direct from the Licensing Team or via www.gov.uk (Alcohol Licensing Pages)

1: **GENERAL INFORMATION**

- The system of personal licensing will allow the holder of a personal licence to authorise the sale of alcohol from any premises licensed to sell alcohol (for consumption ON and/or OFF the premises depending on the premises licence permissions). This document is a general introductory guide for applicants, and is not intended to provide an authoritative statement on the law.
- Further information is available via the Babergh District & Mid Suffolk District Councils 'Statements of Licensing Policy' (available via www.babergh.gov.uk or www.midsuffolk.gov.uk), Part 6 of the Licensing Act 2003 and Section 4 of the national Guidance (all available via www.gov.uk (Alcohol Licensing Pages))
- The licence is in the form of two separate parts - being a durable credit card style permit and a counterpart document. The licence will state your name, address, licence details and any relevant or foreign unspent convictions. It will also include your photographic image.
- A personal licence will cost £37 and will last for 10 years (unless surrendered, forfeited, suspended, or revoked).
- If you change your name or address you must inform the Licensing Authority. You must return your licence and pay a fee of £10.50. The Licensing Authority will then issue an amended licence. If you move outside of the Babergh or Mid Suffolk District you must still advise us as we are still responsible for amendments to your licence.
- If you are charged with a relevant offence you must inform the court immediately that you are a personal licence holder. If you are subsequently convicted you will have to inform the Licensing Authority and return your licence so that the offence can be endorsed on it.
- It is an offence to knowingly or recklessly make a false statement in connection with an application for a personal licence. To do so may result in prosecution and a fine of up to £5,000.
- You must notify the Licensing Authority immediately if you are convicted of any offence during the time between making your application and the grant of your licence.
- If you have been convicted of a relevant or foreign offence then the Police could object to the grant of your application on Crime Prevention grounds, in which case a hearing may be necessary to determine your application.
- See the attached information sheet about convictions that are relevant to personal licence holders.

Do I need a Personal Licence if I just work behind a bar or in a shop/off-licence?

No one is required to hold a personal licence to work in a premises licensed to sell alcohol, other than the person identified as the Designated Premises Supervisor (DPS) on the premises licence. However, every sale of alcohol must be authorised by an individual who does hold a personal licence. It is an operational decision for the person who holds the premises licence as to how many of his/her staff will need to hold a personal licence to comply with this requirement. The personal licence holder authorising the supply will normally be accountable for all transactions they authorise.

If you work in a members club, supplying alcohol to members and their guests only, then a personal licence holder may not be required. This will depend on the type of licence held by the Club and you will need to ask your employer about this.

2: CONTACT AND SERVICE DETAILS:

LICENSING AUHTORITY CONTACT DETAILS:

Send your NEW personal licence application to the Licensing Authority:



The Licensing Team
Babergh & Mid Suffolk District Council
Endeavour House, 8 Russell Road
IPSWICH
Suffolk IP1 2BX

☎ Tel: 0300 123 4000 Option 6

✉ e-mail: licensingteam@baberghmidsuffolk.gov.uk

Please ensure that you provide all required documentation:

1. Fully completed, correct and signed application form
2. Fully completed, correct and signed declaration of convictions
3. Original accredited qualification certificate
4. Original Criminal records Certificate
<https://www.gov.uk/government/publications/basic-checks> (it must have been issued within one month of your application)
5. 2 x passport style photos (one of which must be endorsed as a true likeness)
6. Fee of £37 (cheques are payable to 'Babergh District Council' or 'Mid Suffolk District Council whichever is relevant for your application).

If an application is received incomplete or incorrect it will be rejected. It is the responsibility of the applicant to ensure that the application is made correctly and in accordance with the law.

3: INFORMATION ON PHOTOGRAPHS

Personal licence applications need to include two passport sized photographs - one of which must be signed on the back by a person as specified in the Regulations (similar to the requirements for passport photographs)

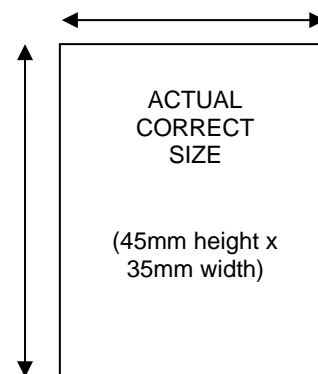
You must ensure that your photograph is of the required standard to be accepted. If the photographs you provide with your application are unacceptable we will be unable to process the application, so it is important that you check the photographs carefully before you send them in.

The guide below should assist you in getting this right:



PHOTOGRAPHS MUST BE:

- Full face uncovered
- Sized 45mm x 35mm
- Glasses may be worn where these are prescription and normally worn
- On photographic paper
- Without sunglasses
- Headgear or head coverings may be worn where this is part of the applicant's religious beliefs (note: if worn this should not obscure the applicant's facial features).
- Taken against a light and plain background so that the applicant's features are distinguishable and contrast against the background
- Endorsed on the back by a suitable person (see below) - only one of the photos requires this (*). The endorsement must state "I certify that this is a true likeness of [insert full name of applicant]" or similar and this should be signed, include the name of person signing in capitals, and date of signature.



*** Note: Examples of the people who can counter-sign photos submitted are given below. A relative must not sign your photograph:**

Doctor, Accountant, Bank or Building Society official, Fire Service Officer, Solicitor or Notary, Local Government Officer, Police Officer, Religious Minister, Optician, Director or Chairman of a Limited Company, Teacher, Councillor.



PHOTOGRAPHS WILL BE REJECTED WHERE:

- Hats, bandanas or other headgear (unless this is associated with religious or ethnic beliefs) are worn
- Sunglasses are worn
- They do not contrast the applicant's facial features against a light background
- The applicant's facial features undistinguishable
- They not on photographic paper
- They are of poor quality or are not of the prescribed size
- They are Black and white
- They are not, or are incorrectly, counter-signed
- They do not show an applicant's full face
- They are not recent and/or do not show a current likeness
- Photos that are not recent and/or do not show a current likeness may be rejected

4: GUIDANCE ON 'RELEVANT' AND 'FOREIGN' OFFENCES AND CONVICTIONS

The personal licence application form requires you to disclose to the Licensing Authority any convictions for a 'relevant offence' or a 'foreign offence'. You do not need to disclose details of convictions for either a relevant offence or a foreign offence if they are 'spent' for the purposes of the Rehabilitation of Offenders Act 1974. Guidance on what constitutes a 'spent' or 'unspent' conviction can be found below.

A 'relevant offence' is on listed in Schedule 4 of the Licensing Act 2003. A copy of that schedule is attached for your assistance. A 'foreign offence' is **any** offence under the law of any place outside England and Wales. For example, if you have been convicted of any offence in Scotland, this must be disclosed.

Disclosing your convictions:

In addition to the disclosure of criminal convictions and declaration form, you are also required to attach a criminal conviction certificate, or a criminal record certificate or the results of a subject access search of the Police National Computer (PNC) by the National Identification Service.

I have disclosed a conviction – what happens now?

The Licensing Authority is required to notify the Chief Officer of Police for the area.

How long do the Police have to object to the grant of my personal licence?

14 days from the date on which they receive notice of your convictions from the Licensing Authority.

If no objection notice is received from the Chief Officer of Police within that time limit, then the Licensing Authority will grant and issue the personal licence.

If an objection notice is received and, unless all parties agree that the objection notice should be withdrawn, the Licensing Authority will hold a hearing to determine whether the licence should be granted. At the hearing, the application can only be rejected if it is determined that the granting of the licence would undermine the crime prevention objective.

The Courts have the power to forfeit personal licences once they have been granted.

PERSONAL LICENCE: RELEVANT OFFENCES

LICENSING ACT 2003: SCHEDULE 4 - Section 113

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 (Occupational 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 a 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);
- 7A. An offence under any of the Immigration Acts.
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);
 - (d) section 6(6) (failing to co-operate with a preliminary test).
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, 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));
 - (aa) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);
 - (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 abductions of an heiress).
19. A violent offence, being any offence with leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence with is required to be charged as arson (whether or not it would otherwise fall within this definition).
- 19A. An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).
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).
21. An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.
22. An offence under the Fraud Act 2006.
- 22ZA. An offence under any of the following provisions of the Violent Crime Reduction Act 2006 —
 - (a) section 28 (using someone to mind a weapon);
 - (b) section 36 (manufacture, import and sale of realistic imitation firearms).

- 22A. An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
23. An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.
- 23A. An offence under any of the following provisions of the Psychoactive Substances Act 2016—
- (a) section 4 (producing a psychoactive substance);
 - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
 - (c) section 7 (possession of psychoactive substance with intent to supply);
 - (d) section 8 (importing or exporting a psychoactive substance).
- 23B. An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).
24. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
25. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
26. The offence at common law of conspiracy to defraud.

WHAT IS AN 'UNSPENT' CRIMINAL CONVICTION?

An 'unspent' conviction is one that a person must admit to when asked to disclose their criminal history. Convictions that have become 'spent' need not be revealed. This is to help people who have been convicted of less serious criminal offences and have since lived on the right side of the law. The principle of 'spent' and 'unspent' convictions was introduced by the Rehabilitation of Offenders Act 1974, but now applies to all convictions - including those passed before 1 July 1975, when the Act came into force.

What would count as an 'unspent' conviction?

If you've ever been convicted of an offence for which a sentence of more than 2 and a half years was imposed (regardless of the amount of time you actually spent in prison) this conviction can never become 'spent'. It is an 'unspent' conviction which you must disclose when asked about your criminal convictions (such as when applying for a job).

Is this the only time a conviction is 'unspent'?

No. If you were given a sentence of 2 and a half years or less, your conviction may still be unspent. Whether or not depends on the length of time that has elapsed since the date of your conviction. This time is called the '**rehabilitation period**' - and it differs according to the type of sentence passed.

What is the rehabilitation period for my sentence?

The following table shows a range of rehabilitation periods for different sentences imposed. Until such time has passed from the date of your conviction, your conviction will remain 'unspent' and you will have to declare it to a potential employer.

TYPE OF SENTENCE IMPOSED ON ADULTS AGED 18 YEARS AND OVER AT THE TIME	NUMBER OF YEARS FROM DATE OF CONVICTION BEFORE CONVICTION BECOMES 'SPENT'
A custodial sentence of over 30 months but not exceeding 48 months	7 years from the date on which the sentence (including any licence period) is completed
A custodial sentence of over 6 months but not exceeding 30 months	48 months from the date on which the sentence (including any licence period) is completed
A custodial sentence of up to 6 months	24 months from the date on which the sentence (including any licence period) is completed
A fine	12 months from the date of the conviction in respect of which the fine was imposed
Community order	12 months from the last day on which the order has effect

All of the periods above are **halved** if the person convicted was **under 18** at the time. If you were under 18 and received a probation order on or after 3 February 1995, the rehabilitation period is 2 and a half years or until the order expires - whichever is longer.

If you received a sentence in the past that was a sentence that could only be imposed on young people (i.e. persons under 18 years of age) you should contact your local Licensing Authority or legal advisor for further advice.

What about people in the Armed Services?

Rehabilitation periods for imprisonment in the services are the same as in civilian life. For specific service offences, the periods are as follows:

TYPE OF SENTENCE IMPOSED ON MEN OR WOMEN IN THE ARMED SERVICES	NUMBER OF YEARS FROM DATE OF CONVICTION BEFORE CONVICTION BECOMES 'SPENT'
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service	10 years
A sentence of dismissal from Her Majesty's service	7 years
A custodial order under the relevant Schedules and sections of the Army, Air Force and Naval Discipline Acts - where the maximum period of detention specified in the order is more than 6 months	7 years
A sentence of detention in respect of a conviction in service disciplinary proceedings	5 years
A custodial order under the relevant Schedules and sections of the Army, Air Force and Naval Discipline Acts - where the maximum period of detention specified in the order is 6 months or less	3 years

These periods are **halved** if the offender was **under 18** at the time.

What if I have been convicted again, after the original offence?

It depends. Later convictions only affect the rehabilitation periods of earlier convictions if they are imposed before the first conviction is completely 'spent'.

If it is one of the less serious offences, which can be tried **only** in a magistrates' court (some ore serious offences can be tried both by a Crown court and by magistrates) the first conviction becomes spent at the time originally fixed. The rehabilitation period for the second offence will then run for its normal length.

However, if the later conviction is for an offence which **could** be tried in a Crown Court (for example, stealing) then neither conviction will become spent until the rehabilitation periods for both offences are over.

If, however, the second conviction is so serious that it incurs a prison sentence of more than 2 and a half years, then **neither** the second nor the first conviction will ever become spent.

5. GUIDANCE ON OBTAINING A CRIMINAL RECORDS CERTIFICATE

You will need to provide a criminal record certificate or search as part of your application for a new personal licence. Licensing Act 2003 regulations give applicants three options on how to provide this (although the first is currently unavailable in England and Wales). The three options are:

CRIMINAL RECORD CERTIFICATES	How do I get it?	What does it show?	How much does it cost and how long does it take?
1. A Criminal Record Certificate issued under section 112 of the Police Act 1997	This service is available from the DBS*. https://www.gov.uk/government/publications/basic-checks This record is the equivalent of a BASIC level disclosure.	This level of disclosure would show all convictions held at a national level which are	In the region of £25. Allow 3-4 weeks to obtain it
2. A Criminal Record Certificate issued under section 113 of the Police Act 1997	This service is available from the DBS*. This record is the equivalent of a STANDARD Level disclosure. The applicant would need to get a Registered Body † to provide this service for them.	This level of disclosure contains details of all convictions including both 'spent' and 'unspent' criminal convictions. Will also show details of any reprimands, cautions or warnings.	Currently the CRB charge £26 for this service. Your local Council or Registered Body may charge you an additional fee for processing your forms. Takes 3-4 weeks to obtain.
3. The result of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service	This service is available from larger local Police stations. You would need to obtain and complete the relevant request and provide the required documentation. You should contact your local Police station for advice.	This is dependent on the type of request you make. You should ensure that whatever request you make shows full details of any unspent convictions you may have.	The cost of this search available from your local Police station will be around £10. Request will be processed within 40 days of receipt by Police HQ.

* Disclosure Barring Service <https://www.gov.uk/government/publications/basic-checks>

† REGISTERED BODY is an organisation registered with the CRB for authorising disclosure requests. The

forms would be available direct from the Registered Body and you would need to provide primary identification documents, proof of address etc. to the Registered Body who will authorise and submit your request. Your employer may be able to help you obtain this, or your local Council may be able to provide this service for you. You should contact them directly or else seek your own legal advice.

IMPORTANT NOTES:

Only relevant offences, or foreign offences, will be considered in the determination of your application. Whichever certificate or search you provide as part of your application must have been issued **within one calendar month** of the submission date of your application, or else this will be rejected and you will have to obtain a replacement. Regulation SI 2005/41 7(1)(b) refers.

In addition to providing the criminal records certificate or search, you will need to provide a separate declaration with your application (the relevant form for you to complete is enclosed) This declaration is for you to show whether or not you have been convicted of any relevant or foreign offence.

6. QUALIFICATION FOR PERSONAL LICENCE APPLICANTS

The Secretary of State has accredited the following personal licence qualifications under the Licensing Act 2003:

Qualification Title:	QCF Recognition Number:	QCA Accreditation number:	Further Information:
BIIAB Level 2 Award for Personal Licence Holders	RN5118	501/1494/3	<p>British Institute of Innkeepers Wessex House, 80 Park Street CAMBERLEY GU15 3PT</p> <p>Telephone: 01276 684449 Website: www.bii.org Email: qualifications@bii.org</p>
EDI Level 2 Award for Personal Licence Holders	RN5134	500/9146/3	<p>Education Development International PLC Qualifications and processing centre International House, Siskin Parkway East Middlemarch Business Park COVENTRY CV3 4PE</p> <p>Telephone: 0247 651 6500 Website: www.ediplc.com Email: enquiries@ediplc.com</p>
HABC Level 2 Award for Personal Licence Holders	RN5219	500/9974/7	<p>Highfield Awarding Body for Compliance Ltd Highfield House, Sidings Court, Lakeside DONCASTER DN4 5NL</p> <p>Telephone: 0845 226 0350 Website: www.highfieldabc.com Email: info@highfieldabc.com</p>
IQ Level 2 Award for Personal Licence Holders	RN5330	601/4980/2	<p>Industry Qualifications Head Office, Coppice House, Halesfield 7 TELFORD TF7 4NA</p> <p>Telephone: 01952 457452 Website: www.industryqualifications.org.uk Email: info@industryqualifications.org.uk</p>
NCFE Level 2 Award for Personal Licence Holders	RN5156	600/1323/0	<p>Northern Council for Further Education Citygate Q6 Quorum Business Park, Benton Lane NEWCASTLE UPON TYNE NE12 8BT</p> <p>Telephone: 0191 239 8000 Website: www.ncfe.org.uk Email: info@ncfe.org.uk</p>
SQA Level 2 Award for Personal Licence Holders	RN5167	600/1269/9	<p>Scottish Qualifications Authority The Optima Building, 58 Robertson Street GLASGOW G2 8DQ</p> <p>Telephone: 0845 279 1000 Website: www.sqa.org.uk Email: customer@sqa.org.uk</p>

By contacting the above organisations, or by contacting local colleges and training facilities, you will be able to find a location near to you where you can obtain the required accredited qualification.

Courses are normally run over a single day or split over two days.

For further information contact the Home Office at www.homeoffice.gov.uk