

WARRINGTON
Borough Council



Application for a Personal Licence

GUIDANCE NOTES FOR APPLICANTS

Licensing Act 2003

Licensing Section
East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

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www.warrington.gov.uk

In offering this guidance Warrington Borough Council wishes to make it clear that:

The Licensing Authority's role in the Licensing System is primarily administrative and regulatory. The Licensing Authority is therefore only able to offer guidance as to the processes which need to be followed to make an application. The Licensing Service is not available to give advice as to what details should be contained in an application or which type of application may be most appropriate to an applicant's specific circumstances. Applicants are strongly advised to seek advice from a licensing specialist before submitting their applications.

Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. Only the courts can interpret statutory legislation with any authority. This advice is not intended to be a definitive guide to, or substitute for, the relevant law. Independent legal advice should be sought where appropriate.

Further information about the Licensing Act 2003 and other sources of help can be found on the Home Office website www.gov.uk/homeoffice

What is a Personal Licence?

- A personal licence will authorise the holder to sell or supply alcohol in any premises which is licensed for the sale of alcohol (under the terms of a premises licence).
- A personal licence is a requirement for any person wishing to become the Designated Premises Supervisor (DPS) of a premises licensed to sell alcohol.
- A person may apply for a personal licence whether or not they are currently employed or have a business interest associated with the use of the licence.
- It is only required for the sale or supply of alcohol, not any other licensable activity.
- All sales and supply of alcohol must be authorised by a personal licence holder. There may be several personal licence holders working at any one premises, but that is not to say that everyone who sells alcohol has to hold a personal licence. There may only be one DPS however, who will normally be the person who has been given day to day responsibility for the management of the premises, by the premises licence holder.

How do I apply for a Personal Licence?

- In order to apply for a personal licence you must be over 18 years of age.
- You should apply to the Local Authority where you live. This then becomes your relevant Licensing Authority. All matters (including loss of licence or replacement) should then be sent to this authority.
- The relevant application form must be fully completed and signed.
- You must complete and sign a declaration that you have not been convicted of a relevant offence or foreign offence or that you have been convicted of a relevant offence accompanied by details

The application must be accompanied by two photographs of the applicant in the following form:

1. Must have been taken against a light background so that the applicant's features are distinguishable and contrast against the background;
2. Must be sized 45millimetres by 35 millimetres;
3. Must have full face uncovered and without sunglasses and, unless the applicant wears a head covering due to their religious beliefs, without a head covering;
4. Must be on photographic paper.

One of the photographs must be endorsed on the back with a statement verifying the likeness of the photograph to the applicant by one of the following:

- A solicitor or notary
- A person of upstanding in the community
- An individual with a professional qualification

(*). The endorsement should 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 the person signing in capitals.

Note: Some samples of persons suitable to counter-sign photos submitted with applications are given below, you must not get a relative to sign your photograph;

Doctor, Accountant, Bank or Building Society official, Fire Service Officer, Solicitor or Notary, Local Government Officer, Police Officer, Religious Minister, Optician, Teacher, Councillor.

An accredited personal licence qualification must also be enclosed with the application (**Please see attached list for accredited qualifications**)

A basic Disclosure Barring Service (DBS) certificate (less than one month old) must accompany the application. This can be 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 a certificate of search results should be issued no earlier than one calendar month before the giving of the application to the relevant licensing authority

- The correct fee of £37 must be enclosed with the application form.

How much is the Personal Licence application?

The application fee is £37. If you are sending the application by post please make the cheque payable to “Warrington Borough Council” and post it to address detailed below. Cash must not be sent through the post.

How to submit your Personal Licence application

Please submit your Personal Licence application by post to:

- Licensing Authority - Warrington Borough Council, Licensing Section, East Annexe, Town Hall, Sankey Street, Warrington, WA1 1UH

Determination of application

Only the Police can make a representation against the grant of a personal licence on the grounds of crime and disorder, and only if an applicant has been convicted of a relevant or a foreign offence.

If there is no representation made by the Police the licence will be granted.

The Chief Officer of Police has 14 days, beginning with the day on which they are notified of the relevant offence by the Licensing Authority, to consider the application.

The Chief Officer of Police can either:

- Make a representation to the application as stated above application or
- Make no representation to the application

What happens if the police object to my Personal Licence because I have a relevant offence?

If we receive an objection from the Chief Officer of Police, we will make arrangements for the council's licensing sub-committee to hear the application and objection notice within 20 working days beginning with the day after the period within which the Chief Officer of Police may give a notice.

At least 10 working days before the day of the hearing we will send the applicant and the Chief of Police details of the date and time of the hearing together with details of the procedures to be followed.

The applicant and Chief Officer of Police must give notice to Warrington Borough Council's Committee Section at least two working days before the start of the hearing stating:

- Whether they will attend the hearing in person
- Whether they will be represented by someone else (for example a lawyer)
- Any request for another person to attend the hearing, including how they may be able to assist the licensing authority in relation to the application.

Hearing - What action is available to the Licensing Sub-Committee?

Licensing Act Sub-Committee will hear and determine the application having regard to all submissions. The committee must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Then Sub-Committee would reject the application if it felt sufficient grounds existed; otherwise, the application would be approved.

Determination (hearing)

Where the application is either granted or rejected, the licensing authority will give a notice to that effect to the applicant and the Chief Officer of Police.

Where there is a hearing, the committee must give clear and comprehensive reasons for its eventual determination of the application.

Where the application is granted, the notice must state the time when the transfer of premises licence takes effect.

Can I appeal?

Both the applicant and Chief Officer of Police have the right of appeal exists to the Magistrates' Court. You must lodge it with the court within 21 consecutive days of the date of the objection notice.

Licensing Section

Regulation & Protection

Licensing Section

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Disclaimer

Nothing in this guidance document can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the Home Website: www.gov.uk/homeoffice