



**South  
Derbyshire**  
District Council

## **Application for a Personal Licence** **Guidance Notes on How to Apply**

### **Introduction**

A personal licence is a licence held by a particular individual to permit that person to authorise the sale of alcohol from a premises that is suitably licensed for the purposes of selling alcohol by retail.

### **Application Requirements**

Applications for a personal licence must be made to the licensing authority for the area where you normally reside.

To apply for a personal licence you must show that you have sufficient knowledge of licensing law and the social consequences of selling alcohol. This is proved by successfully completing an appropriate training course. A list of accredited training courses is available on the Council's website.

You should also submit evidence to prove that you have not been convicted of any relevant offences. A basic criminal record check can be obtained from the DBS at <https://www.gov.uk/request-copy-criminal-record>. The certificate should be less than one month old when submitted to the Licensing Authority.

The applicant must provide a document such as a passport as part of their application to prove that they are entitled to work in the UK. A full list of acceptable documents can be found on our website.

An applicant must be over 18 years of age.

A personal licence is portable i.e. a licence granted in one part of the country is valid in another part of the country.

A personal licence lasts indefinitely unless there are any restrictions on your right to work in the UK.

New applicants for a personal licence must provide the following:

- Completed and signed application form;
- Completed disclosure of criminal convictions and declaration form;
- Proof of right to work documentation;

- Two photographs, one of which must be endorsed as a true likeness;
- Original or certified copy of the licensing qualification;
- Original or certified copy of the basic DBS criminal record check (less than one month old);
- Fee of £37.

### **Relevant Considerations**

If you have no relevant convictions and have the relevant training course, your application for a personal licence will be granted as long as you have not forfeited a personal licence within the past 5 years.

There is no discretion to refuse an application for a personal licence made in accordance with the Act except where the applicant has been convicted of a relevant or foreign offence and a representation has been received from the Police. The list of relevant offences is maintained by the Secretary of State and a foreign conviction will be taken into account if similar in nature to one of the specified relevant offences. Convictions which are 'spent' under the Rehabilitation of Offenders Act 1974 cannot be taken into account.

The Licensing Authority will notify the Police of any application that has an unspent relevant conviction detailed on the criminal record check. The Police have 14 days to raise any objection to the application on the grounds that the grant of the licence will undermine the crime and disorder licensing objective. The Licensing Authority rely on the Police to raise an objection in appropriate cases. The Licensing Authority would expect the police to object where the applicant has any relevant unspent conviction, unless the penalty on conviction was relatively minor or the conviction is due to become spent during the application period.

The applicant must notify the Licensing Authority of any conviction occurring within the application period so that this conviction, if relevant, can be taken into account by the Police when deciding whether to raise an objection to the grant of the licence.

### **Determination of Application**

Where no relevant representation has been received and the application for a personal licence has been properly made, the licence must be granted. A badge and paper licence will be issued to the licensee. Once the licence has been granted, the licence will last indefinitely, and the licence holder must comply with certain legal requirements.

If the Police make an objection to the grant of the licence on the grounds that the grant would undermine the crime and disorder objective, the Licensing Authority will hold a hearing to determine the application. A hearing can be dispensed with if all parties agree that a hearing is unnecessary.

At the Licensing Sub-Committee, made up of 3 Members, the applicant and Police will have the right to present their case. The Licensing Sub-Committee will determine the application taking into account all representations made. The

Licensing Sub-Committee have the option to refuse the licence if it will undermine the crime and disorder objective or they can grant the licence.

### **Designated Premises Supervisor**

Every premises licence needs to specify someone to act as the designated premises supervisor (DPS). That person must hold a current personal licence.

The designated premises supervisor may, but need not be, the person to whom the premises licence is granted.

The designated premises supervisor is not required to be personally present at the premises at all times. However, it is essential that the designated premises supervisor is contactable at all times. It is advised to make sure that if the designated premises supervisor is not physically on the premises, there is a clear management structure with which staff are familiar.

In some instances, such as smaller pubs, it may be that there is only one person also holding a personal licence and that person would need to be recorded as the designated premises supervisor.

For larger operations, the designation as premises supervisor will indicate which of the team of personal licence holders in fact has the day-to-day responsibility for the running of the premises in accordance with the licence.

Personal licences are not required in qualifying clubs, permitted temporary events and for premises licences that do not retail alcohol.

### **Contact Details**

If you wish to discuss your application or have any other questions then please contact the Licensing Department:

In writing                      Council Offices  
   Civic Way  
   Swadlincote  
   Derbyshire  
   DE11 0AH

By email                        [licensing@southderbyshire.gov.uk](mailto:licensing@southderbyshire.gov.uk)

By telephone                01283 595 724/765

## **Photograph Requirements**

Applications for a personal licence must include 2 photographs of the applicant and the regulations specify the following:

- The photographs must be 45mm x 35mm in size.
- The applicant must be viewed 'full face'.
- Do not wear sunglasses.
- Do not wear a hat or head covering, including face covering, unless for religious reasons.
- Photographs must be on photographic paper.
- Photographs must be against a light background so that the applicants' facial features are distinguishable and contrast against the background.
- One of the photographs must be endorsed as a true likeness of the applicant by a solicitor, notary, teacher, lecturer or other professional person.

In addition to the above, the Licensing Authority recommend applicants have regard to the following to ensure that photographs are acceptable:

- The two photographs should be as recent as possible i.e. within the past 6 months, and identical.
- 70% to 80% of the photograph should be a close up of the head and shoulders.
- The light background required by the regulations can be achieved by using plain white, cream or light grey background.
- The photograph should be in sharp focus and free of shadows.
- Digital or scanned photographs should be acceptable if printed on photographic paper with a resolution of 1200dpi or more.
- Adopt a natural expression with eyes open and do not include any objects or persons in the photograph.
- Photographs may be reflected from spectacles so care should be taken to ensure that the eyes remain visible.
- Suitable wording for an endorsed photograph is:

'I certify that this is a true likeness of (Miss, Mrs, Miss, Ms, Mr or other title followed by your full name)'. The endorsement should then be signed and dated by the signatory.