

Making an Application for a new Personal Licence

Status of this Leaflet

This is not statutory guidance and does not form any part of the Licensing Authority's Policy (which is available separately). The leaflet does not replace the Act or any statutory guidance issued under it, so reference should always be made to that before submitting applications.

General

Those who sell or supply alcohol or who supervise the selling or supplying of alcohol will require a Personal Licence in accordance with the Licensing Act. The Personal Licence is separate from the Premises Licence, which authorises the premises to be used for the supply of alcohol and other licensable activities. The licensing of individuals separately from the licensing of premises permits the movement of Personal Licence holders from one premise to another, allowing greater flexibility. It ends the current outdated regime where publicans etc are tied by the licence to the premise where they work.

The Licensing Act 2003 also states that if a Premises Licence includes the sale or supply of alcohol then a designated Premises Supervisor must be named on the Premises Licence who will be responsible for the day to day running of the premises. The Designated Premises Supervisor must be a Personal Licence holder.

The Personal Licence relates only to the supply of alcohol under a Premises Licence. An individual will not require a Personal Licence for other licensable activities such as the provision of regulated entertainment or late night refreshment, or for the supply of alcohol under a club premises certificate. In the case of Temporary Event Notices, Personal Licence holders will be able to give 50 Temporary Event Notices each year whereas there will be a limit of 5 for non-Personal Licence holders.

Applicants must apply to the Licensing Authority for the area in which they live. i.e. If you live in Royton you would apply to Oldham but if you live in Newton Heath you would apply to Manchester.

Requirements for a new application for a Personal Licence

- Be over 18
- Hold a Licensing Qualification that has been accredited by the Secretary of State. (Currently this is a British Institute of Licensing qualification). The aim of this provision is to ensure that licence holders are aware of licensing law and the wider social responsibilities attached to the sale of alcohol.
Details are enclosed of courses provided by Oldham College who we are working in partnership with to support applicants.
- Criminal Records Certificate or PNC search (see notes on page 3). This is to determine if there are any relevant offences.
- A declaration made by the applicant relating to convictions of relevant offences or foreign offences under Schedule 3
- Proof that the relevant fee has been paid.
- Photographs x 2 (see notes below)

If there are relevant offences then the Police can make a representation against the application on crime prevention grounds. They have 14 days to make such a representation. If the Police make representations then there will be a hearing before a Panel of the Authorities Licensing Committee.

Photographs

By Post

The photographs of the applicant which must accompany the postal application for the grant of a personal licence shall be –

- (a) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
- (b) 45 millimetres by 35 millimetres,
- (c) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to religious beliefs, without a head covering,
- (d) on photographic paper, and
- (e) one of which should be endorsed as a true likeness by
 - (i) a solicitor or notary,
 - (ii) a person of standing in the community (includes bank or building society official, a police officer, a civil servant, or a minister of religion); or
 - (iii) any individual with a professional qualification

In Person

If you are attending the Licensing Office in person with your application, you do not need to bring any photographs as these will be taken electronically and endorsed by a Licensing Officer – you will need to bring photographic identification, such as a driving licence or passport.

Criminal Records Certificate / PNC Subject Search

You should submit with your application either;

- (i) A basic disclosure which can be obtained from applying on line to Disclosure Scotland at www.disclosurescotland.co.uk or by telephoning them on 0141 585 8495. The cost is currently £13.60.
- (ii) The results of a subject access search under the Data Protection Act 1998 of the Police National computer (PNC). This can be requested from the Greater Manchester Police, Data Protection Unit by telephoning their 24 hour answer machine and leaving your details. Tel; 0161 856 2534. The cost is £10 and a search can take up to 6 weeks to be returned to you.

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

For further information contact Oldham Council's Licensing Section

In person or in writing to:	Licensing Section Oldham MBC North House, 130 Rochdale Road, Oldham, OL1 2JA.
By phone:	0161 911 4730 or 4731
Fax:	0161 911 3481
E-mail:	licensing@oldham.gov.uk
Opening Hours In person	Mon to Wed & Friday 9am – 4pm Thursday 10am-4pm (to allow for training)
By phone	Mon to Wed & Friday 8.40am to 5pm Thursday – 10am-5pm

Any advice given in this guidance is not to be taken as legal advice. Independent legal advice should be sought on any points of law.

Important Note

Any licence issued by the Authority will not become valid until the second appointed date issued by the Government in due course.