

TENDRING DISTRICT COUNCIL

LICENSING ACT 2003

PERSONAL LICENCES

When a Premises Licence authorises the supply of alcohol then a person who has day to day control of the premises must be nominated to be the 'Designated Premises Supervisor' and that person must possess a current Personal Licence granted to him or her by a Licensing Authority in England or Wales. Only one Personal Licence may be held by that person.

How to Apply for a Personal Licence

- Whether you work, or intend to work, in a particular area in England and Wales, you must apply to the Licensing Authority where you are normally resident. If you have no fixed address, then you may apply to any Licensing Authority.
- You must be over the age of 18 years.
- You must possess a recognised licensing qualification [please contact the Licensing Section if you are in any doubt as to whether your qualification would be acceptable]
- There should have been no forfeiture of a Personal Licence held by yourself within five years of your application to this Authority having been made.

If your application does not meet the above criteria, the Licensing Authority will reject the application.

There is a further condition with regard to your application for a Personal Licence:-

- You should not have not been convicted of a relevant offence or any foreign offence [if in doubt, please contact the Licensing Section for advice.

If you fail to meet this criteria, the Police may object to your application if it is considered that the Licensing Objective with regard to the Prevention of Crime and Disorder will be breached. This objection must be made within 14 days of day the application was received by the Police and, unless withdrawn, a Hearing date will be set for the application to be considered by one of the Premises/Personal Licences Sub-Committees.

The fee for a Personal Licence application is £37.00 and you will need to secure a Basic Disclosure from the Disclosure and Barring Service.

Please note that your disclosure certificate issued by the Disclosure services must be no older than one month of issuing when you are submitting your Personal Licence application to the Licensing Authority.

Convictions. Theft of Licence. Change of Name and Address

Convictions

If you are convicted of any offence following the issue of your Personal Licence, you should notify the Licensing Authority as soon as reasonably practicable and the Police will be notified. Dependent upon the type of conviction involved, the Police may lodge a notice with the Local Authority objecting to the continuance of your Personal Licence and Hearing date will be set, when consideration will be given as to whether or not your licence should be revoked. You will be kept fully informed of what is taking place and will have the right of appeal should the decision go against you.

You should be aware that you are under a duty to inform the Court that you are the holder of a Personal Licence, the name of the Licensing Authority that issued the licence to you and produce the Licence in Court, or give a statement as to why you are unable to produce the licence.

Theft of Licence

If your Personal Licence is lost or stolen, damaged or destroyed you must notify the Licensing Authority of that fact and a replacement licence will be issued to you for which the fee will be £10.50. In the case of loss or a stolen licence you must notify the Police and provide proof that you have done so.

Change of Name or Address

If you change your name or address you must notify the Licensing Authority as soon as possible on the appropriate form and enclose the fee of £10.50. You will need to enclose your current Personal Licence or if you are unable to do so, enclose a statement giving the reasons why you cannot comply with this requirement.

Please note that it is classed as an offence if you fail to comply with this section.

Basic Disclosure

You can complete the Basic Disclosure online where a certificate will be printed and sent to you via post. A basic disclosure cost is approx £23.00.

Please note that your disclosure certificate issued by the Disclosure services must be no older than one month of issuing when you are submitting your Personal Licence application to the Licensing Authority.

BIIAB Level 2 Award for Personal Licence Holders

You must hold a Level 2 Award for Personal Licence Holders qualification or equivalent. More information about this qualification can be found at:

<http://biiab.bii.org/qualifications/qualification-APLH>

Please send the full application form, fee and supporting documents to:

The Licensing Team
Tendring District Council
88-90 Pier Avenue
Clacton on Sea
Essex
CO15 1TN

Licensing Office

Licensing Authority, Tendring District Council, 88-90 Pier Avenue,
Clacton on Sea, Essex CO15 1TN

Email: licensingsection@tendringdc.gov.uk General Licensing Telephone: 01255 686565

Please be aware that the Licensing Office is only open for personal callers Tuesdays and Wednesdays between the hours of 10.00 a.m. and 12.00 midday and Friday between the hours of 1.00 p.m. and 4.00 p.m. outside of these times an appointment will need to be made with a member of the Licensing Team.

TENDRING DISTRICT COUNCIL

Application for a Personal Licence

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details		
TITLE (delete as appropriate): Mr Mrs Miss Ms Other...		
Surname		
Forenames		
PREVIOUS NAMES – (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.		
TITLE (delete as appropriate): Mr Mrs Miss Ms Other...		
Surname		
Forenames		
I am 18 years old or over. Please tick ✓		
		Yes <input type="checkbox"/>
		No <input type="checkbox"/>
Date of Birth		
Place of Birth		
ADDRESS WHERE ORDINARILY RESIDENT (we will use this address to correspond with you unless you complete the separate correspondence box below).		
Post Town		Post Code
TELEPHONE NUMBERS		
Daytime		
Evening		
Mobile		
FAX NUMBER		
EMAIL ADDRESS (if you would prefer us to correspond with you by email).		

Address for correspondence associated with this application (if different to the address above).	
Post Town	Post Code
TELEPHONE NUMBERS	
Daytime	
Evening	
Mobile	
EMAIL ADDRESS (if you would prefer us to correspond with you by email).	

2. Your licensing qualifications	
Read Note 1	Please tick ✓ Yes
Please indicate below which one of these statements applies to you:	
1. I hold an accredited licensing qualification	<input type="checkbox"/>
2. I hold a certified qualification	<input type="checkbox"/>
3. I hold an equivalent qualification	<input type="checkbox"/>
4. I am a person of prescribed description	<input type="checkbox"/>
If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application.	
If you have ticked statement 4, please provide evidence that you are a person of prescribed description.	

3. Previous or outstanding applications for a personal licence		
Note: You may only hold one personal licence at a time.	Please tick ✓	
Do you currently hold a personal licence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you currently have any outstanding applications for a personal licence, with this or any other licensing authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Licensing Authority	
Licensing number	
Date of issue	
Date of expiry	
Date of suspension	
Any further details	

4. CHECKLIST:	
I have	Please tick ✓ yes
<ul style="list-style-type: none"> enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification. 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description. 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Intelligence Service. (under one month from issuing date) 	<input type="checkbox"/>
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) 	<input type="checkbox"/>
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application. 	<input type="checkbox"/>
<ul style="list-style-type: none"> Right to work in the UK document 	<input type="checkbox"/>

5. Declaration	
<p><u>Immigration, Asylum & Nationality Act 2006</u></p> <p>To comply with the Immigration, Asylum and Nationality Act 2006 this Council is required to check your eligibility to live and work in the UK.</p> <p>Please confirm that you are able to live and work in the UK and that on request, YES/NO you will be able to provide evidence of this.</p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].</p> <p>I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. (Please read guidance note 2)</p> <p>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please read guidance note 2)</p>	
SIGNATURE	DATE

NOTES

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

2. List of acceptable documents to show entitlement to work

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with their application, copies or scanned copies of the following documents (which do not need to be certified):-

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided.
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity .
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

TENDRING DISTRICT COUNCIL

Disclosure of Convictions and Declaration

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other...	
Surname	
Forenames	
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE (delete as appropriate): Mr Mrs Miss Ms Other...	
Surname	
Forenames	

2. Forfeiture of a personal licence in the last 5 years		
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal Licence) Regulations 2005		
		Please tick ✓
Has any personal licence held by you been forfeited in the last 5 years? If yes, please provide details below:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Name of court		
Address of court		
Date of forfeiture		
Offence which resulted in the forfeiture		
Any additional details		

3. Relevant or foreign offences		
Read Note 1		Please tick ✓
Have you been convicted of any relevant offence or foreign offence?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have been convicted of any relevant offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

If you have been convicted of any relevant offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

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4. Declaration

I declare that I have not been convicted of any relevant offence or any foreign offence

SIGNATURE

DATE

5. Declaration

The information contained in this form is correct to the best of my knowledge and belief.

It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale [£5000].

SIGNATURE

DATE

NOTES

Information on the Licensing Act 2003 is available on the website of the Department of Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

1. Relevant or foreign offences

Relevant offences are the offences listed in Schedule 4 to the Licensing Act 2003:

The meaning of **foreign offence** is dealt with in section 113 of the Licensing Act 2003.

If you are the holder of a justices' licence and you are applying for a personal licence under regulation 8 of the Licensing Act (Personal Licence) Regulations 2005 see paragraphs 23 and 28 in Part 3 of Schedule 8 to the Licensing Act 2003 for the information you are required to give.

If you are convicted of any relevant or foreign offence during the period between when your application is made and when your application is determined or withdrawn, you must notify the authority to which your application was made. Failure to do so without reasonable excuse could lead to prosecution and a fine not exceeding level 4 on the standard scale [£2500].