Why do I need a Personal Licence?

You or a member of your staff must hold a Personal Licence if you sell alcohol from licensed premises, so that every sale or supply of alcohol is authorised by a Licence holder.

Section 1 – How to apply for a Personal Licence

Information can also be found on the Council’s website at [www.braintree.gov.uk](http://www.braintree.gov.uk)

1. Complete the application form in full in black ink.

Note: You must send the application and other documents to the Licensing Authority. It is not possible to make an online application for a Personal Licence. Details of where to send your application are found at (Section 6) of this guidance.

2. Supply the correct fee (£37)

3. Supply two passport photographs (Section 2)

4. Provide either a criminal conviction certificate issued under section 112 of the Police Act 1997, a criminal record certificate issued under section 113 of the Police Act 1997 or the results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service (Section 3)

5. Supply a completed disclosure of convictions and civil immigration penalties and declaration form

6. Supply the original or certified copy of your accredited licensing qualification (Section 4)

7. Confirm your Right to work/Immigration status (Section 5)
Section 2 – How to submit photographs with a Personal Licence Application

You will 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 SHOULD 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 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 person signing in capitals and in what capacity they have signed.

Note: Some examples of persons suitable to counter-sign photographs submitted with new 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, Local Government Officer, Police Officer, Religious Minister, Optician, Director or Chairman of a Limited Company, Teacher, Councillor.

Note: Members of the Licensing Team at Braintree District Council are not able to sign your photographs on your behalf.
PHOTOGRAPHS MAY BE REJECTED WHERE:

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

Section 3 – Guidance on Relevant 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 at the end of this section.

A “relevant offence” is one listed in Schedule 4 of the Licensing Act. A copy of that schedule follows 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.

IMPORTANT – New Application

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 by the National Intelligence Service. This certificate must be issued no earlier than one calendar month before the date of your application.

A Basic Criminal Record check is available from the Disclosure and Barring Service (DBS) and can be obtained online at https://www.gov.uk/request-copy-criminal-record
I have disclosed a conviction - what happens now?

The Licensing Authority is required to notify the Chief Officer of Police for this area. The Chief Officer of Police may lodge an objection notice if he considers that granting a Personal Licence to a person who has been convicted of a “relevant offence” or a “foreign offence” would undermine the licensing objective of crime prevention.

How long do the police have to object?

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

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

If a hearing is needed, you will be notified of where and when to attend.

PERSONAL LICENCE: RELEVANT OFFENCES

SCHEDULE 4 - Section 113

1. 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 (Occasional Permissions) Act 1983 (c.24);
   (h) the Cinemas Act 1985 (c.13);
   (i) the London Local Authorities Act 1990 (c.vii).

2. An offence under the Firearms Act 1968 (c.27).

3. 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.
4. 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 any 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.).

5. 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).

6. 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).

7. 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).

8. 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).
9. 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).

10. An offence under the Forgery and Counterfeiting Act 1981 (c.45) (other than an offence under section 18 or 19 of that Act).

11. An offence under the Firearms (Amendment) Act 1988 (c.45).

12. 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).

13. 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).

14. 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).

15. 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.

16. An offence under the Firearms (Amendment) Act 1997 (c.5).
17. A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6).

18. A violent offence, within the meaning of section 161(3) of that Act.

19. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a Licence).

What is an 'unspent' criminal conviction?

An 'unspent' conviction is one that a person must admit to when asked to disclose their criminal history. Whereas 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's 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's elapsed since the date of your conviction. This time is called the 'rehabilitation period' - and it differs according to the type of sentence passed.

So, what's 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.
<table>
<thead>
<tr>
<th>TYPE OF SENTENCE IMPOSED ON ADULTS AGED 18 YEARS AND OVER AT THE TIME</th>
<th>NUMBER OF YEARS FROM DATE OF CONVICTION BEFORE CONVICTION BECOMES ‘SPENT’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imprisonment or detention in a young offender institution (previously known as youth custody) between 6 months and 2 and a half years</td>
<td>10 years</td>
</tr>
<tr>
<td>Imprisonment of detention in a young offender institution (previously known as youth custody) of 6 months or less</td>
<td>7 years</td>
</tr>
<tr>
<td>A fine or any other sentence for which a different rehabilitation period is not provided (e.g. a compensation or community service order, or a probation order received on or after 3 February 1995)</td>
<td>5 years</td>
</tr>
<tr>
<td>An absolute discharge</td>
<td>6 months</td>
</tr>
</tbody>
</table>

Except an absolute discharge, 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 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:

<table>
<thead>
<tr>
<th>TYPE OF SENTENCE IMPOSED ON MEN OR WOMEN IN THE ARMED SERVICES</th>
<th>NUMBER OF YEARS FROM DATE OF CONVICTION BEFORE CONVICTION BECOMES ‘SPENT’</th>
</tr>
</thead>
<tbody>
<tr>
<td>A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty’s service</td>
<td>10 years</td>
</tr>
<tr>
<td>A sentence of dismissal from Her Majesty's service</td>
<td>7 years</td>
</tr>
<tr>
<td>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</td>
<td>7 years</td>
</tr>
<tr>
<td>A sentence of detention in respect of a conviction in service disciplinary proceedings</td>
<td>5 years</td>
</tr>
<tr>
<td>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</td>
<td>3 years</td>
</tr>
</tbody>
</table>
These periods are **halved** if the offender was **under 18** at the time.

**What if I've 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 more 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.

**Section 4 – Qualifications**

If you wish to hold a Personal Licence, you will need to undergo training and obtain a qualification.

The Secretary of state has accredited the following Personal Licence qualifications under the Licensing Act 2003:

- **BIIAB (QCF Recognition number RN5118)**
  - BIIAB Level 2 Award for Personal Licence Holders
  - Qualification number: 603/2468/5
  - Qualification approval/designation number: C00/1212/8
  - BIIAB Level 2 Award for Personal Licence Holders (QCF)
  - Qualification number: 501/1494/3
  - website: [British Institute of Innkeeping Awarding Body](http://www.bii.org)
  - telephone: 01276 684 449, email: [qualifications@bii.org](mailto:qualifications@bii.org)

- **CIEH (QFC Recognition number RN5238)**
  - CIEH Level 2 Award for Personal Licence Holders (QCF)
  - Qualification number: 601/2104/X
  - website: [Chartered Institute of Environmental Health](http://www.cieh.org)
  - telephone: 020 7827 5800, email: [customerservices@cieh.org](mailto:customerservices@cieh.org)
- **HABC (QCF Recognition number RN5219)**
  Highfield Level 2 Award for Personal Licence Holders (RQF)
  Qualification number: 603/2597/5
  HABC Level 2 Award for Personal Licence Holders (QCF)
  Qualification accreditation number 500/9974/7
  website: [Highfield Awarding Body for Compliance](http://www.highfieldabc.com)
  telephone: 0845 226 0350, email: info@highfieldabc.com

- **IQ (QCF Recognition number:RN5330)**
  IQ Level 2 Award for Personal Licence Holders
  Qualification number: 603/2659/1
  IQ Level 2 Award for Personal Licence Holders (QCF)
  Qualification number: 601/4980/2
  website: [Industry Qualifications](http://www.industryqualifications.org.uk)
  telephone: 01952 457 452, email: info@industryqualifications.org.uk

- **LASER (QCF Recognition number RN5326)**
  LASER Level 2 Award for Personal Licence Holders
  Qualification number: 603/2603/7
  Laser Level 2 Award for Personal Licence Holders
  Qualification accreditation number 600/6446/8
  website: [Laser Learning Awards](http://www.laser-awards.org.uk)
  telephone: 01932 569894, email: enquiries@laser-awards.org.uk

- **Pearson Education Ltd (QCF Recognition number RN5133)**
  Pearson BTEC Level 2 Award for Personal Licence Holders
  Qualification number: 603/2538/0
  Pearson BTEC Level 2 Award for Personal Licence Holders (QCF)
  Qualification number: 601/3483/5
  website: [Pearson Education](http://www.pearson.com)
  telephone: 0844 576 0045, email: wblcustomerservices@pearson.com

- **QNUK (RQF Recognition number RN5133)**
  QNUK Level 2 Award for Personal Licence Holders
  Qualification number: 603/1021/2
  website: [QNUK](http://www.qnuk.org)
  telephone: 020 8366 5049, email: CentreSupport@Qualifications-Network.co.uk

- **SQA (QCF Recognition number RN5167)**
  SQA Level 2 Award for Personal Licence Holders
  Qualification number: 603/2596/3
  SQA Level 2 Award for Personal Licence Holders (QCF)
  Qualification number: 600/1269/9
  telephone: 0845 279 1000, email: customer@sqa.org.uk
Section 5 – Right to Work/Immigration Status

A Personal Licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.
- Any Personal Licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.
- 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 licensing activity.
- They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- 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 [please see note below about which sections of the passport to copy.

- 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 a 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 relation 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 a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or 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 a 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 a 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,
  - 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 a 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.
Original documents must not be sent to the Licensing Authority. 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.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 6 – Contact Details

Please send your application to:-

Braintree District Council
Licensing Section
Causeway House
Bocking End
Braintree Essex CM79HB

If you have any questions please contact a member of the Licensing Team on 01376 557790

Please ensure that you provide all required documentation, including the fee, with your application. If applications are not made correctly then it will be returned.