RUSHMOOR BOROUGH COUNCIL

Guidance Note: PERLIC3

Guidance for Applicants

Applications for a personal licence

(Applications for first-time applications)

Section 117

LICENSING ACT 2003

Making an Application & Applicant Eligibility

An applicant **must** apply to the licensing authority for the area in which (s)he is ordinarily resident.

The applicant must **NOT** already hold another personal licence or have applied for a personal licence with this or any other licensing authority.

To be eligible to apply, all applicants for the grant of a personal licence (ie: non-conversion applications) **must** meet the following criteria:

- The applicant must be 18+ years old;
- The applicant must possess a licensing qualification (or be a person of prescribed description);
- The applicant must not have forfeited a personal licence in the last five years; and
- The applicant must not have been convicted of a relevant offence or foreign offence.

For all applications for the grant of a personal licence the following documents and submissions must be provided. Please note that unless otherwise stated, all documents must be original, as photocopies will **NOT** be accepted.

Please note that applications that do not meet the criteria detailed above may be deemed invalid and/or rejected.

Application Form

For all first time applications for a personal licence, the application must be made on the prescribed form (See schedule 1 of the Licensing Act 2003 (Personal licences) Regulations 2005 (Statutory Instrument 2005 No.41)).

Photographs

The application must be accompanied by two photographs of the applicant.

Each photograph must be:

ENVIRONMENTAL HEALTH SERVICES, Rushmoor Borough Council,
Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU. Telephone: (01252) 398 398

Fax: (01252) 524 017 • Minicom: (01252) 371 233 • email: licensing@rushmoor.gov.uk • DX 122250 FARNBOROUGH 2

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 (without sunglasses) and, unless the applicant wears a head covering due to his/her religious beliefs, without a head covering; and

d) On photographic paper.

One of the two photographs must be certified by a statement verifying the likeness of the photograph to the applicant by either the chief executive of the licensing justices for the relevant licensing authority, a solicitor, notary, bank or building society official, police officer, civil servant, minister of religion or any individual with a professional qualification. Certification should provide sufficient information on the individual making the statement such that the endorsement can be verified.

Relevant (Foreign) Convictions

The application must be accompanied by one of the following disclosure certificates. Please note that any certificate or search results supplied **must NOT** have been issued any earlier than one calendar month before making the application for the personal licence to the licensing authority.

a) A criminal conviction certificate issued under S112 of the Police Act 1997 (This is a Basic Disclosure Certificate – only available from Disclosure Scotland), or

b) A criminal record certificate issued under S113a of the Police Act 1997 (This is a Standard Disclosure Certificate – available from the Criminal Records Bureau), or

c) The results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.

The contact details for the main disclosure organisations are given below:

Disclosure Scotland	**Website:**	www.disclosurescotland.co.uk
P.O. Box 250	**Telephone:**	0870 609 6006
Glasgow	**Fax:**	0870 609 6996
G51 1YU	**Email:**	info@disclosurescotland.co.uk
Criminal Records Bureau	**Website:**	www.crb.gov.uk
PO Box 110	**Information Line:**	0870 90 90 811
Liverpool	**Disclosure Applications:**	0870 90 90 844
L69 3EF		

In addition to the above, all applications must be accompanied by a declaration by the applicant (see form provided) that either:

a) (s)he has **not been** convicted of a relevant offence or a foreign offence, or
b) (s)he **has been** convicted of a relevant or a foreign offence accompanied by details of the nature and date of the conviction(s) and any sentence(s) imposed.

A list of relevant offences is given at Appendix A.

Accredited Licensing Qualification(s)

The application must be accompanied by a copy of an **'accredited'** licensing qualification that has been awarded to the applicant.

At the time of writing, the Secretary of State has accredited five qualifications for personal licence holders. These are detailed below together with appropriate contact details.

Please note that the list of accredited qualifications may change from time to time as accreditation may be awarded to other organisations. Accordingly, applicants are advised to check the list of accredited courses available to them via the website of the Department for Culture, Media & Sport; www.culture.gov.uk.

Accredited personal licence qualification providers

The Home Secretary has accredited the following personal licence qualifications under the Licensing Act 2003, commencing on 1 April 2011:

- **BIIAB** (QCF Recognition number RN5118)

  Level 2 Award for Personal Licence Holders
  Qualification accreditation number 501/1494/3
  Website: **www.bii.org**
  Telephone: 01276 684 449
  Email: **qualifications@bii.org**
  Address: BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT

- **EDI** (QCF Recognition number RN5134)

  Level 2 Award for Personal Licence Holders
  Qualification accreditation number 500/9146/3
  Website: **www.ediplc.com**
  Telephone: 0247 651 6500
  Email: **enquires@ediplc.com**
  Address: Qualifications and processing centre, International House, Siskin Parkway East, Middlemarch Business Park, Coventry, CV3 4PE

- **HABC** (QCF Recognition number RN5219)

  Level 2 Award for Personal Licence Holders
  Qualification accreditation number 500/9974/7
  Website: **www.highfieldabc.com**
  Telephone: 0845 226 0350
  Email: **info@highfieldabc.com**
  Address: Highfield Awarding Body for Compliance Ltd, Highfield House, Sidings Court, Lakeside, Doncaster, DN4 5NL.

- **NCFE** (QCF Recognition number RN5156)

  Level 2 Award for Personal Licence Holders
  Qualification accreditation number 600/1323/0
  Website: **www.ncfe.org.uk**
  Telephone: 0191 239 8000
  Email: **info@ncfe.org.uk**
  Address: Citygate, St James' Boulevard, Newcastle upon Tyne NE1 4JE

- **SQA** (QCF Recognition number RN5167)

  Level 2 Award for Personal Licence Holders
  Qualification accreditation number 600/1269/9
  Website: www.sqa.org.uk
  Telephone 0845 279 1000
  E-mail: **customer@sqa.org.uk**
  Address: The Optima Building, 58 Robertson Street Glasgow G2 8DQ.

Please contact these bodies directly for information on courses, costs and availability in your area.

Formerly accredited courses

The following courses were formerly accredited:
BIIAB Level 2 National Certificate for Personal Licence Holders. QCA Accreditation Number: 100/4866/2. From 1 Feb 2005 to 31March 2011.
EDI Level 2 National Certificate for Personal Licence Holders. QCA Accreditation Number: 100/4865/0**. From** 1 Feb 2005 to 30 April 2011.
GQAL Level 2 National Certificate for Personal Licence Holders. QCA Accreditation Number: 100/5040/1. From 1 May 2005 to 30 April 2010.
HABC Level 2 Award for Personal Licence Holders. QCA Accreditation Number: 500/7383/7. From 1 Sept 2009 to 30 April 2011.
NCFE Level 2 National Certificate for Personal Licence Holders QCA Accreditation Number: 500/4228/2. From 1 Sept 2008 to 30 April 2011.
SQA Level 2 Award for Personal Licence Holders QCA Accreditation Number: 500/8025/8. From 1 Dec 2009 to 30 April 2011.

Fees & Charges

The application must be accompanied by the prescribed fee of £37.00.

All cheques and/or postal orders should be made payable to RUSHMOOR BOROUGH COUNCIL.

NB: Fees and charges are subject to change. Whilst we will endeavour to ensure all our publications are kept up-to-date, applicants are advised to check the current list of fees and charges at the point of making each application. A full list of current fees and charges is available on our website www.rushmoor.gov.uk.

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APPENDIX A

PERSONAL LICENCE: RELEVANT OFFENCES

A.0 INTRODUCTION

A.1 The Licensing Authority will only recognise those relevant offences as prescribed in the Act and amendments/revisions thereof. The following details of relevant offences should therefore be treated as a summary only.

A.2 RELEVANT OFFENCES

1) An offence under this Act.

2) 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).

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

4) 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.

5) 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.).

6) 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).

7) 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).

8) 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).

9) 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).

10) 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).

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

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

13) 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).

14) 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).

15) 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).

16) 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.

17) An offence under the Firearms (Amendment) Act 1997 (c. 5).

18) A sexual offence, being an offence —

(a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003(**1**), other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

(b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);

(c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

19) A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition)."

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

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