

## **Notes for Guidance**

### **APPLICATION FOR A PERSONAL LICENCE (BY SOMEONE WHO NORMALLY LIVES IN BOLTON METROPOLITAN BOROUGH).**

Please consult a solicitor or legal advisor if you require assistance in completing the forms.

These applications do not need to be submitted at the same time as any Premises Licence application

If you are applying for a Personal Licence under the new legislation then you will need to;

- 1) Two copies of completed form LA5. These application forms must be accompanied by two copies of the disclosure form (form LA7) in all cases. Relevant offences (and foreign offences) that need to be disclosed are detailed in Appendix 1. The Personal Licence application fee is £37. These applications do not need to be submitted at the same time as any Premises Licence application.
- 2) You need to enclose two photographs with your application. The requirements for the photographs are detailed at Appendix 2.
- 3) You must enclose your licensing qualification certificate.
- 4) One of the following documents must be enclosed;
  - A criminal conviction certificate issued under S112 of the Police Act 1997
  - A criminal record certificate issued under S113A of the Police Act 1997 or
  - The results of a subject access search under the Data Protection Act 1998(b) of the Police National Computer by the National Identification Service.

To apply for a subject access search please contact the Greater Manchester Police Data Protection Unit (tel. 0161 856 2534). Alternatively, you can email the unit at [subjectaccess@gmp.police.uk](mailto:subjectaccess@gmp.police.uk) to obtain an application form. Standard disclosures can also be applied for online at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

**The date of issue of these certificates should be no greater than one calendar month before the date of application.**

Copies of your Licensing Qualification Certificate and certificate submitted under paragraph 4) above will be made by the Licensing Unit. If you make your application in person at the Licensing Unit you will normally be able to take the original documents away with you. Original documents submitted by postal applicants will be returned by normal post.

On receipt of your application a copy of the submitted documents will be forwarded to the Police by the Licensing Unit, within 48 hours, in accordance with the requirements of the Licensing Act.

**When submitting your application please ensure that all the information and supporting documentation is included as we are not able to process incomplete applications and your application will be rejected.**

Your licence application will be determined within 3 months of the application being received by the Licensing Unit.

Copies of the Bolton Council Statement of Licensing Policy, which details our approach to licensing matters, are available from the Licensing Team, Ground Floor, Town Hall, Bolton, BL1 1RU.

## Appendix 1 – “Relevant Offences”.

- 1 *An offence under the Licensing Act 2003 (Not applicable until November 2005)*
- 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, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- 19 A violent offence, within the meaning of section 161(3) of that Act.
- 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).

For the purposes of this Part a conviction for a relevant offence or a foreign offence must be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974. A "foreign offence" means an offence (other than a relevant offence) under the law of any place outside England and Wales.

## **Appendix 2 – Requirements for photographs.**

Two photographs of the applicant must accompany applications for Personal Licences. These must be,

- (1) taken against a light background so that the applicant's features are distinguishable and contrast against the background,
- (2) 45 millimetres by 35 millimetres,
- (3) full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his or her religious beliefs, without a head covering,
- (4) on photographic paper, and

one of the photographs must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or any individual with a professional qualification.