



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 6

#### PERSONAL LICENCES

##### *Introductory*

#### **111 Personal licence**

- (1) In this Act “personal licence” means a licence which—
- (a) is granted by a licensing authority to an individual, and
  - (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- (2) In subsection (1)(b) the reference to an individual supplying alcohol is to him—
- (a) selling alcohol by retail, or
  - (b) supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.

#### **112 The relevant licensing authority**

For the purposes of this Part the “relevant licensing authority”, in relation to a personal licence, is the licensing authority which granted the licence.

#### **113 Meaning of “relevant offence” and “foreign offence”**

- (1) In this Part “relevant offence” means an offence listed in Schedule 4.
- (2) The Secretary of State may by order amend that list so as to add, modify or omit any entry.
- (3) In this Part “foreign offence” means an offence (other than a relevant offence) under the law of any place outside England and Wales.

**114 Spent convictions**

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 (c. 53).

**115 Period of validity of personal licence**

- (1) A personal licence—
  - (a) has effect for an initial period of ten years beginning with the date on which it is granted, and
  - (b) may be renewed in accordance with this Part for further periods of ten years at a time.
- (2) Subsection (1) is subject to subsections (3) and (4) and to—
  - (a) section 116 (surrender),
  - (b) section 119 (continuation of licence pending renewal), and
  - (c) paragraph 17 of Schedule 5 (continuation of licence pending disposal of appeal).
- (3) A personal licence ceases to have effect when it is revoked under section 124 or forfeited under section 129.
- (4) And a personal licence does not have effect during any period when it is suspended under section 129.
- (5) Subsections (3) and (4) are subject to any court order under sections 129(4) or 130.

**116 Surrender of personal licence**

- (1) Where the holder of a personal licence wishes to surrender his licence he may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (3) Where a notice of surrender is given in accordance with this section, the personal licence lapses on receipt of the notice by the authority.

*Grant and renewal of licences***117 Application for grant or renewal of personal licence**

- (1) An individual may apply—
  - (a) for the grant of a personal licence, or
  - (b) for the renewal of a personal licence held by him.
- (2) An application for the grant of a personal licence—
  - (a) must, if the applicant is ordinarily resident in the area of a licensing authority, be made to that authority, and
  - (b) may, in any other case, be made to any licensing authority.

- (3) An application for the renewal of a personal licence must be made to the relevant licensing authority.
- (4) Where the application is for renewal of a personal licence, the application must be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (5) Subsection (1) is subject to regulations under section 133 (form etc. of applications and notices under this Part).
- (6) An application for renewal may be made only during the period of two months beginning three months before the time the licence would expire in accordance with section 115(1) if no application for renewal were made.

#### **118 Individual permitted to hold only one personal licence**

- (1) An individual who makes an application for the grant of a personal licence under section 117 (“the initial application”) may not make another such application until the initial application has been determined by the licensing authority to which it was made or has been withdrawn.
- (2) A personal licence is void if, at the time it is granted, the individual to whom it is granted already holds a personal licence.

#### **119 Licence continued pending renewal**

- (1) Where—
  - (a) an application for renewal is made in accordance with section 117, and
  - (b) the application has not been determined before the time the licence would, in the absence of this section, expire,then, by virtue of this section, the licence continues to have effect for the period beginning with that time and ending with the determination or withdrawal of the application.
- (2) Subsection (1) is subject to section 115(3) and (4) (revocation, forfeiture and suspension) and section 116 (surrender).

#### **120 Determination of application for grant**

- (1) This section applies where an application for the grant of a personal licence is made to a licensing authority in accordance with section 117.
- (2) The authority must grant the licence if it appears to it that—
  - (a) the applicant is aged 18 or over,
  - (b) he possesses a licensing qualification or is a person of a prescribed description,
  - (c) no personal licence held by him has been forfeited in the period of five years ending with the day the application was made, and
  - (d) he has not been convicted of any relevant offence or any foreign offence.
- (3) The authority must reject the application if it appears to it that the applicant fails to meet the condition in paragraph (a), (b) or (c) of subsection (2).

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- (4) If it appears to the authority that the applicant meets the conditions in paragraphs (a), (b) and (c) of that subsection but fails to meet the condition in paragraph (d) of that subsection, the authority must give the chief officer of police for its area a notice to that effect.
- (5) Where, having regard to—
  - (a) any conviction of the applicant for a relevant offence, and
  - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,
 the chief officer of police is satisfied that granting the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (4), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).
- (6) Where no objection notice is given within that period (or the notice is withdrawn), the authority must grant the application.
- (7) In any other case, the authority—
  - (a) must hold a hearing to consider the objection notice, unless the applicant, the chief officer of police and the authority agree that it is unnecessary, and
  - (b) having regard to the notice, must—
    - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
    - (ii) grant the application in any other case.
- (8) In this section “licensing qualification” means—
  - (a) a qualification—
    - (i) accredited at the time of its award, and
    - (ii) awarded by a body accredited at that time,
  - (b) a qualification awarded before the coming into force of this section which the Secretary of State certifies is to be treated for the purposes of this section as if it were a qualification within paragraph (a), or
  - (c) a qualification obtained in Scotland or Northern Ireland or in an EEA State (other than the United Kingdom) which is equivalent to a qualification within paragraph (a) or (b).
- (9) For this purpose—
  - “accredited” means accredited by the Secretary of State; and
  - “EEA State” means a state which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

## **121 Determination of application for renewal**

- (1) This section applies where an application for the renewal of a personal licence is made to the relevant licensing authority in accordance with section 117.
- (2) If it appears to the authority that the applicant has been convicted of any relevant offence or foreign offence since the relevant time, the relevant licensing authority must give notice to that effect to the chief officer of police for its area.
- (3) Where, having regard to—

- (a) any conviction of the applicant for a relevant offence, and
  - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,
- the chief officer of police is satisfied that renewing the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (2), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).
- (4) For the purposes of subsection (3)(a) and (b) it is irrelevant whether the conviction occurred before or after the relevant time.
  - (5) Where no objection notice is given within that period (or any such notice is withdrawn), the authority must grant the application.
  - (6) In any other case, the authority—
    - (a) must hold a hearing to consider the objection notice unless the applicant, the chief officer of police and the authority agree that it is unnecessary, and
    - (b) having regard to the notice, must—
      - (i) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
      - (ii) grant the application in any other case.
  - (7) In this section “the relevant time” means—
    - (a) if the personal licence has not been renewed since it was granted, the time it was granted, and
    - (b) if it has been renewed, the last time it was renewed.

## **122 Notification of determinations**

- (1) Where a licensing authority grants an application—
  - (a) it must give the applicant and the chief officer of police for its area a notice to that effect, and
  - (b) if the chief officer of police gave an objection notice (which was not withdrawn), the notice under paragraph (a) must contain a statement of the licensing authority’s reasons for granting the application.
- (2) A licensing authority which rejects an application must give the applicant and the chief officer of police for its area a notice to that effect containing a statement of the authority’s reasons for rejecting the application.
- (3) In this section—
  - “application” means an application for the grant or renewal of a personal licence; and
  - “objection notice” has the meaning given in section 120 or 121, as the case may be.

## **123 Duty to notify licensing authority of convictions during application period**

- (1) Where an applicant for the grant or renewal of a personal licence is convicted of a relevant offence or a foreign offence during the application period, he must as soon as reasonably practicable notify the conviction to the authority to which the application is made.

- (2) A person commits an offence if he fails, without reasonable excuse, to comply with subsection (1).
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In this section “the application period” means the period that—
  - (a) begins when the application for grant or renewal is made, and
  - (b) ends when the application is determined or withdrawn.

## **124 Convictions coming to light after grant or renewal**

- (1) This section applies where, after a licensing authority has granted or renewed a personal licence, it becomes aware (whether by virtue of section 123(1), 131 or 132 or otherwise) that the holder of a personal licence (“the offender”) was convicted during the application period of any relevant offence or foreign offence.
- (2) The licensing authority must give a notice to that effect to the chief officer of police for its area.
- (3) Where, having regard to—
  - (a) any conviction of the applicant for a relevant offence, and
  - (b) any conviction of his for a foreign offence which the chief officer of police considers to be comparable to a relevant offence,which occurred before the end of the application period, the chief officer of police is satisfied that continuation of the licence would undermine the crime prevention objective, he must, within the period of 14 days beginning with the day he received the notice under subsection (2), give the authority a notice stating the reasons why he is so satisfied (an “objection notice”).
- (4) Where an objection notice is given within that period (and not withdrawn), the authority—
  - (a) must hold a hearing to consider the objection notice, unless the holder of the licence, the chief officer of police and the authority agree it is unnecessary, and
  - (b) having regard to the notice, must revoke the licence if it considers it necessary for the promotion of the crime prevention objective to do so.
- (5) Where the authority revokes or decides not to revoke a licence under subsection (4) it must notify the offender and the chief officer of police of the decision and its reasons for making it.
- (6) A decision under this section does not have effect—
  - (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.
- (7) In this section “application period”, in relation to the grant or renewal of a personal licence, means the period that—
  - (a) begins when the application for the grant or renewal is made, and
  - (b) ends at the time of the grant or renewal.

## **125 Form of personal licence**

- (1) Where a licensing authority grants a personal licence, it must forthwith issue the applicant with the licence.
- (2) The licence must—
  - (a) specify the holder's name and address, and
  - (b) identify the licensing authority which granted it.
- (3) It must also contain a record of each relevant offence and each foreign offence of which the holder has been convicted, the date of each conviction and the sentence imposed in respect of it.
- (4) Subject to subsections (2) and (3), the licence must be in the prescribed form.

## **126 Theft, loss, etc. of personal licence**

- (1) Where a personal licence is lost, stolen, damaged or destroyed, the holder of the licence may apply to the relevant licensing authority for a copy of the licence.
- (2) Subsection (1) is subject to regulations under section 133(2) (power to prescribe fee to accompany application).
- (3) Where the relevant licensing authority receives an application under this section, it must issue the licence holder with a copy of the licence (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the licence has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the holder of the licence has reported the loss or theft to the police.
- (4) The copy issued under this section must be a copy of the licence in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original licence.

### *Duty to notify certain changes*

## **127 Duty to notify change of name or address**

- (1) The holder of a personal licence must, as soon as reasonably practicable, notify the relevant licensing authority of any change in his name or address as stated in the personal licence.
- (2) Subsection (1) is subject to regulations under section 133(2) (power to prescribe fee to accompany notice).
- (3) A notice under subsection (1) must also be accompanied by the personal licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.

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- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

*Conviction of licence holder for relevant offence*

**128 Duty to notify court of personal licence**

- (1) Where the holder of a personal licence is charged with a relevant offence, he must, no later than the time he makes his first appearance in a magistrates' court in connection with that offence—
- (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (2) Subsection (3) applies where a person charged with a relevant offence is granted a personal licence—
- (a) after his first appearance in a magistrates' court in connection with that offence, but
  - (b) before—
    - (i) his conviction, and sentencing for the offence, or his acquittal, or,
    - (ii) where an appeal is brought against his conviction, sentence or acquittal, the disposal of that appeal.
- (3) At his next appearance in court in connection with that offence, that person must—
- (a) produce to the court the personal licence, or
  - (b) if that is not practicable, notify the court of the existence of the personal licence and the identity of the relevant licensing authority and of the reasons why he cannot produce the licence.
- (4) Where—
- (a) a person charged with a relevant offence has produced his licence to, or notified, a court under subsection (1) or (3), and
  - (b) before he is convicted of and sentenced for, or acquitted of, that offence, a notifiable event occurs in respect of the licence,
- he must, at his next appearance in court in connection with that offence, notify the court of that event.
- (5) For this purpose a “notifiable event” in relation to a personal licence means any of the following—
- (a) the making or withdrawal of an application for renewal of the licence;
  - (b) the surrender of the licence under section 116;
  - (c) the renewal of the licence under section 121;
  - (d) the revocation of the licence under section 124.
- (6) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.



## **129 Forfeiture or suspension of licence on conviction for relevant offence**

- (1) This section applies where the holder of a personal licence is convicted of a relevant offence by or before a court in England and Wales.
- (2) The court may—
  - (a) order the forfeiture of the licence, or
  - (b) order its suspension for a period not exceeding six months.
- (3) In determining whether to make an order under subsection (2), the court may take account of any previous conviction of the holder for a relevant offence.
- (4) Where a court makes an order under this section it may suspend the order pending an appeal against it.
- (5) Subject to subsection (4) and section 130, an order under this section takes effect immediately after it is made.

## **130 Powers of appellate court to suspend order under section 129**

- (1) This section applies where—
  - (a) a person (“the offender”) is convicted of a relevant offence, and
  - (b) an order is made under section 129 in respect of that conviction (“the section 129 order”).
- (2) In this section any reference to the offender’s sentence includes a reference to the section 129 order and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.
- (3) Where the offender—
  - (a) appeals to the Crown Court, or
  - (b) appeals or applies for leave to appeal to the Court of Appeal,against his conviction or his sentence, the Crown Court or, as the case may be, the Court of Appeal may suspend the section 129 order.
- (4) Where the offender appeals or applies for leave to appeal to the House of Lords—
  - (a) under section 1 of the Administration of Justice Act 1960 (c. 65) from any decision of the High Court which is material to his conviction or sentence, or
  - (b) under section 33 of the Criminal Appeal Act 1968 (c. 19) from any decision of the Court of Appeal which is material to his conviction or sentence,the High Court or, as the case may require, the Court of Appeal may suspend the section 129 order.
- (5) Where the offender makes an application in respect of the decision of the court in question under section 111 of the Magistrates’ Courts Act 1980 (c. 43) (statement of case by magistrates’ court) or section 28 of the Supreme Court Act 1981 (c. 54) (statement of case by Crown Court) the High Court may suspend the section 129 order.
- (6) Where the offender—
  - (a) applies to the High Court for a quashing order to remove into the High Court any proceedings of a magistrates’ court or of the Crown Court, being proceedings in or in consequence of which he was convicted or his sentence was passed, or

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- (b) applies to the High Court for permission to make such an application, the High Court may suspend the section 129 order.
- (7) Any power of a court under this section to suspend the section 129 order is a power to do so on such terms as the court thinks fit.
- (8) Where, by virtue of this section, a court suspends the section 129 order it must send notice of the suspension to the relevant licensing authority.
- (9) Where the section 129 order is an order for forfeiture of the licence, an order under this section to suspend that order has effect to reinstate the licence for the period of the suspension.

### **131 Court’s duty to notify licensing authority of convictions**

- (1) This section applies where a person who holds a personal licence (“the relevant person”) is convicted, by or before a court in England and Wales, of a relevant offence in a case where—
  - (a) the relevant person has given notice under section 128 (notification of personal licence), or
  - (b) the court is, for any other reason, aware of the existence of that personal licence.
- (2) The appropriate officer of the court must (as soon as reasonably practicable)—
  - (a) send to the relevant licensing authority a notice specifying—
    - (i) the name and address of the relevant person,
    - (ii) the nature and date of the conviction, and
    - (iii) any sentence passed in respect of it, including any order made under section 129, and send a copy of the notice to the relevant person.
- (3) Where, on an appeal against the relevant person’s conviction for the relevant offence or against the sentence imposed on him for that offence, his conviction is quashed or a new sentence is substituted for that sentence, the court which determines the appeal must (as soon as reasonably practicable) arrange—
  - (a) for notice of the quashing of the conviction or the substituting of the sentence to be sent to the relevant licensing authority, and
  - (b) for a copy of the notice to be sent to the relevant person.
- (4) Where the case is referred to the Court of Appeal under section 36 of the Criminal Justice Act 1988 (c. 33) (review of lenient sentence), the court must cause—
  - (a) notice of any action it takes under subsection (1) of that section to be sent to the relevant licensing authority, and
  - (b) a copy of the notice to be sent to the relevant person.
- (5) For the purposes of subsection (2) “the appropriate officer” is—
  - (a) in the case of a magistrates’ court, the clerk of the court, and
  - (b) in the case of the Crown Court, the appropriate officer;
 and section 141 of the Magistrates’ Courts Act 1980 (c. 43) (meaning of “clerk of a magistrates’ court”) applies in relation to this subsection as it applies in relation to that section.

## **132      Licence holder's duty to notify licensing authority of convictions**

- (1) Subsection (2) applies where the holder of a personal licence—
  - (a) is convicted of a relevant offence, in a case where section 131(1) does not apply, or
  - (b) is convicted of a foreign offence.
- (2) The holder must—
  - (a) as soon as reasonably practicable after the conviction, give the relevant licensing authority a notice containing details of the nature and date of the conviction, and any sentence imposed on him in respect of it, and
  - (b) as soon as reasonably practicable after the determination of any appeal against the conviction or sentence, or of any reference under section 36 of the Criminal Justice Act 1988 (c. 33) in respect of the case, give the relevant licensing authority a notice containing details of the determination.
- (3) A notice under subsection (2) must be accompanied by the personal licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence.
- (4) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### *General provision*

## **133      Form etc. of applications and notices under Part 6**

- (1) In relation to any application under section 117 or notice under this Part, regulations may prescribe—
  - (a) its form,
  - (b) the manner in which it is to be made or given, and
  - (c) the information and documents that must accompany it.
- (2) Regulations may also—
  - (a) require applications under section 117 or 126 or notices under section 127 to be accompanied by a fee, and
  - (b) prescribe the amount of the fee.

## **134      Licensing authority's duty to update licence document**

- (1) Where—
  - (a) the relevant licensing authority makes a determination under section 121 or 124(4),
  - (b) it receives a notice under section 123(1), 127, 131 or 132, or
  - (c) an appeal against a decision under this Part is disposed of,in relation to a personal licence, the authority must make the appropriate amendments (if any) to the licence.

- (2) Where, under section 131, notice is given of the making of an order under section 129, the relevant licensing authority must make an endorsement on the licence stating the terms of the order.
- (3) Where, under section 131, notice is given of the quashing of such an order, any endorsement previously made under subsection (2) in respect of it must be cancelled.
- (4) Where a licensing authority is not in possession of a personal licence, it may, for the purposes of discharging its obligations under this section, require the holder of the licence to produce it to the authority within 14 days beginning with the day on which he is notified of the requirement.
- (5) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (4).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### *Production of licence*

### **135    Licence holder's duty to produce licence**

- (1) This section applies where the holder of a personal licence is on premises to make or authorise the supply of alcohol, and such supplies—
  - (a) are authorised by a premises licence in respect of those premises, or
  - (b) are a permitted temporary activity on the premises by virtue of a temporary event notice given under Part 5 in respect of which he is the premises user.
- (2) Any constable or authorised officer may require the holder of the personal licence to produce that licence for examination.
- (3) An authorised officer exercising the power conferred by subsection (2) must, if so requested, produce evidence of his authority to exercise the power.
- (4) A person who fails, without reasonable excuse, to comply with a requirement under subsection (2) is guilty of an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) In this section “authorised officer” means an officer of a licensing authority authorised by the authority for the purposes of this Act.