

New arrangements for personal licences due for renewal in 2015

Factsheet for licensing authorities

The Government is aiming to remove the requirement for personal licence holders to renew their licence every 10 years through the Deregulation Bill, which is currently before Parliament. The first personal licences were granted in February 2005. However, the Bill is unlikely to receive Royal Assent before the tenth anniversary of the date on which the first personal licences were granted. To ensure that personal licence holders are not disadvantaged by this position, the Government will introduce new arrangements through secondary legislation for those whose licences are due for renewal before the proposal in the Bill comes into force.

We will alter the application form to renew a licence so that licence holders are required to provide only essential information to the licensing authority. The application form will be available in due course, as soon as the legislation is approved by Parliament.

Applicants must complete the form and submit it to their licensing authority no later than one month before their licence expires. They will also have to enclose their licence or a copy. Section 119 of the Licensing Act 2003 provides that where an application for renewal is pending and the application has not been determined before the licence expires, the licence continues to have effect. To ensure that applicants have certainty that their forms have been received, licensing authorities should acknowledge receipt of the application.

The Deregulation Bill is being considered by Parliament and the timescales described in this Fact Sheet depend on, and are subject to, the Parliamentary process. We cannot therefore give an exact date as to when the repeal of the requirement to renew a personal licence will take effect, assuming that the relevant provisions in the Deregulation Bill continue to form part of the Bill.

The following information is provided to licensing authorities as a guide to their role in the new arrangements:

Which personal licence holders are affected?

Personal licence holders whose licences expire in early 2015, will need to complete and submit a short application form to licensing authorities.

When will the repeal of the requirement to renew take effect?

The Deregulation Bill is being considered by Parliament and the timescales depend on, and are subject to, the Parliamentary process. We cannot therefore give an exact date as to when the repeal of the requirement to renew a personal licence will take effect, assuming that the relevant provisions in the Deregulation Bill continue to form part of the Bill.

When will the form be available?

The form is not yet available. Changes must be made in secondary legislation and this must be approved by Parliament. The Home Office will email licensing authorities to confirm when the form is available. The form will be published on the gov.uk website.

What information will personal licence holders need to provide?

Personal licence holders will each need to submit a completed form to the licensing authority which granted the licence. Applicants will **not** have to enclose an application fee, photographs, a criminal convictions certificate, criminal record certificate or the results of a subject access search of the Police National Computer. Applicants **will** have to provide their licence with their application or state why it is not practicable to do so. Individual licensing

authorities can decide whether applicants are required to submit the original licence or a copy (e.g. a scanned version or a photocopy).

Can the licence holder submit a photocopy or a scanned copy of the licence? Does it have to be the original?

Individual licensing authorities can decide whether applicants are required to submit the original licence or a copy (e.g. a scanned version or a photocopy). If licensing authorities permit applicants to provide a copy of the licence, it will enable applicants to apply by email.

What should the licensing authority do if the licence holder provides the original licence?

The licensing authority will need to return the licence to the licence holder, unless the licence holder has declared relevant convictions. Where a relevant conviction has been disclosed, the original licence should not be returned until the period allowed to the police for giving an objection notice has expired or, if an objection notice is received, the authority determines to grant the renewal.

Which licensing authority should the application be sent to?

The application must be submitted to the licensing authority which granted the original licence.

Does a copy of the application need to be sent to the police?

No. The application should be sent to the licensing authority only.

How much will it cost?

There will be no charge for renewal. Licensing authorities may charge a fee of £10.50 to cover administrative costs if a personal licence holder asks for a new licence to be issued as a result of a change of name, a change of address or as a result of having lost the licence.

What should licensing authorities do when they receive the application?

Licensing authorities should acknowledge receipt of the applicant's form. This could be achieved, for example, by setting up an automated email address where applications are received by email.

What happens if a licence holder discloses a relevant offence?

If a licence holder discloses a relevant offence, the licensing authority should notify the police. The police may issue an objection notice to the licensing authority. If an objection notice is received the authority must then decide whether to reject or grant the application. A hearing must be held to consider the application and objection notice unless all the parties agree that a hearing is not necessary.

Should the licensing authority check whether the personal licence holder has any relevant convictions or relevant foreign convictions?

As part of the new arrangements, the applicant is not required to undergo any criminal record check, and the licensing authority is not required to undertake any criminal records checks. However, the personal licence holder has a continuing duty under s 132 of the Licensing Act 2003 to notify the authority of any conviction for a relevant or foreign offence.

How quickly will the licensing authority respond?

Licensing authorities should acknowledge receipt of applications as quickly as possible following receipt of a completed application.

Section 119 of the Licensing Act 2003 provides that where an application for renewal is pending, and provided that the licence has not expired at the time it was submitted to the relevant

licensing authority, that it will continue to have effect even if it has not been determined before the licence expires.

What will the acknowledgement from the licensing authority look like?

The licensing authority should acknowledge receipt of the application. Suggested text may state:

Thank you for your application to renew your personal licence number XXXX. Please keep this acknowledgement with your licence. You may need it as evidence to show a police officer, authorised person from a responsible authority or a future employer that you have applied to renew your licence. Please note that you are still required to let us know if you change your name or address so we can update your licence.

Personal licence holders have a duty to notify the relevant licensing authority if they have been convicted of a relevant or foreign offence. (This is a requirement under s.123 Licensing Act 2003. Relevant offences are listed in Schedule 4 to the Licensing Act 2003).

What happens if a licensing authority doesn't acknowledge receipt of an application to renew a personal licence?

As long as the application form has been completed correctly, and submitted to the correct licensing authority, together with the licence or an explanation for its absence, the licence will remain valid until the application has been determined. The licence holder should request an acknowledgement if they do not receive one as they may need to provide proof that their licence has been renewed.

Can personal licence holders use the existing renewal application form?

If personal licence holders choose to make a renewal application using the current form, they may do so, but must do so in line with current arrangements. This means they must pay the fee, provide a criminal conviction certificate or the results of a subject access search of the Police National Computer and provide photographs.

The new form will replace the existing one. Licence holders must use the new form when it becomes available.

Personal licences have an expiry date – does that mean they expire?

Licences with an expiry date will remain valid provided they have submitted a completed renewal application to the relevant licensing authority for renewal not later than one month before their expiry date.

How will a personal licence holder prove that their licence is still valid if it contains an expiry date?

The licence holder may use the acknowledgement from the licensing authority as proof that they have applied for their licence to be renewed.

What happens if a personal licence holder doesn't renew their licence?

Personal licences which are due to expire must be renewed. Failure to do so will mean that the licence will expire.

What happens if the licence holder takes no action, the licence expires, and the holder wishes to renew it?

If a personal licence does expire the holder may apply for a new licence but they will be required to pay the fee, provide a criminal conviction certificate, criminal record certificate or the results of a subject access search of the Police National Computer and also provide a declaration form and two photographs. They may also be required to obtain a relevant licensing qualification if one is not already held as this must also be submitted with the application for a new licence.

Is the licensing authority obliged to contact personal licence holders to make them aware that their licence is due for renewal?

The onus is on the personal licence holder to know that their licence is due for renewal, and take appropriate action. However, licensing authorities may choose to contact licence holders if they wish.

Can licensing authorities refuse to renew a personal licence?

The renewal of the licence may be refused if the applicant declares that they have committed a relevant offence. If it appears to the licensing authority that the applicant has been convicted of any relevant offence or foreign offence, the licensing authority should notify the police. The police may issue an objection notice to the licensing authority. If an objection notice is received the licensing authority must then decide whether to reject or grant the application. A hearing must be held to consider the application and objection notice unless all the parties agree that it is not necessary.

The photo will be out of date – how will the police, fire or licensing officers identify the licence holder?

A separate piece of identification may be requested to verify the identity of the licence holder.

What about new applications for personal licences?

These arrangements do not affect applications for new licences. New applications will continue to be made in the same way as they are currently. New licences granted before the measures in the Deregulation Bill take effect will contain an expiry date, but this date will cease to apply once the new provisions come into force.