

Duties of a Personal Licence Holder



Wigan♥
Council

1. Changes in name and/or address

- a) The personal licence holder must provide the licensing authority with details of any change in name or address from that on the personal licence as soon as is reasonably practicable.
- b) The notification of changes must be accompanied by the personal licence (both parts).
- c) Failure to notify the licensing authority as above is an offence subject to a level 2 penalty (£500).

2. Production of licence to authorised personnel

- a) Where a personal licence holder is on premises to authorise the sale of alcohol he can be required to produce his personal licence for examination by any police constable or authorised officer of the licensing authority
- b) Failure to produce the personal licence in these circumstances is an offence subject to a fine not exceeding a level 2 penalty (£500)

3. Notification to court

- a) A personal licence holder must notify the court before which he is charged with a relevant offence, no later than the first hearing, that he is the holder of a personal licence.
- b) The court must notify the licensing authority of details of any subsequent conviction and sentence.

4. Notification of convictions for a relevant offence

- a) In circumstances where a personal licence holder has not complied with the obligation to notify the court as above (sub-section 5.3), he or she must inform the licensing authority of any conviction for a relevant offence or foreign offence.
- b) The personal licence holder must at the same time surrender their licence to the authority so that details of the conviction can be recorded on the licence.

- c) Failure to do so is an offence subject to a level 2 penalty (£500).

5. Production of a licence to licensing authority

Where the licensing authority is notified of a conviction by a court (see sub-section 5.4 above), the authority may require a personal licence holder to produce their licence to the authority within 14 days so that it can be endorsed with the details of the conviction.

6. Offences under the Licensing Act 2003 specific to a personal licence holders.

- a) The Licensing Act 2003 creates a number of offences specifically applicable to personal licence holders:
- Failure to notify the licensing authority of convictions during the application period for grant or renewal of a personal licence.
 - Failure to notify the licensing authority of a change of name or address.
 - Failure to notify the court that he holds a personal licence when being dealt with for a relevant offence.
 - Failure to notify the licensing authority of conviction (where the court is not formed as above).
 - Failure to produce the personal licence to the licensing authority within 14 days when requested to do so for updating purposes.
 - Failure to produce the personal licence to a police constable or other authorised officer for examination.
- b) A personal licence holder would not be classed as committing one of these offences if he had a 'reasonable excuse'. Although this is not defined, not knowing of the obligations imposed under the Act would **not** be a reasonable excuse.
- c) Personal licence holders should also note that driving while under the influence of drugs could lead to the suspension or forfeiture of the personal licence.
- d) An 'excuse' is more likely to be accepted if the circumstances that caused the offence to be committed were beyond the control of the personal licence holder. In any event, it would be a matter for a court to decide whether or not the 'excuse' was reasonable.
- e) Most of these offences are subject to a level 2 penalty (£500).