Licensing Act 2003

2003 CHAPTER 17

PART 6

PERSONAL LICENCES

Grant and renewal of licences

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).

(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(6) Where no objection notice is given within that period (or the notice is withdrawn), the authority must grant the application.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.

Status:
Point in time view as at 16/12/2003. This version of this provision has been superseded.

Changes to legislation:
Licensing Act 2003, Section 120 is up to date with all changes known to be in force on or before 27 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.