

LICENSING ACT 2003

GUIDANCE NOTES

PERSONAL LICENSE: RELEVANT OFFENCES

Personal Licence: Relevant Offences

What is the meaning of the term 'relevant offence'?

'Relevant offence' refers to the offences listed in the Act that could, on conviction, rule out the grant or renewal of a personal licence to the applicant concerned. The offences include:

- those involving serious crime;
- those involving serious dishonesty;
- those involving controlled drugs;
- certain sexual offences; and
- offences created by the Act.

When applying for the grant of a personal licence or for the renewal of a personal licence, the applicant must include details of any relevant or foreign offences for which they have been convicted or, in the case of applications for the renewal of the licence, have been convicted since the grant or last renewal of the licence.

What if I am convicted of an offence while holding a personal licence?

The Act makes provision for the holder of a personal licence charged with a relevant offence to produce his licence to the court or, if that is not practical, notify the court of the existence of the personal licence.

If a licence holder is convicted of a relevant or foreign offence while holding a personal licence, they must as soon as reasonably practicable inform the licensing authority which granted the licence of the conviction. The licensing authority must then notify the chief officer of police for its area who may, within 14 days, notify the authority that he considers that the continuation of the licence would undermine the crime prevention objective. If so, the authority must hold a hearing to consider the objection notice unless it is agreed that a hearing is unnecessary and this could lead to the revocation of the personal licence.

If an applicant for the grant or renewal of a personal licence is convicted of a relevant or foreign offence during the application process, they must also notify the licensing authority applied to of the conviction. Failure to do so is an offence.

How do 'foreign offences' differ from relevant offences?

Relevant offences mean those offences listed in Schedule 4 to the Act (also listed at the end of this guidance form). Convictions for offences (other than relevant offences) under the law of any place outside England and Wales, including other parts of the United Kingdom such as Scotland and Northern Ireland, are counted as foreign offences. Details of these will also need to be given. The reason for the separate terms is that offences under the law of places outside England and Wales, which are equivalent to relevant offences, will not necessarily exist in exactly the same form as relevant offences.

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How will licensing authorities check relevant and foreign offence records?

Each personal licence application will have to include details of records of any relevant or foreign offence for which the applicant has been convicted. The licensing authority must give notice, where an applicant has been convicted of a relevant or foreign offence, to the chief officer of police for that area. The police will then consider the conviction.

For relevant offences the police will consult either their own records or those of the relevant police force if the offence was committed in a different area. The chief officer of police will then notify the licensing authority if he is satisfied that granting or renewing the personal licence would undermine the licensing objective of preventing crime and disorder.

For foreign offences the police will take steps to contact their counterparts in the region or country where the conviction occurred.

List of Relevant Offences under the Licensing Act 2003

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).

An offence under the Firearms Act 1968 (c. 27)

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 15 A (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 director, etc.);
- m) Section 20 (suppression, etc. of documents);

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- n) Section 21 (blackmail);
- o) Section 22 (handling stolen goods);
- p) Section 24A (dishonesty retaining a wrongful credit);
- q) Section 25 (going equipped for stealing, etc).

An offence under section 7 (2) of the Gaming Act 1989 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

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).

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).

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).

An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c.7):

- a) Section 8 G (possession and sale of unmarked tobacco);
- b) Section 8 H (use of premises for sale of unmarked tobacco).

An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under Section 18 or 19 of that Act)

An offence under the Firearms (Amendment) Act 1988 (c. 45)

An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48):

- a) Section 107 (l) (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 (l) (fraudulent reception of transmission);
- e) Section 297 A (l) (supply, etc. of unauthorised decoder).

An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52):

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- 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).

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).

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.

An offence under the Firearms (Amendment) Act 1997 (c. 5).

A sexual offence, within the meaning of section 161 (2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

A violent offence, within the meaning of section 161 (3) of that Act.

An offence under Section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

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.

For further related information log onto Department for Culture, Media and Sports website:

www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/offences.htm

Contacts

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