

Personal Licence - Relevant Offences

Relevant Offences in respect of Personal Licences

The following offences are specified as relevant offences under the Licensing Act 2003 and any convictions for these offences must be declared when you apply for or renew a Personal Licence.

‘Spent’ convictions need not be disclosed.

You must also declare any convictions for equivalent offences committed in any place other than England and Wales - these are known as foreign offences.

If you are charged with a relevant offence after you have been granted a Personal Licence you must tell the Court you are a Personal Licence Holder no later than your first appearance in Court in connection with the offence. The Court may decide to revoke your Personal Licence.

If you are convicted of a relevant offence after you have been granted a Personal Licence you must tell the Licensing Section as soon as reasonably possible. You will have to return your Personal Licence to us. If the Court has not revoked your Personal Licence we must add the details of the relevant offence onto your Licence and then re-issue it to you.

List of Relevant Offences

1. An offence under the Licensing Act 2003.
2. 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).
- 3.** An offence under the Firearms Act 1968 (c. 27).
- 4.** 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.
- 5.** 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 15A (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 directors etc.);
 - (m) section 20 (suppression, etc. of documents);
 - (n) section 21 (blackmail);
 - (o) section 22 (handling stolen goods);
 - (p) section 24A (dishonestly retaining a wrongful credit);
 - (q) section 25 (going equipped for stealing etc.).
- 6.** An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

7. 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).
8. An offence under any of the following provisions of the Psychoactive Substances Act 2016:-
 - (a) section 4 (producing a psychoactive substance);
 - (b) section 5 (supplying, or offering to supply, a psychoactive substance);
 - (c) section 7 (possession of psychoactive substance with intent to supply);
 - (d) section 8 (importing or exporting a psychoactive substance).
9. 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).
10. 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).
11. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7):-
 - (a) section 8G (possession and sale of unmarked tobacco);
 - (b) section 8H (use of premises for sale of unmarked tobacco).
12. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
13. An offence under the Firearms (Amendment) Act 1988 (c. 45).

- 14.** An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48):-
- (a) section 107(1)(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(1) (fraudulent reception of transmission);
 - (e) section 297A(1) (supply etc. of unauthorised decoder).
- 15.** An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52):-
- (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).
- 16.** 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).
- 17.** 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.
- 18.** An offence under the Firearms (Amendment) Act 1997 (c. 5).
- 19.** A sexual offence, being an offence:-
- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
 - (b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
 - (c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

- 20.** A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
- 21.** An offence under section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).
- 22.** An offence under section 46 of the Gambling Act 2005 if the child or young person was invited, caused or permitted to gamble on premises in respect of which a premises licence under this Act had effect.
- 23.** An offence under the Fraud Act 2006.
- 24.** An offence under regulation 6 of the Business Protection from Misleading Marketing Regulations 2008 (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.
- 25.** An offence under regulation 8, 9, 10, 11 or 12 of the Consumer Protection from Unfair Trading Regulations 2008 (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.
- 26.** An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
- 27.** An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence
- 28.** The offence at common law of conspiracy to defraud.

Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time, dependent upon the nature of the sentence given, convictions for offences are to be regarded as 'spent' and will be disregarded when we consider applications. Some examples of when convictions become 'spent' are set out below.

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months
Conditional discharge,	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

Where can I get more help and advice?

Contact the Licensing Section on the below details.

Postal Address: FAO The Licensing Team, Regulatory Services, Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ

Email: ehlicensing@staffordbc.gov.uk / Website: www.staffordbc.gov.uk

Telephone Number: 01785 619745