

LICENSING ACT 2003

As a personal licence holder it is your duty under section 128 of the Licensing Act 2003 to notify the court, at the start of any proceedings for a relevant offence (as defined by schedule 4 of the act, see below), that you are a personal licence holder.

If convicted of a relevant offence you must disclose to the Local Authority, who issued your licence, that you have been convicted.

Failure to inform the Court that you are a personal licence holder or failure to disclose to the Local Authority you have been convicted of a relevant offence may mean you are liable for a fine not exceeding £500 on conviction and your licence may be suspended or forfeited.

RELEVANT & FOREIGN OFFENCES

Relevant offences are the offences listed under Schedule 4 to the Licensing Act 2003. A foreign offence is an offence (other than a relevant offence) under the law of any place outside England and Wales, including other parts of the United Kingdom, such as Scotland.

You do not need to provide details of convictions for relevant or foreign offences which are spent for the purposes of the Rehabilitation of Offenders Act 1974.

For foreign offences you must fill out the foreign offence section on the form.

List of 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 a 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 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);

9. An offence under either of the following provisions of the Customs & 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).

10. 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).

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

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



13. 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).
14. An offence under any of the following provisions of the Road Traffic Act 1988
- (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).
 - (d) section 6(6) (failing to co-operate with a preliminary test).
15. An offence under either of the following provisions of the Food Safety Act 1990 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).
16. An offence under section 92(1) or (2) of the Trade Marks Act 1994 (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1997 (c. 5).
18. A sexual offence, being an offence –
- (a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003(b), 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).
19. 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).
20. An offence under section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).
21. 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.

22. An offence under the Fraud Act 2006.
23. 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.
24. 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.
25. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
26. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.
27. The offence at common law of conspiracy to defraud.
- 28) Any offence under any of the Immigration Acts.

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. Please note that it is the time elapsed from the conviction date which is assessed, not the offence date.

Sentence/disposal	Rehabilitation period for adults (18 or over at the time of conviction or the time the disposal is administered)	Rehabilitation period for young people (under 18 at time of conviction or the time the disposal is administered)
Imprisonment or detention in a young offender institution for over 30 months (2 ½ years)	Never spent	Never spent
Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years)	10 years	5 years
Imprisonment up to 6 months	7 years	3 ½ years
Fine	5 years	2 ½ years
Community Sentence	5 years	2 ½ years
Conditional discharge	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Absolute Discharge	6 months	6 months
Conditional Caution	3 months	3 months
Simple Caution, Reprimand, Final Warning	Spent immediately	Spent immediately



Some sentences carry variable rehabilitation periods. The main ones are as follows:		
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)
Supervision Order	N/A	The period of the order, or a minimum of 12 months (whichever is longer)
Bind Over	The period of the order, or a minimum of 12 months (whichever is longer)	The period of the order, or a minimum of 12 months (whichever is longer)
Attendance Centre Order	A period ending one year after the order expires	A period ending one year after the order expires
Hospital Order	Five years, or a period ending two years after the order expires (whichever is longer)	Five years, or a period ending two years after the order expires (whichever is longer)

The periods of time which must elapse in other cases before the conviction becomes 'spent' may vary according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period. Further information may be obtained from the Ministry of Justice guidance on the Rehabilitation of Offenders Act, available from <http://www.justice.gov.uk/offenders/rehabilitation-of-offenders-act>, or from a legal adviser.

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