



# Relevant offences for Personal Licences Licensing Act 2003

The offences listed below are specified as relevant offences under the Licensing Act 2003, and any convictions for these offences must be declared:

- By applicants, within an application for grant or renewal of a Personal Licence (*'spent' convictions do not need to be disclosed – see below*); or
- By licence-holders, as soon as reasonably practicable after conviction or disposal of any appeal.

If charged with a relevant offence, licensees must notify the Court that they hold a Personal Licence, before the end of their first appearance in a magistrate's court in connection with the offence.

Applicants and licence-holders are also required to declare any convictions for equivalent offences committed in any place other than England and Wales – these are known as 'foreign offences'.

## List of relevant offences

### Attempted / conspiracy offences

1. An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.
2. An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

### Copyright and trademark offences

3. An offence under section 1 of the Trade Descriptions Act 1968 (false trade description of goods) in circumstances where the goods in question are or include alcohol.
4. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 —
  - (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).
5. An offence under either of the following provisions of the Food Safety Act 1990 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).
6. 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.
7. 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.
8. 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.

### **Drugs and drink/drug-driving offences**

9. An offence under any of the following provisions of the Misuse of Drugs Act 1971 —
  - (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).
  
10. 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).
  
11. 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).

### **Firearms offences**

12. Any offence under the Firearms Act 1968.
  
13. Any offence under the Firearms (Amendment) Act 1988.
  
14. Any offence under the Firearms (Amendment) Act 1997.
  
15. An offence under any of the following provisions of the Violent Crime Reduction Act 2006—
  - (a) section 28 (using someone to mind a weapon);
  - (b) section 36 (manufacture, import and sale of realistic imitation firearms).

### **Fraud, forgery and duty-evasion offences**

16. An offence under either of the following provisions of the Customs and Excise Management Act 1979 —
  - (a) section 170 (disregarding subsection (1)(a))(fraudulent evasion of duty etc.);
  - (b) section 170B (taking preparatory steps for evasion of duty).
  
17. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 —
  - (a) section 8G (possession and sale of unmarked tobacco);
  - (b) section 8H (use of premises for sale of unmarked tobacco).
  
18. Any offence under the Forgery and Counterfeiting Act 1981 (other than an offence under section 18 or 19 of that Act).
  
19. Any offence under the Fraud Act 2006.
  
20. The offence at common law of conspiracy to defraud.

### **Immigration offences**

21. An offence under any of the Immigration Acts.

### **Licensing offences**

22. Any offence under the Licensing Act 2003.
  
23. Any offence under any of the following enactments—
  - (a) Schedule 12 to the London Government Act 1963 (public entertainment licensing);
  - (b) the Licensing Act 1964;
  - (c) the Private Places of Entertainment (Licensing) Act 1967;
  - (d) section 13 of the Theatres Act 1968;
  - (e) the Late Night Refreshment Houses Act 1969;
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982;
  - (g) the Licensing (Occasional Permissions) Act 1983;
  - (h) the Cinemas Act 1985;
  - (i) the London Local Authorities Act 1990.

24. An offence under section 3 of the Private Security Industry Act 2001 (engaging in certain activities relating to security without a licence).
25. An offence under section 7(2) of the Gaming Act 1968 (allowing child to take part in gaming on premises licensed for the sale of alcohol).
26. 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.

### **Sexual offences**

27. 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) listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);
  - (c) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
  - (d) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).

### **Terrorism offences**

28. An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).

### **Theft offences**

29. An offence under any of the following provisions of the Theft Act 1968 —
  - (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.).
30. An offence under either of the following provisions of the Theft Act 1978 —
  - (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).

### **Violent offences**

31. An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).
32. 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).

## 'Spent' convictions – Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time, dependent upon the severity of the sentence, convictions for offences are regarded as 'spent' and will not be taken into account when we consider applications for Personal Licences. Some examples of when convictions become 'spent' are set out below.

Sentence/disposal	Rehabilitation period	
	Adults (18 or over when convicted)	Young persons (under 18 when convicted)
Custodial sentences, including: Imprisonment (including suspended sentence), Detention in a young offender institution, Borstal, Youth custody, Corrective training	<i>* these periods are measured from the day on which the sentence, including any licence period, is completed</i>	
Over 48 months (4 years)	Never	Never
From 30 months to 48 months (2½ - 4 yrs)	7 years from end of sentence *	3½ years from end of sentence *
From 6 months to 30 months (½ - 2½ yrs)	4 years from end of sentence *	2 years from end of sentence *
6 months or less	2 years from end of sentence *	18 months from end of sentence*
Armed forces service detention	1 year from end of sentence *	6 months from end of sentence *
Removal from Her Majesty's service	1 year from conviction date	6 months from conviction date
Fine	1 year from conviction date	6 months from conviction date
Compensation order	When paid in full	When paid in full
Community order, Youth rehabilitation order	1 year from end of order <i>(2 years from date of conviction if the order does not state an end date)</i>	6 months from end of order
Conditional discharge	End of the period specified in the order	End of the period specified in the order
Absolute discharge	Spent immediately	Spent immediately
Bind-over order	End of the period specified in the order	End of the period specified in the order
Referral order, Disqualification order, Hospital order, Supervision order	End of the period specified in the order	End of the period specified in the order
<b>Cautions</b>		
Conditional caution	3 months after issue, or on discharge of the conditions	3 months after issue, or on discharge of the conditions
Simple caution, Reprimand, Final warning	Spent immediately	Spent immediately

The periods of time which must elapse before the conviction becomes 'spent' may vary according to the circumstances of the individual and the offence. The rehabilitation period may, for example, be extended by the commission of further offences during the rehabilitation period.

Further information is available from the Government guidance on the Rehabilitation of Offenders Act, at [www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974](http://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974), or from a legal adviser.