



West Wiltshire District Council

Licensing Act 2003

Personal Licences

LL142

**Personal Licence holders charged with or convicted
of offences**

This guidance contains a notification form

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**This document is dated 25 April 2007. Updated versions may be
available on the Council's website.**

Personal Licence holders charged with or convicted of offences

Offences in England and Wales

When a Personal licence holders is charged with a “relevant offence” they must:

- Produce their Personal Licence to the Court no later than their first appearance in Court, or
- If the Personal Licence is not available they must advise the Court that they hold a Personal Licence, give details of the licensing authority that issued it and explain why the licence cannot be produced.

A “relevant offence” is one that appears on the list later in this guidance. If you are not sure whether the offence with which you have been charged is a “relevant offence” you are advised to seek legal advice, or to be on the safe side, produce your licence to the Court.

If you do not advise the Court then you commit an offence for which the maximum fine, on conviction, is level 2 on the standard scale, currently £500.

[The Court then has the power, on conviction, to either suspend the licence for up to 6 months or require it to be forfeited. The Court will also notify the Licensing authority of the conviction. The Licensing Authority will then ask for you to produce your licence (unless it is sent by the Court) in order that it can be amended and returned.]

Convictions in Courts outside of England and Wales (“foreign offences”)

These so-called “foreign offences” include **all** convictions in Courts in Scotland and Northern Ireland as well as anywhere else in the world.

Personal Licence holders must, as soon as reasonably practicable after conviction:

- Advise the licensing authority that issued the licence of the nature and date of the conviction and sentence imposed, and
- Send their Personal Licence back, or explain why this is not possible.

A form to enable you to provide the required information is included at the end of this guidance.

[The licensing authority will then amend the Personal Licence and return it]

Relevant Offences

The following are 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 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 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).
- 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 (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).
- 15 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).
- 16 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.
- 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 fall within this definition).
- 20 An offence under section 3 of the Private Security Industry Act 2001 (c.12) (engaging in certain activities relating to security without a licence).

Keeping and sharing your personal information

We will keep and use your personal information in line with the requirements of the Data Protection Act 1998.

For the purpose of processing your notification, we may pass information to other agencies and organisations.

We may check information that you have provided or that has been provided about you against relevant information that we already hold.

We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate;
- prevent or detect fraud or any other crime;
- support national fraud initiatives (this will include your information being used in data-matching exercises from time to time); and
- protect public funds.

These third parties include government departments, local authorities and private sector companies such as banks and organisations that may lend you money.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

The Council is the data controller for the purposes of the Data Protection Act. If you want to know more about the information we have about you or the way we use the information, please ask us.

Licensing Act 2003

Declaration of foreign offence by a Personal Licence holder

Licence number (if known)	
Surname	
Forenames (All)	
Date of Birth	
Address	
Postcode	
Daytime telephone no	
Date of conviction	
Details of offences	
Court name and address	
Country of conviction	

(Continued overleaf)

Complete this box only if you cannot return both parts of your Personal Licence

Give details of how you reported the loss or theft to the Police, including a crime or other Police reference number

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Tick

I enclose both parts of my personal Licence

Signed:	
Date:	

[There is no fee payable]

Send to: West Wiltshire District Council
Licensing Team
Bradley Road
TROWBRIDGE
Wiltshire
BA14 0RD