

Report No: Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – Determination of continuance of Personal Licence (PA0129), held by Ms D.J. Winstanley, following notification of conviction of a relevant offence**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **4 August 2022**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Sarah Clarke**
☎ Telephone: **01803 207429**
✉ E-mail: **licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine the continuance of the Personal Licence held by Ms. D.J. Winstanley, following her conviction on 27 April 2022, of a relevant offence under Schedule 4 of the Licensing Act 2003.
- 1.2 The decision to suspend or revoke a personal licence must be made by the Licensing Committee or a Sub-Committee thereof. The action required by a Licensing Officer, before such a decision is made, is to provide formal notification to the licence holder that the Licensing Authority is considering suspending or revoking their licence and invite them to make representations concerning the continuance of the licence.
- 1.3 Torbay Council's Interim Licensing Manager issued a notification letter of the type mentioned in paragraph 1.2. above, on 27 May 2022. The Licensing Authority did not receive a response to that letter within the notified period of 28-days, nor subsequently; determining that no representation has been made by Ms. D.J. Winstanley in respect of her licence.
- 1.4 The matter must be considered on its own merits, having received details of the issues arising at a hearing and by reference to information presented in this report. A decision must be made to:
 - a) Do nothing and leave the personal licence in place
 - b) Suspend the personal licence for a period not exceeding six months
 - c) Revoke the personal licence.

- 1.5 Reasons for the decision must be given for inclusion in the Notice which will be served on Ms. D.J. Winstanley.

2. Background

2.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave Licensing Authorities the power to suspend (for a maximum period of six months) or revoke personal licences where it becomes aware that the holder has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty, from 6 April 2017. Prior to this, only Magistrates' Courts could suspend or revoke these licences. This is a discretionary power, there is not a positive duty upon Licensing Authorities to consider all personal licence holders who may have been convicted or who receive convictions in the future.

2.2 Section 138(2) of the Policing and Crime Act 2017 prescribes that these powers cannot be delegated to Officers. However, the discretionary nature of the powers permits Officers on a case-by-case basis to consider whether the nature and seriousness of the conviction or convictions should be referred to the Licensing Committee or Sub-Committee for determination. Where Officers consider the offence committed calls into question the ongoing suitability of a person to hold a personal licence, they must first wait until the period during which an appeal can be made in relation to the offence has ended. Where an appeal is not made, the Officer must notify the licence holder, where the Licensing Authority is considering whether to suspend or revoke their licence and invite them to make representations concerning:

- (a) the relevant offence that has caused the Licensing Authority to issue the notice,
- (b) any decision of a court under section 129 or 130 in relation to the licence, and
- (c) any other relevant information (including information regarding their personal circumstances).

Representations must be made within the period of 28 days, beginning with the date the Notice is issued.

2.3 The Policing and Crime Act 2017 does not set out any hearing procedures for determining whether to suspend or revoke personal licences. The Section 182 Guidance issued by the Secretary of State in April 2018, specifies at paragraph 4.45, that determination of matters of this nature fall to Licensing Committees or Sub-Committees thereof. The Council's delegation scheme, published in the Council's "Licensing Statement of Principles 2021-2026" recommends that "Applications for review of personal licences with unspent convictions" is a matter for the Council's Licensing Sub-Committee.

2.4 There is no legal obligation to hold a hearing to determine the continuance of the personal licence held by Ms. D.J Winstanley. However, to satisfy the principles of natural justice and provide a framework in the event of an appeal to the Magistrates' Court, this matter has been brought before a Licensing Committee.

2.5 The Licensing Act 2003, Part 6, places an obligation upon a personal licence

holder charged with a relevant offence to inform the Court on charge, or no later than the first appearance, of their status as a personal licence holder. Unless exceptional circumstances apply, that licence should be produced to the Court.

- 2.6 A personal licence holder who fails to notify the Court as per paragraph 2.4 above or the Licensing Authority as described in paragraph 2.8 below, commits a further offence. The same provision applies to any determination of appeal against a conviction or sentence. A person found guilty of an offence under this section, is liable on summary conviction to a fine not exceeding Level 2 on the standard scale. The Interim Licensing Manager does not know if Ms. D.J. Winstanley notified the Court of the existence of her Personal Licence.
- 2.7 Members are asked to please note that Devon and Cornwall Police made the Licensing Authority aware of the conviction handed down to Ms. D.J. Winstanley, not the Court.
- 2.8 The personal licence holder is also under a duty to inform the Licensing Authority (by way of a notice) of their conviction and sentence. They must do this as soon as is reasonably practicable. Ms. D.J. Winstanley has failed to inform the Licensing Authority of receipt of her conviction for a relevant offence.
- 2.9 Government Guidance states at paragraph 4.3: *“Any premises at which alcohol is sold or supplied where the requirement for a personal licence holder does apply may employ one or more such licence holders. For example, there may be one owner or senior manager and several junior managers holding a personal licence. However, the requirement that every sale of alcohol must at least be authorised by a personal licence holder does not mean that the licence holder has to be present on the premises or oversee each sale; it is sufficient that such sales are authorised.”*
- 2.10 The holder of a personal licence does not need to be connected to a particular premises, and once granted, the holder may sell or supply alcohol from any licensed premises in England and Wales.
- 2.11 Where the Licensing Authority determines not to revoke the licence, the Licensing Officer must write to the Police confirming this decision and invite the Police to make representations about whether the licence should be suspended (perhaps for a longer period) or revoked. This clearly is a departure from arrangements for determinations for premises licence and variations, which seek representations from the police and other responsible authorities in advance of a hearing.
- 2.12 Police representations must be made in writing and submitted within 14 consecutive days (beginning with the day the Council Notice is received by them).
- 2.13 Should the Police not make any comments/support the decision of the Licensing Authority, then the Interim Licensing Manager or the Environmental Health Manager (Commercial) may, it is suggested in collaboration with the Chairman of the Licensing Committee and the Council’s Legal Advisor, determine whether a second hearing is necessary, or whether the original decision (as notified) applies.
- 2.14 Where the original decision is upheld, then a Decision Notice will be issued to the Licence Holder and the Police. The Police or the Licence Holder may appeal the decision of the Licensing Authority.

- 2.15 Where the Police make representation, then a second hearing must be held to decide the following:
- a. the licence will be suspended for a period not exceeding six months
 - b. the licence is revoked.
- 2.16 Following the second hearing, a Decision Notice will be issued to the Licence Holder and the Police. Both parties can appeal the decision.
- 2.17 Following such Appeal, the Magistrates' Court may:
- a. dismiss the appeal,
 - b. substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - c. remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
 - d. and may make such order as to costs as it thinks fit.

3. Matters specific to Ms. D.J. Winstanley

- 3.1 A Personal Licence was issued by Torbay Council to Ms. D.J. Winstanley on 27 May 2015. A copy of the Personal Licence is provided at **Appendix 1**. As of 1 April 2015, there is no requirement to renew a personal licence.
- 3.2 On 27 April 2022, Julie Smart, Alcohol Licensing Officer, Devon and Cornwall Police contacted the Licensing Authority to report Ms. DJ. Winstanley, had been recently convicted of a relevant offence, under Schedule 4 of the Licensing Act 2003. A copy of this correspondence is provided at **Appendix 3** and a copy of relevant offences under Section 4 is provided at **Appendix 4**.
- 3.3 The conviction relates to an offence committed under the Road Traffic Act 1988 (c.52) (b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs). Ms. D.J Winstanley was ordered to pay a fine of £120.00, Costs of £85.00, a Victim Surcharge of £34.00 and was disqualified from driving for an obligatory period of 14 months. The conviction will be spent on 26 June 2023.
- 3.4 The Interim Licensing Manager, noting the seriousness of the offence and the penalty handed down by the Court, wrote to Ms. D.J. Winstanley to notify her that the Licensing Authority is considering suspending (for a maximum of six months) or revoking the licence. A copy of this letter is provided at **Appendix 2**.
- 3.5 The Interim Licensing Manager directed correspondence to the address given by Ms. D.J. Winstanley in Court, as advised by the Police Licensing Officer, and to a second address, which corresponded to the address provided by Ms. D.J. Winstanley when she applied to Torbay Council for her Personal Licence. Ms D.J. Winstanley was invited to make representations by 27 May 2022 but did not do so.
- 3.6 The Interim Licensing Manager has since become aware that the address the Licensing Authority holds on file for Ms. D.J. Winstanley no longer exists. Members will wish to note that Ms. D.J. Winstanley is under a duty (section 127

of the Licensing Act 2003) to inform the Licensing Authority of any change of address and that a person commits an offence if s/he fails without reasonable excuse to comply with this requirement. A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding Level 2 on the standard scale.

Sarah Clarke
Interim Licensing Manager

Appendices

- Appendix 1 Copy of Personal Licence
- Appendix 2 Copy of Suspension/Revocation Notice issued to Ms. D.J. Winstanley
- Appendix 3 Copy of notification of offence from Devon and Cornwall Police
- Appendix 4 Copy of Schedule 4 of the Licensing Act 2003 – List of Relevant Offences

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2021-26


Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Appendix 1

Copy of Personal Licence – issued 27 May 2015

Licensing Act 2003
Personal Alcohol Licence **PA0129**

LOCAL AUTHORITY


	Licensing Section Torbay Council C/O Town Hall Castle Circus Torquay TQ1 3DR
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Torbay Council has granted a Personal Licence to the person named on this licence who is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

DURATION OF LICENCE

Issued : 7 May 2015 Expires: No Expiry

NAME & ADDRESS OF HOLDER OF PERSONAL LICENCE

Davina Jayne WINSTANLEY


ANNEX 1 : RELEVANT CONVICTIONS

Conviction Date	Offences	Sentence
	None Recorded	



Steve Cox
Environmental Health Manager (Commercial)

The Duties of a Personal Licence Holder

1. Change of Address

If you change address you must notify the Licensing Section, Torbay Council as soon as reasonably practicable. Your licence must be returned with the notification and a new licence will be issued.

Note: Wherever in England and Wales you may now decide to live, your licence will be issued or renewed by Torbay Council. Do not send your licence to any other licensing authority even if you are no longer resident in the Torbay Council district. Failure to notify a change of address is an offence.

2. Duty to Produce Licence

- a) The Licensing Authority is required to update your personal licence whenever a change is required as a result of a notification from you or a court. The licensing authority may require you to produce your licence within a period of 14 days. Failure to provide your licence to the Licensing Authority is an offence.
- b) You must provide your personal licence for examination by a Constable or an authorised officer of the Licensing Authority whenever you are engaged in the supply or sale of alcohol. Failure to produce the licence for examination is an offence.

3. Theft, loss, etc of personal licence

Where your personal licence has been lost, stolen, damaged or destroyed, you may apply to the licensing authority for a copy of the licence. A fee is payable for this service.

4. Surrender of Licence

If you wish to surrender your personal licence you must return the licence to the Licensing Section, Torbay Council together with a signed letter stating that you wish to surrender the licence.

5. Convictions after Grant of Licence

- a) If you appear in court on a charge relating to a relevant offence, you must produce your licence to the court. If you cannot produce your licence, you must notify the court that you are a personal licence holder.
- b) If you are informed that you have been granted a personal licence after your first appearance in court, you must inform the court at the next hearing that you are now a personal licence holder.
- c) Where you have produced your licence to the court, or notified them of its existence, you must also notify the court at your next appearance, if any of the following events have occurred:
 - You have made or withdrawn an application for renewal of your personal licence,
 - You have surrendered your personal licence,
 - Your personal licence has been renewed,
 - Your personal licence has been revoked
- d) If you are convicted of a relevant offence the court may order the forfeiture or suspension of your licence. The court will notify the Licensing Authority.
- e) You are required to notify this Licensing Authority of any convictions for a relevant offence. The notification must provide the nature and date of conviction and the sentence imposed. Your personal licence must be returned with the notification. Failure to make this notification is an offence.

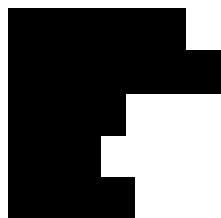
Licensing Section
Torbay Council
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR

Appendix 2

Copy of Suspension/Revocation Notice issued to Ms. D.J. Winstanley

TORBAY COUNCIL

Miss D.J. Winstanley



Please reply to: Sarah Clarke

Community Safety

c/o Town Hall

Castle Circus

Torquay TQ1 3DR

My ref: PA0129

Your ref: PA0129

Telephone: 01803 208025

E-mail: licensing@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 27 May 2022

Dear Miss Winstanley,

Notice under Section 132A (4) of the Licensing Act 2003 - Suspension or Revocation of Personal Licence PA0129

I write to advise you that the Licensing Authority is considering suspending (for a period not exceeding six months) or revoking your Personal Licence following receipt of information that on 27 April 2022, you were convicted of a relevant offence under Schedule 4 of the Licensing Act 2003.

We are aware the conviction relates to an offence committed under the Road Traffic Act 1988 (c.52) (b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs). We understand the conviction will be spent on 26 June 2023.

You are entitled to make representations to the Licensing Authority about this Notice regarding the following:

- (a) the relevant offence that has caused the licensing authority to issue the notice,
- (b) any decision of a court under section 129 or 130 in relation to the licence, and
- (c) any other relevant information (including information regarding your personal circumstances).

Representations must be made within the period of 28 days beginning with the date the Notice is issued (27 May 2022).

Please be advised, we have sent a copy of this notice to the address provided to us by the Police – this being [REDACTED]. If you are no longer resident at the [REDACTED] address, please can you confirm this in writing to the Licensing Authority as a matter of priority. As a personal licence holder, you have a duty

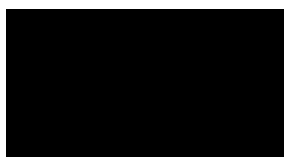
under section 127 of the Licensing Act 2003 to inform the Licensing Authority of any change of address and a person commits an offence if s/he fails without reasonable excuse to comply with this requirement. A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding Level 2 on the standard scale.

You are also subject to a duty under section 132 of the same Act to notify the Licensing Authority as soon as reasonably practicable after receiving a conviction for a relevant offence, giving us a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. A person commits an offence if s/he fails without reasonable excuse to comply with this requirement. A person found guilty of an offence under this section is liable on summary conviction to a fine not exceeding Level 2 on the standard scale.

We will write to you again following the end of the 28-day representation period to confirm the Licensing Authority's decision.

If you would like to discuss this letter or if you wish to surrender your personal licence, please contact me by email or telephone.

Yours sincerely,



Sarah Clarke
Interim Licensing Manager

Appendix 3

Copy of email notification from Devon and Cornwall Police of Conviction received by Ms. D.J. Winstanley

From: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Sent: 05 May 2022 12:24
To: Clarke, Sarah <Sarah.Clarke@torbay.gov.uk>
Cc: Cox, Steve <Steve.Cox@torbay.gov.uk>
Subject: DAVINIA WINSTANLEY

Good afternoon Sarah

The above named is the holder of Personal Licence PA0129.

On 27 April 2022 she was convicted of an offence of driving whilst under the influence of alcohol and was sentenced to the following:

Fine £120
Costs £85
Disqualified from driving for an obligatory period of 14 months
Victim Surcharge £34.

Her conviction will become spent on 26 June 2023.

Our records give her home address as [REDACTED]

Kind regards



Julie Smart

Alcohol Licensing Officer - Torbay



Prevention Department

Devon and Cornwall Police, Police Station, South Street, Torquay, TQ2 5EF

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Appendix 4

Copy of Schedule 4 of the Licensing Act 2003 – List of Relevant Offences

Licensing Act 2003 (c. 17)

SCHEDULE 4 – Personal licences: relevant offences

Document Generated: 2022-07-16

Changes to legislation: Licensing Act 2003, SCHEDULE 4 is up to date with all changes known to be in force as at and before 16 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (View all of Document for details) View outstanding changes

1

SCHEDULES

SCHEDULE 4

Section 113

PERSONAL LICENCES: RELEVANT OFFENCES

- 1 An offence under this Act.
- 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 Cinema Act 1985 (c. 13);
 - (i) the London Local Authorities Act 1990 (c. vii).
- [^{2A} An offence under the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.]

Textual Amendments

F1 Sch. 4 para. 2A inserted (23.2.2018) by Public Health (Minimum Price for Alcohol) (Wales) Act 2018 (mow 5), m. 2(6), 28(2) (with s. 25); S.I. 2020/173, reg. 2(b)

- 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);

Changes to legislation: Licensing Act 2005, SCHEDULE 4 is up to date with all changes known to be in force as at and before 18 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (View all of Document for details) View outstanding changes

- (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 (issuing 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).
- 7A** An offence under any of the Immigration Acts.]

Textual Amendments

F1 *Sec. 4 para. 7A inserted (6.4.2017) by Immigration Act 2016 (c. 19), s. 94(1), Sch. 4 para. 21 (with Sch. 4 para. 36); S.I. 2017/388, reg. 2(b)*

- 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 articles infringing copyright);
 - (b) section 107(3) (infringement of copyright by public performance of work etc.);

Changes to legislation: Licensing Act 2003, SCHEDULE 4 is up to date with all changes known to be in force as at and before 16 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (View all of Document for details) View outstanding changes

- (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).
- [^(d) section 6(6) (failing to co-operate with a preliminary test).]

Textual Amendments

F9 Sch. 4 para. 14(d) inserted (25.4.2012) by *Police Reform and Social Responsibility Act 2011* (c. 13), s. 123(2), 157(1) (with s. 123(5)); S.I. 2012/1129, art. 2(e)

- 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⁽¹⁸⁾, 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));
[listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);]
 - ^(aa) (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).]

Textual Amendments

F4 Sch. 4 para. 18, 19 substituted (16.9.2005) by *The Licensing Act 2005 (Personal Licences: relevant offences) (Amendment) Order 2005* (S.I. 2005/2366), art. 2

F8 2005 c. 44.

F6 Sch. 4 para. 18(aa) inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by *Police and Crime Act 2017* (c. 9), ss. 139(2), 143(1)(5)(e); S.I. 2017/399, reg. 3(e)

- ⁽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

Changes to legislation: Licensing Act 2005, SCHEDULE 4 is up to date with all changes known to be in force as at and before 10 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (View all of Document for details) View outstanding changes

is required to be charged as arson (whether or not it would otherwise fall within this definition).]

Textual Amendments

F7 Sch. 4 para. 18, 19 substituted (16.9.2005) by *The Licensing Act 2005 (Personal licence: relevant offences) (Amendment) Order 2005* (S.I. 2005/2366), art. 2

[^{19A} An offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).]

Textual Amendments

F8 Sch. 4 para. 19A inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by *Policing and Crime Act 2017* (c. 3), ss. 139(3), 183(1)(5)(c); S.I. 2017/399, reg. 3(e)

[^{19B} An offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).]

Textual Amendments

F9 Sch. 4 para. 19B inserted (12.4.2019) by *Counter-Terrorism and Border Security Act 2019* (c. 3), s. 27(3), Sch. 4 para. 8 (with s. 25(3)(4))

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).

[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.]

Textual Amendments

F10 Sch. 4 para. 21 inserted "after paragraph 20" (1.9.2007) by *Gambling Act 2005* (c. 19), ss. 356, 358, Sch. 16 para. 20(4) (with ss. 352, 354, Sch. 16 para. 21); S.I. 2006/3272, art. 2(4)

[²² An offence under the Fraud Act 2006.]

Textual Amendments

F11 Sch. 4 para. 21 inserted (15.1.2007) by *Fraud Act 2006* (c. 35), ss. 14(1), 15(1), Sch. 1 para. 34; S.I. 2006/3200, art. 3

F12 Sch. 4 para. 21 is renumbered as para. 22 (in force in accordance with art. 2 of the amending instrument) by *The Licensing Act 2005 (Amendment of Schedule 4) Order 2007* (S.I. 2007/2073), art. 2

[^{22A} 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).]

Changes to legislation: Licensing Act 2003, SCHEDULE 4 is up to date with all changes known to be in force as at and before 16 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (View all of Document for details) View outstanding changes

Textual Amendments

F13 Sch. 4 para. 22A inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 189(4), 183(1)(5)(e); [S.I. 2017/399](#), reg. 3(e)

[^{22A}22A] 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.

Textual Amendments

F14 Sch. 4 para. 22, 23 inserted (26.5.2008) by virtue of [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), Sch. 3 para. 71 (with reg. 28(2)(3))

F15 ~~Second~~ Sch. 4 para. 22 renumbered as Sch. 4 para. 22A (25.4.2012) by [Police Reform and Social Responsibility Act \(2011 c. 13\)](#), s. 123(3); [S.I. 2012/1129](#), art. 2(d)

23 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.]

Textual Amendments

F14 Sch. 4 para. 22, 23 inserted (26.5.2008) by virtue of [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), Sch. 3 para. 71 (with reg. 28(2)(3))

[^{23A}23A 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).]

Textual Amendments

F16 Sch. 4 para. 23A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), Sch. 3 para. 5(5); [S.I. 2016/253](#), reg. 2

[^{23B}23B An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).]

Textual Amendments

F17 Sch. 4 para. 23B inserted (31.1.2017 for specified purposes, 6.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 199(3), 183(1)(5)(e); [S.I. 2017/399](#), reg. 3(n)

[²⁴24 An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

Changes to legislation: Licensing Act 2005, SCHEDULE 4 is up to date with all changes known to be in force on or before 10 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View remaining changes

Textual Amendments

F18 Sch. 4 paras. 24-26 inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), m. 123(6), 157(1) (with a. 123(5)); S.I. 2012/1128, art. 2(d)

- 25** An offence under section 1 of the Criminal Law Act 1977 of conspiracy to commit an offence that is a relevant offence.

Textual Amendments

F18 Sch. 4 paras. 24-26 inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), m. 123(6), 157(1) (with a. 123(5)); S.I. 2012/1128, art. 2(d)

- 26** The offence at common law of conspiracy to defraud.]

Textual Amendments

F18 Sch. 4 paras. 24-26 inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), m. 123(6), 157(1) (with a. 123(5)); S.I. 2012/1128, art. 2(d)

Changes to legislation:

Licensing Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 10 July 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(LA) inserted by 2015 c. 20 s. 67(1)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(e) inserted by 2015 c. 20 s. 67(8)(b)
- s. 155(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(osa) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)