

Wednesday, 26 July 2023

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 3 August 2023

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Joyce
Councillor Tolchard

Councillor Virdee

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Minutes** (Pages 3 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 6 July 2023.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Determination of continuance of Personal Licence (PA0129), following notification of conviction of a relevant offence** (Pages 6 - 23)
To consider a report and determine whether a person should continue to hold a personal licence following notification of conviction of a relevant offence.

Minutes of the Licensing Sub-Committee

6 July 2023

:- Present :-

Councillors Joyce, Barbara Lewis and Maddison

23. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairwoman for the meeting.

24. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Maddison instead of Councillor Douglas-Dunbar.

25. Minutes

The Minutes of the meetings of the Sub-Committee held on 18 May and 8 June 2023 were confirmed as a correct record and signed by the Chairwoman.

26. The Berry Hotel, 6 Berry Square, Paignton

Members considered a report on an application for a Premises Licence in respect of The Berry Hotel, 6 Berry Square, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	Undated
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application for a Premises Licence on the ground of 'The Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application for a Premises	Undated

	Licence on the ground of 'The Prevention of Public Nuisance'.	
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	10 June 2023
Member of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	12 June 2023

Oral Representations received from:

Name	Details
Applicant	The Applicant and his representative outlined their application for a Premises Licence and responded to Members' questions.
Members of the Public	The two Members of the Public outlined their objection to the application for a Premises Licence and responded to Members' questions.

Applicant's response to Representations:

The Applicant confirmed that he would work with his neighbours to address any issues or concerns with the Application.

Decision:

That the application for a Premises Licence in respect of The Berry Hotel, 6 Berry Square, Paignton be granted as applied for, subject to the following additional conditions:

- 1) No alcohol shall be served to a non-resident without a table meal; and
- 2) The Premises shall ensure that, prior to the sale of alcohol, proof of residence is required to be shown in order to differentiate between residents and non-residents.

Reason for Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to grant the application for a Premises Licence, having been satisfied that with the additional conditions, the applied for would not undermine the Licensing Objectives.

In coming to their decision, Members gave careful consideration to those concerns raised by the Interested Parties, noting that there were some which were beyond the remit of the Licensing Sub-Committee. Of those which were within their remit, Members were encouraged that once the licensed premises was open and operating as intended, that the Applicant was keen to engage responsibly with its neighbours to overcome any concerns, should they arise.

Whilst oral and written representations from local residents and a local business raised concerns around public safety and increased littering, together with an increase in vandalism, there was no evidence that in granting the application these effects were either foreseeable or likely to be attributable to the premises.

Members were further reassured that the Applicant had 8 to 10 years' experience of responsibly operating a Licensed Premises in Winner Street, Paignton and on the evidence before them, saw no reason why this premises would not be operated in the same manner. Members therefore commended the Applicant's intention to provide a family establishment and to increase the offer of the area.

In concluding, Members noted the absence of any Representations received from any of the Responsible Authorities and resolved that the inclusion of the additional conditions would alleviate the concerns raised by the Interested Parties around drunkenness and any resulting anti-social behaviour such to cause a nuisance.

Should issues arise as a result of this grant, Members noted that a Review of the Premises Licence can be sought by any Interested Party or Responsible Authority.

Chairman/woman

Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **3 August 2023**

Key Decision: **No**

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

Contact Officer: **Julie Smart**
☎ Telephone: **01803 208025**
✉ 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 Kate Poulson, following her conviction on 10 May 2023, 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 A notification letter of the type mentioned in paragraph 1.2. above, was emailed to Ms Poulson on 14 June 2023. On 14 June and 23 June 2023 the Licensing Authority received emails from Ms Poulson, and on 23 June 2023 the Licensing Officer spoke to Ms Poulson, during which Ms Poulson outlined the circumstances leading to her conviction and personal circumstances. At the conclusion of the telephone call Ms Poulson was advised to write a representation and email this to the Officer. The Licensing Officer did not receive a representation within the notified period of 28-days, nor subsequently; determining that no representation has been made by Ms Poulson 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 Poulson.

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 December 2022, specifies at paragraph 4.77, that the Licensing Authority does not need to hold a hearing to consider the representations. 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 Poulson. 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. As the Licensing Authority were notified of Ms Poulson's conviction by South Devon Magistrates Court it appears that the court were notified of Ms Poulson's Personal Licence.
- 2.7 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 Poulson has failed to inform the Licensing Authority of receipt of her conviction for a relevant offence.
- 2.8 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."*
- 2.9 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.
- 2.10 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.
- 2.11 Police representations must be made in writing and submitted within 14 consecutive days (beginning with the day the Council Notice is received by them).
- 2.12 Should the Police not make any comments/support the decision of the Licensing Authority, then the Regulatory Services Manager 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.
- 2.13 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.

- 2.14 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.
- 2.15 Following the second hearing, a Decision Notice will be issued to the Licence Holder and the Police. Both parties can appeal the decision.
- 2.16 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 Kate Poulson

- 3.1 A Personal Licence was issued by Torbay Council to Ms Kate Poulson on 6 November 2020. 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 10 May 2023 the Licensing Authority were notified by South Devon Magistrates Court that Ms Poulson had appeared at court that day, when she was convicted of an offence and disqualified from driving for 12 months.
- 3.3 On 14 June 2023 the Licensing Officer contacted South Devon Magistrates Court and asked them to provide a copy of Ms Poulson's conviction.
- 3.4 On 14 June 2023 South Devon Magistrates Court provided the Court Extract in respect of Ms Poulson's conviction. This is shown at **Appendix 2**.
- 3.5 The conviction relates to an offence committed under Section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 (driving etc a vehicle with drug concentration above prescribed limit). Ms Poulson was ordered to pay a fine of £120, Costs of £85.00, a Victim Surcharge of £80.00 and was disqualified from driving for an obligatory period of 12 months. The conviction will be spent on 9 May 2024.
- 3.6 The Court Extract shows that at the time of the offence the proportion of Benzoyllecgonine in Ms Poulson's blood was not less than 226ug/L. As of 2 March 2015 the threshold for this drug is 50ug/L.
- 3.7 The Licensing Officer, noting the seriousness of the offence and the penalty handed down by the Court, wrote to Ms Poulson 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 3**.
- 3.8 The Licensing Officer sent this notification by email and Ms Poulson responded to this email and telephoned the Licensing Officer to discuss the matter. She was

advised to make written representation within 28 days from the date of the letter, ie 12 July 2023, but did not do so.

Julie Smart
Licensing Officer

Appendices

- Appendix 1 Copy of Personal Licence
- Appendix 2 Copy of Court Extract showing conviction and sentence
- Appendix 3 Copy of Notification to Ms Poulson
- 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)

Licensing Act 2003
Personal Alcohol Licence

PA3646

LOCAL AUTHORITY



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

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 : 10 March 2022

Expires: No Expiry

NAME & ADDRESS OF HOLDER OF PERSONAL LICENCE

Kate POULSOM



ANNEX 1 : RELEVANT CONVICTIONS

Conviction Date	Offences	Sentence

R.A Hind

Rachael Hind
Regulatory Service 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**

1 **Ms KATE NAOMI POULSOM**

5A WESTHILL AVENUE
ST MARYCHURCH
TORQUAY
TQ1 4LR

DOB: [REDACTED]

Gender: [REDACTED]

Aliases: [REDACTED]

Case Number: **2300099906**

Defendant Present: YES

Attending Solicitor: Alan Parsons - Devon Defence

Informant: DCPEXE Devon & Cornwall Police

URN: 50DE0090223

ASN: 2300000000000231634A

Post-Hearing Custody Status:

1 **RT88584**

On 23/01/2023 at TORQUAY drove a motor vehicle, namely [REDACTED] on a road, namely TRAMWAYS, when the proportion of a controlled drug, namely BENZOYLECGONINE, in your blood, namely NOT LESS THAN 226ug/L, exceeded the specified limit

Contrary to section 5A(1)(a) and (2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

ASN/Seq No.: 2300000000000231634A/001

Plea: Guilty - 10/05/2023

Register Notes

FO

Fined £120.

120.00

FVS

To pay a surcharge to fund victim services of £80.

80.00

FCPC

To pay costs of £85 to the Crown Prosecution Service.

85.00

COLLO

Collection order made.

DDO

Disqualified for holding or obtaining a driving licence for 12 month(s). Disqualification obligatory for the offence. Driving record endorsed. Section 34(1) Road Traffic Offenders Act 1988.

GPTAC

Defendant's guilty plea taken into account when imposing sentence.

D20 Notification Sent to DVLA

Endorsements:

Licence to Follow Marker: 0 Hardship Marker: [REDACTED]

Offence Code: DG10 Offence Date: 23/01/2023

Convicting Court: 1302 Date: 10/05/2023

Penalty Points: Result Amount: GBP120

Alcohol/Drug Level Method: Benzoylcegonine Amount: 226

Disqualification Period: 12M

Disqualification Until Test Passed: 0

Disqualification Pending Sentence: 0

Time To Pay: [REDACTED]

BALANCE 285.00

I certify the above extract to be a true copy.

Date Printed: 14/06/2023

_____ of the said Magistrates' Court.

Please reply to: Julie Smart

Community Safety

c/o Town Hall

Castle Circus

Torquay TQ1 3DR

My ref: SRU 275421

Your ref:

Telephone:

E-mail:

Website: www.torbay.gov.uk

Miss Kate Poulson

[REDACTED]

[REDACTED]

[REDACTED]

Date: 14 June 2023

Dear Miss Poulson

Notice under Section 132A (4) of the Licensing Act 2003 - Suspension or Revocation of Personal Licence PA3646

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 10 May 2023, 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).

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 (14 June 2023).

I would remind you that you are also subject to a duty under section 132 of the Licensing 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

If you require this in a different format or language, please contact me.



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

A handwritten signature in black ink that reads "Julie Smart". The signature is written in a cursive style with a large initial 'J'.

Julie Smart
Licensing Officer

SCHEDULE 4 PERSONAL LICENCE: 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 Cinemas Act 1985 (c. 13);

(i) the London Local Authorities Act 1990 (c. vii).

[F12A An offence under the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.]

Textual Amendments

F1Sch. 4 para. 2A inserted (2.3.2020) by [Public Health \(Minimum Price for Alcohol\) \(Wales\) Act 2018 \(anaw 5\)](#), **ss.**

2(6), [28\(2\)](#) (with [s. 23](#)); [S.I. 2020/175](#), [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);

(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.).

6An 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).

7An 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).

[F27AAn offence under any of the Immigration Acts.]

Textual Amendments

F2Sch. 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. 2017/380, reg. 2\(b\)](#)

8An 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).

9An 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).

10An 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).

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

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

13An 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).

14An 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).

[F3(d)section 6(6) (failing to co-operate with a preliminary test).]

Textual Amendments

F3Sch. 4 para. 14(d) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss.**

123(2), 157(1) (with [s. 123\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)

15An 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).

16An 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.

17An offence under the Firearms (Amendment) Act 1997 (c. 5).

[F418A sexual offence, being an offence —

(a)listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003 **F5**, 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));

[F6(aa)listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of notification and orders);]

- (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

F4Sch. 4 paras. 18, 19 substituted (16.9.2005) by [The Licensing Act 2003 \(Personal licence: relevant offences\) \(Amendment\) Order 2005 \(S.I. 2005/2366\)](#), [art. 2](#)

[F52003 c. 44.](#)

F6Sch. 4 para. 18(aa) 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\(2\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 3\(e\)](#)

[F7]19A 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).]

Textual Amendments

F7Sch. 4 paras. 18, 19 substituted (16.9.2005) by [The Licensing Act 2003 \(Personal licence: relevant offences\) \(Amendment\) Order 2005 \(S.I. 2005/2366\)](#), [art. 2](#)

[F8]19AA an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).]

Textual Amendments

F8Sch. 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\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 3\(e\)](#)

[F9]19BA an offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).]

Textual Amendments

F9Sch. 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\(3\)\(4\)](#))

20An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

[F10]21An 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

F10Sch. 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\(4\)](#)

[F11]**[F1222]**An offence under the Fraud Act 2006.]

Textual Amendments

F11Sch. 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. 2](#)

F12Sch. 4 para. 21 is renumbered as para. 22 (in force in accordance with art. 2 of the amending instrument) by [The Licensing Act 2003 \(Amendment of Schedule 4\) Order 2007 \(S.I. 2007/2075\)](#), **art. 2**

[F1322ZAAn 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).]

Textual Amendments

F13Sch. 4 para. 22ZA 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(4)**, [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 3\(e\)](#)

[F14[F1522A]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

F14Sch. 4 paras. 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. 2 para. 71** (with [reg. 28\(2\)\(3\)](#))

F15Second 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)

23An 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

F14Sch. 4 paras. 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. 2 para. 71** (with [reg. 28\(2\)\(3\)](#))

[F1623AAAn 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

F16Sch. 4 para. 23A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), [s. 63\(2\)](#), **Sch. 5 para. 5(3)**; [S.I. 2016/553](#), [reg. 2](#)

[F1723BAAn offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).]

Textual Amendments

F17Sch. 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. 139(5)**, [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 3\(e\)](#)

[F1824An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

Textual Amendments

F18Sch. 4 paras. 24-26 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss.**

123(4), **157(1)** (with [s. 123\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)

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

Textual Amendments

F18Sch. 4 paras. 24-26 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss.**

123(4), **157(1)** (with [s. 123\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)

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

Textual Amendments

F18Sch. 4 paras. 24-26 inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss.**

123(4), **157(1)** (with [s. 123\(5\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)