

Frequently asked questions (FAQs):

What is the meaning of the term 'relevant offence'?

'Relevant offence' refers to the offences listed in the Act that could, on conviction, rule out the grant or renewal of a personal licence to the applicant concerned.

If a personal licence holder is charged with a 'Relevant Offence', they are under a duty to notify the Court and the Court may order, on conviction, the forfeiture of the personal licence, or its suspension for a period not exceeding 6 months.

The offences include:

- those involving serious crime
- those involving serious dishonesty
- those involving controlled drugs
- certain sexual offences
- offences created by the Licensing Act 2003

To view a full list of relevant offences, please visit <http://tinyurl.com/la2k3>

How do 'Foreign offences' differ from relevant offences?

Convictions for offences (other than relevant offences) under the law of any place outside England and Wales, including other parts of the United Kingdom such as Scotland and Northern Ireland, are counted as foreign offences. Details of these will also need to be given. The reason for the separate terms is that foreign offences which are equivalent to relevant offences, will not necessarily exist in exactly the same form as relevant offences.

Legal disclaimer

Please note that the information provided in this leaflet is not legal advice. Legislation and procedures may change over time and the advice given is based on the information available at the time of publication. It is not necessarily comprehensive and will be subject to revision in the event of further government guidance and regulations.

This advice is not intended to be a definitive guide or substitute for the relevant law.

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Information for Personal Licence Holders

Convictions, relevant offences and spent convictions (Licensing Act 2003)

Entertainment Licensing

Introduction

There are strict rules which must be followed concerning convictions both at the application stage for a personal licence and during the time a licence is in force.

When applying for a personal licence ('licence') you must fill out a disclosure of criminal convictions and declaration form (Leeds City Council Licence Form - 'PERS2'). This form can be obtained from Entertainment Licensing at <http://www.leeds.gov.uk/licensing> or by contacting the Section at the address overleaf.

This form allows you to disclose any relevant or foreign convictions. A relevant offence is one which is defined at schedule 4 of the Licensing Act 2003 ('the Act').

A foreign offence is an offence under the law of any place outside England and Wales.

To view a full list of relevant offences, please visit <http://tinyurl.com/la2k3>. A conviction will be disregarded if the offence is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c.53).

You must also provide a basic disclosure of criminal convictions. This can be obtained from <http://www.disclosurescotland.com>. This is only valid for one calendar month.

Duty to notify licensing authority of convictions during application period

Where an applicant for the grant or renewal of a personal licence is convicted of a relevant or foreign offence during the application process, they must notify the Licensing Authority ('the Authority') they applied to.

Failure to do so is an offence (Fine up to £2,500) (Section 123).

Convictions coming to light after grant or renewal

Where the Authority has granted or renewed a licence and becomes aware that the holder of a licence was convicted during the application period of any relevant offence or foreign offence, the Authority must give a notice to that effect to the Chief Officer of Police for its area.

The police may, if satisfied that continuation of the licence would undermine the crime prevention objective, give an objection notice to the Authority. Subject to the outcome of a hearing, the Authority must revoke the licence if it considers it necessary for the promotion of the crime prevention objective.

The Authority must notify the offender and the Chief Officer of Police of the decision and its reasons for making it. The decision may be appealed against. (Section 124).

Personal Licence Holder's duty to notify court of personal licence

Where the holder of a licence is charged with a relevant offence and has to appear in court the Act requires them to produce the licence to the court or notify the court of its existence no later than their first court appearance.

Should the licence holder be charged with a relevant offence and is granted a licence after their first appearance at court they should notify the court at a subsequent appearance, but before being convicted, and sentencing for the offence, or acquittal, or where an appeal is brought against the conviction, sentence or acquittal, the

disposal of that appeal. **Failure to do so is an offence** (Fine up to £500) (Section 128).

Where the holder of a licence is convicted of a relevant offence the court may order the forfeiture of the licence, or order its suspension for a period not exceeding six months.

The court may take account of any previous conviction of the holder for a relevant offence. Where a court makes an order under this section it may suspend the order pending an appeal against it. (Section 129)

Personal Licence Holder's duty to notify licensing authority of convictions

Where the holder of a licence is convicted of a foreign offence, the holder must, as soon as practicable after the conviction, inform the Authority which granted the licence of the conviction giving details of the nature and date of the conviction, and any sentence imposed. **Failure to do so is an offence** (Fine up to £500) (Section 132).

Note - a personal licence holder is not under a duty to notify a licensing authority of a 'relevant offence' (and NOT a foreign offence) under section 132 of the Act, where convicted, by a court in England and Wales, where the personal licence holder has given notice (under section 128 of the Act) of their personal licence to the court or the court is, for any other reason, aware of the existence of that personal licence.