

## MUNICIPAL YEAR 2022/23 REPORT NO.

**COMMITTEE :**  
Licensing Sub-Committee  
6 July 2022

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<p><b>SUBJECT :</b> Consideration of suspension or revocation of a Personal Licence</p> <p><b>WARD :</b> Not applicable</p>	

### 1. ISSUES UNDER CONSIDERATION

- 1.1 The Licensing Sub Committee (LSC) are asked to consider the suspension or revocation of a personal licence following a conviction of a relevant offence by the holder of that licence.
- 1.2 Since 06 April 2017, a Licensing Authority which issued a Personal Licence is now able to suspend (for up to 6 months) or revoke the Personal Licence where the Licensing Authority becomes aware that an individual holding a personal licence has been convicted of a "relevant offence" or a "foreign offence". A "foreign offence" being an equivalent offence committed in any place other than England and Wales. A list of relevant offences is attached at Annex 1.
- 1.3 Where the Licensing Authority becomes aware that a holder of a Personal Licence has been convicted of a relevant offence or foreign offence, a Notice must be sent to the holder of a Personal Licence inviting the Personal Licence Holder to make representations regarding the conviction within 28 days. This notice cannot be sent until after the period for lodging an appeal against the conviction for a relevant offence has passed. Where an appeal has been lodged, it must be decided and the conviction upheld in order for the Licensing Authority to exercise its powers.
- 1.4 This notice can be issued by the Licensing Team Manager at the expiry of the 28-day period. The Licensing Authority must then determine whether or not to Suspend or revoke the licence. Where the Licensing Authority is minded not to revoke the licence, it must notify the Commissioner of the Metropolitan Police of this decision. The Commissioner may make representations within 14 days of being notified of the Licensing Authority's proposed decision. A final decision on the suspension/revocation of the Personal Licence can be made after the expiry of the 14-day period. The Personal Licence Holder may appeal the decision to the Magistrates Court.
- 1.5 The Policing and Crime Act 2017 nor the Licensing Act 2003 does not set out any hearing procedures for determining whether or not to suspend/revoke Personal Licences. The Section 182 Guidance issued by the Secretary of State specifies at paragraph 4.45 that a Licensing Committee or LSC should determine the application to revoke a Personal Licence. However, it does not specify whether or not a hearing needs to take place.

- 1.6 The Personal Licence Holder should inform the local authority and the Court should also be informing the local authority of the conviction. After the licensing officer determines that it is a relevant offence, a decision will be made by the officer whether it may be appropriate for the LSC to consider whether the licence should be revoked or suspended.
- 1.7 A Notice must be given to the Licence Holder confirming the intention to take the matter to LSC for consideration. Officers also collect any additional information that may be relevant to the case. The licence holder has 28 days to provide any relevant information as explained in the notice. Representation made by the licence holder will be taken into account along with any other information received from the officer's investigation. This could involve any evidence and statements provided by the Police or Home Office in regards to the circumstances surrounding the conviction.
- 1.8 A report will be produced for the LSC detailing the conviction and relevant offence, information supplied by the Licence Holder and any further information gathered during the course of the investigation. A Sub-Committee hearing will be held where the report will be presented and the Licence Holder invited to attend to provide a submission and answer any questions from members.
- 1.9 Members will have the option of 3 decisions that can be made:
- To take no action
  - To suspend the personal licence for a period not exceeding 6 months
  - To revoke the personal licence
- 1.10 If the decision made is to take no action, or suspend the personal licence, the officer must then notify the chief of police and/or Home Office of the decision and give them 14 days to make any comments.
- 1.11 If Police and/or Home Office respond and ask for the revocation of personal licence, a second hearing will be held for members to consider the original information, the new representations from the Police or Home Office, any representations from the licence holder and give a final decision. Following consideration of the new information, the same three options apply:
- To take no action
  - To suspend the personal licence for a period not exceeding 6 months
  - To revoke the personal licence
- 1.12 If no response is received from Police or Home Office, or the response indicates it is for information only, then the LSC will need to confirm if the original decision stands. This may be done without a second hearing but they may decide to convene a second hearing. All communication on this matter will be in writing.
- 1.13 Once a final decision has been made, a decision letter will be sent to the Licence Holder, Police and/or Home Officer detailing the decision made and reasons for it. The licence holder is the only that can appeal and will have 21 days to appeal to Magistrates.

## **2.OFFICER REPORT:**

- 2.1 The report of the Licensing Team Manager is produced in Annex 2 (sensitive).

**3. RELEVANT REPRESENTATIONS:**

3.1 No representations have been received in response to the Notice by the Licence Holder.

**Background Papers :**  
**None other than any identified within the report.**

**Contact Officer :**  
**Ellie Green on 0208 1322 128**

# Annex 1

## Personal Licence: Relevant Offences

In accordance with Schedule 4 of the Licensing Act 2003

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.]

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.]**

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).]**

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).]

**[F719A** 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).]

**[F819A** an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences).]

**[F919B** an offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003 (specified terrorism offences).]

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).

**[F1021** 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.]

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

**[F1322ZA** 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).]

**[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.

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.】

**【F1623A**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).】

**【F1723B**An offence listed in section 41 of the Counter-Terrorism Act 2008 (terrorism offences).】

**【F1824**An offence under section 1 of the Criminal Attempts Act 1981 of attempting to commit an offence that is a relevant offence.

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

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