

# ALLERDALE BOROUGH COUNCIL



## GUIDANCE SHEET

### PERSONAL LICENCE APPLICATIONS:

### 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 Refreshments Houses Act 1969 (c. 53);
  - f) section 6 of, or schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - h) the Cinemas Act 1985 (c. 13);
  - i) the London Local Authorities Act 1990 (c. vii).
3. An offence under the Firearms Act 1968 (c. 27).
4. An offence under section 1 of the Trade Descriptions Act 1968 (c.29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
5. An offence under any of the following provisions of the Theft Act 1968 (c.60)-
  - a) section 1 (theft);
  - b) section 8 (robbery);
  - c) section 9 (burglary);
  - d) section 10 (aggravated burglary);
  - e) section 11 (removal of articles from places open to the public);
  - f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
  - g) section 13 (abstracting of electricity);
  - h) section 15 (obtaining property by deception);
  - i) section 15A (obtaining a money transfer by deception);

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- j) section 16 (obtaining pecuniary advantage by deception);
  - k) section 17 (false accounting);
  - l) section 19 (false statements by company directors etc);
  - m) section 20 (suppression, etc. of documents)
  - n) section 21 (blackmail);
  - o) section 22 (handling stolen goods);
  - p) section 24A (dishonestly retaining a wrongful credit);
  - q) section 25 (going equipped for stealing etc.).
6. An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
7. An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38) –
- a) section 4(2) (production of a controlled drug);
  - b) section 4(3) (supply of a controlled drug);
  - c) section 5(3) (possession of a controlled drug with intent to supply);
  - d) section 8 (permitting activities to take place on premises).
8. An offence under either of the following provisions of the Theft act 1978 (c.31)-
- a) section 1 (obtaining services by deception);
  - b) section 2 (evasion of liability by deception).
9. An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2) –
- a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
  - 2. section 170B (taking preparatory steps for evasion of duty).
10. An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7) –
- a) section 8G (possession and sale of unmarked tobacco);
  - b) section 8H (use of premises for sale of unmarked tobacco).
11. An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under Section 18 or 19 of that Act).
12. An offence under the Firearms (Amendment) Act 1988 (c. 45).
13. An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48) –
- a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
  - b) section 107(3) (infringement of copyright by public performance of work etc.)

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- c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
  - d) section 297(1) (fraudulent reception of transmission);
  - e) section 297A (1) (supply etc. of unauthorised decoder).
14. An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52)
- a) section 3A (causing death by careless driving while under the influence of drink or drugs);
  - b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
  - c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
15. An offence under either of the following provisions of the Food Safety Act 1990 (c.16) in circumstances where the food in question is or includes alcohol.
- a) section 14 (selling food or drink not of the nature, substance or quality demanded)
  - b) section 15 (falsely describing or presenting food or drink).
16. An offence under section 92(1) or (2) of the Trades Mark Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
17. An offence under the Firearms (Amendment) Act 1997 (c. 5).
18. A sexual offence, being an offence:-
- a) listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003(b), other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));
  - b) an offence under section 8 of the Sexual Offences Act 1956 (intercourse with a defective);
  - c) an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress).
19. A violent offence, being any offence which leads, or is intended or likely to lead, to a person's death or to physical injury to a person, including an offence which is required to be charged as arson (whether or not it would otherwise fall within this definition).
20. An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a Licence).