

DCMS consultation on proposed amendments to the Licensing Act 2003 (Personal Licences – Relevant Offences)

Committee

Licensing Committee

Officer Contact

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Papers with report

DCMS consultation on a proposal to amend the Licensing Act 2003 (Personal Licences – Relevant Offences)

Ward(s) affected

All

RECOMMENDATION

That the Licensing Committee advises the Licensing Service Manager of their views, in respect of the proposed amendments, in order for him to respond to the DCMS on their behalf.

SUMMARY

To seek the Committee's views in respect of the DCMS'S proposed amendments to the Licensing Act 2003

INFORMATION

On 15th December 2009 the DCMS published a consultation on their web site in respect of a proposal to amend the Licensing Act 2003 to update the list of relevant offences that are treated as relevant offences for the purposes of obtaining and holding a personal licence under Part 6 of the Act. The closing date for the consultation is 15th March 2010.

The proposals are outlined below:

- To include the offence of failing to co-operate with a requirement to provide a preliminary test (in relation to impairment to drive under the influence of alcohol or drugs) under section 6 of the Road Traffic Act 1988.
- To include the offence of conspiracy to commit a crime as defined in the Criminal Law Act 1977.
- To include the offence of attempting to commit a crime as defined in the Criminal Attempts Act 1981.
- To include an unspent conviction for the offence of being drunk and disorderly in a public place under section 91 of the Criminal Justice Act 1967, if the person is convicted at court.
- To include an unspent conviction for the offence of possession of a controlled drug under the Misuse of Drugs Act 1971.

- To consult on whether there are any offences currently included in the list of relevant offences that should be removed.
- To consider whether persistent sales of tobacco to under 18s and offences under the Food Safety Act should be reflected as relevant offences.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

BACKGROUND PAPERS

- The Licensing Act 2003