

Police Reform and Social Responsibility Bill - March 2011

Updating the list of 'relevant offences'

What is a relevant offence?

The Licensing Act 2003 establishes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. The personal licence is separate from the licence which authorises a premises to be used for the supply of alcohol.

To qualify for a personal licence the applicant must fulfil the following criteria:

- The applicant must be aged 18 or over.
- No personal licence held by the applicant should have been forfeited within the period of five years before making the application.
- The applicant must possess an accredited licensing qualification, or is a person of prescribed description.
- The applicant must not have been convicted of any relevant or foreign offence.

What changes are being made through the Bill?

We will update the list of relevant offences in the Licensing Act 2003 to include attempting to commit, and conspiracy to commit, existing relevant offences and failure by drivers to co-operate with a preliminary test in relation to alcohol, impairment or drugs.

Why are you adding the offences of attempt and conspiracy to commit relevant offences to the list?

These changes close a loophole in the system. Currently, if a person has attempted or conspired to commit a relevant offence, but has been unsuccessful, this is not taken into account when they apply for a personal licence. We consider that the offences of attempt and conspiracy are as indicative of potential criminality as successfully committing the offence and should also be taken into account in personal licence applications.

Why are you adding the offence of failure to co-operate with a preliminary test?

The police have strongly recommended that failure to co-operate with a preliminary test in relation to alcohol, impairment or drugs should be included as a relevant offence as it is a good indicator that the offender has a relaxed

attitude to the law and may not be suitable for the role and responsibilities of a personal licence holder.

Is this likely to result in more personal licence applications being rejected?

We think the effect will be minimal, but it will mean that a small minority of people who try to abuse the system will be deterred.

What were the main views of consultation respondents?

We are making these changes in response to concerns expressed by key partners, particularly the police, and in the light of responses to a public consultation on the proposed new offences carried out under the previous Government.