

**1. Would you support the inclusion of the 'Failure to co-operate with a preliminary test' under section 6 of the Road Traffic Act 1988 in the relevant offences? Please explain your answer.**

As Licensing Authority we would expect any eventual personal licence holder to co-operate with the Police in the course of their duties and therefore in principle we support the inclusion of this offence.

However the information contained in the consultation document does not indicate either:

- (i) that there is the likelihood of a high number of applicants who would have such a conviction, or,
- (ii) that the failure to include the offence has caused problems for authorities in the past.

We therefore have concerns as to whether the test set out in Paragraph 3.2 of the consultation document is satisfied.

**2. Would you support the inclusion of conspiracy offences related to the offences included in the relevant offences? Please explain your answer.**

We support the inclusion of conspiracy offences.

There is currently a major anomaly in the list of relevant offences and we have had occasion where we have had no alternative but to grant a personal licence to an applicant who had serious conspiracy offences and who had received a custodial sentence.

Clearly such a conspiracy offence can be just as serious as the corresponding actual offence and allowing someone to have a personal licence with such a conviction would, in our opinion, undermine the Crime & Disorder licensing objective.

**3. Would you support the inclusion of attempt offences arising under the Criminal Attempts Act 1981 in the relevant offences? Please explain your answer.**

We support the inclusion of Criminal Attempts Act 1981 offences, for similar reasons to those described above.

Anybody convicted under this Act would demonstrate that they had the criminal intent to commit the offence. Again this would be another anomaly which, if not rectified, would undermine the Crime & Disorder licensing objective.

**4. Do you think that any of the offences suggested in questions 1-3 above are not appropriate to be included in the relevant offences? Please explain your answer.**

No, for the reasons outlined above. However please see our qualification under Question 1 in respect of the inclusion of the 'Failure to co-operate with a preliminary test' under section 6 of the Road Traffic Act 1988.

5. **Do you agree that conspiracy and attempt offences related to relevant offences from those Acts repealed by the 2003 Act should not be included in the list of new offences? If not, why not?**

We agree with the reasoning behind the decision not to include conspiracy and attempt offences relating to relevant offences arising from those Acts repealed by the 2003 Act.

6. **Do you have any evidence of unspent convictions for conspiracy and attempt offences related to relevant offences from those Acts repealed by the 2003 Act?**

We have no evidence of these types of unspent convictions.

7. **Are there any offences in the relevant offences that you feel should be removed from the list? If so, why?**

We would query whether Paragraph 18 (C) (“an offence under section 18 of the Sexual Offences Act 1956 (fraudulent abduction of an heiress)”) should remain in the list of relevant offences.

This on the basis that we suspect that the number of convictions for this offence is low.

8. **Should an unspent conviction for Drunk and Disorderly be included in the list of relevant offences? Please include the reasons for your view.**

We believe that an unspent conviction for Drunk and Disorderly in a public place should be included in the list of relevant convictions.

The reason being that the offence is clearly related to the duties of a personal licence holder.

9. **Should an unspent conviction for Possession of Controlled Drugs be included in the list of relevant offences and, if so, which classes of controlled substances should be included. Please include the reasons for your view.**

We believe that an unspent conviction for Possession of any Controlled Drug should be included in the list of relevant offences.

Again, the offence is relevant to the duties of a personal licence holder and is a serious offence. In Sefton we promote a zero tolerance to drugs on licensed premises and we do not differentiate between classes of drugs and for that reason all should be included.

10. **Do you have any views on whether persistent sales of tobacco to under 18s and offences under the food safety act should be reflected in the relevant offences?**

We would prefer to see what effect the new arrangements for the sale of tobacco to under 18's, and the offences under the Food Safety Act, have before commenting upon their inclusion to the list of relevant offences.

- 11. Do you agree with the assumptions that we have made in calculating the costs of the proposals? Do you have any evidence to support your opinion?**

We have no comments to make with regard to this question.

- 12. Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the potential costs and benefits?**

We have no comments to make with regard to this question.

- 13. Are you able to provide us with data that will help us to calculate the costs and benefits of the proposals?**

We are unable to provide you with the information you request.