

## **Appendix 2 – Proposed changes to “Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators”**

### **Including the consideration of the grant, suspension or revocation of hackney carriage and private hire driver’s and operator’s licences**

The licensing authority must be satisfied that all those who are licensed to drive hackney carriages and / or private hire vehicles, and those who are licensed to operate under a private hire operator’s licence, are fit and proper persons. This general policy relates to the Council’s assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver or operator’s licence has received a relevant conviction, caution or fixed penalty.

Additionally, it will be referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver or operator’s licence and used to help inform any decision as to the licence-holder’s continuing fitness to hold a licence.

These guidelines shall apply to all new applicants for, and all existing holders of, hackney carriage / private hire drivers licences and private hire operators licences.

#### **General Policy**

Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.

When the relevant required information has been returned, the application will be considered in the light of the information provided. The information will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage.

A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This is a criminal offence and, as such, may lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings.

In the event that there are no relevant convictions, cautions or fixed penalties held, the applicant will be considered to be a “fit and proper person” and the matter will be determined by the issue of the licence [subject to the successful completion of all other assessments].

Applications where convictions, cautions or fixed penalties are held will be considered by a Licensing Officer who, having regard to this policy may refer the application to a Licensing Committee for determination. This will result in either the determination of the applicant as a “fit and proper person”, indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates’ Court, such appeal to be lodged within 21 days of the decision being notified.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

### **Fit and Proper Person**

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.
- e) Good physical and mental health.
- f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

### **Outstanding Charges or Summonses**

#### **New applicants**

If the individual is the subject of an outstanding charge or summons their application

should be suspended until the matter is resolved.

### Existing Licence Holders

If an existing licence holder is the subject of an outstanding charge or summons, consideration will be given whether to suspend or revoke their licence until the matter is resolved. Consideration will be given to the:

- Seriousness and relevance of the offence;
- When the alleged offence(s) were committed;
- Compliance and complaints history of the licence holder;
- Circumstances of the individual concerned;
- Any other relevant matters.

**Comment [KL1]:** Clarify the policy position to better guide Members and applicants/licence holders.

### Non-conviction information

The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of both the witness / complainant and the licence holder will be taken into account.

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or, in the case of an existing licence holder, a suspension or revocation of their licence. Such offences would include violent and / or sexual offences.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

**Comment [KL2]:** Clarify the policy position to better guide Members and applicants/licence holders.

## 1. Offences of Dishonesty

### New applicants

- 1.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 1.2 Passengers may include especially vulnerable people.
- 1.3 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 1.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 1.5 For these reasons a serious view is taken of any convictions involving dishonesty. In general an applicant with convictions for dishonesty, as listed below, which are less than 4 years old, is unlikely to be considered favourably granted a licence:

**Comment [KL3]:** Strengthen the policy position.

- a. Theft
- b. Burglary
- c. Fraud
- d. Benefit fraud (~~including offences under ss.111A and 112 of the Social Security Administration Act 1992~~)
- e. Handling or receiving stolen goods
- f. Forgery
- g. Conspiracy to defraud
- h. Obtaining money or property by deception
- i. Other deception

**Comment [KL4]:** References to specific legislation has been removed to avoid instances where changes in legislation affect the policy.

### Existing Licence Holders

- 1.6 An existing licence holder who is convicted of one or more of the above offences, is likely to have their licence revoked. ~~In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.~~

**Comment [KL5]:** Avoid statutory duplication.

## 2. Violence

### New applicants

- 2.1 Drivers of hackney carriage and private hire vehicle are often entrusted with the care of vulnerable persons.
- 2.2 It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 2.3 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.
- 2.4 Where the commission of an offence involved loss of life a licence will normally be refused.
- 2.5 In particular an application will normally be refused where the applicant has a conviction for violence such as those listed below, or similar offence(s):
- a. Murder
  - b. Manslaughter
  - c. Manslaughter or culpable homicide while driving
  - d. ~~Terrorism offences~~
  - e. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 2.6 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 10 years old, is unlikely to be considered favourably.
- a. Arson
  - b. Malicious wounding or grievous bodily harm (~~s.20 Offences Against the Person Act 1861~~) which is racially aggravated (~~s.29(1)(a) Crime and Disorder Act 1998~~)
  - c. Actual bodily harm (~~s.47 Offences Against the Person Act 1861~~) which is racially aggravated (~~s.29(1)(b) Crime and Disorder Act 1998~~)
  - d. Grievous bodily harm with intent (~~s.18 Offences Against the Person Act~~)
  - e. Grievous bodily harm with intent (~~s.20 Offences Against the Person Act~~)

**Comment [KL6]:** Not currently included in the policy.

- f. Robbery
- g. Possession of firearm
- h. Riot
- i. Assault Police
- j. Common assault with racially aggravated (~~s.29(1)(c) Crime and Disorder Act 1998~~)
- k. Violent disorder
- l. Resisting arrest

2.7 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 8 years old, is unlikely to be ~~considered favourably granted a licence:~~

- a. Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- b. Any racially-aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- a. Racially aggravated criminal damage (~~s.30 Crime and Disorder Act 1998~~)
- b. Racially aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (~~s.31(1)(a) Crime and Disorder Act 1998~~)
- c. Racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (~~s.31(1)(b) Crime and Disorder Act 1998~~))
- d. Racially aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (~~s.32(1)(a) Crime and Disorder Act 1998~~)
- e. Racially aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (~~s.32(1)(b) Crime and Disorder Act 1998~~)
- f. Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (~~s.31(1)(c) Crime and Disorder Act 1998~~)
- g. Assault occasioning actual bodily harm (~~s.47 Offences Against the Person Act~~)

2.8 In general an applicant with convictions for violence, as listed below (or similar offences), which are less than 5 years old, is unlikely to be ~~considered favourably granted a licence:~~

- a. Common assault
- b. Affray
- c. ~~S5 Public Order Act 1986 offence (harassment, alarm or distress)~~
- d. ~~S.4 Public Order Act 1986 offence (fear of provocation of violence)~~
- e. ~~S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- f. Obstruction
- g. Possession of offensive weapon
- h. Criminal damage

**Comment [KL7]:** Strengthen the policy position.

### Existing Licence Holders

2.9 An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked. ~~In these circumstances, the applicant has the right of appeal to the Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.~~

- a. Murder
- b. Manslaughter
- c. Causing death by reckless, dangerous or careless driving, including:

- ~~d. Causing death by reckless driving when unfit through drugs:~~
- ~~e. Causing death by careless driving when unfit through drink~~
- ~~f. Causing death by careless driving with alcohol level above the limit~~
- ~~g. Causing death by careless driving then failing to supply a specimen for analysis~~
- h. Manslaughter or culpable homicide while driving a vehicle
- ~~i. Causing death by dangerous driving~~
- j. Arson
- k. Malicious wounding or grievous bodily harm which is racially aggravated
- ~~l. Actual bodily harm which is racially aggravated~~
- m. Grievous bodily harm with intent
- n. Robbery
- ~~o. Racially aggravated criminal damage~~
- ~~p. Racially aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)~~
- ~~q. Racially aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)~~
- ~~r. Racially aggravated harassment~~
- ~~s. Racially aggravated fear of violence~~

Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)

Any racially-aggravated offence against a person or property.

Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

2.10 ~~An existing licence holder who is convicted of one or more of the below offences, is likely to have his or her licence revoked.~~

- a. Common assault
- b. Common assault which is racially-aggravated
- c. Assault occasioning actual bodily harm
- d. Assault on the police
- e. Affray
- f. Riot
- g. Obstruction
- h. Possession of offensive weapon
- i. Possession of firearm
- j. Criminal damage
- k. Violent disorder
- l. Resisting arrest

**Comment [KL8]:** The list of offences below will form part of the list at paragraph 2.9.

### 3. Drugs

#### New applicants

3.1 If any applicant has previous convictions related to drugs and was an addict at the time of the offences, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment before a licence will be granted. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on drugs.

#### Supply of drugs

3.2 An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 years prior to the date of application.

**Comment [KL9]:** Strengthen the policy position.

3.3 If an applicant has a conviction for an offence related to the supply of drugs which is more than 5 years old, but less than 10 years old, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

### Possession of drugs

3.4 An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 10 years prior to the date of the application.

**Comment [KL10]:** Strengthen the policy position.

3.5 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 5 years will require careful consideration of the facts.

**Comment [KL11]:** Strengthen the policy position.

### Existing Licence Holders

3.6 A hackney carriage/private hire driver or operator An existing licence holder found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately by the Licensing Services Manager in consultation with head of Legal Services under delegated powers. This decision may be appealed directly to the Magistrates' Court

3.7 At least 5 10 years should elapse from conviction before a new application by that person will be considered and a specialist medical examination will be required with negative urine screen for drugs or abuse (if applicable).

**Comment [KL12]:** Strengthen the policy position.

## 4. Sexual/Indecency Offences

### New applicants

4.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, should expect their application to be rejected until they can show a substantial period (usually between 7 and 12 years, depending on the nature of the offence – see below) free from any such conviction.

As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault

- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

In addition to the above the council will not grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.

**Comment [KL13]:** Strengthen the policy position.

### Existing Licence Holders

4.2 Any existing licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked immediately. ~~will have their licences reviewed by officers under delegated authority. Officers may depending on the nature of the conviction:~~

**Comment [KL14]:** Strengthen the policy position.

- ~~Refer the licence holder to the Licensing Committee~~
- ~~Revoke the licence~~
- ~~Issue a written warning~~

4.3 ~~If a licence holder is referred to the Licensing Committee it could, depending on the nature of the conviction:~~

- ~~Take no further action~~
- ~~Issue a written warning~~
- ~~Suspend the Licence~~
- ~~Revoke the licence~~
- ~~Refuse to renew the licence (if such an application is being considered)~~

### ~~New Applicants and Existing Drivers (Both)~~

4.4 ~~The following guidelines illustrate the council's stance on rehabilitation periods after an applicant or existing driver has been convicted of a sexual/indecency offence. An applicant or existing licence holder should presume that for:~~

- ~~**Rape** – Licence will be revoked / refused until a minimum period of 12 years conviction free after conviction has elapsed.~~
- ~~**Indecent Assault** – Licence will be revoked / refused until a period of 10 years conviction free after conviction has elapsed.~~
- ~~**Gross Indecency with a Female** – Licence will be revoked / refused until a period 8 years conviction free after conviction has elapsed.~~
- ~~**Gross Indecency with a Male** – Licence will be revoked / refuse until a period of 8 years conviction free after conviction has elapsed.~~
- ~~**Indecent Assault on a Child** – Licence should be revoked / refused. (Where a conviction contained within schedule 4 of the Criminal Justice and Court Services Act 2000 (Offences against children or where the individual appears on the Protection of Vulnerable Adults list, the licence will also be revoked / refused).~~
- ~~**Buggery** – Licence should be revoked/until a period of 8 years conviction free after conviction has elapsed.~~

## 5. Drunkenness



## New applicants

- 5.1 If any applicant has previous convictions related to drunkenness and was an alcoholic at the time of the offences, then they will normally be required to show evidence that 5 years has elapsed after completion of detoxification treatment. If detoxification treatment was not undertaken the applicant will need to provide other medical evidence to demonstrate that they are no longer dependant on alcohol.

### With a motor vehicle (no disqualification)

- 5.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol.
- 5.3 An application will normally be refused where the applicant has a conviction for such an offence, which did not result in a driving disqualification, within 2 years of the date of the application.
- 5.2 More than one conviction for this type of offence within the last 5 years of the date of conviction, is likely to result in refusal.

### With a motor vehicle (disqualification)

- 5.3 Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

### Not with a motor vehicle

- 5.4 An isolated conviction for drunkenness need not exclude an applicant from gaining a licence. In some cases, a warning may be appropriate.
- 5.5 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

## Existing Licence Holders

### With a motor vehicle

- 5.6 Any existing licence holder found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have their licence revoked immediately. ~~will be required to hand in his hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new application will not normally be considered until a period of 5 years after the restoration of the driving licence following a drink drive conviction has elapsed after restoration of the DVLA licence.~~
- 5.7 A licensed driver found guilty of offences relating to drink driving, but not when driving for hire or reward should expect to have their licence revoked immediately. ~~will be required to hand in their hackney carriage/private hire licence immediately. The Licensing services Manager in consultation with head of Legal Services has delegated powers to revoke the licence with immediate effect. This decision may be appealed directly to the magistrates Court. A new~~

**Comment [KL15]:** Strengthen the policy position.

**Comment [KL16]:** Strengthen the policy position.

application will not normally be considered until a period of 2 years has elapsed after the restoration of the driving licence following a drink drive conviction. after restoration of the DVLA licence.

## **Existing Licence Holders**

### **Not with a motor vehicle**

- 5.8 An isolated conviction for drunkenness not associated with a motor vehicle by a licensed driver will not necessarily result in any action being taken. An existing licence holder who committed one of these offences will have their licence reviewed by the Licensing Committee who may:-
- a. Take no further action
  - b. Issue a written warning
  - c. Suspend the Licence
  - d. Revoke the licence
  - e. Refuse to renew the licence (if such an application is being considered)
- 5.12 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and revocation or suspension of a licence.
- 5.13 Where there has been more than one conviction for drunkenness, the Council may require a medical report prior to determining any review of an existing licence.

## **6. Motoring Convictions**

### **New applicants**

#### **Major Traffic Offences (see annex A for list of offences)**

- 6.1 An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.
- 6.2 More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

#### **Minor Traffic Offences (see annex A for list of offences)**

- 6.3 Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.
- 6.4 In particular, an application will normally be refused where the applicant has received 12 or more penalty points on his DVLA licence in the five years prior to the application being made (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

#### **Hybrid Traffic Offences (see annex A for list of offences)**

- 6.5 Hybrid offences will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.

### **Disqualification**

- 6.6 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.
- 6.7 Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 2 years free from conviction must have elapsed from the restoration of the DVLA licence.
- 6.8 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

### **Existing Licence Holders**

- 6.9 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.
- 6.10 Convictions for traffic offences may not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence.
- 6.11 An existing licence holder who has 7 penalty points or more on his or her driving licence due to multiple offences, or 6 penalty points or more for one isolated offence, will be required to appear before the Licensing Committee to explain their convictions. The Committee then have the option to:
- a. Take no further action
  - b. Give a written warning
  - c. Require the driver to pass a DSA private hire/hackney drivers test, at the driver's own expense, within 2 months of their decision
  - d. Suspend the Licence upon conditions or for a period of time
  - e. Revoke the licence.
  - f. Refuse to renew the licence (if such an application is being considered)

## **7. Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976**

### **New applicants**

- 7.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including

illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

- 7.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

### **Existing Licence Holders**

- 7.3 Where an existing licence holder is convicted of an offence under, or has failed to comply with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, a application for review of their licence will normally be referred to a Licensing Committee who will consider whether to take any steps in relation to the licence.

- 7.4 The Committee will then have regard to all the circumstances including:-

- a. The seriousness of the offence (including the sentence imposed)
- b. Whether the offence was committed whilst acting as a hackney carriage or private hire driver
- c. Any previous convictions, cautions or fixed penalties received
- d. The licence holder's previous compliance record
- e. Evidence of previous good character
- f. Any mitigating factors involved in the commission of the offence

- 7.5 The Committee will then take such of the following steps as they feel are necessary, reasonable and proportionate, having regard to the need to protect the public and ensure that licences are only held by fit and proper persons:-

- a. Take no further action
- b. Issue a written warning
- c. Suspend the Licence
- d. Revoke the licence
- e. Refuse to renew the licence (if such an application is being considered)

## **ANNEX A**

### **MAJOR TRAFFIC OFFENCES**

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or report an accident within 24 hours
- AC30 Undefined accident offences
- BA10 Driving while disqualified by order of court
- BA20 Attempting to drive while disqualified by order of court
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink
- CD50 Causing death by careless driving when unfit through drugs
- CD60 Causing death by careless driving with alcohol level above the limit
- CD70 Causing death by careless driving then failing to supply a specimen for alcohol analysis
- CD80 Causing death by careless, or inconsiderate, driving
- CD90 Causing death by driving: unlicensed, disqualified or uninsured drivers

DD10 Causing serious injury by dangerous driving  
DD40 Dangerous driving  
DD60 Manslaughter or culpable homicide while driving a vehicle  
DD80 Causing death by dangerous driving  
DD90 Furious driving  
DR10 Driving or attempting to drive with alcohol level above limit  
DR20 Driving or attempting to drive while unfit through drink  
DR30 Driving or attempting to drive then failing to supply a specimen for analysis  
DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity  
DR61 Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive  
DR40 In charge of a vehicle while alcohol level above limit  
DR50 In charge of a vehicle while unfit through drink  
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive  
DR70 Failing to provide specimen for breath test  
DR80 Driving or attempting to drive when unfit through drugs  
DR90 In charge of a vehicle when unfit through drugs  
IN 10 Using a vehicle uninsured against third party risks  
LC20 Driving otherwise than in accordance with a licence  
LC30 Driving after making a false declaration about fitness when applying for a licence  
LC40 Driving a vehicle having failed to notify a disability  
LC50 Driving after a licence has been revoked or refused on medical grounds  
MS50 Motor racing on the highway  
MS60 Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)  
MS70 Driving with uncorrected defective eyesight  
MS80 Refusing to submit to an eyesight test  
MS90 Failure to give information as to identity of driver etc  
UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

### **MINOR TRAFFIC OFFENCES**

MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street Offences  
MW10 Contravention of special roads regulations (excluding speed limits)  
PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle  
TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a "Stop" sign  
TS40 Failing to comply with direction of a constable/warden  
TS50 Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)

TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

### **HYBRID TRAFFIC OFFENCES**

CU10 Using a vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers  
CU80 Breach of requirements as to control of the vehicle, mobile telephone etc  
SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway

Aiding, abetting, counselling or procuring offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)