

# GUIDANCE ON RELEVANCE OF CONVICTIONS AND CONDUCT



## INTRODUCTION

This document should be read in conjunction with the current Taxi Licensing Policy, Vehicle Specifications, Conditions of Licence and other relevant documents.

The council cannot grant a drivers licence unless they are satisfied that the applicant is a “fit and proper person” to hold a hackney carriage or private hire drivers licence. Once a licence has been granted, there is a continuing requirement that the driver remains a fit and proper person, and if they fall below the required standard, the licence can be suspended or revoked.

To be a “fit and proper” person means that they must be “safe and suitable” to drive a hackney carriage or private hire vehicle.

The overriding consideration for the Members of the Taxi Licensing Committee is to protect the public. The licensing regime is intended, among other things, to ensure so far as is possible that those licensed to drive vehicles are safe and suitable persons to do so, namely that they are

“...safe drivers, with good driving records and adequate experience, sober, mentally and physically fit and not persons who would take advantage of their employment to abuse or assault passengers.”

(Lord Bingham in *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889

Having considered and applied the appropriate guidelines, the following question should be asked:

“...Would you (as a member of the Licensing Board or other person charged with the ability to grant a hackney carriage/private hire driver’s licence) allow your daughter or son, granddaughter or grandson, spouse, mother or father, or any other person you care for or any vulnerable person you know, to get into a vehicle with this person alone?..”

(Paragraph 10.61 *Button on Taxis – Licensing Law and Practice* 3<sup>rd</sup> Ed Bloomsbury Professional)

If the answer to this question is an unqualified yes, then a licence should normally be approved. If there are any doubts in the minds of those making the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the applicant or existing driver to satisfy the Council they are a ‘fit and proper’ person.

In deciding whether an applicant or existing licensed driver is a 'fit and proper' person the Council will consider the overall character of the person, and in doing so will take the following factors into account (but this is not an exhaustive list, as other matters may be relevant);

- relevant skills
- knowledge
- experience
- qualifications
- spoken and written English
- medical fitness
- criminal record
- motoring endorsements
- good conduct
- any other relevant information

“Acting as a hackney carriage or private hire driver is a valuable form of employment, but it is recognised that for some drivers it will be in addition to other employment. In every case (whether a new application or an existing licensee) the overriding consideration will be public safety, and the drivers’ livelihood, and the impact of not being licensed (or having a licence suspended or revoked) on that livelihood and their family is not a matter that can or will be taken into account. “ [Cherwell District Council v Anwar (2011)] [Leeds City Council v Hussain (2002)]

Consideration to refuse, revoke or suspend a licence is not considered lightly. However, the licensing system is designed to protect the public and it would be wrong to avoid this course of action where it is clearly appropriate.

### **CONSIDERATION OF DISCLOSED CRIMINAL HISTORY**

Whilst the Council will have regard to these guidelines, **each case will be considered on its individual merits and where the circumstances demand, the Taxi Licensing Committee may depart from its guidelines but in doing so will consider any mitigating or aggravating factors.**

If an applicant or driver has any convictions, warnings, cautions or charges awaiting trial, the Committee members will consider:

- The relevance of the offence to the licence
- How serious the offence(s) are/were
- The circumstances of the offence
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant’s age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to

- a) Remain free from conviction for an appropriate period and
- b) Show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction may not be regarded as sufficient evidence of good character.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of offending or inappropriate behaviour which will be taken into account.

Where an applicant has been convicted of an offence, the Taxi Licensing Committee cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)]

When determining an application or considering whether the licence should be retained, a licence the Taxi Licensing Committee may:

- a) Take no further action / approve the licence
- b) Give a written warning
- c) Apply Conditions (on application for a licence only)
- d) Suspend the licence
- e) Revoke / refuse the issue of a licence.
- f) For existing drivers they may ask the driver to successfully undertake competence assessments or re-training. For example this may include the appropriate hackney carriage or private hire driving test, complete the VRQ or other relevant training, further medical examination or assessment, at their own expense. Should the driver fail to successfully complete additional requirements within the prescribed period the Committee may consider revoking the licence as the person will have failed to confirm to them that they are fit and proper to hold or retain a licence.

Where a driver's licence expires before the Council has had the opportunity to consider whether that person remains 'fit and proper' to continue to hold a licence, the same rehabilitation standards as set out in this document will apply. The Council will view any further application with the same seriousness as if the licence had been reviewed.

## **USE OF POWERS/SANCTIONS**

Although each case will be considered on its own merits the Council will consider the following factors in its decision-making.

In all cases the Council will consider all relevant information even where these matters may already have been considered in a previous hearing.

In deciding whether a licensed driver is a 'fit and proper' person to hold or retain a licence, the cumulative impact of a range of relatively minor contraventions will be considered, having regard to passenger safety and maintaining public confidence in the licensed trade.

The imposition of any sanction will be considered carefully to ensure that it is just and is proportionate to the situation, taking into account the overriding requirement of maintaining public safety.

Where there are insufficient grounds to revoke a licence, the imposition of a suspension will be considered. Licences can be suspended as a punishment (R (on the application of Singh) v Cardiff City

Council Admin Court 

Case Analysis	I5B86D190CA1D
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 [2013] L.L.R. 108). The length of suspension will reflect the seriousness of the contravention(s). The following parameters will be applied:

For more serious contraventions, where revocation has been discounted, a 14 day to 3 month suspension will be considered the same factors will be considered as indicated above.

For minor contraventions a 1 to 14 day suspension may be applied. Factors such as the multiple offences, frequency, patterns of offending, the circumstances of each situation and the attitude of the driver (including remorse) will be considered.

Where the skill-base or health of the licensed driver is not to the required standard, additional training, assessment or examination will also be considered.

## **APPEALS**

Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal by virtue of S.9 (Private Hire) and S.17 (Hackney Carriage) Plymouth City Council Act 1975. There is also a right of appeal against any conditions attached to a private hire drivers licence S.9 (Private Hire). If a hackney carriage or private hire drivers licence is suspended, revoked or renewal is refused, a similar right of appeal exists under section 19(3) Plymouth City Council Act 1975.

## **TYPES OF OFFENCES**

The Council considers that the following types of offences are relevant when considering the suitability of a person to hold or retain a licence;

- Dishonesty
- Violence (including criminal damage)
- Public order offences
- Substance abuse (including possession, use and distribution)
- Sexual offences (including obscene materials, indecency)
- Motoring Offences and disqualifications
- Alcohol related offences
- Contravention of licensing laws or conditions
- Discrimination

The Committee may consider other offences which may impact on the assessment of being "fit and proper". Where not specifically mentioned below these offences should be considered against the most relevant criteria and the fundamental question as to whether or not the applicant/licensee is a "fit and proper" person to hold a driver's licence.

## **RELEVANCE OF CONVICTIONS**

The Council will have regard to the **Rehabilitation of Offenders Act 1974 as amended**.

This legislation allows most criminal convictions to become "spent" after a specified period of time. Once a conviction is spent for most purposes it does not have to be revealed and cannot be taken into consideration.

However hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Sch 2 para 4.)

As a result, ALL criminal convictions, irrespective of the length of time that has elapsed, can be considered by the council when determining whether a licence should be granted, renewed, suspended or revoked.

The case law (*Adamson v Waveney DC* QBD [1997] 2 All E.R. 898) makes it clear that only relevant spent convictions should be considered. The nature of the offence is the first consideration (for example it may not be connected to the activities of a driver) but the quantity of offences, even if they are not in themselves relevant, will also be taken into account.

### **Cautions and Endorsable Fixed Penalties**

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be relevant and must be disclosed.

Cautions are not convictions but, being admissions of guilt, should be taken into consideration, in so far as it is relevant, in the determination of good character. In considering a caution the following factors will be taken into account;

- the nature of the offence
- the driver's offending history; and
- the guidelines applicable had it been a conviction

### **Criminal Behaviour Orders (CBOs), Community Protection Notices (CPOs), Civil Injunctions (CIs)**

Criminal Behaviour Orders (CBOs) Community Protection Notices (CPNs) and Civil Injunctions (CIs) are civil, not criminal, sanctions (although breaches are punishable by up to five years in prison) and are administered by police and local authorities working in partnership.

These Orders will target serious and persistent, but generally, relatively low-level disorder that can blight a local neighbourhood. An order can restrict a person from entering a geographical area or specified premises which could affect a licensed driver's ability to carry out normal duties as a licensed driver.

An applicant or existing driver served with one of these Orders for behaviour considered to be of an anti-social nature is a relevant matter in deciding whether or not that person is 'fit and proper' to hold a licence.

In deciding whether an applicant or existing driver is 'fit and proper' to hold a licence, the Council will give consideration to the nature of the order and any conditions attached that restrict movement and any relevant factors.

The same standards will apply to any amended or replacement orders that may be introduced in the future.

### **Fixed Penalty Notices (for non-endorsable matters)**

A number of criminal offences can be dealt with by way of a fixed penalty notice. This does not result in a conviction, but as the behaviour was itself criminal, the council will consider fixed penalty notices and the offences that were committed as relevant.

## **Absolute and Conditional Discharges**

A court can dispose of a case by issuing an Absolute or Conditional Discharge which although results from a finding of guilt is not a conviction. The Council will take the circumstances that resulted in the discharge into consideration, in so far as it is relevant, in the determination of good character.

## **Suspended Sentences**

Suspended sentences should be treated the same as if they had been put into effect immediately. Where a court decides to suspend the sentence, this can be taken into consideration when determining whether an applicant or existing driver, in so far as it is relevant, is 'fit and proper' to hold or retain a licence. Consideration will also be given to that person's behaviour during the period of suspension.

## **Arrests and/or Charges for serious offences**

If a licensed driver is arrested and/or charged for a serious offence, the licensed driver may be referred to Taxi Licensing Committee before trial on the grounds of public safety. Such serious offences would include dishonesty, violence, drug offences, indecency or sexual offences and major traffic offences.

Where appropriate, officers will explore with the investigating agency, the possibility of applying for bail conditions to prevent that person from continuing to work as a licensed driver.

Action may also be taken against the licence.

## **Time periods following offences**

Where a time period is specified for an offence below this should not normally commence until the person is either released from a prison sentence, completion of the conditions of the sentence or the restoration of the DVLA driving licence whichever is the later.

## **General Behaviour and Good Conduct**

A pattern of offending may occur where a licensed driver accumulates a variety of offences/contraventions/warning notices that when considered individually are relatively minor, but when considered as a whole will call into question their right to hold a licence. Factors such as general behaviour; failure to comply with the rules of the road; repeated lack of compliance with lawful directions from authorised officers; a lack of good conduct, that could be reasonably expected of a licensed driver; failure to comply with conditions/byelaws will be considered. In these circumstances it is reasonable to consider all factors when deciding whether a driver is 'fit and proper' to hold a licence on the grounds of persistent offending and that public confidence in the licensed trade is repeatedly being undermined.

## **OFFENCES OF DISHONESTY**

A licensed driver holds a position of trust as they deal with cash transactions. Drivers can easily defraud the travelling public by demanding more than the legal fare. They are also frequently transporting lone and vulnerable passengers. Passengers are entitled to expect a high level of honesty from a licensed driver and for this reason the Council consider any form of dishonesty as a serious offence.

In general, a period of **3 years** from the completion of any sentence for dishonesty will be required before an application will be considered.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **3 years** for an offence involving;

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Identity Theft

Repeat offending can be considered as an aggravating factor.

An existing licensed driver who is convicted of offences involving dishonesty will normally have their licence revoked, unless there are particular circumstances that do not warrant that course of action.

## **VIOLENCE**

Licensed drivers maintain close contact with the passengers who are often alone in the vehicle and may be vulnerable. Passengers are entitled to feel safe and free from fear and to expect a high standard of safety from a licensed driver. For this reason the Council consider any convictions for violence as serious offences.

The Council consider any offence that occurs in the course of licensed employment or is racially aggravated as an aggravating factor.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

The Council consider that an application will be refused where the applicant has been sentenced to any of the following offences regardless of when the offence was committed;

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **10 years** from the date of the application;

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Actual Bodily Harm
- Robbery
- Possession of a firearm
- Riot
- Assault of a police officer

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **5 years** from the date of the application;

- Racially-aggravated criminal damage
- Racially-aggravated (fear or provocation of violence)
- Racially-aggravated public order (intentional harassment, alarm or distress)
- Racially-aggravated harassment (putting people in fear of violence)
- Any other similar offences including attempted or conspiracy to commit offences that replace the above

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

The Council consider that an application will normally be refused where the applicant has completed a sentence for any of the following offences within the last **3 years** from the date of the application;

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress)
- Obstruction
- Criminal damage
- Possession of offensive weapon
- Violent disorder
- Resisting arrest

A licence will normally be revoked where a licensed driver is convicted of any of the above offences.

An application that complies with the minimum times for offences of violence will be considered but it should not be assumed that the application will be granted. The Council will therefore consider each application on its merits having regard to all relevant information to hand.

Offences involving any weapon are considered as an aggravating factor.

Repeat offending can be considered as an aggravating factor.

## **DRUGS OFFENCES**

Licensed drivers are required to carry the passengers on the public highway so the personal use of illegal substances will have significant public safety implications. The nature and quantity of the substances, whether for personal use or supply are issues which the Council will consider in its decision-making.

For serious cases (prison sentences in excess of **5 years**) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'fit and proper' to hold a licence, however each case will be treated on its own merits.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the application will be considered. The cost of any medical examination would have to be met by the applicant.

The supply of drugs will be considered as an aggravating factor.

The Council consider that an application will be refused where the applicant has completed a sentence for drug related offences within the last **5 years** from the date of the application;



An existing licensed driver who is convicted of offences involving drug offences will normally have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

## **SEXUAL AND INDECENCY OFFENCES**

Licensed drivers maintain close contact with their passengers, many of whom will be lone and vulnerable, and all passengers should feel safe and free from the likelihood of any sexual advance. Passengers are entitled to expect a high standard of safety from a licensed driver and for this reason the Council consider any convictions for sexual or indecency offences as serious offences.

The Council consider that an application will normally be refused where the applicant has been sentenced for any of the following offences regardless of when the offence was committed;

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography, etc.
- Any sex or indecency offence that was committed in the course of employment as a licensed driver, consensual or otherwise.
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

The Council consider that an application will be refused where the applicant is on the sexual offences register.

An existing licensed driver who is convicted of indecency or sexual offences will have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

The Council expects any licensed driver to charge a just monetary fee for a completed journey. Negotiating an alternative sexual favour as payment is not acceptable and will be grounds for revocation.

## **MOTORING CONVICTIONS**

Passengers are entitled to expect a high standard of road safety and driving skills from a licensed driver and for this reason the Council consider any convictions for motoring offences to be serious matters.

Motoring convictions are categorised as major, minor and hybrid offences and are set out in Table 1 of this document.

### **Major Traffic Offences**

The Council consider that 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 before a licence will be granted, or allowed to remain in force..

The Council consider that an application will normally be refused where the applicant has been sentenced to any of the following offences regardless of when the offence was committed;

- Causing death by dangerous driving
- Dangerous driving
- Causing death by careless driving
- Causing death by careless driving whilst under the influence of drink or drugs

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **5 years** from the completion of the sanction, for any of the following offences

- Driving whilst uninsured
- Driving without due care and attention/without reasonable consideration
- Disqualification due to being unfit to drive through drink or drugs
- Similar offences

Multiple motoring convictions for any combination of serious, minor and hybrid offences will be considered as an aggravating factor as it provides a pattern of offending of the applicants driving skills, regard for the rules of the road and their general roadside awareness.

An existing licensed driver who is convicted of a major traffic offence will have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

### **Minor Traffic Offences**

Isolated convictions for minor traffic offences will 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 12 months.

An existing licensed driver who is convicted of minor traffic offences will normally have the status of their licence reviewed where a pattern of offending is demonstrated which calls into question whether that driver is 'fit and proper' to retain their licence.

On notification of a second minor traffic offence within a 12 month period the driver will receive a warning letter. On notification of a third offence within a 12 month period the matter may be referred to Taxi Licensing Committee as a pattern of offending may be relevant. Minor Traffic Offences will not be considered a relevant where they are more than 3 years from the date of conviction.

### **Hybrid Traffic Offences**

Offences of the type listed in Table 1 below 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 less penalty points for the offence.

### **Disqualification**

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally reflect poorly 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.

The Council will not consider 'exceptional hardship' as a factor in deciding whether or not that person is 'fit and proper' to continue to hold a licence.

Where a licensed driver receives a disqualification the licence will generally be revoked unless the licence expires in the meantime. Where a licensed driver has previously appeared in front of Taxi Licensing Committee for repeat offences such as multiple tyre defects, then this will be considered as an aggravating factor in its decision-making.

Compliance with any stated time restriction does not imply that the application will be granted. In all circumstances the Council will consider all relevant facts in its decision-making.

**Offences under the Town Police Clauses Act 1847, Plymouth City Council Act 1975, Plymouth City Council Act 1987, Hackney Carriage Byelaws, Etc.**

The Hackney carriage and private hire licensing regime is designed and intended to protect the travelling public and for this reason the Council consider convictions for offences under these Acts (including illegally plying for hire and failing to proceed) as serious offences when deciding whether a licensed driver is 'fit and proper' to hold a licence.

When a licensed driver has an isolated conviction, a warning letter will be sent warning of their future conduct and that any further conviction for a similar offence will result in the matter being considered by the Taxi Licensing Committee on the grounds of whether that person is 'fit and proper' to retain a licence.

These standards also apply to failure to comply with any condition of licence such as not advising the Council of changes in circumstances e.g. notification of convictions, change of address, etc.

**Drunkenness**

**With a motor vehicle**

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as an aggravating factor in its decision-making

The offences that apply to this section include:

- Driving or attempting to drive with alcohol levels above the prescribed limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis
- Aiding and abetting another in the commission of such an offence

An isolated incident in the past should not necessarily prevent a new applicant from being granted a licence provided a period of at least **5 years** from the completion of the disqualification has elapsed before an application will be considered.

Two disqualifications on different occasions should raise serious doubts as to an applicant's suitability therefore any application is likely to be refused. In these circumstances at least **5 years** should have elapsed from the completion of the last disqualification will have elapsed before an application will be considered.

Existing licensed drivers receiving an alcohol-related conviction will normally be revoked then the above standard would apply.

**Not in a motor vehicle**

An isolated conviction for drunkenness need not prevent an applicant from gaining or retaining a licence. However, a number of convictions for drunkenness could indicate a medical problem that requires critical examination in deciding whether to grant, suspend or revoke a licence. In these cases the applicant must be able to demonstrate no dependence on alcohol and show a period of at least **3 years** has elapsed after completion of any medical or other treatment.

**Equality Act offences** Licensed drivers are required to transport person from all sections of society, without any discrimination.

Sections 168 and 171 of the Equality Act 2010 require taxi and PHV drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge. An offence under the Equality Act may call into question whether or not that person was 'fit and proper' to hold or retain a licence.

Any other convictions for any form of discrimination will be viewed very seriously

Racially motivated offences are referred to in the Violence section above.

### **Repeat Offending and Behaviour**

There are occasions where a licensed driver will have a range of low level offences that may call into question their regard to acceptable standards of passenger safety, where there is a disregard to the rules of the road, a lack of professionalism in terms of appearance and behaviour and an unwillingness to behave in a manner that could reasonably be expected of a licensed driver.

In these particular cases the Council will consider all the facts in deciding whether that person is 'fit and proper' to retain a licence.

### **Safe and Suitable test for vehicle proprietors**

All vehicle proprietors must obtain a Basic Disclosure from the Disclosure and Barring Service (DBS) every three years.

To enable consistent and informed decision to be made, the Council will apply the following test:

**'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?'** (James Button: Licensing Law and Practice (Fourth Edition)).

On application, the vehicle proprietor will be required to list all unspent convictions.

Each application will be considered on its own merits and will include consideration of previous history of vehicle inspection and maintenance.

### **Offences of Dishonesty (Licensed vehicle proprietors)**

There is potential for dishonesty to occur for example a licensed vehicle proprietor could purchase vehicles using criminal proceeds and then rent the vehicles out to gain 'genuine' earnings.

The Council consider any form of dishonesty as a serious offence.

In general, a period of **3 years** from the completion of any sentence for dishonesty will be required before an application will be considered. An existing proprietor who is convicted of dishonesty can expect their licence to be revoked, unless particular circumstances are put forward that suggest that this minimum sanction should not be applied. If the licence is revoked, the same length of time from the completion of a prison sentence will be required before a new application is likely to be successful.

For serious cases (prison sentences in excess of 4 years) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'safe and suitable' to hold a vehicle licence, however each case will be treated on its own merits.

An application will normally be refused where the applicant has completed a sentence for any conviction within the last **3 years** for an offence involving;

- Theft
- Burglary
- Fraud

- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Identity Theft

Repeat offending can be considered as an aggravating factor.

An existing licensed vehicle proprietor who is convicted of offences involving dishonesty will normally have their licence revoked, unless there are particular circumstances that do not warrant that course of action.

### **Drugs Offences (Licensed vehicle proprietors)**

Licensed vehicle proprietors are using their vehicles to transport passengers on the public highway and have the potential to be used to transport drugs or to potentially sell to their passengers.

The nature and quantity of the substances, whether for personal use or supply are issues which the Council will consider in its decision-making.

For serious cases (prison sentences in excess of **5 years**) or for persistent repeat offending it is reasonable, on the grounds of public safety for that person never to be accepted as 'safe and suitable' to hold a licence, however each case will be treated on its own merits.

The supply of drugs will be considered as an aggravating factor.

The Council consider that an application will be refused where the applicant has completed a sentence for drug related offences within the last **5 years** from the date of the application;

An existing licensed proprietor who is convicted or has accepted a caution for offences involving drug offences will normally have their licence revoked, unless there are particular circumstances that do not warrant this course of action.

**Table I - RELEVANCE OF PREVIOUS CONVICTIONS****MAJOR TRAFFIC OFFENCES**

<b>Code</b>	<b>Penalty Points</b>
<b>Accident Offences</b>	
AC10 Failing to stop after an accident	5-10
AC20 Failing to give particulars or to report an accident within 24 hours	5-10
AC30 Undefined accident offences	4-9
<b>Disqualified Driver</b>	
BA10 Driving while disqualified by order of court	6
BA20 Attempting to drive while disqualified by order of court	6
<b>Careless Driving</b>	
CD10 Driving without due care and attention	3-9
CD20 Driving without reasonable consideration for other road users	3-9
CD30 Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40 Causing death through careless driving when unfit through drink	3-11
CD50 Causing death by careless driving when unfit through drugs	3-11
CD60 Causing death by careless driving with alcohol level above the limit	3-11
CD70 Causing death by careless driving then failing to supply a specimen for analysis	3-11
<b>Reckless/Dangerous Driving</b>	
DD40 Dangerous driving	3-11
DD60 Manslaughter or culpable homicide while driving a vehicle	3-11
DD80 Causing death by dangerous driving	3-11
<b>Drink or Drugs</b>	
DR10 Driving or attempting to drive with alcohol level above limit	3-11
DR20 Driving or attempting to drive while unfit through drink	3-11
DR30 Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40 In charge of a vehicle while alcohol level above limit	10
DR50 In charge of a vehicle while unfit through drink	10
DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70 Failing to provide specimen for breath test	4
DR80 Driving or attempting to drive when unfit through drugs	3-11
DR90 In charge of a vehicle when unfit through drugs	10
<b>Insurance Offences</b>	
IN 10 Using a vehicle uninsured against third party risks	6-8

**Licence Offences**

LC20	Driving otherwise than in accordance with a licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical grounds	3-6
<b>Miscellaneous Offences</b>		
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	as appropriate
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

### **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. IN10 becomes IN16)

## **MINOR TRAFFIC OFFENCES**

<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street Offences	2
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver, etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Road Regulations (excluding speed limits)	3
<b>Pedestrian Crossing</b>		
PC10	Undefined contravention of Pedestrian Crossing Regulations	3
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Traffic Direction and Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with a "Stop" sign	3
TS40	Failing to comply with direction of a constable or traffic warden	3

TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

### **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. PC10 becomes PC16)

## **HYBRID TRAFFIC OFFENCES**

### **Construction & Use Offences**

CU10	Using vehicle with defective brakes	3
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	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Using a mobile phone while driving a motor vehicle	3

### **Speed Limits**

SP10	Exceeding goods vehicle speed limit	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
SP60	Undefined speed limit offence	3-6

### **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)