

15. Guidance Schedules A to F:

In this guidance where the term conviction or offence is used it can include:

- a) *Any breaches of licensing condition*
- b) *Any complaint*
- c) *Any allegation*
- d) *Any intelligence made available to the Council by the Police, private hire operator or any other partner agency or service*
- e) *Anything considered by a Court that hasn't resulted in a conviction e.g. acquittal or failure to reach a verdict*
- f) *Any other matter which questions the person's ability to meet the 'fit and proper' test.*

Offences of dishonesty - schedule A

- 1. Guidance**
- 2. Custodial sentence**
- 3. Dishonesty offences**
- 4. Justification**

1. Guidance:

A serious view is taken of any conviction involving dishonesty. Where a person has a conviction for an offence related to dishonesty and the date of conviction is less than 5 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to dishonesty the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence. In the case of serious or multiple offences, a longer period of rehabilitation may be required.

2. Custodial sentence

Where the penalty applied to a dishonesty offence was a custodial sentence, the periods specified above commences at the end of the custodial period. This includes any period on licence or under the supervision of the Probation Service or equivalent service provider.

3. Dishonesty offences:

i.	Theft
ii.	Burglary
iii.	Fraud
iv.	Benefit fraud (including offences under S.111A and 112 of the Social Security Administration Act 1992)
v.	Handling or receiving stolen goods
vi.	Forgery (e.g. producing false insurance policy)
vii.	Conspiracy to defraud
viii.	Obtaining money or property by deception
ix.	Blackmail
x.	Other deception

4. Justification:

A driver of a private hire or hackney carriage vehicle is expected to be a person 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.

Passengers may include children, young persons and vulnerable people. Members of the public entrust themselves to the care of a driver both for their own safety and for fair dealing.

In certain situations a driver 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.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into a driver.

Offences of Violence - schedule B

1. Guidance
2. Offences against children
3. Custodial sentence
4. Violent offences
5. Justification

1. Guidance:

An extremely serious view will be taken where a person has been convicted of any offence of violence. Where the offence involves the loss of life, a person will normally be refused or the licence revoked. In the case of serious or multiple offences, a longer period of rehabilitation may be required.

2. Offences against children (under 14 years) and young persons (aged 14 to 17 years)

Where the commission of a violent offence involves a child or young person, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed will normally have the application refused, or the licence revoked.

3. Custodial sentence:

Where the penalty applied to a violent offence was a custodial sentence, the periods specified below commences at the end of the custodial period. This includes any period on licence or under the supervision of the Probation Service or equivalent service provider.

4. Violent offences:

Table A

A person will normally be refused or revoked where the person has been convicted of the following offence(s) (or a similar offence, or an offence which replaces those listed below):

i.	Murder
ii.	Manslaughter
iii.	Manslaughter or culpable homicide while driving – motoring offence code DD60
iv.	Causing death through dangerous or careless driving (see table below)

Table B:

A person will normally be refused or revoked where the person has been convicted of the following offence(s) (or similar offence, or for an offence which replace those listed below) and the conviction date is less than 10 years, subject to 3 above:

i.	Arson
ii.	Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(a) Crime and Disorder Act 1998)
iii.	Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(b) Crime and Disorder Act 1998)
iv.	Grievous bodily harm with intent (s.18 Offences Against the Person Act)
v.	Grievous bodily harm with intent (s.20 Offences Against the Person Act)
vi.	Robbery
vii.	Possession of firearm
viii.	Riot
ix.	Assault Police
x.	Common assault racially or religiously aggravated (s.29(1)(c) Crime and Disorder Act 1998)
xi.	Violent disorder
xii.	Resisting arrest

Table C:

A person will normally be refused or revoked where the person has been convicted of the following offence(s) (or a similar offence, or for an offence which replace those listed below) and the conviction date is less than 7 years, subject to 3 above:

i.	Racially or religiously aggravated criminal damage (s.30 Crime and Disorder Act 1998)
ii.	Racially or religiously aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
iii.	Racially or religiously aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
iv.	Racially or religiously aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
v.	Racially or religiously aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
vi.	Racially or religiously aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

Table D:

A person will normally be refused, or revoked where the person has been convicted of the following offence(s) (or a similar offence, or for an offence which replace those listed below) and the conviction date is less than 5 years, subject to 3 above:

i.	Common assault
ii.	Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
iii.	Affray
iv.	S5 Public Order Act 1986 offence (harassment, alarm or distress)
v.	S.4 Public Order Act 1986 offence (fear of provocation of violence)
vi.	S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
vii.	Harassment, breach of restraining order (Protection from Harassment Act 1997 S.5(5) and S.5(6))
viii.	Obstruction
ix.	Possession of offensive weapon
x.	Criminal damage
xi.	Battery

5. Justification

Members of the public and in particular, the elderly, infirm, children, young persons or vulnerable adults entrust their personal safety to a private hire or hackney carriage driver whenever they take a journey.

Passengers often travel alone and are vulnerable to physical attack etc.

Users of private hire and hackney carriage vehicles have a right to expect that a driver is not an individual with a predisposition towards or a propensity for violent behaviour at any level.

Offences involving drugs - schedule C

1. Guidance
2. Supply of drugs
3. Possession of drugs
4. Driving whilst under the influence of drugs
5. Custodial sentence
6. Addiction
7. Justification

1. Guidance:

An extremely serious view will be taken where a person has been convicted of any offence involving drugs. In the case of serious or multiple offences, a longer period of rehabilitation may be required. For the offences possession of drugs or driving whilst under the influence of drugs outlined at sections 3 & 4 below please also refer to section 5 for evidence to demonstrate rehabilitation.

2. Supply of drugs:

Where a person has a conviction for an offence related to the supply of drugs and the date of conviction is less than 7 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to the supply of drugs the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence.

3. Possession of drugs:

Where a person has an isolated conviction for an offence related to the possession of drugs and the date of conviction is less than 5 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to the possession of drugs the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence.

4. Driving whilst under the influence of drugs:

Where a person has an isolated conviction for an offence related to driving whilst under the influence of drugs (see the table below) and the date of conviction is less than 7 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked. .

Where the person has more than one conviction related to driving whilst under the influence of drugs (see table below) the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence:

Table:

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
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs

5. Custodial sentence:

Where the penalty applied to a drugs offence was a custodial sentence, the periods specified above commences at the end of the custodial period. This includes any period on licence or under the supervision of the Probation Service or equivalent service provider.

6. Addiction

If a person has been classified as an 'addict' they will be required to show evidence of at least five(5) years free from drug taking following rehabilitation/detoxification treatment. This evidence must be supported by their doctor and the Council maybe require further assessment.

7. Justification

The use of drugs has a tendency to make people unpredictable, unreliable and sometimes violent. Driving whilst under the influence of drugs is illegal and dangerous not only to the driver, but also to passengers and other road users.

In addition, licence holders are in a position where they could quite easily become involved in the transportation and/or supply of drugs by the very nature of the activity. This would clearly be undesirable.

Members of the public have a right to expect that those persons who are granted licences to transport them are not drug users or involved in the supply of drugs

Offences involving sexual and indecency - schedule D

- 1. Sex offenders register**
- 2. Offences against children/young person**
- 3. Child sexual exploitation (CSE)**
- 4. Sexual or indecency offences against another individual other than children/young persons**
- 5. Custodial sentence**
- 6. Justification**

1. Sex offender register

Where a person is currently on the sex offenders register, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

2. Offences against children (under 14 years) and young persons (aged 14 to 17 years)

Where the commission of a sexual offence involves a child or young person, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed will normally have the application refused, or the licence revoked.

3. CSE (grooming)

Evidence indicating a licence holder is involved in CSE will result in an immediate consideration of the 'fit and proper' status of the licence holder and may result in the licence being revoked. A person applying or renewing a licence where evidence indicates the person is involved in CSE is likely to be refused.

An example of CSE may include inappropriate contact - both physically and by use of any forms of communication e.g. text messaging, Facebook messaging, telephone call; allegation of sexual contact or sexual assault on a child or young person.

4. Sexual or indecency offences against another individual other than children/young persons

Where an applicant or licence holder has been convicted of rape, indecent assault, or any other similar offences or similar offences under the Sexual Offences Act 2003 then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where a person has a conviction for an offence related to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003 and the date of conviction is less than 7 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to sexual offences the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence. In the case of serious or multiple offences, a longer period of rehabilitation may be required.

The Council may consider the circumstances, which if they occurred at the time of the consideration of the application would not be a criminal offence.

4. Custodial sentence:

Where the penalty applied to an indecency or sexual offence was a custodial sentence, the periods specified above commences at the end of the custodial period. This includes any period on licence or under the supervision of the Probation Service or equivalent service provider.

5. Justification

A driver of a private hire or hackney carriage vehicle is often entrusted with the care of children and young persons and they are in a position of trust. Frequently transporting children, young people, vulnerable adults or lone passengers (who are sometimes drunk etc.). They are often alone with the passenger and are in complete control of the vehicle and the journey and any risk that the driver may sexually assault, attack or interfere with a passenger must be eliminated by revoking/refusing a licence. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Offences involving drunkenness - schedule E

1. Guidance
2. Drunkenness with a motor vehicle (no disqualification)
3. Drunkenness with a motor vehicle (disqualification)
4. Table of offences
5. Drunkenness not with a motor vehicle
6. Custodial sentence
7. Dependency & Alcoholism
8. Justification

1. Guidance:

Driving whilst under the influence of alcohol is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

For offences involving drunkenness, evidence to demonstrate rehabilitation will be required see section 7 below. In the case of serious or multiple offences, a longer period of rehabilitation may be required.

2. Drunkenness with a motor vehicle (no disqualification):

A serious view will be taken on convictions for driving or being in charge of a vehicle while under the influence of alcohol.

Where a person has a conviction for an offence related to drunkenness with a motor vehicle and there has been no disqualification from driving and the date of conviction is less than 5 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to drunkenness with a motor vehicle and there has been no disqualification the period above will be extended to 10 years. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence.

See the table of offences at section 4 below.

3. Drunkenness with a motor vehicle (disqualification):

Where a person has a conviction for an offence related to drunkenness with a motor vehicle and they have been disqualified from driving and the date from the restoration of the driving licence is less than 5 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Where the person has more than one conviction related to drunkenness with a motor vehicle and they have been disqualified from driving, the period above will be extended to 10 years, from the date of the restoration of the driving licence. After 10 years, consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence.

See the table of offences at section 4 below.

4. Table of offences:

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
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 specimen for analysis in circumstances other than driving / attempting to drive
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
DR70	Failing to provide specimen for breath test

5. Not in a motor vehicle:

An isolated conviction for drunkenness need not debar an individual from gaining or retaining a licence. In some cases, a warning maybe appropriate.

Where the person has more than one conviction related to drunkenness, this could indicate a medical problem necessitating critical examination and refusal or revocation of the licence – see section 7 below.

Consideration may be given to the circumstances of the offences and any evidence demonstrating that the person is now 'a fit and proper person' to hold a licence.

6. Custodial sentence:

Where the penalty applied to an offence involving drunkenness was a custodial sentence, the periods specified above commences at the end of the custodial period. This includes any period on licence or under the supervision of the Probation Service or equivalent service provider.

7. Dependency & Alcoholism

Where there is any possibility of dependency or alcoholism a medical report from the persons Doctor will be required and the person will normally be required to show evidence that a period of at least 5 years has elapsed after completion of rehabilitation/detoxification treatment if they were an alcoholic. This evidence must be supported by their doctor and the Council maybe require further assessment.

8. Justification

A serious view will be taken on a conviction for driving or being in charge of a vehicle while under the influence of alcohol.

Driving whilst under the influence of alcohol is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a private hire or hackney carriage driver.

Other criminal behaviour involving drunkenness, such as being 'drunk and disorderly' also tends to suggest that a person does not have the appropriate temperament for the role.

Motoring Offences - schedule F

1. Causing death by careless or dangerous driving
2. Major traffic offences (Table A - highlighted red)
3. Intermediate traffic offences (Table B - highlighted amber)
4. Minor traffic offences (Table C - highlighted green)
5. Disqualification
6. Custodial sentence
7. Justification

1. Death by careless or dangerous driving

An extremely serious view will be taken where a person has been convicted for an offence of causing death but careless or dangerous driving. An offence involving the loss of life will normally result in a person applying for a licence, renewing a licence or an existing licence holder, whose licence is being reviewed, having the application refused, or the licence revoked (see the table below).

Table:

CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
CD80	Causing death by careless or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD60	Manslaughter or culpable homicide while driving a vehicle (see table A schedule B)
DD80	Causing death by dangerous driving

2. MAJOR TRAFFIC OFFENCES

One conviction

A person with a conviction for a single 'Major Traffic Offence' as defined in Table A below, where the conviction date is less than 3 years will be referred to the Committee for consideration. A conviction less than 3 years will generally mean that a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Two or more convictions

A person with two or more 'Major Traffic Offences' as defined in Table A below, where the conviction dates are less than 5 years will be referred to the Committee for consideration. Two or more convictions which are less than 5 years will generally mean that a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

If a conviction for a 'Major Traffic Offence' resulted in a disqualification then please see section 4 below.

Table A - for the purposes of these guidelines the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
DD10	Causing serious injury by dangerous driving
DD90	Furious driving
DD40	Dangerous driving
IN10	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)
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. IN10 becomes IN16)
- Or a similar offence which replaces any of the offences above.

2. INTERMEDIATE TRAFFIC OFFENCES

Any 'Intermediate Traffic Offence' which resulted in 4 or more penalty points will be treated as though it were a 'Major Traffic Offence' please see Table A.

One conviction

A person with a conviction for a single 'Intermediate Traffic Offence' as defined in Table B below, where the conviction date is less than 2 years will be referred to the Committee for consideration. A conviction less than 2 years will generally mean that a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

Two or more convictions

A person with two or more 'Intermediate Traffic Offences' as defined in Table B below, where the conviction dates are less than 3 years will be referred to the Committee for consideration. Two or more convictions which are less than 3 years will generally mean that a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

If any conviction for an 'Intermediate Traffic Offence' resulted in a disqualification then please see section 4 below.

Table B - for the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using 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 phones etc.
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 of other road users
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 – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

- 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)
- Or a similar offence which replaces any of the offences above.

3. MINOR TRAFFIC OFFENCES

Any 'Minor Traffic Offence' which resulted in 4 or more penalty points will be treated as though it were an 'Intermediate Traffic Offence' please see Table B.

One conviction

A person with a conviction for a single 'Minor Traffic Offence' as defined in Table C below, where the conviction date is less than 12 months will have the licence granted or retain the licence but a letter of warning being placed on their file.

Two or more Convictions

A person with two or more 'Minor Traffic Offences' as defined in Table C below, where the conviction dates are less than 12 months will be referred to the Committee for consideration. Two or more convictions which are less than 12 months will generally mean that a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked.

If any conviction for an 'Intermediate Traffic Offence' resulted in a disqualification then please see section 4 below.

Table C - for the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road 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
SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
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 or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, 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. PC10 becomes PC16)
- Or a similar offence which replaces any of the offences above.

4. Disqualification:

a) 'Major Traffic Offence'

Where the conviction resulted in a period of disqualification, the person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed will normally have the application refused, or the licence revoked until a period of 5 years free from conviction has lapsed from the restoration of the DVLA licence.

b) 'Intermediate Traffic Offence'

Where the conviction resulted in a period of disqualification, the person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked until a period of 5 years free from conviction has lapsed from the restoration of the DVLA licence.

c) 'Minor Traffic Offence'

Where the conviction resulted in a period of disqualification, the person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked until a period of 5 years free from conviction has lapsed from the restoration of the DVLA licence.

5. Totting up:

Offence code TT99 where the total number of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

a) Totting up With Disqualification

Where any convictions resulted in a period of disqualification due to totting up procedures, the person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked until a period of 5 years free from conviction has lapsed from the restoration of the DVLA licence.

b) Totting up without Disqualification

Where any convictions resulted in totting up procedures, but a person has not been disqualified then the person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused, or the licence revoked until a period of 5 years free from conviction has lapsed following the last conviction date.

Supplementary guidance:

i. Offences under the Town Police Clause Act 1847 & Local Government (Miscellaneous Provisions) Act 1976

1. Guidance

2. Penalties

3. Town Police Clause Act 1847 offences

4. Local Government (Miscellaneous Provisions) Act 1976 offences

1. Guidance

One of the main purposes of the licensing regime which is set out in the Town Police Clauses Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976 is to ensure the protection of the public.

A serious view is taken when considering if a person is 'a fit and proper person' to hold a licence, where they have been conviction of an offence under either of these Acts.

A licence will normally be refused, revoked or suspended following the date of conviction for the following periods:

- Level 1 offence up to 6 months
- Level 2 offence up to 1 year
- Level 3 & 4 offences up to 2 years

2. Penalties

The maximum penalties and fine levels:

- a) Level 1 - £200
- b) Level 2 - £500
- c) Level 3 - £1,000
- d) Level 4 - £2,500

3. Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for hackney carriage licence.	Level 1
44	Failure to notify change of address of hackney carriage proprietor.	Level 1
45	Plying for hire without hackney carriage proprietor's licence.	Level 4
47	Driving a hackney carriage without hackney carriage driver's licence.	Level 3
47	Lending or parting with hackney carriage driver's licence.	Level 3
47	Hackney carriage proprietor employing unlicensed driver.	Level 3
48	Failure by hackney carriage proprietor to hold hackney carriage drivers licence.	Level 1
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence.	Level 1
52	Failure to display hackney carriage plate.	Level 1
53	Refusal to take a fare.	Level 2
54	Charging more than the agreed fare.	Level 1
55	Obtaining more than the legal fare.	Level 3
		and 1 months imprisonment
56	Travelling less than the lawful distance for an agreed fare.	Level 1
57	Failing to wait after a deposit to wait has been paid.	Level 1
58	Charging more than the legal fare.	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving hackney carriage without proprietor's consent.	Level 1
60	Allowing another to drive hackney carriage without proprietor's consent.	Level 1

61	Drunken driving of hackney carriage.	Level 1
61	Wanton or furious driving leading to injury or danger.	Level 1
62	Driver leaving hackney carriage unattended.	Level 1
64	Hackney carriage driver obstructing other hackney carriages.	Level 1

4. Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle.	Level 3
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence.	Level 3
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver.	Level 3
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence.	Level 3
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	Level 3
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	Level 3
48(6)	Failure to display a private hire vehicle plate.	Level 3
49	Failure to notify transfer of a hackney carriage proprietors, or private hire vehicle, licence.	Level 3
50(1)	Failure to present hackney carriage or private hire vehicle for inspection as required.	Level 3
50(2)	Failure to inform the Authority where the hackney carriage or private hire vehicle is stored, if requested.	Level 3
50(3)	Failure to report an accident to the Authority.	Level 3
50(4)	Failure to produce the hackney carriage proprietor's, or private hire vehicle, licence and insurance certificate.	Level 3
53(3)	Failure to produce the hackney carriage or private hire driver's licence.	Level 3
54(2)	Failure to wear a private hire driver's badge.	Level 3
56(2)	Failure by a private hire operator to keep records of bookings.	Level 3
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him.	Level 3
56(4)	Failure to produce a private hire operator's licence on request.	Level 3
57	Making a false statement or withholding information to obtain a hackney carriage, private hire driver or private hire operator licence.	Level 3
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage proprietor's, or private hire vehicle, licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand.	Level 3
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3
67	Charging more than the meter fare when hackney carriage used as private hire vehicle.	Level 3
69	Unnecessarily prolonging a journey.	Level 3
71	Interfering with a taximeter.	Level 3
73(1)(a)	Obstruction of an authorised Officer or Constable.	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	Level 3
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	Level 3

ii. Motoring Endorsement Codes & Penalty Points (Circa 2015)

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. The more serious the offence the more points issued.

The table below shows the offence codes that can be put on a driving licence. It also shows the range of penalty points issued against each offence. Some offences may also involve a disqualification.

Offence codes and penalty points stay on a driving licence for 4 or 11 years depending on the offence.

1. Accident offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

2. Disqualified driver

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

3. Careless driving

Codes CD10 to CD30 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a 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	Breach of requirements as to control of the vehicle, mobile telephone etc.	3

4. Reckless/dangerous driving

These codes must stay on a driving licence for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

5. Drink or drugs

Codes DR10 to DR61 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
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	3 to 11
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	10

Codes DR40 to DR70 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
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

Code DR80 must stay on a driving licence for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

Code DR90 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
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DR90	In charge of a vehicle when unfit through drugs	10
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6. Insurance offences

Code IN10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

7. Licence offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

8. Miscellaneous offences

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	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.	6

9. Motorway offences

Code MW10 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

10. Pedestrian crossings

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3

Code	Offence	Penalty points
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

11. Speed limits

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

12. Traffic direction and signs

These codes must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

13. Special code

Code TT99 must stay on a driving licence for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

14. Theft or unauthorised taking

Code UT50 must stay on a driving licence for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

An 'MR' code on a licence is if the disqualified occurred whilst driving in Northern Ireland, Isle of Man or the Republic of Ireland. The disqualification period is also valid in GB and will stay on a licence for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	

Code	Offence
	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on a licence if the offender have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on a licence if the offender caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on a licence if the offender incited someone to do this.