

### **Minor traffic offences**

Where a period of disqualification has been imposed due to the accrual of DVLA penalty points or for a single infringement, an application should not be considered until the DVLA driving licence has been restored for a period of 12 months. Should the DVLA demonstrate a further conviction since the disqualification period then a 12 month period should elapse from the date of the last conviction on the DVLA licence before an application is approved.

Offences covered under this section include:-

- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS60 Offences not covered by other codes as appropriate
- 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
- SP60 Undefined speed limit offence
- PL10 Driving without "L" plates
- PL20 Not accompanied by a qualified person
- PL30 Carrying a person not qualified
- PL40 Drawing an unauthorized trailer
- PL50 Undefined failure to comply with conditions of a provisional licence

### **Major traffic offences**

Where a period of disqualification has been imposed an application should not be considered until the DVLA driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed on it in that period. Should the DVLA demonstrate a further conviction since the disqualification period then a 12 month period should elapse from the date of the last conviction on the DVLA licence before an application is approved.

- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration to other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- IN10 Using a vehicle uninsured against third party risk
- BA10 Driving while disqualified by order of court
- BA20 Driving while disqualified under age

An application received which details one of the following offences on the DVLA driving licence (DD30, DD60, DD70, MS50) will normally be refused or a current licence suspended or revoked. The endorsement for these offences remains on the DVLA licence for a period of 11 years. An application will not normally be approved until the endorsement period has expired and it is shown that no further motoring convictions have been endorsed on it in that period.

- DD30 Reckless driving
- DD60 Manslaughter or culpable homicide while driving a vehicle
- DD70 Causing death by reckless driving
- MS50 Motor racing on the highway

Other offences covered as major offences:

UT10 Taking or driving away a vehicle without consent or an attempt there at

UT20 Stealing or attempting to steal a vehicle

UT30 Going equipped to steal a vehicle

UT40 Taking or attempting to take a vehicle without consent, driving or attempting to drive a vehicle knowing it to have been taken without consent. Allowing oneself to be carried in or on a vehicle knowing it to have been taken without consent.

UT50 Aggravated taking of a vehicle

The above offences will be treated under the dishonesty and violence categories.

### **Driving whilst under the Influence of Alcohol**

With a motor vehicle:-

An application with one conviction on the DVLA driving licence under this category should not be considered until a period of 36 months has elapsed since the restoration of the DVLA driving licence. More than one conviction of this type and the application should be refused until such time as only one of the convictions remains on the DVLA licence and a period of 36 months has elapsed since the restoration of the licence.

Offences under this section include:

DR10 Driving or attempting to drive with alcohol level above limit

DR20 Driving or attempting to drive while unfit through drink or drugs

DR30 Driving or attempting to drive then failing to supply a specimen for analysis

DR40 In charge of a vehicle while alcohol level above limit

DR50 In charge of a vehicle while unfit through drink and drugs

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.

Not in a motor vehicle

An isolated conviction/caution for drunkenness need not debar an applicant from gaining a licence. However a number of convictions/cautions for drunkenness could indicate a medical problem necessitating critical examination. In some cases a warning may be sufficient or the application may be refused until a period of 36 months has elapsed since the last conviction/caution.

### **Drugs**

An application should not be considered until three years from the end of the period of any sentence awarded by a court, whether the sentence has been served in full or not or 5 years after detoxification treatment if he/she was an addict.

Offences in this category will include:-

1. Possessing controlled drug
2. Possessing controlled drug with intent to supply
3. Producing controlled drug
4. Importing drugs

## **Indecency Offences**

An application should not be considered until three years from the end of the period of any sentence awarded by a court, whether the sentence has been served in full or not, or if the applicant has been placed on the sex offender's register until that period of time has elapsed.

Offences within this category will include:-

1. Indecent exposure
2. Indecent exposure to the annoyance of residents
3. Indecent exposure with intent to insult a female
4. Unlawful sexual intercourse
5. Importuning
6. Gross indecency with a female
7. Gross indecency with a male
8. Indecent assault on a female
9. Indecent assault on a child under 16 years of age
10. Living off immoral earnings
11. Prostitution
12. Possessing or distributing obscene material
13. Buggery
14. Rape
15. Indecent or nuisance telephone calls.

## **Violence**

An application should not normally be considered until three years from the end of the period of any sentence awarded by a court, whether the sentence has been served in full or not, with the exception of 8,9 & 10 below when 2 years for a single offence will be the appropriate period.

Offences in this category will include:-

1. Common assault
2. Assault
3. Grievous bodily harm
4. Actual bodily harm
5. Assault Police
6. Affray
7. Riot
8. Using threatening words or behaviour
9. Breach of the peace
10. Drunk & Disorderly
11. Common assault
12. Obstruction
13. Robbery
14. Possess offensive weapon/s
15. Possess firearm/s
16. Possess firearm with intent to use
17. Criminal damage
18. Violent disorder
19. Resist arrest
20. Arson

## **Dishonesty**

It should be considered that it is comparatively easy for dishonest drivers to defraud the public by demanding more than the legal fare; it should also be noted that the Private Hire is not bound by a set fare structure and therefore is open to potential abuse by unscrupulous drivers. Customers often use the trade for going to airports and drivers are privy to the knowledge that premises are empty for periods of time. In addition overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction/caution involving dishonesty. In general a period of not less than three years from the end of the period of any sentence awarded by a court, whether the sentence has been served in full or not should be requested before consideration of an application.

Offences in this category will include:

1. Theft
2. Theft - shoplifting
3. Theft - employee
4. Theft - from a vehicle
5. Burglary and theft - from a dwelling
6. Burglary and theft - non dwelling
7. Burglary - aggravated
8. Fraudulent use
9. Handling
10. Receiving
11. Forgery
12. Conspiracy to defraud
13. Obtain money by deception
14. Obtain money by forged instrument
15. Deception
16. False accounting
17. False statement
18. Going equipped
19. Taking/driving or attempt to steal a vehicle
20. Allow to be carried in a stolen vehicle
21. Touting for hire car services
22. Perverting the course of justice
23. Plying for hire

Nothing in this criteria would remove an applicants right of appeal to the Licensing Review Panel or a Magistrates Court subject to the normal rules currently in place. Additionally the Council must still determine each application on individual merit.