

Appendix C

Policy Statement

Guidelines to Convictions

Including Statement of Policy about Relevant Convictions, Cautions, Complaints and other relevant matters

This policy was:-

Revised at Licensing Committee: TBC

Introduction

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. This policy will be of particular interest to, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Applicants for new and renewal vehicle licences
- Licensing officers
- Members of the Licensing Committee/ Sub-Committee (or other relevant decision making body)
- Appeal bodies hearing appeals against Rossendale Borough Council decisions
- Lancashire Constabulary
- Other Police Authorities
- Children, Young Persons and Vulnerable Adults Safeguarding Authorities
- Other Licensing Authorities

This policy deals with individual's including existing licence holders, applicants for a new driver or operator licence, and an applicant for the renewal of an existing licence.

Where Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision regarding a licence review/ application. In other cases applications for licences will be referred to the Licensing Committee/ Sub-Committee (or other relevant decision-making body). Whilst Officers and the Committee/ Sub-Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances are appropriate , the Committee/Officer may depart from the guidelines.

Statement of Policy about relevant convictions, cautions, complaints and other relevant matters

1. In this policy the word “individual” includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
2. Licences for drivers of hackney carriages, private hire vehicles or a private hire operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
3. An applicant for a new or renewal vehicle licence (who does not hold a drivers or operator’s licence) will from 20 February 2017 be required to supply a basic disclosure and completed statutory declaration. Regard will be had to information contained within these documents although no regard will be had to any spent convictions declared.
4. In this policy the word “issue” is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if the Council is satisfied that the incident occurred based on the balance of probabilities).
5. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
6. The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
 - d. That the person does not pose a threat to the public .
7. The public are not normally permitted to attend committee hearings for private hire, hackney carriage driver applications or private hire operator applications or reviews, however, in determining whether to grant a licence the committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.

8. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operator's licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

The information given will be treated in confidence and will only be taken into account in relation to its relevancy to assist the Council in determining whether the individual is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Applicants for a licence to drive a hackney carriage or private hire vehicle and existing licence holders should be aware that the Council is empowered by law to check with the Disclosure and Barring Service for the existence and content of any criminal record and other intelligence held in their name. Furthermore, Officers will, where appropriate contact other agencies for any other information which they may hold for instance, other Local Authorities, Children's Services and relevant Police authorities. Information received from the Disclosure and Barring Service or any other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 .

9. The disclosure of a criminal conviction/fine or caution or any other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.
10. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider

- the nature of the offence/issue and penalty.
- When it was committed/took place,

- the date of conviction/issue
- and the length of time which has elapsed,
- the individuals age when the offence was committed/issue took place
- whether or not it is part of a pattern of criminal behaviour,
- the intent, the harm which was, or could have been caused
- and any other factors which might be relevant e.g. whether an individual has intentionally misled the council, information provided by other agencies

11. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

12. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators licences and when considering whether to take any action against an existing licence holder.

13. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual. If an individual has a conviction for an offence not covered by the guidelines, regard will be had to the factors at paragraph 13 when deciding whether any action should be taken.

14. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

15. The guidelines are not an attempt to define what a "fit and proper person" is.

16. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the grounds that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

17. Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

18. Some individuals submit simultaneous applications for hackney carriage and private hire driving licence(s). For applicants of both licence types, the council will apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences has a review of their licences, the fit and proper test will be applied individually to each Licence.

19. Anyone who is refused a hackney carriage or private hire proprietors licence or has such a licence suspended or revoked in accordance with section 60 of the Local Government (Miscellaneous provisions) Act 1976 has a right of appeal to the relevant court ie Magistrates and or Crown
- 20 In this policy the word conviction is to defined as including convictions, cautions , warnings reprimands and other relevant information. In this policy “from date sentence has ended” is taken as the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the individual. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, CAUTIONS, COMPLAINTS AND OTHER RELEVANT MATTERS

General Policy:

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, vulnerable adults, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. The council will also take into account relevant background information in respect of applications for vehicle proprietors licences where the applicant does not hold either drivers or operator licences issued by the Council. In general terms convictions will be considered in line with this policy with the exception that spent convictions will not be considered in respect of vehicle proprietors
4. Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal court system. The Council recognises that restorative justice and other out of court disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.
5. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
 - a. Remain free of conviction for an appropriate period { which will depend on the nature of the offence) ; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). .
 - c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
6. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. **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 inappropriate behaviour, which will be taken into account. As well as convictions this policy will take into account other issues or intelligence received from other agencies which are deemed relative to the fit and proper test. In accordance with the Council's constitution any individual can be referred to the licensing committee for their application to be considered / licence to be reviewed where it is considered appropriate to do so, the sub-committee is not in any way restricted to considering matters that fall within this policy.

7. The Council will in accordance with its constitution and scheme of delegation consider any information/ representations received that a person is not/ no longer a "fit and proper" person or a breach of a condition of a licence has been proved and take appropriate action in accordance with the legislative framework (e.g. may refuse/ revoke/ suspend a licence and or condition a licence as appropriate

(PARA TO BE INSERTED HERE TO EXPLAIN HOW WE DEAL WITH THE MATTER OF FOREIGN OFFENCES AND ISSUES ON FOREIGN CONDUCT CHECKS in line with immigration Act requirements)

8. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

a) **Offence of: - Dishonesty:**

Drivers of a hackney carriage and private hire vehicles are expected to be persons of trust. This is because it is the Council's view that it is relatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people and children.

In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons the Council takes a serious view of any convictions involving dishonesty. In general an individual with convictions for dishonesty, which are less than 5 years old, is unlikely to be considered favourably .

In particular, an application will normally be refused where the individual has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3-5 years prior to the date of application. Between 3 and 5 years after conviction, or their release from prison (whichever is most recent),

- Burglary
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Bribery
- Conspiracy to defraud
- Forgery (e.g. producing false insurance policy)
- Fraud
- Handling or receiving stolen goods
- Obtaining money or property by deception
- Theft
- Offence of possession of goods with false trade mark for sale or hire-Trade Marks Act 1994

- Other deception
- Similar offences
- Offences which replace the above offences

b) Offence of: - Violence

Members of the public and in particular, the elderly, infirm, children or vulnerable adults entrust their personal safety to private hire and hackney carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to violence etc.

Users of private hire and hackney carriage vehicles have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

Convictions for violence are amongst the most serious of all criminal offences.

1. Offences of violence against children (under 14 years) and young persons (aged 14 to 17 years)

Drivers of private hire and hackney carriage vehicles are often entrusted with the care and transportation of children and young persons who are particularly vulnerable whilst in the care of the driver. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

An extremely serious view will be taken where an applicant has been convicted of any offence of violence involving a child (under 14 years of age) or a young person (aged 14 to 17 years) and, in order to afford an appropriate degree of protection to children and young people, an applicant will be required to provide substantial evidence of rehabilitation before the Council will be satisfied that the applicant passes the 'fit and proper' test.

Where the commission of an offence involved the loss of life, a licence will normally be refused. In all other cases a period of 5-10 years free of conviction for offences involving violence (dependent upon the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

2. Offences against Other Persons

Private hire and hackney carriage vehicle drivers maintain close contact with the people from all parts of the community and the Council takes the view that law abiding citizens should not be exposed to a risk of violence by placing them in a vehicle driven by a person with a history of criminal violence.

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.

In other cases a period of 3-10 years prior to the date of the application, or their release from prison (whichever is most recent), will generally be required before an application is considered favourably. A conviction less than 3 years old will normally result in a refusal

3. Offence types

i. Convictions falling into the most serious group offences of violence involving the loss of life is likely to result in **outright refusal** of an application;

- murder
- manslaughter
- culpable homicide
- Or similar offences
- Or offences which replace the above offences

ii. Individuals with one or more convictions for very serious violence should expect the application to be refused until a period of at least **ten years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861)
- Which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act 1861)
- Grievous bodily harm with intent (s.20 Offences Against the Person Act 1861)
- Robbery

- Possession of firearm
- Riot
- Kidnap
- Assault Police
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Violent disorder
- Resisting arrest
- Or similar offences
- Or offences which replace the above offences

iii. Individuals with one or more convictions for serious violence should expect the application to be refused until a period of at least **five years** has elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Fear of provocation of violence which is racially-aggravated (s.4 Public Order Act 1986) or (s.31(1)(a) Crime and Disorder Act 1998)
- Intentional harassment, alarm or distress which is racially-aggravated (s.4A Public Order Act 1986 offence) or (s.31(1)(b) Crime and Disorder Act 1998)
- Harassment which is racially-aggravated (s.2 Protection from Harassment Act 1997) or (s.32(1)(a) Crime and Disorder Act 1998)
- Putting people in fear of violence which is racially-aggravated (s.4 Protection from Harassment Act 1997) or (s.32(1)(b) Crime and Disorder Act 1998)
- Harassment, alarm or distress which is racially-aggravated (s.5 Public Order Act 1986) (s.31(1)(c) Crime and Disorder Act 1998)
- Or similar offences
- Or offences which replace the above offences

iv. Applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least **three years** has

elapsed from the date of conviction or their release from prison (whichever is most recent); e.g.

- Common assault
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- Affray
- Battery
- Harassment, alarm or distress (S5 Public Order Act 1986 offence)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Fear of provocation of violence (s.4 Public Order Act 1986 offence)
- Intentional harassment, alarm or distress (s4A Public Order Act 1986 offence)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Or similar offences
- Or offences which replace the above offences

c) Drugs:

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 -10 years prior to the date of application. Between 5 and 10 years, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the conviction or their release from prison (whichever is most recent) is less than 5 years prior to the date of the application.

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

of the facts. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Offence of: - Sexual and Indecency Offences

Any individual currently on the sex offenders' register would not normally be granted a licence.

I. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care and transportation of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

II. Intelligence and other information which has not resulted in a criminal conviction

The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will investigate such information/ intelligence. Any additional information gathered through the investigation process may then be taken into account at any subsequent sub-committee.

III. Offences against persons other than children and young persons

Hackney carriage and private hire vehicle drivers often carry unaccompanied passengers; therefore applicants will normally be refused a licence if they have a conviction for:

- Indecent assault
- Rape
- Other similar offences
- Offences under the Sexual Offences Act 2003

Applicants will normally be refused a licence if they have a conviction relating to

sexual offences until they can show a substantial period (normally 10 years) free from any such conviction or their release from prison (whichever is most recent). Between 5 and 10 years following conviction or their release from prison (whichever is most recent), regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence; e.g.

- Importuning
- Indecent exposure
- Soliciting
- Other similar offences or offences under the Sexual Offences Act 2003 when the provisions of that Act come into force

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

1. Drunkenness

1.1 Not in a motor vehicle

An isolated conviction for drunkenness need not debar an individual from being licensed. In some instances a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

1.2 With a motor vehicle (no disqualification)

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

An application will normally be refused where the applicant has a conviction which does not result in a disqualification for an offence within 2 years of the date of the application.

More than one conviction for this type of offence within the last five years from the date of conviction is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

With a Motor vehicle (disqualification)

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

In addition, individuals will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic

e) Motoring Convictions

1 Disqualification:

Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused a drivers licence for a hackney carriage or private hire vehicle unless a period of 3 years free from conviction has passed since the reinstatement of the DVLA licence, and 5 years where the disqualification relates to drink/ drug driving.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.
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In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, Rossendale Borough Council is likely to refuse a hackney carriage or private hire
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driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-qualification.

2. **Major Traffic Offences**

An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application from the date of conviction. More than one conviction for this type of offence within the last 5 years from the date of conviction is likely to merit refusal. A list of offences to which this paragraph applies is attached as **Appendix I**.

3. **Minor Traffic Offences**

Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of conviction. A list of offences to which this paragraph applies is attached as **Appendix II**.

4. **Hybrid Traffic Offences**

Offences of the type listed in **Appendix II** 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.

5. **Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an individual is to be treated as a fit and proper person to hold a licence. In particular, an applicant will normally be refused a licence. If (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application from the date of

conviction or has more than one conviction within the last 5 years preceding the date of the application from the date of conviction.

In the case of a licensed driver found guilty of an offence of plying for hire, the Council would normally order the licence to be revoked or suspended.

Spent Convictions

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act and convictions are therefore never spent.

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

The council will in its consideration the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered

f) *Cautions, Reprimands and Fixed Penalties*

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

g) *Other relevant offences*

The Council takes a serious view of any convictions involving the law and practice concerning bail conditions. In general if an application is received with a conviction which is less than 3-5 years of the conviction date or their release from prison (whichever is most recent), it is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for offences committed under the:

- Bail Act 1976;
- Bail (Amendment) Act 1993;
- Magistrates' Court Act 1980;
- Magistrates' Court Rules 1981;
- Criminal Justice Act 2003

- Powers of Criminal Courts (sentencing) Act 2000

or similar offences or offences which replace the above offences and the conviction(s) or their release from prison (whichever is most recent) are less than 3 years prior to the date of application. Between 3 and 5 years, regard will be had to the circumstances of the offence and any evidence demonstrating that such a person is now a fit and proper person to hold a licence.

h) Breach of Conditions, Bye-laws and complaints

Any breach of licence conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the sub-committee. A licence holder brought before the committee will be dealt with by no further action, a formal warning, period of suspension or revocation or any other penalty the sub-committee are minded to impose. Where the matter relates to an alleged licensing offence the matter may also be dealt with by way of legal proceedings

i) Reapplication

Individuals are advised that Council guidelines are that where an individual has had an application refused or a licence revoked, a subsequent application would normally be considered by the sub committee regardless of whether the conviction fell within the policy .The sub-committee would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the individual’s circumstances.

Appendix I

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

CD10	Driving without due care and attention
CD20:	Driving without reasonable consideration for other road users
CD30:	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death by careless driving then 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
DD40:	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10:	Driving or attempting to drive with alcohol level above limit
DR20:	Driving or attempting to drive while unfit through drink
DR30:	Driving or attempting to drive then failing to supply a specimen for analysis
DR31:	Driving or attempting to drive when unfit through drugs
DR40:	In charge of a vehicle while alcohol level above limit
DR50:	In charge of a vehicle while unfit through drink
DR60:	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR61:	Failure to provide a specimen for drug analysis in circumstances other than driving or attempting to drive
DR70:	Failing to provide specimen for breath test
DR80:	Driving or attempting to drive when unfit through drugs

DR90:	In charge of a vehicle when unfit through drugs
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.
TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified
UT50:	Aggravated taking of a vehicle
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16)	
Or similar offences or offences which replace the above offences	

Appendix II

MINOR 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 tyres
CU40:	Using a vehicle with defective steering
CU50:	Causing or likely to cause danger by reason of load or passengers
CU80	Using a mobile phone while driving a motor vehicle
MS10:	Leaving a vehicle in a dangerous position
MS20:	Unlawful pillion riding
MS30:	Play street offences
MS40:	Driving with uncorrected defective eyesight or refusing to submit to a test
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
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:	Exceeding speed limit offence

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
<i>Aiding, abetting, counselling or procuring</i>	
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)	
<i>Causing or permitting</i>	
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)	
<i>Inciting</i>	
Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)	
Or similar offences or offences which replace the above offences	