

Annex 5 - Convictions Policy V2

1. Introduction

1.1 The key consideration of the Council, and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers, and operators, is the safety of the travelling public. The Council therefore considers its robust approach to convictions and motoring convictions to be fully justified.

1.2 Licensed drivers, proprietors and operators have close regular contact with the public who entrust their personal safety to licensed members of the trade whenever they take a journey. Users of licensed vehicles have a right to expect that their driver is not an individual with a predisposition towards or a propensity for violent behaviour at any level. The public also have a right to expect that licensed drivers, proprietors and operators are trustworthy with no propensity for dishonesty.

1.3 In line with these considerations the Council has a statutory obligation to ensure the applicant is a 'fit and proper', safe and suitable, person. This requirement remains with the Council throughout the lifetime of a licence and at the point of renewal. Therefore, the Council's Convictions Policy (the Policy) will apply to new and renewal applications, and where applicable transfers, and when reviewing an existing licence and decisions to suspend or revoke a licence. The Council will also have regard to the Policy when determining its own pre-licensing conditions and when considering pre-licensing matters.

1.4 Any decision, taken by officers of the Council and/or the Licensing Committee, needs to be justified, proportionate and consistent. The Policy has been drawn up to assist applicants, licence holders, officers and members of the Licensing Committee means exhaustive however, it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Policy is the stance to be taken on other forms of intelligence which can be considered by the Council as part of its fit and proper test.

2. Relevant legislation and Guidance

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Section 57 of the Act gives the Council the power to require a person to submit information about themselves so the Council can be satisfied that they are 'a fit and proper person'. Drivers, operators, vehicles and **their proprietors** are also subject to the Council's own licence conditions and policies.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period and Sections 61 & 62 of the '1976 Act', give the Council the power to suspend, revoke or to refuse to renew a driver or operator licence. **Section 60 (1)(c)**

Annex 5 - Convictions Policy V2

of the Local Government (Miscellaneous Provisions) Act 1976 permits the Council to suspend, revoke or refuse to renew a vehicle licence.

2.3 The Council has had regard to the Statutory Taxi & Private Hire Standards in the formulation of its Policy and in meetings its ongoing obligation to ensure that a licensee remains safe and suitable to hold a licence.

3. General principles

3.1 In this Policy any reference to offences should be taken to include convictions, cautions, fixed penalty notices, and any other form of restorative justice. Such determinations can be regarded as being similar in terms of culpability, evidence and the admission of guilt. The categories include attempts, incitement, aid and abet, cause and/or permit, counsel or procure or conspiracy to commit an individual offence which can attract the same penalty.

3.2 Reference to 'applicants and 'licence holders' in this policy includes drivers, proprietors, **those with a registered interest in the vehicle**, and operators as appropriate.

3.3 By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 'taxi' drivers are an exempt occupation for the purposes of the 1974 Act and convictions are therefore never spent. The Council is therefore able to take into account spent convictions but will do so in a fair and proportionate way.

3.4 Operators and vehicle proprietorship are not an exempt occupation. However, the Council has determined, in order to ensure it has a complete picture of an individual requesting/holding a licence, to request that an application for a licence or to renew a licence submitted by operators and vehicle proprietors (including those individuals named on the Vehicle Proprietor Declaration) be accompanied by a statutory declaration listing all previous convictions, whether or not they are spent, and any other relevant material information, for example a current investigation. The Council will consider on a case by case basis any motoring offences in relation to its assessment of whether an individual is safe and suitable to hold a vehicle licence.

3.4 The Policy also deals with any civil actions including injunctions, breaches of licensing conditions or byelaws, complaints, allegations, cautions and intelligence made available to the Council by the Police or other partner agencies, and anything considered by the Courts that hasn't resulted in a conviction.

3.5 Anecdotal evidence can be taken into account and may, on occasions, be the sole reason for the refusal, suspension or revocation of a licence. Where allegations are presented as evidence, further information will be sought from the applicant/licence holder.

3.6 Any applicant or licence holder who in the view of the Police may be a threat to the public, can expect the Council to carry out a full investigation. This intelligence

Annex 5 - Convictions Policy V2

may be provided by the Police or other agencies and may include circumstantial evidence.

3.7 The release of a licence holder on police bail or under investigation for an alleged offence is likely to call into question whether the individual is a fit and proper person to hold such a licence and the Council will carry out an investigation as it would in the case of a conviction.

3.8 The investigating officer/Licensing Committee cannot go behind the existence of a conviction in an attempt to re-try the case. The conviction will be considered in so far as it relates to whether the applicant/licence holder is a fit and proper person to hold a licence.

3.9 Each case will be considered on its own merits and discretion may be exercised where appropriate and the appropriate weight attached to the evidence under consideration. The Council will consider –

- the nature of the offence and any penalty imposed
- the length of time since the offence
- the individual's age when the offence was committed
- the history and pattern of offending
- whether the matter has previously been considered
- the intent or harm that was or could have been caused
- any other relevant matter

3.10 The Council may depart from the policy however it will only do so in exceptional circumstances where genuine and mitigating circumstances have been demonstrated. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3.11 The tables included within the Policy, at Paragraph 5 below, set out the number of points that will be attached for each offence when determining an application or when a licence is renewed or reviewed. The points may be applied to new applicants and existing licence holders. The points will remain on the licence as specified in the table.

3.12 The Council will immediately suspend or revoke a licence if it considers it necessary to do so in the interests of public safety.

Annex 5 - Convictions Policy V2

4. Application of Points

4.1 In addition to setting out the points to be applied for each offence the tables are colour coded to indicate the Council's stance in relation to a new, and where relevant, a renewal application or to the review of a licence.

Red (9 to 12 points) - Where the convictions of an applicant result in the accumulation of 9 or more points an applicant should expect their application to be refused. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be refused, they should expect consideration to be given to the revocation of their licence.

Orange (5 to 8 points) - Where the convictions of an applicant result in the accumulation of between 8 and 5 points an applicant should expect their application to be referred to the Licensing Committee for determination.

Green (0 to 4 points) - Where the convictions of an applicant result in the accumulation of 4 or less points the application is likely to be granted with the relevant number of points attached to the licence. An existing licence holder should expect that the points will be applied to their licence. The application of points in both circumstances can be appealed to the he Licensing Committee.

Please note – In addition to points for convictions, licence holders may also receive penalty points for breaches of policy etc. under the Council's Penalty Points Scheme. These points will be added to those given under this Policy and where 12 or more points are reached in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence. Points will not be given under both Policies for the same offence.

4.2 The Policy requires that, in the case of existing licence holders, offences are reported to the Council within **2 days** and where this occurs any points awarded can be appealed as set out in paragraph 5.2 below subject to paragraph 5.2 c. Where there is a repeated failure to declare offences, the licence holder forfeits their right to appeal to the Licensing Committee as the offences will be considered together and are likely to place the licence holder in the red category with consideration being given to the revocation of the licence on the grounds that they are not fit and proper, **safe and suitable, to hold a licence. In this case, the appeal mechanism would be as set out in 5.3 below.**

Annex 5 - Convictions Policy V2

5. Investigation, Determination and Appeal Procedure

Applicants for a New Licence

5.1 The Council will deal with offences as follows –

- a. On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the applicant is a fit and proper person to hold a licence,
- b. A member of the Licensing Team will investigate the facts, which may include interviewing the applicant. The Council may also, as part of its investigation, request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter.
- c. If the points on the Convictions Policy place the applicant in the red zone, the applicant will be informed that their licence has been refused on the grounds that they are not fit and proper or safe and suitable to hold a licence. The right of appeal against this decision is to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the Licensing Manager's decision.
- d. Where the points on the Conviction Policy place the applicant in the orange zone, an applicant should expect their application to be referred to the Licensing Committee for determination. There is no separate right of appeal in relation to the award of points, the Licensing Committee will consider the application of points on the licence as part of its consideration whether to grant the licence.
- e. Where the points on the Convictions Policy place the applicant in the green zone, the licence will be granted with relevant points attached. Once the licence is granted these points can be appealed to the Licensing Committee. The award of points can be appealed to the Licensing Committee within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.
- g. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf.
- h. The Committee will make its decision based on the evidence presented at the hearing and may exercise its discretion to increase or reduce the number of points that are applied. Where the number of points is increased and results in the applicant being placed in the red category there will be a right of appeal to

Annex 5 - Convictions Policy V2

the Magistrates Court. The number of points may be reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances.

- i. The determination of the Licensing Committee is final and there is no right of appeal to the Magistrates' Court except in the circumstances outlined in 5.1 c above.

Existing Licence Holders

5.2 The Council will deal with offences as follows –

- a. On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the licence holder is a fit and proper person to hold a licence,
- b. A member of the Licensing Team will investigate the facts, which may include interviewing the licence holder under caution **where an offence has been committed under the relevant legislation. Interviews under caution will not take place in relation to breaches of policy or general complaints.** The Council may also, as part of its investigation, request a Police National Computer Check (PNC) from the Police to ensure it has all the evidence necessary to properly investigate the matter; **this evidence will be made available to the Committee to assist it in reaching its decision.** This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence and this may result in a licence, previously granted, being revoked.
- c. **If following completion of the investigation (set out in 5.2 a and b above) there are matters of significant concern regarding an existing licence holder that requires urgent action, and which circumstances and/or the Policy indicates should result in the revocation of the licence or the refusal to renew an existing licence, the process set out at 5.3 below will be followed. This will usually, but not always, mean that the matters of concern have placed the licence holder into the red category on the Council's tables indicating that a licence holder should expect consideration to be given to the revocation of their licence on the grounds that they are not fit and proper, safe and suitable, to hold a licence. In such circumstances there is no right of appeal to the Licensing Committee. The right of appeal is to the Magistrates Court.**
- d. In all other cases **(i.e. where 5.2.c does not apply)**, upon completion of the investigation, points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.
- e. The award of points can be appealed to the Licensing Committee and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the

Annex 5 - Convictions Policy V2

Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.

- f. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf.
- h. The Committee will make its decision based on the evidence presented at the hearing and may exercise its discretion to increase or reduce the number of points that are applied. The number of points may be reduced where it considers that the case has been proved by the applicant that there were genuine and mitigating circumstances.
- i. The determination of the Licensing Committee is final and there is no right of appeal to the Magistrates' Court except in the circumstances outlined in 5.2 c below.

Revocation or refusal to renew an existing licence

5.3 If following completion of the investigation (set out in 5.2 a and b above) there are matters of significant concern requiring urgent action, the following process will be followed –

- a. The matter will be reported to the Licensing, Food & Safety Manager (the Licensing Manager) for determination.
- b. The Licensing Manager will consider the matter and confirm his decision in writing to the licence holder. ~~Depending on the nature of the offence the decision may be either to revoke the licence but allow the licence holder to operate until the appeal has been determined or revoke with immediate effect and not permit operation.~~
- c. There is a right of appeal to the Magistrates' Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the Licensing Manager's decision. Where an appeal has been made the implementation of any suspension or revocation will be held over until the appeal has been determined unless the licence has been revoked with immediate effect.

Annex 5 - Convictions Policy V2

Examples of how the scheme will operate

New Applicants

A new applicant with convictions will be assessed in accordance with the Convictions Policy. They will be advised of the likely success of their application in line with the 'traffic light' system and can then choose whether to proceed with their application. If they determine to proceed but are then refused on the grounds that they are not fit and proper to hold a licence there is a right of appeal to the Magistrates Court. If they fall within the amber category their application will be determined by the Licensing Committee if they choose to proceed.

An applicant with a 5 year old conviction for shoplifting and an 8 year old one for driving with no insurance will have 4 and 3 points respectively. This places the application in the orange zone and they should expect it to be referred to the Licensing Committee for determination. In the event that a licence is granted 7 points will remain on the driver's record. These points will continue to decrease during the course of the licence in accordance with the Convictions Policy for example when the licence is 2 years old there will be 5 points on the licence. If a driver then receives penalty points for smoking in a vehicle the points will be added to the 5 points already on their licence. These penalty points only last for a period of 12 months.

Existing Licence Holders

A driver with a new convictions for a Breach of the Peace will be given 3 points on their licence. These points will reduce over the course of the licence. If the conviction were for Possessing Controlled Drugs 12 points would be given and in line with the Policy consideration given to the revocation of the driver's licence. Any penalty points awarded during the course of the licence will be added to the existing conviction points.

Annex 5 - Convictions Policy V2

5.2. Criminal Convictions

Level 1 – Serious crime including sexual offences

Offences (including but not limited to) -

Serious Crime including Sexual Offences	
Type of offence	Number of Points (Points are doubled for a term of imprisonment)
Murder	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for any of the offences listed in this table
Manslaughter	
Manslaughter or culpable homicide while driving	
Causing death by dangerous or careless driving	
Gross indecency with a female	
Gross indecency with a male	
Indecent assault on a female	
Indecent assault on a child under 16 years	
Buggery	
Rape	
Indecent exposure	
Indecent exposure to the annoyance of residents	
Indecent exposure with intent to insult a female	
Unlawful sexual intercourse	
Importuning	
Living of immoral earnings	
Prostitution	
Possessing or distributing obscene material	
Exploitation *	

*For the purposes of this Policy, exploitation means where there is evidence that an applicant or licensee has been convicted of is the subject of an ongoing investigation or where a concern has been raised in relation to abuse, exploitation, misuse or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse and domestic violence. This list is not exhaustive and other matters may fall into this definition.

Annex 5 - Convictions Policy V2

Level 2 - Offences usually associated with violence or high value crime

Offences (including but not limited to) –

Offences usually associated with violence or high value crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Possessing Controlled Drugs	12	12	12	12	8	6	4	2	1	0
Possessing Controlled Drugs with intent to supply	12	12	12	12	12	12	10	8	6	4
Producing Controlled Drugs	12	12	12	12	12	10	8	6	4	2
Importing drugs	12	12	12	12	12	12	10	8	6	4
Burglary & Theft – Aggravated	12	12	12	12	12	12	8	6	4	2
Robbery	12	12	12	12	12	12	12	12	8	6
Aggravated vehicle taking (causing death)	12	12	12	12	12	12	12	12	8	6
Arson	12	12	12	12	12	12	12	12	12	12
Grievous Bodily Harm, s20	12	12	12	12	12	12	8	6	4	2
Grievous Bodily Harm, s18	12	12	12	12	12	12	12	12	8	6
Possess Offensive Weapon	12	12	12	8	6	4	2	0	0	0
Possession of Firearm with intent	12	12	12	12	12	8	6	4	2	0
Possession of a Firearm	12	12	12	8	6	4	2	0	0	0
Criminal Damage	12	12	12	8	6	4	2	0	0	0
Violent Disorder	12	12	12	8	6	4	2	0	0	0
Riot	12	12	12	12	8	6	4	2	0	0
Affray	12	12	12	6	5	4	3	2	1	0
Assault on Police Officer	12	12	12	8	6	5	4	3	2	1
Common Assault	12	12	12	8	6	5	4	3	2	0
Hate crime	12	12	12	12	8	6	4	3	2	0
Resisting Arrest	12	12	12	8	6	4	2	0	0	0
Using threatening, abusive words or behaviour	5	4	3	2	1	0	0	0	0	0
Battery	12	12	12	8	6	5	4	3	2	0
Breach of the Peace	3	2	1	0	0	0	0	0	0	0
Drunk and Disorderly	3	2	1	0	0	0	0	0	0	0
Obstruction	12	12	12	6	4	2	0	0	0	0
Indecent/nuisance telephone calls	12	12	12	12	12	8	6	4	2	1

Annex 5 - Convictions Policy V2

Level 3 - Dishonesty crime

Offences (including but not limited to) –

Dishonesty Crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Theft	12	12	12	6	4	2	1	0	0	0
Theft – Shoplifting	12	12	12	6	4	2	1	0	0	0
Theft – Employee	12	12	12	6	4	2	1	0	0	0
Theft – from vehicle	12	12	12	6	4	3	2	1	0	0
Burglary & Theft – Dwelling	12	12	12	12	8	6	4	2	1	0
Burglary & Theft – Non Dwelling	12	12	12	6	4	3	2	1	0	0
Fraudulent Use	12	12	12	6	4	3	2	1	0	0
Handling/receiving	12	12	12	6	4	3	2	1	0	0
Forgery	12	12	12	6	4	3	2	1	0	0
Conspiracy to defraud	12	12	12	6	4	3	2	1	0	0
Obtaining money by deception	12	12	12	6	4	3	2	1	0	0
Obtaining money by forged instrument	12	12	12	6	4	3	2	1	0	0
Deception	12	12	12	6	4	3	2	1	0	0
False Accounting	12	12	12	6	4	3	2	1	0	0
False Statement to obtain benefit	12	12	12	6	4	3	2	1	0	0
Going equipped	12	12	12	6	4	3	2	1	0	0
Taking/driving or attempting to steal vehicle	12	12	12	6	4	3	2	1	0	0
Allow to be carried in a stolen vehicle	12	12	12	6	4	3	2	1	0	0
Perverting the course of justice	12	12	12	12	8	6	4	2	0	0

Level 3 – Smoking offences

Offences (including but not limited to) –

Smoking										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Smoking in a licensed vehicle	3	3	3	2	1	0	0	0	0	0

Annex 5 - Convictions Policy V2

5.3 Road Traffic/Motoring Convictions

Level 1 – Driving offences involving the loss of life

Code	Offence	Number of Points
BA40	Causing death by driving while disqualified	12 for all offences listed in this table Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for such an offence. A current licence would be revoked in all but the most exceptional circumstances
BA60	Causing serious injury by driving while disqualified	
CD40	Causing death through careless driving when unfit through drink	
CD50	Causing death by careless driving when unfit through drugs	
CD60	Causing death by careless driving with alcohol level above the limit	
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	
CD80	Causing death by careless or inconsiderate driving	
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	
DD60	Manslaughter or culpable homicide while driving a vehicle	
DD80	Causing death by dangerous driving	
DG60	Causing death by careless driving with drug level above the limit	

Annex 5 - Convictions Policy V2

Level 2 – Driving under the influence of alcohol/drugs and other serious driving offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
BA30	Attempting to drive while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU80	Breach of requirement as to control of the vehicle, mobile phone etc.	12	12	12	12	12	8	6	4	2	1
DD10	Causing serious injury by dangerous driving	12	12	12	12	12	8	6	4	2	1
DD40	Dangerous driving	12	12	12	12	12	8	6	4	2	1
DD90	Furious driving	12	12	12	12	12	8	6	4	2	1
DG10	Driving or attempting to drive with drug level above the specified limit	12	12	12	12	12	8	6	4	2	1
DG40	In charge of a vehicle while drug level above a specified limit	12	12	12	12	12	8	6	4	2	1
DR10	Driving or attempting to drive with alcohol level above the limit	12	12	12	12	12	8	6	4	2	1
DR20	Driving or attempting to drive while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	12	12	12	12	12	8	6	4	2	1
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	12	12	12	12	12	8	6	4	2	1
DR40	In charge of a vehicle while alcohol level above limit	12	12	12	12	12	8	6	4	2	1

Annex 5 - Convictions Policy V2

DR50	In charge of a vehicle while unfit through drink	12	12	12	12	12	8	6	4	2	1
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
DR61	Driving or attempting to drive then 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	12	12	12	12	12	8	6	4	2	1
DR70	Failure to provide a specimen for breath test	12	12	12	12	12	8	6	4	2	1
DR80	Driving or attempting to drive when unfit through drugs	12	12	12	12	12	8	6	4	2	1
DR90	In charge of a vehicle when unfit through drugs	12	12	12	12	12	8	6	4	2	1
AC20	Failing to give particulars or report an accident within 24 hours	12	12	12	12	12	8	6	4	2	1
AC30	Undefined accident offences	12	12	12	12	12	8	6	4	2	1
IN10	Using a vehicle uninsured against third party risks	12	10	8	7	6	5	4	3	2	1
LC20	Driving otherwise than in accordance with a licence	12	10	8	7	6	5	4	3	2	1
MS50	Motor racing on the highway	12	10	8	7	6	5	4	3	2	1
MS90	Failure to give information as to the identity of a driver etc.	12	10	8	7	6	5	4	3	2	1
UT50	Aggravated taking of a vehicle	12	12	12	6	4	3	2	1	0	0

Annex 5 - Convictions Policy V2

Level 2 - Convictions relating to Personal Health

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
LC30	Driving after making a false declaration about fitness when applying for a licence	12	12	12	12	8	6	4	2	1	0
LC40	Driving a vehicle having failed to notify a disability	12	12	12	12	8	6	4	2	1	0
LC50	Driving after a licence has been revoked or refused on medical grounds	12	12	12	12	8	6	4	2	1	0
MS70	Driving with uncorrected defective eyesight	12	12	12	12	8	6	4	2	1	0
MS80	Refusing to submit to an eye test	12	12	12	12	8	6	4	2	1	0

Please note - Where a licensed driver receives a conviction relating to personal health it will be regarded as a high risk to public safety and immediate suspension will be considered until all safety issues have been resolved and in any other case consideration should be given to revocation.

Where there is a second conviction relating to personal health or any failure to comply with any reasonable request from an authorised officer of the Council in respect of their enquiries into the matter, consideration should be given to the immediate suspension of the licence, its revocation, or a refusal to renew.

Level 3 – Intermediate Road Traffic Offences – Speeding, careless driving, construction and use offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
AC10	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
BA10	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
CU10	Using a vehicle with defective brakes	3	3	3	3	2	1	0	0	0	0

Annex 5 - Convictions Policy V2

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	3	3	3	2	1	0	0	0	0
CU30	Using a vehicle with defective tyre (points given per tyre)	3	3	3	3	2	1	0	0	0	0
CU40	Using a vehicle with defective steering	3	3	3	3	2	1	0	0	0	0
CU50	Causing or likely to cause danger by reason of load or passengers	3	3	3	3	2	1	0	0	0	0
CD10	Driving without due care and attention	10	9	8	7	6	5	4	3	2	1
CD20	Driving without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
CD30	Driving without due care and attention or without reasonable consideration for other road users	10	9	8	7	6	5	4	3	2	1
SP10	Exceeding goods vehicle speed limits	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP30	Exceeding statutory speed limit on a public road	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP40	Exceeding passenger vehicle speed limit	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0
SP50	Exceeding speed limit on a motorway	6 3	6 3	6 3	6 3	5 2	4 1	3 0	2 0	1 0	0 0

Annex 5 - Convictions Policy V2

Level 4 – Minor Road Traffic Offences – Motorway, pedestrian crossing, traffic direction and signs and miscellaneous offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
MS10	Leaving a vehicle in a dangerous position	3	3	3	3	2	1	0	0	0	0
MS20	Unlawful pillion riding	3	3	3	3	2	1	0	0	0	0
MS30	Play Street Offences	2	2	2	2	1	0	0	0	0	0
MS60	Offences not covered by other codes (as appropriate)										
MW10	Contravention of special roads regulations (excluding speed limits)	3	3	3	3	2	1	0	0	0	0
PC10	Undefined contravention of pedestrian crossing regulations	3	3	3	3	2	1	0	0	0	0
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	3	3	3	2	1	0	0	0	0
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	3	3	3	2	1	0	0	0	0
TS10	Failing to comply with traffic light signals	3	3	3	3	2	1	0	0	0	0
TS20	Failing to comply with double white lines	3	3	3	3	2	1	0	0	0	0
TS30	Failing to comply with 'stop' sign	3	3	3	3	2	1	0	0	0	0
TS40	Failing to comply with direction of constable/warden	3	3	3	3	2	1	0	0	0	0
TS50	Failing to comply with traffic sign (excluding 'stop' signs)	3	3	3	3	2	1	0	0	0	0
TS60	Failing to comply with school crossing patrol sign	3	3	3	3	2	1	0	0	0	0
TS70	Undefined failure to comply with traffic directions sign	3	3	3	3	2	1	0	0	0	0

Annex 5 - Convictions Policy V2

6. Driving Offences

Totting Up

6.1 If the number of current points on the DVLA licence exceeds 12 points a new application will be refused or a current licence suspended or revoked. ~~A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 12 points.~~

6.2 When disqualified from driving under the 'totting up' procedures, ~~If a decision is made to suspend the licence it will remain suspended for the duration of the suspension period~~ and until the driver has achieved a pass in 'driving skills' training with a nationally recognised and accredited driving assessment programme

~~6.3—Where a licence shows 12 points or more but no disqualification was imposed because of 'exceptional hardship'; the requirement to undertake 'driving life skills' development and be successful will apply and must be achieved within 3 months of the Court decision or the licence will be suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.~~

~~6.4—If there is a further period of disqualification the licence will be revoked and not considered for renewal for a minimum period of 12 months from the end of the disqualification period. Where there is a third period of disqualification the minimum period is 3 years. In both cases the licence will remain suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.~~

Repeated convictions

6.5 Repeated convictions on a DVLA licence ~~for the following offences~~ or combination of offences will result in a licence being refused, suspended or revoked. ~~and not restored until the number of active occasions for those types of offence has reduced to one or less.~~

Code	Offence
CU10	Using a vehicle with defective brakes
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU80	Breach of requirement as to control of the vehicle, mobile telephone etc.
IN10	Using a vehicle uninsured against third party risks

Failure to report relevant matters~~report a disqualification~~

6.6 It may be that by the time the Council becomes aware of ~~a matter, disqualification, the period has passed and the driver is able to drive again.~~ the

Annex 5 - Convictions Policy V2

sanction applied in relation to it has passed and so by being dishonest the intentions of the policy have been evaded. In such circumstances the failure to report a matter will ~~such a disqualification would~~ normally result in the relevant sanctions under this Policy being applied with the addition of penalty points, under the Council's Penalty Point Scheme, for failing to notify the Council.~~in the driver licence being suspended or revoked. The period of suspension or revocation would not normally be less than would have been effective if the disqualification had been properly reported to the Council.~~

6.7 A licence would not normally be granted or a suspension lifted until the completion of a 'driving life skills' training with a nationally recognised and accredited driving assessment programme.

6.8 Where false declarations have been made at the time of application or renewal these will be considered under the 'fit and proper' person assessment.

Implementation and Review of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.