



# Ashfield

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DISTRICT COUNCIL

**HACKNEY CARRIAGE AND PRIVATE HIRE**

**WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS POLICY**

Commenced: 8<sup>th</sup> January 2021



## WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS POLICY

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## 1. Introduction

- 1.1 This policy provides guidance to the Licensing Authority (and its Committee/ Sub-Committee and/or authorised officers) on considerations when determining whether an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage & Private Hire (Dual) Driver Licence or Private Hire Operator Licence. Any decision made by the Licensing Authority/Committee(s) will be on the balance of probabilities and will not be required to meet the 'beyond all reasonable doubt' standard of proof.
- 1.2 It is the responsibility of the Licensing Authority, Ashfield District Council (referred to as the Council hereafter) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration.
- 1.3 Public Safety is paramount and prior to granting a licence, the Licensing Authority should ensure:
- That a person is a 'fit and proper' person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
  - That the person does not pose a threat to the safety of the public;
  - That the public are safeguarded from dishonest persons;
  - That the person does not pose a threat to the safety of children, young persons and vulnerable adults
- 1.4 The term "fit and proper person" for the purposes of licensing is not legally defined. In assessing whether an individual is 'fit and proper' the Licensing Authority should, but is not limited to, consider the following, and take any other relevant information into account:
- Criminality – including convictions and cautions
  - Warnings, reprimands and fixed penalty notices
  - Human Rights
  - Driving History including period of holding a driver's licence, number of endorsed driving licence penalty points and any other relevant information;
  - Right to work
  - Testing – Medical fitness, driving ability and any other relevant testing;
  - The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
  - The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
  - Licensing history of existing/former licence holders;
  - Complaints made against them to a Licensing Authority

The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.

- 1.5 This policy will be applicable to any person with an interest in taxi and private hire licensing. In particular, but not exclusively, to:
- Applicants for a Hackney Carriage & Private Hire (Dual) Driver licence
  - Existing licensed drivers whose licences are being reviewed
  - The holders of Private Hire Operator licences
  - Licensing officers
  - Members of the Licensing Committee / Sub-Committee
  - Magistrates hearing appeals against local authority decisions
- 1.6 The Licensing Authority will ensure that each case is considered on its individual merits. The Policy may be departed from but this should be proportionate and justifiable in the circumstances. If an applicant has been convicted of a criminal offence(s), the Licensing Authority is not permitted to review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]
- 1.7 In this policy the word “conviction” includes convictions and cautions.
- 1.8 In this policy “date sentence has ended” is taken to be the date at which the whole of the period as sentenced by the court has elapsed (and not necessarily the length of time served by the applicant). For example, if a sentence is five years imprisonment but the applicant only served 3 years, the date that the sentence ends will be five years from the date of sentencing. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term “since completion of sentence” is to be construed in a similar way to “date sentence has ended”.
- 1.8 In this policy the word “applicant” refers to new applicants and existing licence holders.

## **2 General Policy**

- 2.1 Whilst the Licensing Authority may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, the applicant would normally be required to:
- a. Remain free of conviction for an appropriate period as detailed below; and
  - b. Evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- 2.2 The Licensing Authority may depart from the guidelines provided in this policy where it is proportionate and justifiable in the circumstances. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

### **2.3 Outstanding Charges or Summonses**

If the Licensing Authority is notified of an outstanding charge or summons which could pose a risk to public safety the Licensing Authority may suspend, revoke or adjourn the application until proceedings have been concluded or information is provided which satisfies them that the risk no longer exists.

Each case will be determined on its own merits;

### **2.4 Non-conviction information**

Should the Licensing Authority receive information which suggests an applicant / existing licence holder could pose risk to the public safety, consideration should be given to refusing/revoking the application.

- 2.5 In making a determination, public safety of the public must be a paramount consideration for the Licensing Authority.
- 2.6 Where an applicant has had a Hackney Carriage and / or Private Hire Driver licence revoked by another Licensing Authority, this Licensing Authority will not normally grant a licence until at least twelve months has elapsed since the revocation.

### **3. Powers & Requirements**

- 3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow a Licensing Authority to suspend, revoke or refuse to renew a licence if:
- 3.1.1 the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence;
  - 3.1.2 failure to comply with the provisions of the Town Police Clauses Act 1847;
  - 3.1.3 failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - 3.1.4 or any other reasonable cause.
- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, permits a Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Hackney Carriage & Private Hire (Dual) Driver Licence, whether spent or not. The Licensing Authority will consider all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.
- 3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to be satisfied that an applicant licence is a “fit and proper” person to hold such a licence. If, however, an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will consider:
- 1. How relevant the offence(s) are to the licence being applied for
  - 2. How serious the offence(s) were
  - 3. When the offence(s) were committed
  - 4. The date of conviction
  - 5. Circumstances of the individual concerned
  - 6. Sentence imposed by the court and the Judges reasons (obiter dicta) for coming to that decision
  - 7. The applicant’s age at the time of conviction
  - 8. Whether they form part of a pattern of offending
  - 9. Any other character check considered reasonable (e.g. personal references)
  - 10. Any other factors that might be relevant, for example:
    - (a) The previous conduct of an existing or former licence holder,
    - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
    - (c) Information provided by other agencies / council departments.
- 3.4 Existing holders of a Hackney Carriage & Private Hire (Dual) Driver licence are required to notify the Licensing Authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.
- 3.5 Applicants can discuss further the implications of a caution/conviction may have on any application or existing licence with the Licensing Service.



- 3.6 The Licensing Authority requires an Enhanced Disclosure from the Disclosure and Barring Service (DBS) for any applicant for a driver licence. Applicants applying for the grant or a renewal of a driver's licence will also be required to provide an enhanced DBS at their own expense on application and at any other time as determined by the Licensing Authority. Alternatively, a subscription to the Update Service is available.
- 3.7 The Licensing Authority will use all information available to it when determining applications or an entitlement to continue holding a licence. The Licensing Authority may (where appropriate) seek information from other agencies including, but not limited to, the Police, other Authorities including Children and Adult Safeguarding Boards and other statutory bodies.
- 3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 stipulates where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 3.9 For renewal applications and current licence holders this policy will be applied retrospectively.
- 3.10 If an offence / information is not covered by this Policy it will not preclude the Licensing Authority from taking it into account.

## **4 Immediate Revocation / Suspension of Hackney Carriage & Private Hire (Dual) Driver Licence**

- 4.1 If the Licensing Authority makes a decision to revoke or suspend a Hackney Carriage & Private Hire (Dual) Driver licence, it will be required to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Licensing Authority can only suspend/revoke with immediate effect if it is in the interests of public safety to do so.
- 4.3 Before making determination, where it is practicable to do so, the Licensing Authority should provide the licence holder an opportunity to make representations. It may not be practicable to do so in circumstances where public safety is at risk.
- 4.4 The overriding consideration is the safety and protection of passengers and the general public.
- 4.5 Matters such as employment status and personal circumstances should not be taken into account when determining whether an applicant is fit and proper to hold a licence and would not in any event outweigh the public safety factor.
- 4.6 Where the Licensing Authority has decided that a licence holder is no longer “fit and proper” to hold a licence, for public safety reasons, the presumption will be that the revocation of the licence shall have immediate effect.
- 4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

### **4.8 Appeals**

A right of appeal exists where a decision has been made to refuse, revoke or suspend a licence because the fit and proper test has not been satisfied.

All appeals should be lodged at the Magistrate’s Court within 21 days of the notice of refusal/decision being received. [Local Government (Miscellaneous Provisions) Act 1976, s77(1)].

Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot carry on its business during any appeal process. [Local Government (Miscellaneous Provisions) Act 1976, s77(3)]

## **5. Offence considerations**

This section deals with offences and applies to **new, renewal and review** applications for Driver, Vehicle and Operator Licences.

Unless there are exceptional circumstances (and each case will be considered on its individual merits), the Council will adhere to the statements listed in this Section of the Warnings, Offences, Cautions and Convictions Policy.

### **5.1 Offences Resulting in Death**

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person, or was intended to cause the death or serious injury of another person, a licence will normally be refused or revoked. Such offences include but are not limited to:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

### **5.2 Exploitation**

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, a licence will normally be refused or revoked. Such offences include, but are not limited to:

1. Slavery
2. Trafficking
3. Child sexual abuse
4. Exploitation
5. Grooming
6. Psychological, emotional or financial abuse
7. Kidnapping or abduction
8. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

### **5.3 Offences involving Violence Against the Person**

Licensed drivers have close regular contact with the public. A serious view will be taken with those who have convictions for offences involving violence. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Such offences include, but are not limited to:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated

4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Common assault/Battery
15. Assault occasioning actual bodily harm
16. Affray
17. S5 Public Order Act 1986 offence (harassment, alarm or distress)
18. S.4 Public Order Act 1986 offence (fear of provocation of violence)
19. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
20. Obstruction
21. Criminal damage
22. Harassment
23. Offences involving anti-social behaviour
24. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 In the event of a licence being granted, despite convictions against the applicant / licensee, a strict warning both verbally and in writing should be issued. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

## **5.5 Possession of a Weapon**

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

## **5.6 Sexual Offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will normally be refused a licence upon application, renewal or review. Such offences include but are not limited to:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. Making indecent telephone calls
11. Importuning

12. Indecent exposure
13. Soliciting (kerb crawling)
14. Any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.7 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### **5.8 Dishonesty**

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Such offences include, but are not limited to:

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.9 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

### **5.10 Alcohol & Drugs**

5.11 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

5.12 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.

In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

5.13 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.14 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

### **5.15 Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Such offences include, but are not limited to:

1. Racially-aggravated criminal damage
2. Racially-aggravated offence
3. Hate crime against person or persons
4. Hate crime against property
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

### **5.16 Motoring Convictions**

Hackney Carriage & Private Hire Drivers are professional drivers charged with the responsibility of carrying the public.

5.17 It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

5.18 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

5.19 Ashfield District Council will consider each motoring conviction in line with our stance as to what constitutes Major Traffic Offences (Schedule One), Minor Traffic Offences (Schedule Two), and Hybrid Traffic Offences (Schedule Three).

### **5.20 Driving Offences involving the Loss of Life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving
3. Causing death by driving whilst under the influence of drink or drugs
4. Causing death by driving: unlicensed, disqualified or uninsured drivers
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

### **5.21 Drink Driving / Driving Under the Influence of Drugs**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed.

- 5.22 In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **5.23 Major Traffic Offences (see Schedule One)**

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

- 5.24 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.
- 5.25 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application being submitted.
- 5.26 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.
- 5.27 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

### **5.28 Minor Traffic Offences (see Schedule Two)**

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account.

If there are several minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months.

- 5.29 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his / her DVLA licence for minor traffic offences but has not been disqualified from driving.

- 5.30 Where an offence has 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.
- 5.31 Generally, a period of **2 years** free from conviction must have elapsed from the restoration of the DVLA licence.
- 5.32 Where an existing licence holder is disqualified from driving the licence will normally be revoked under delegated powers.

### **5.33 Totting Up Disqualifications**

Where a number of traffic offences has resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

- 5.34 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

### **5.35 Using a Hand-Held Device whilst Driving**

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **5.36 Motor Insurance Offences**

A serious view will be taken of convictions of driving a vehicle without valid motor insurance. At least **3 years** should elapse since the conviction for the offence, or since the restoration of the DVLA Driver Licence (should the conviction result in the revocation of the DVLA Driver Licence) before a licence would normally be granted.

### **5.37 Plying For Hire Offences**

Convictions for the offence of illegal plying for hire usually also result in a conviction for driving a vehicle without valid motor insurance. At least **3 years** should elapse since the conviction for either offences, or since the restoration of the DVLA Driver Licence (should the conviction result in the revocation of the DVLA Driver Licence) before a licence would normally be granted for a Hackney Carriage & Private Hire (Dual) Driver licence.

- 5.38 A Private Hire Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without the appropriate motor insurance being in force, will have his / her Operator licence revoked immediately and prevented from holding an Operator licence for **3 years**.



## Schedule One - 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
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- 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 analysis\*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- CU80 Using a mobile phone or hand held device while driving a vehicle
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

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- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- 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 a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for 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 +
- DG10 Driving or attempting to drive with drug level above the specified limit
- DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and 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

UT50 Aggravated taking of a vehicle

TT99 Signifies a disqualification under the totting up procedure 12 or more points within three years

## **Schedule Two - 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 tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers

- 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
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.

- 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 Undefined 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/ 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

## **Schedule Three - HYBRID 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
  
- 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

Other non-endorsable motoring offences i.e. no MOT

### **NOTE:**

All offences in Schedules One to Three may also include the following codes:

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. becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)