

23. Driving Licence Endorsements

- 23.1. Driving licence endorsements may form part of the overall sentence arising from a criminal conviction, which will also be shown on the DBS disclosure. In such circumstances, the following guidelines should be read in conjunction with the appropriate paragraphs of the preceding section.
- 23.2. Endorsements will be checked by requiring an applicant to produce his driving licence to accompany an application, and by way of the verification check detailed in the 'Driving entitlement' section of this document.
- 23.3. All endorsements have a set validity period, and the Council will have regard to this period when determining which endorsements to take into account. The Council will have regard to both individual valid endorsements, and the cumulative total of penalty points from all valid endorsements on the licence.
- 23.4. Endorsements which fall outside of the stated validity period will not generally be taken into consideration, unless they demonstrate a pattern of poor driving.
- 23.5. A full list of endorsable traffic offences, including the corresponding endorsement codes, penalty points and validity periods, is included at APPENDIX 8.
- 23.6. On application to renew a licence, if no further endorsements have been received since the previous application was considered; the Council will not consider it necessary to review previous endorsements. However, in cases where new endorsements have been added, all valid endorsements appearing on the licence at the time of application may be taken into consideration, even if they have been previously considered.
- 23.7. Drivers licensed by the Council are required to notify the Licensing Department within ~~3 days~~ **48 hours**, in writing, of any endorsements received during the period of the licence. It is open to the Council to reconsider a licence during its validity period if an endorsement would cause the Council to consider whether to refuse an application, in accordance with the following guidelines, and that licence may be suspended or revoked if deemed appropriate.

Major Endorsements

- 23.8. An endorsement which was subject to the award of four or more penalty points shall be regarded, for licensing purposes, as a major endorsement.
- 23.9. All such endorsements will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

- 23.10. More than one such valid endorsement will generally result in the application being refused.
- 23.11. An endorsement which was subject to the award of six or more penalty points shall be regarded with particular seriousness, and may constitute grounds for refusal on its own.

Minor Endorsements

- 23.12. An endorsement which was subject to the award of three or less penalty points shall be regarded, for licensing purposes, as a minor endorsement.
- 23.13. A single minor endorsement will not generally prevent an application from proceeding. However, a larger number of minor endorsements, particularly if incurred in a short period of time, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers.

Cumulative Total of Penalty Points

- 23.14. An application will normally be refused where the applicant has 12 or more penalty points from valid endorsements on his driving licence (whether or not the applicant was convicted by a court for the offences for which penalty points were imposed).
- 23.15. Applicants with 9 or more penalty points from valid endorsements on their driving licence, or three or more valid endorsements, will generally have their applications referred to the Licensing Regulatory Sub-Committee for careful consideration of the facts. If the Committee are not satisfied that the applicant can be considered a fit and proper person by virtue of his endorsements, it shall be open to them to refuse the application.
- 23.16. Applications from existing drivers for renewal with 9 or more valid endorsements on their licence will be referred to Licensing Regulatory Sub-Committee for decision.
- 23.17. Members of the Sub-Committee will usually be given the option to grant / refuse the licence or to request the applicant takes a re-test of the DVSA or an alternative practical driving assessment specifically for hackney carriage/private hire drivers, provided by a UK Government accredited organisation, before re-licensing is permitted.
- 23.18. All applicants with 6 to 8 penalty points from valid endorsements on their licence, or two valid endorsements, will generally be required to attend an interview with a licensing officer to review the facts behind the endorsements. It shall be at the Public Protections Manager's discretion as to whether to refer such applications to the Licensing Regulatory Sub-Committee for further

consideration of the pertinent facts, or to approve the application. Where applications are approved, it is expected that a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers will also be administered.

Other Traffic Offences

23.19. Penalties for other non-endorsable traffic offences, such as parking penalty notices, obstruction, waiting in a restricted road, etc., that have not resulted in a criminal conviction, will not generally be taken into account when considering an application. However, if the Council has received complaints in relation to non-endorsable traffic offences, this may give cause for concern as to whether they are a fit and proper person to hold a licence.

Disqualification

23.19-23.20. Where an applicant has been disqualified from driving because of a serious traffic offence, a licence application will generally be refused unless a period of 2 years free of conviction or endorsement has elapsed from the restoration of the driving licence.

23.20-23.21. 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 12 months free from conviction must have elapsed from the restoration of the driving licence.

23.21-23.22. In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence. This is 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-disqualification.