

REPORT FROM: Central Services
Democratic and Legal Manager
TO: Taxi Licensing Committee
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Report Author: Richard Townson
Tel. No: 01282 661650
E-mail: richard.townson@pendle.gov.uk

OFFENCES - DEFINITIONS

PURPOSE OF REPORT

To provide Councillors with definitions of various types of criminal offence which are commonly referred to in reports to this Committee and also the codes used by DVLA for various types of motoring offences.

RECOMMENDATION

That the Report be noted.

REASONS FOR RECOMMENDATION

To make Councillors aware of the definitions of these types of offence

ISSUE

1. At the meeting of this Committee on 9th July I was asked to provide details of the meanings of various types of criminal offences, which are often referred to in Reports to this Committee. The reason for this is that reference is often made to a Section of a particular Act, on the assumption that Councillors will know what offence is referred to.
2. Schedule 1 to this Report lists a number of statutory offences and what is meant by them.
3. Schedule 2 to this Report lists the Codes used by DVLA for various types of motoring offences.

SCHEDULE 1

Statutory Provision	Definition of Offence
<i>Offences Against the Person Act 1861</i>	
Section 18	Grievous Bodily Harm with Intent
Section 20 (Where the offence is racially aggravated, it is an offence under Section 29(1)(a) of the Crime and Disorder Act 1998)	Malicious Wounding or Grievous Bodily Harm.
Section 47 (Where the offence is racially aggravated, it is an offence under Section 29(1)(b) of the Crime and Disorder Act 1998)	Assault occasioning actual Bodily Harm.
<i>Public Order Act 1986</i>	
Section 1	Riot
Section 2	Violent Disorder
Section 3	Affray. This is where a person uses or threatens unlawful violence towards another and his conduct is "such as would cause a person of reasonable firmness present at the scene to fear for his personal safety".
Section 4 (Where the offence is racially aggravated, it is an offence under Section 31(1)(a) of the Crime and Disorder Act 1998)	Fear or Provocation of Violence. This is where a person: (a)uses towards another person threatening, abusive or insulting words or behaviour, or (b)distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting, with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.
Section 4A (Where the offence is racially aggravated, it is an offence under Section 31(1)(b) of the Crime and Disorder Act 1998)	Causing intentional harassment, alarm or distress. This is where a person: (a)uses threatening, abusive or insulting words

	<p>or behaviour, or disorderly behaviour, or</p> <p>(b)displays any writing, sign or other visible representation which is threatening, abusive or insulting,</p> <p>thereby causing that or another person harassment, alarm or distress.</p>
<p>Section 5 (Where the offence is racially aggravated, it is an offence under Section 31(1)(c) of the Crime and Disorder Act 1998)</p>	<p>This is a slightly different offence of causing harassment, alarm or distress. A person is guilty of this offence if he:</p> <p>(a)uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or</p> <p>(b)displays any writing, sign or other visible representation which is threatening, abusive or insulting,</p> <p>within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.</p>
<p><i>Protection from Harassment Act 1997</i></p>	
<p>Section 2 (Where the offence is racially aggravated, it is an offence under Section 32(1)(a) of the Crime and Disorder Act 1998)</p>	<p>Harassment. For the purposes of this section, the person whose course of conduct is in question ought to know that it amounts to harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other.</p>
<p>Section 4 (Where the offence is racially aggravated, it is an offence under Section 32(1)(b) of the Crime and Disorder Act 1998)</p>	<p>Putting people in fear of violence. This is where a person causes another person to fear, on at least two occasions, that violence will be used against him.</p>
<p><i>Crime and Disorder Act 1998</i></p>	
<p>Section 29 (1) [c]</p>	<p>Common assault which is racially aggravated</p>
<p>Section 30</p>	<p>Racially aggravated criminal damage</p>

SCHEDULE 2

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
BA20	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 analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous 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
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
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
UT50	Aggravated taking of a 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
MS90	Failure to give information as to 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
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
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

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. CU10 becomes CU14)

Inciting

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

IMPLICATIONS

Policy:	None arising directly from the Report
Financial:	None arising directly from the Report
Legal:	None arising directly from the Report
Risk Management:	None arising directly from the Report
Health and Safety:	None arising directly from the Report
Sustainability:	None arising directly from the Report
Community Safety:	None arising directly from the Report
Equality and Diversity:	None arising directly from the Report

APPENDICES

None

LIST OF BACKGROUND PAPERS

None