

**LICENSING PANEL
6 AUGUST 2014
10.05 - 10.40 AM**



Present:

Councillors Thompson (Chairman), Brossard and Finnie

In Attendance:

Simon Bull, Legal Adviser to the Panel

Mr A, Appellant

Niamh Kelly, Licensing Officer

Amanda Roden, Democratic Services Officer

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

3. Exclusion of Public and Press

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual (Item 4).

4. Report on Application for Chauffeur Driver Licence

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr A and Miss Kelly, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr A's application for a chauffeur driver licence should be granted.

The Panel took into consideration the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers', in particular Appendix A pages 40 to 42, applied and issued by Bracknell Forest Council (BFC), which was applicable at the time when Mr A made the application for a chauffeur driver licence.

The Panel noted that Mr A had been given two convictions for driving a motor vehicle with excess alcohol in June 2000 and March 2007. The guidance suggested that an application should not be considered until at least 5 years had passed since the restoration of the licence. The court in passing the conviction in 2007 provided for a shorter disqualification period of 27 months if a specific course was completed prior to 28 April 2009 but Mr A did not exercise this option.

The Panel heard and accepted that Mr A's reasons for not taking the recommended course were that Mr A did not have the finances to fund the course. This was also the reason why Mr A did not renew his licence earlier than he could have. If Mr A had been able to undertake the course and renew his licence sooner, this would have reduced the disqualification period and Mr A's licence could have been restored by July 2014 rather than in March 2015 when the ban on Mr A's licence was due to be lifted.

The Panel were impressed by Mr A's candour regarding his past convictions and his wish to be given a chance. The Panel noted that Mr A had not had any convictions since 2007 and that Mr A looked forward to the opportunity to be a chauffeur driver. In light of this, the Panel were minded to show discretion and not prevent Mr A from taking up an opportunity for gainful employment.

After taking all the circumstances into account, Mr A's reasons for not taking the recommended course or renewing his driver licence earlier and his candour regarding his past convictions, the Panel decided to grant Mr A's chauffeur driver licence. However, it was important that Mr A complied with the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' at all times in the future.

Mr A should be aware that the police and the council's licensing officers undertook spot check breathalyser testing exercises on a regular basis and Mr A should ensure that he is below the legal limit of alcohol at all times when driving a vehicle either privately or commercially. Although in this case the Licensing Panel gave Mr A the benefit of their discretion, Mr A should also be aware that a third conviction would be likely to be looked upon very unfavourably by the Licensing Authority.

CHAIRMAN