



**LICENSING PANEL  
12 DECEMBER 2014  
10.02 - 10.38 AM**

**Present:**

Councillors Allen (Chairman), Brossard and Davison

**In Attendance:**

Simon Bull, Legal Adviser to the Panel

Mr C, Appellant

Niamh Kelly, Licensing Officer

Amanda Roden, Democratic Services Officer

**5. Declarations of Interest**

There were no declarations of interest.

**6. The Procedure for Hearings at Licensing Panels**

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

**7. 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 8).

**8. Report on Licensed Dual Driver**

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

Having considered all the evidence, the Panel decided that Mr C should be allowed to resume his dual driver licence effective immediately.

The Panel noted that Mr C had a history of complaints whilst driving his hackney carriage vehicle. Mr C had appeared before a Licensing Panel previously as he had accumulated 18 penalty points on his dual driver licence and the Panel noted the range of contraventions that had taken place. However, Mr C had just 6 penalty points on his licence at present and past penalty points had been spent.

The Panel took into consideration the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers', and Mr C's explanation for why he was found to be driving whilst over the alcohol limit. Mr C was with friends drinking the evening before and as he felt fine on waking the following day he was not aware of the level of alcohol still in his system. However, Mr C stated that he had learnt much from the drink driving awareness course that he had undertaken and that he would not knowingly drive a vehicle whilst over the alcohol limit. Mr C had been stopped by the police because of a defective rear brake light, which he had not noticed until it was brought to Mr C's attention by the police, but Mr C was breathalysed as a routine measure as it was near to the Christmas period and was found to be over the alcohol limit. Mr C was surprised by this and felt remorseful about the situation. Mr C was not very aware of how long alcohol stayed in a person's system before undertaking the drink driving awareness course.

The Panel noted Mr C's explanation for his failure to advise the Licensing Team that he had lost his licence in that there were many issues that he was dealing with personally at the time. Mr C had a history of not notifying the Licensing Team of contraventions or responding to correspondence but Mr C advised that he had forgotten and did not do this intentionally. Mr C enjoyed his job and was keen to resume it.

After taking all the circumstances into account, Mr C's willingness to undertake the drink driving awareness course, his remorse at driving whilst over the legal alcohol limit and that he was not driving as a taxi driver at the time, the Panel decided to allow Mr C to resume his dual driver licence with immediate effect. The Panel noted that Mr C had received a nine month ban from driving and had not been able to drive using his dual driver licence for another month after the ban was lifted whilst awaiting a decision on the use of his dual driver licence.

However, it was important that Mr C 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 C should avoid being offensive to members of Council staff and accruing any further points on his licence in the future.

Mr C was to ensure that he was below the legal alcohol limit at all times when he was driving a vehicle either privately or commercially. Although in this case the Licensing Panel gave Mr C the benefit of their discretion, Mr C should also be aware that if he was to be brought before a licensing panel again, although not wishing to prejudge their decision it was a reasonable assumption that on a third appearance before a panel they may be less lenient in their decision.

**CHAIRMAN**