

**LICENSING PANEL  
20 JULY 2011  
2.00 - 3.30 PM**



**Present:**

Councillors Brunel-Walker (Chairman), Baily and Brossard

**In Attendance:**

Ms Kelly, Licensing Officer  
PC Hannan, Thames Valley Roads Policing  
Mr Russell, VOSA Officer  
Mr F, Licensed Driver  
Mr F's Representatives  
Mr Bull, Legal Representative to the Panel  
Mrs Patel, Clerk to the Panel

**4. Declarations of Interest**

There were no declarations of interest.

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

The Chairman confirmed that all parties had noted and understood the procedures to be followed for the hearing.

**6. Exclusion of the Public and Press**

**RESOLVED** that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 7 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

(1) Information relating to any individual

**7. Dual Driver Licence - Mr F**

A referral was made to the Licensing Panel to determine whether any enforcement action was deemed necessary in respect of Mr F's Dual Driver Licence following the issue of a further 3 penalty points, leading to a total of 15 points being issued to Mr F within the last 12 months. The Licensing Panel hearing on 13 April 2011, issued Mr F with a formal written warning stating that should he be issued with any further penalty points, irrespective of the severity of the offence, within the following 12 months, the matter would be referred to a Licensing Panel who would then decide whether his licence should be suspended or revoked. Mr F had been issued with a further 3 penalty points by the Council's Licensing team, within 2 months of the hearing held on 13 April 2011.

In addition, Bracknell Forest Council policy states that where a licensed driver is issued with 12 or more points within a 12 month period, a referral is made to the

Licensing Panel to determine if the driver's licence should be revoked, suspended, or allowed to continue with conditions.

The Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr F, his representative, Ms Kelly, Licensing Officer, PC Hannan and Mr Russell from the Vehicle and Operator Services Agency (VOSA).

Having considered all the evidence, the Panel decided that Mr F's Dual Driver's Licence should be suspended for a period of 3 months.

The Panel took into account Mr F's recent history as a licensed driver and in particular took into consideration some of the issues that were raised at the previous hearing of the Licensing Panel on 13 April 2011. The Panel noted that upon being inspected by a VOSA officer on 8 June 2011, the offside front tyre on Mr F's licensed vehicle had worn heavily on the inside edge with the metal cords exposed. The tread area on the inside edge was worn through to the cords and the metal structure of the tyre had also worn thus seriously weakening the tyre. The Panel noted that the VOSA Officer had advised that this type of defect could lead to a 'blow-out' and loss of control by the driver. Due to the nature of the defect the VOSA officer had issued an Immediate Prohibition Notice to the vehicle to prevent any further use on the road.

The Panel took this very seriously as this gravely compromised public safety and brought into question whether Mr F was a fit and proper person to be a licensed driver. The Panel were also disappointed that Mr F had contravened the conditions of his licence within such a short period of time after being issued with a formal written warning about his conduct.

The Panel also noted that the VOSA officer had advised that this type of defect showed that there was a significant failing in the maintenance system and that the method of checking tyres used by Mr F and was not adequate as it involved only checking the outer edge of the tyres.

The Panel therefore decided that given Mr F's recent history and the issues raised at the previous hearing on 13 April 2011, together with the serious risk presented to public safety by his defective tyre, Mr F's failure to properly check and maintain his vehicle to ensure public safety was not compromised and his disregard for the formal written warning issued to him on 15 April 2011, that Mr F's Dual Driver's Licence be suspended for a period of 3 months.

The Panel disregarded the information that was given by Mr Russell at the hearing about the issue of a prohibition notice for a defective tyre on 23 January 2009, following legal advice.

The Panel formally warned Mr F that he currently had 15 penalty points of which 12 would expire on 31 January 2012. Should he be issued with any further penalty points irrespective of the severity of the offence before 31 January 2012, the matter would be referred to a Licensing Panel, who would then decide whether his licence should be suspended or revoked.

**CHAIRMAN**