

**LICENSING PANEL  
7 SEPTEMBER 2011  
2.00 - 3.05 PM**



**Present:**

Councillors Brossard (Chairman) Baily and Finch

**Apologies for Absence were received from:**

Councillors Brunel-Walker

**1. Declarations of Interest**

There were no declarations of interest.

**2. 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.

**3. Exclusion of Public and Press (S 100 A)**

**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 4 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

- (1) Information relating to any individual

**4. Report on Mr K**

A referral was made to the Licensing Panel, following a total of 12 penalty points being issued to Mr K within the last 12 months. Bracknell Forest Council policy states that where a licensed driver is issued with 12 or more points within a 12 month period, a referral will be 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 K's representative Mrs Robson and Ms Driscoll, Licensing Team Leader.

Having considered all the evidence, the Panel decided that Mr K should be issued with a strong formal written warning.

The Panel noted that Mr K had accrued 12 penalty points as a result of driving a private hire vehicle whilst not licensed. The Panel found this to be wholly

unacceptable, particularly as this compromised public safety and the extent to which Mr K could be considered to be a fit and proper person to be a licensed driver.

The Panel were minded to suspend Mr K's licence for a fixed period, however, after careful consideration, they did not wish to deprive Mr K of his livelihood, particularly in the current difficult economic climate and having taken into consideration Mr K's personal circumstances did not feel this appropriate as it would cause him exceptional financial hardship. The Panel also took into account the strong representations made by Mr K's representative Mrs Robson and took into account Mr K's personal family circumstances during the period in which he had allowed the renewal of his licence to lapse.

Mr K was strongly advised to adhere to the conditions of his licence, any subsequent offences within the next 12 months, resulting in him being issued with **any** penalty points, irrespective of the severity of the offence, would require him to come before another hearing of the Licensing Panel. The Panel also asked Mr K to be mindful that the 12 penalty points currently on his licence would remain on his licence until 9 June 2012.

The Panel impressed upon Mr K that on this occasion his lack of functional literacy had been taken into account and that he had been allowed some credit for this, if he were to commit any further offences within the next 12 months, his functional literacy was unlikely to be considered as graciously.

The Panel impressed upon Mr K that he **must** present himself at the Council Offices (Time Square Building) on 28 February with all the relevant supporting documentation to renew his licence if he wish to continue as a licensed driver.

**CHAIRMAN**