

**LICENSING PANEL
17 AUGUST 2011
2.00 - 3.55 PM**



Present:

Councillors Brunel-Walker (Chairman), Brossard and Thompson

In Attendance:

Mr Igbiniyesu, Legal Services
Mrs Patel, Democratic Services
Ms Kelly, Licensing Officer
Mr H, Licensed Taxi Driver

8. Declarations of Interest

There were no declarations of interest.

9. 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.

10. Exclusion of Public and Press (S100A)

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

- (1) Information relating to any individual

11. Report on Mr H

A referral was made to the Licensing Panel to determine whether any enforcement action was deemed necessary in respect of Mr H's Dual Driver Licence following the issue of 12 penalty points 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 is made to the Licensing Panel to determine if the driver's licence should be revoked, suspended, or allowed to continue with conditions.

At the hearing, the Panel gave careful consideration to the papers placed before them including the letter Mr H submitted at the hearing from a F&D Taxis in support of his case. The Panel also heard and considered oral representations from Mr H and Ms Kelly, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr H's Dual Driver's Licence should be suspended for a period of 4 weeks, to commence from 17 August 2011 until 14 September inclusive.

The Panel found Mr H's evidence to be inconsistent and contradictory. His explanation behind the reasons as to why his licence plate was not correctly displayed was unsatisfactory and not credible. Mr H alleged that his licence plate was damaged in a brawl on 19/20 March 2011 and as a result he was not able to attach it to his rear bumper, however he was observed by a Licensing officer on 22 March and his licence plate was intact and displayed in his rear window and there was no damage to his rear bumper. Further, Mr H was given a verbal warning in July 2010 by a licensing officer for not correctly displaying his licence plate; clearly this was prior to the alleged damage to his licence plate on 20 March 2011. Mr H stated at the hearing that he was aware of his licence conditions and in particular that his licence plate needed to be correctly displayed, yet he failed to adhere to this condition of his licence and continued to drive.

The Panel also found Mr H's explanation as to why he was observed sitting in his private hire vehicle parked on a taxi rank at The Point in Skimped Hill Lane on 18 May 2011 to be unsatisfactory. Mr H was unable to provide any explanation other than he may have been emptying rubbish from his vehicle. Mr H again stated that he was aware of his licence conditions yet he still failed to adhere to them.

The Panel therefore decided that given Mr H's inconsistent, contradictory evidence and his disregard for his licence conditions, together with the consideration as to whether Mr H was a suitable person to hold a licence, that Mr H's Dual Driver's Licence be suspended for a period of 4 weeks.

The Panel took into consideration Mr H's lengthy service as a licensed driver when arriving at their decision and noted that prior to April 2010 there had been no complaints around his conduct as a licensed driver. The Panel also took into consideration the letter of support from F&D Taxis. The Panel noted that Mr H was keen to demonstrate that he was a suitable person to be a licensed driver and that he would be very careful to adhere to his licence conditions in the future.

The Panel reminded Mr H that he currently had 12 penalty points of which 6 would expire on 23 March 2012. Should he be issued with any further penalty points irrespective of the severity of the offence before 23 March 2012, the matter would be referred to a Licensing Panel, who would then decide whether Mr H's licence should be suspended or revoked.

CHAIRMAN