

**LICENSING PANEL
14 SEPTEMBER 2011
2.10 - 4.00 PM**



Present:

Councillors Thompson (Chairman), Brossard and Leake.

Also Present:

Niam Kelly, Licensing Officer
Laura Driscoll, Licensing Team Leader
Mr E, Suspended Licensed Driver
Mr Sidique, Mr E's Legal Representative
Simon Bull, Legal Advisor to the Panel
Priya Patel, Democratic Services

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 at 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 E

A referral was made to the Licensing Panel, following the suspension of Mr E's dual driver licence with immediate effect on 19 May 2011 under Section 61(1)(b) and Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, pending the outcome of an investigation into the incident detailed in the agenda papers and reported by a 13 year old female on 12 May 2011. A referral was made to the Licensing Panel to determine whether the suspension of Mr E's licence should be upheld; withdrawn or whether his licence should be revoked.

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr E, his representative Mr Sidique, Ms Driscoll and Ms Kelly, Licensing Officers.

Having considered all the evidence, the Panel decided that the suspension of Mr E's licence should be upheld. The reasons for the Panel's decision were as follows:

1. The Panel noted that prior to this hearing Mr E had failed to give any explanation of the inappropriate content of the text messages that he had sent to a 13 year old vulnerable child, whilst being responsible for transporting that child to and from school. The explanation given by Mr E and his representative at the hearing was unsatisfactory.
2. The Panel agreed that a reasonable, fit and proper person would not text a vulnerable child, for whom he was responsible, either directly or as an intermediary.
3. The Panel felt strongly that an innocent person would have protested their innocence at the first available opportunity. Mr E failed to do this.
4. The Panel found Mr E to be in breach of his fiduciary responsibility and considered this to be wholly unacceptable. The Panel felt that Mr E presented a risk to children and public safety more widely.
5. The Panel were mindful of their regulatory responsibility and the need to safeguard public safety. To this end, the Panel felt that Mr E was not a fit and proper person to be a licensed driver and that child protection and public safety would be compromised if he were to continue to be a licensed driver and able to have unsupervised access to children. For this reason and the reasons given above, the Panel agreed that the immediate suspension of Mr E's licence was appropriate on 19 May 2011 and decided to uphold this suspension.

CHAIRMAN