

**LICENSING PANEL
2 NOVEMBER 2011
2.00 - 2.45 PM**



Present:

Councillors Brossard (Chairman), Sargeant and Thompson

In Attendance:

Licensed Driver (Mr A)
Mrs Walker, Licensing Officer
Mr Bull, Legal Adviser to the Panel
Mrs Patel, Democratic Services Officer

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 procedure to be followed for the hearing.

3. 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 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 Licensed Driver (Mr A)

A referral was made to the Licensing Panel, following a total of 12 penalty points being issued to the licensed driver (Mr A) 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 and heard and considered oral representations from the licensed driver and Mrs Walker, Licensing Officer. The Panel's Legal Adviser also assisted the licensed driver as an unrepresented person.

Having considered all the evidence, the Panel decided that the licensed driver should be issued with a strong formal written warning. The Panel pointed out that based on the licensed driver's particular facts in this case and on this particular occasion, considering all the relevant factors in the round and balancing the appropriate

disposal, the licensed driver was dealt with on this occasion at the lowest possible level of the tariff. However, it should not be assumed that were the licensed driver to return to another panel in the future, that he would be dealt with similarly again or that this in any way set a precedent. The Panel gave the licensed driver credit when weighing up whether he was a fit and proper person to continue to hold a licence for; admitting the offence and being honest and contrite before the Panel and attending without the benefit of representation or trade support. They also accepted the licensed driver's statement that prior to this year he had a clean licence for 20 years.

For the avoidance of doubt, any further penalty points in the twelve months from the 4 November 2011 for any offence regardless of the number of penalty points the licensed driver already had under the Bracknell scheme at the particular time would trigger a return to a further panel.

The Panel carefully considered all the evidence put before them and decided in light of all the evidence, that they did not wish to deprive the licensed driver of his livelihood, particularly in the current difficult economic climate. The Panel also took into account that the licensed driver had been a licensed driver for 5 years at Bracknell Forest and had not contravened his conditions previous to March 2011.

CHAIRMAN