

**LICENSING PANEL
14 DECEMBER 2011
2.00 - 2.27 PM**



Present:

Councillors Brossard (Chairman), Baily and Davison

Also Present:

Licensed Driver Mr E and his wife
Laura Driscoll, Licensing Team Leader
Simon Bull, Legal Services
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 confirmed 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 Private Hire Driver (Mr E)

A referral was made to the Licensing Panel, following a total of 12 penalty points being issued to the licensed driver 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, his wife and Ms Driscoll, Licensing Team Leader.

Having considered all the evidence, the Panel decided that the licensed driver should be issued with a formal written warning. The Panel asked the licensed driver to note that based on his particular facts in this case and on this particular occasion, considering all the relevant factors in the round and balancing the appropriate disposal, he had been dealt with on this occasion towards 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, he would be dealt with similarly again or that this in any way sets 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 before the Panel and attending without the benefit of legal representation. The Panel also took into consideration the licensed driver's personal circumstances and the financial hardship he would suffer if subject to a suspension. The Panel also noted that overall the licensed driver's company was operated in a responsible manner and that he had installed "Outlook" to notify him when his vehicle licences etc were due for renewal.

The Panel noted that the licensed driver had been issued 12 penalty points as a result of failing to renew his hackney carriage licence, when it had expired on 22 August 2011 and allowing it to be used for private hire bookings from 23 August 2011 to 26 August 2011. The Panel took this seriously, particularly as it brought into question the extent to which he could be considered to be a fit and proper person to be a licensed driver. The Panel felt it unacceptable for a licensed vehicle to be used unlicensed for any period of time. The Panel took into account, as stated above, that the licensed driver had now installed a robust system to ensure that licences were renewed in a timely manner and to prevent this situation from arising again in the future.

The Panel carefully considered all the evidence put before them and decided in light of what is set out above that they did not wish to deprive the licensed driver of his livelihood, particularly in the current difficult economic climate.

The Panel advised the licensed driver to ensure that he adhered to the conditions of his licence, any subsequent offences before 7 October 2012, 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.

CHAIRMAN