

**LICENSING PANEL
1 FEBRUARY 2012
10.00 AM - 12.30 PM**



Present:

Councillors Brossard (Chairman), Allen and Davison

In Attendance:

Sue Walker, Licensing Officer

Simon Bull, Legal Services

Detective Constable Melvyn Lewis

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties 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 Private Hire Driver

A referral was made to the Licensing Panel, following a total of 18 penalty points being issued to 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 Mr A, Mrs Walker, Licensing Officer and Detective Constable Lewis. The Panel's Legal Adviser, Simon Bull also assisted Mr A as an unrepresented person.

Having considered all the evidence, the Panel decided that Mr A's **private hire licence should be suspended for a period of six weeks, in addition he be required to undertake and pass the DSA private hire driver test within this six week period.** The suspension would take effect as of 7 February and end on 19

March 2012, subject to Mr A having passed the DSA private hire driver test within this period. If for any reason Mr A was unable to access the DSA test in this six week period, he would need to contact the Licensing team and provide documentary evidence showing that he had made every effort to secure a booking; the Licensing Officer would then use their discretion to decide on what action to take.

The Panel pointed out that based on the particular facts in this case and on this particular occasion, considering all the relevant factors in the round and balancing the appropriate disposal, Mr A was dealt with on this occasion with a level of leniency. However, it should not be assumed that were Mr A 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 Mr A credit when weighing up whether he was a fit and proper person to continue to hold a licence for; admitting that he had been speeding on 14 October 2011 and attending the hearing without the benefit of representation or trade support. The Panel also noted Mr A's personal circumstances and the hardship he would face if deprived of his livelihood.

Mr A was strongly advised to adhere to the conditions of your licence, any subsequent offences before 23 November 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