

**LICENSING PANEL
14 FEBRUARY 2013
2.05 - 3.00 PM**



Present:

Councillors Brossard (Chairman), Allen and Davison

In attendance:

Anthony Igbiniyesu, Legal Adviser to the Panel

Yvonne Jones, Enforcement Officer, WBC

Niamh Kelly, Licensing Officer

Amanda Roden, Democratic Services Officer

Mr B, Appellant

Mr G, Appellant's Father

8. Declarations of Interest

There were no declarations of interest.

9. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

10. Exclusion of Public and Press

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual

11. Report on Licensed Private Hire Driver

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr B, Ms Jones, Enforcement Officer, and Miss Kelly, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr B's private hire driver licence would be suspended for two weeks from 11 March 2013 to 24 March 2013. Mr B was required to surrender his private hire driver licence to Bracknell Forest Council's Licensing Section on the morning of or before the 11 March 2013 and was advised to hand his licence to a Licensing Officer and obtain a receipt. If Mr B were to gain any penalty points within twelve months of the date of this panel hearing, he would be brought back before a panel and his circumstances would be reviewed.

The Panel were clear that on 18 June 2012 Mr B was issued with six penalty points. This was because Mr B had failed to notify the Licensing Section within 28 days of receipt of the penalty points as required under his licence conditions. The two fixed penalties Mr B received were for exceeding the statutory speed limit on a public road in September 2010 and July 2011. It was also noted that Mr B received twelve points for plying for hire on the premises of a public house, and a further six points for failure to display his badge at the time.

The Panel noted Mr B's explanation regarding plying for hire in that he was waiting in the area as he regularly received requests to pick up passengers in the surrounding area of the public house. Mr B said he would not have taken a passenger to a destination without them first contacting his operator. The Panel also noted that later in the evening Mr B located his current badge in his car after showing an expired badge to officers on this day on request to see his badge.

However, after taking all the circumstances into account and given the seriousness of how Mr B obtained the points on his private hire driver licence, the Panel decided to suspend Mr B's licence for two weeks from 11 March 2013 to 24 March 2013. The Panel thought that this was a fair and equitable decision. It was important that Mr B complied with all requirements of his licence at all times in the future, including displaying a current badge at all times.

CHAIRMAN