



Wednesday, 2 December 2015

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 10 December 2015

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Doggett

Councillor King

Councillor Stubley

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 4)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 3 September 2015.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Application for Torbay Council Driver's Licence** (Pages 5 - 24)
To consider an application for a Torbay Council Driver's Licence.



Minutes of the Licensing Sub-Committee

3 September 2015

-: Present :-

Councillors Stubley, Sykes and Doggett

18. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

19. Minutes

The Minutes of the meeting of the Sub-Committee held on 30 July 2015 were confirmed as a correct record and signed by the Chairman.

20. Licensing Act 2003 – An application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY

Members considered an application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY.

The Premises does fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.'	5 August 2015

Members noted there have been no additional Representations received from any other Responsible Authority or any Interested Party.

The Environmental Health Manager (Commercial) advised Members that the Police Licensing Officer had corresponded with the Applicant who confirmed that they agreed to adhere to the proposed conditions, as per the submitted report, and therefore the Police Representative would not be attending the hearing.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents, confirmed their acceptance of the proposed conditions put forward by the Police and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Golden Bowl, 191 Union Street, Torquay TQ1 4BY be granted as applied for, subject to the proposed and agreed conditions;

1. The consumption of alcohol within the premises shall be restricted to persons who are seated and having a table meal.
2. All alcohol sold for consumption off the premises shall be supplied in sealed containers.
3. The premises shall operate a Challenge 25 Scheme whereby any individuals who appear to be under the age of 25 shall be requested to produce an approved form of photographic identification.

Reason for Decision:

Having carefully considered all the oral and written Representations, Members resolved to grant the licence having been satisfied that the conditions proposed by the Police would seek to promote the Licensing Objectives. In addition, Members were assured that the granting of this Application would not add to Crime and Disorder and/or Public Nuisance and therefore saw just reason to depart from its Policy.

Chairman



Title: **Application for Torbay Council Driver's Licence**

Wards Affected: **All**

To: **Licensing Sub-Committee**

On: **10 December 2015**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208034**

✉ E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

1.1 This report concerns an application for a Torbay Council issued Driver's Licence, where the Applicant has previously had their licence revoked by a Licensing Sub-Committee on the 19 December 2013. The reasons for that decision, included that Members of that Committee could no longer be satisfied that the Applicant remained a 'fit and proper person' to hold a Torbay Council issued Driver's Licence. This report is to consider whether Mr Imran Nasim is now 'fit and proper person' to hold such a licence.

2. Recommendation(s) for decision

2.1 There is no recommendation.

3. Key points and reasons for recommendations

3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

3.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.

3.3 Mr Imran Nasim has made an application dated 28th October 2015 for a new Torbay Council issued Drivers Licence. He was advised that it would be necessary for a Licensing Committee to make that decision because his previous licence had been revoked by Members of that Committee. Mr Nasim wrote previously to Torbay Council laying out the reasons why he thought he could now be considered a 'fit and proper person' and asking for the opportunity to have his case heard by a Licensing Committee.

3.4 Mr Imran Nasim's previous Torbay Council issued Drivers Licence was revoked following a violent incident with another licensed driver whilst they were both on

duty. This incident resulted in a Police Caution, as Mr Imran Nasim admitted the offence of Battery.

3.5 Torbay Council's Hackney Carriage & Private Hire Licensing Policy does not set a time period where a driver would not be normally granted a licence following a Caution. However, Members are referred to Section 3.6 of the policy, which states that:

3.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 5 years old prior to the date of application:

- *Assault occasioning actual bodily harm*
- *Common assault*
- *Affray*
- *Criminal damage*
- *Harassment*
- *Or any similar offences (including attempted or conspiracy to commit offences), which replace the above*

3.6 In the absence of a specific reference to cautions, the committee will need to be satisfied that Mr Imran Nasim meets the 'fit and proper person' test.

For more detailed information on this proposal please refer to the Supporting Information.

Frances Hughes Assistant Director Community and Customer Services

Supporting information

A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 Sections 51 and 59 Local Government (Miscellaneous Provisions) Act 1976 respectively state that a district council shall not grant a licence to drive a private hire vehicle or hackney carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.
- A1.3 Torbay Council determines the criteria that must be applied to meet the 'fit and proper test' within the Hackney Carriage & Private Hire Licensing Policy. It states

In setting out its Policy, the Licensing Authority seeks to promote the following objectives:

- *The safety and health of drivers and the public;*
- *Vehicle safety, comfort and access;*
- *To prevent crime and disorder and to protect the public;*
- *To encourage environmental sustainability.*

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and private hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.

- A1.4 The Policy goes on to say;

1 General Policy

1.1 Each case will be decided on its own merits.

1.2 The Licensing Authority has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licenses and in the absence of a judicially approved definition of "fit and proper", the Licensing Authority use the test of:

"Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone"

The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.

1.3 The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit. An aspect of this is the extent to which previous convictions, including but not limited to drugs, indicate that a

person is not a 'fit and proper' person and would not take advantage of passengers or abuse or assault them.

A1.5 Mr Imran Nasim initially approached Torbay Council in May 2015, asking whether he could have a new Torbay Council issued Drivers Licence. He was advised that it would be necessary for a Licensing Committee to make that decision because his previous licence had been revoked by Members of that Committee. See Appendix one.

Mr Imran Nasim wrote to Torbay Council on the 5th May 2015 with regard to this request. See Appendix Two. Mr Imran Nasim was subsequently written to on the 29th June 2015 that in the absence of any supporting evidence as to why he might now be considered a 'fit and proper person', it would not be appropriate for Officers of the Council to take this back to a Licensing Committee hearing. See Appendix Three. A further letter was received from Mr Imran Nasim dated 12th July 2015 laying out the reasons why he thought he could now be considered a 'fit and proper person'. See Appendix Four.

A1.6 Mr Imran Nasim was subsequently advised that he need to formally make an application for a Torbay Council issued Drivers Licence, which he made on the 8th October 2015. A DBS application was also made, which was issued on the 28th October 2015.

A1.7 Mr Imran Nasim previous Torbay Council issued Drivers Licence was revoked following a violent incident, on the 3rd November 2013, with another licensed driver whilst they were both on duty. Other concerns were also raised by the Members of the Licensing Sub-Committee on the 19th December 2013, as can be seen in the minutes. See Appendix One.

A1.8 Mr Imran Nasim's DBS check revealed one relevant matter, for the Caution he received for Battery in relation to the incident on the 3rd November 2013, as mentioned above.

A1.9 Torbay Council's Hackney Carriage & Private Hire Licensing Policy does not set a time period where a driver would not be normally granted a licence following a Caution. However, Members are referred to Section 3.6 of the policy, which states that:

3.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction, is less than 5 years old prior to the date of application:

- *Assault occasioning actual bodily harm*
- *Common assault*
- *Affray*
- *Criminal damage*
- *Harassment*
- *Or any similar offences (including attempted or conspiracy to commit offences), which replace the above*

A1.10 It is important to note that Mr Imran Nasim was not convicted of the offence, so Section 3.6 does not strictly apply, but is available as a guide to the seriousness of the offence.

A1.11 There is a right of Appeal against the Licensing Sub-Committees decision to the Magistrates' Court within 21 days from the date of a Notice following the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 Given the reasons why Mr Imran Nasim's previous Torbay Council issued Drivers Licence was revoked, there is a potential risk of violence in future should a Torbay Council issued Drivers Licence be granted.

A2.1.2 If following an application, Mr Imran Nasim is not granted a Torbay Council issued Drivers Licence, there is a risk of an Appeal to the Magistrates' Court.

A3. Options

A3.1 The options are:

- (i) to grant Mr Imran Nasim's application for a Torbay Council issued Driver's Licence with no added conditions
- (ii) to grant Mr Imran Nasim's application for a Torbay Council issued Driver's Licence with added conditions
- (iii) to refuse Mr Imran Nasim's application for a Torbay Council issued Driver's Licence

A4. Summary of resource implications

A4.1 There are some resource implications if there is a future Appeal to the Magistrates' Court.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no equalities or environmental sustainability issues. However, there maybe a risk of crime if Mr Imran Nasim is granted a Torbay Council issued Driver's Licence, due to previous conduct of the Applicant.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter and there is no requirement for the Committee to consult the public in this matter.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for other business units.

Annexes

Appendix 1 Licensing Sub-Committee minutes 19th December 2015

Appendix 2 Letter from Mr Imran Nasim dated 5th May 2015

Appendix 3 Letter to Mr Imran Nasim dated 29th June 2015

Appendix 4 Letter from Mr Imran Nasim dated 12th July 2015

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council's Hackney Carriage & Private Hire Licensing Policy 2012



Minutes of the Licensing Sub-Committee

19 December 2013

-: Present :-

Councillors Addis, Bent and Ellery

42. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

43. Minutes

The Minutes of the meeting of the Sub-Committee held on 31 October 2013 were confirmed as a correct record and signed by the Chairman.

44. Incident with a Torbay Council Licensed Driver

The Licensing Sub-Committee considered a report and appendices concerning a Torbay Council Licensed Driver who physically assaulted another licensed driver by punching him to the face.

At the hearing the respondent was represented by a Legal Advisor. The victim and officers from the Licensing Department were present at the hearing to answer Members questions.

Decision:

That Mr Nasim's Torbay Hackney Carriage Driver's Licence be revoked on the grounds of any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, and that this revocation shall be with immediate effect, in accordance with Section 61("B) of the Local Government (Miscellaneous Provisions) Act 1976, as it appears to Members on hearing the facts of the case that it is appropriate to do so in the interests of public safety.

Reasons for Decision:

Having carefully considered all of the written and oral representations, Members resolved to revoke Mr Nasim's Hackney Carriage Driver's Licence for the following reasons:

Whilst it was accepted that there were elements of provocation earlier in the evening of the assault taking place and that there was an ongoing dispute between the two individuals, as submitted at the hearing by both Mr Nasim and the

victim, [REDACTED] who is also a driver licensed by Torbay Council, Members found that Mr Nasim's conduct in physically assaulting another driver whilst on duty for that which he was licensed and doing so in front of members of the public who he was there to provide a service for fell well below the standard reasonably expected by a driver licensed by Torbay Council. .

Mr Nasim was observed by a witness to abandon his vehicle in the middle of the road and then, as captured on CCTV, to approach the victim's car in such a manner that it caught the attention and necessary presence of a Taxi Marshall who was placed to facilitate the orderly dispersion of taxi customers. Mr Nasim was then seen on the CCTV to walk away from the victim's vehicle but after a short distance, return and subsequently throw his right arm into the open driver's side window, physically assaulting the victim where he had remained throughout the incident. This resulted in Taxi Marshalls having to intervene in such a way that it was necessary for them to take Mr Nasim to the ground to restrain him, until the Police arrived. Members say this indicated Mr Nasim's state of mind which they found to be unacceptable and fell well below the standards reasonably expected of a driver licensed by Torbay Council.

The assault took place during the early hours of the morning in the middle of the night time economy and in front of members of the public who were queuing at the time for a taxi service. This Members found to be alarming, unacceptable and fell well below the standards reasonably expected of a driver licensed by Torbay Council

It was a concern to Members that Mr Nasim failed to notify the Licensing department of his assault on [REDACTED] when he attended the Council's offices on the 4 November 2013. Whilst Members noted that this was not a scheduled appointment and that the attendance was brief due to the Officer having a prearranged meeting, Mr Nasim only chose to make reference to Mr [REDACTED] conduct on that evening and not that of his own. Members found this to be intentionally misleading of what in their view was very serious incident.

Having admitted the offence and been issued with and accepted a caution, Mr Nasim failed to notify Torbay Council's Licensing Team of this caution, as required to do so in accordance with paragraph 6.4 of the Council's Hackney Carriage (Taxi) & Private Hire Policy 2013 (referred hereinafter as the 'Policy'). Mr Nasim's submission that he was not aware that he had to report it carried no weight, as the declaration when collecting and signing for their copy of the Policy states that they (licensed drivers) understand that it is their duty to familiarise themselves with all of the contents and that it shall be carried within the licensed vehicles at all times. Mr Nasim collected and signed for his copy of the Policy on the 20 March 2013. Members also noted the recommendation in the previous decision of the Licensing Sub-Committee on the 1 August 2013 which stated that Mr Nasim should read again the Policy. Members resolved that Mr Nasim had had sufficient opportunity to read the Policy and therefore it was reasonable that he should have been aware of this requirement.

Members had regard to the summary of complaints and outcomes held by Torbay Council's Licensing Team, as outlined in the report. In particular Members noted

the incident which led to Mr Nasim's previous appearance before a Licensing Sub-Committee on the 1 August 2013 and the decision of that Committee, as set out in Appendix 10 of the report. An appearance which resulted in Mr Nasim's driver's licence being suspended for a period of four weeks. It was concerning to Members that this further incident took place only eight weeks after the end of that suspension and that the suspension was for similar conduct. Members were also concerned that this further incident, in such a short time, demonstrated to them that a pattern of aggressive behaviour was developing which by his own admission; Mr Nasim had failed to address during his suspension, despite the recommendation to undertake an anger management course by the previous committee.

In concluding, Members resolved that they could no longer be satisfied that Mr Nasim remained a fit and proper person to hold a Torbay Council drivers licence. In coming to that decision, Members considered what if any conditions could be added to Mr Nasim's drivers licence or whether a further period of suspension would be appropriate. In light of these considerations and the previous conduct of Mr Nasim, Members felt that they were left with no alternative but to revoke his licence.

In revoking Mr Nasim's licence with immediate effect, as in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, Members resolved that it appeared to them in the interest of public safety to do so, as Mr Nasim's continued aggressive conduct in their view placed others at a very real risk.

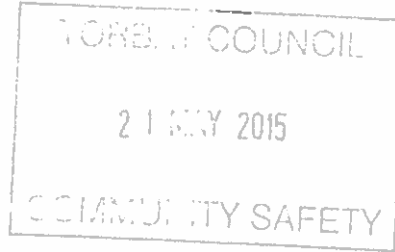
Chairman/woman

Agenda Item 6

Appendix 2

To, Mr Cox
This letter to you in response to a conversation I have had with Mr Noble and was advised to write to you personally.

Mr Noble has also explained to me that I will have to be put before the committee in regards to them giving me an answer to wether or not I'm entitled to re-apply for my license. I am happy to do so but needed to know if I had to do my driving training before I am given a committee date or after?



MAU. 005405

6-5-15.

Imran Nasim.

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...



Please reply to: Mr Steve Cox

Community Safety

c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Imran Nasim
(Address removed)

My ref: R:219509/SJC
Your ref:
Telephone: 01803 208025
Website: www.torbay.gov.uk
Date: 29 June 2015

Dear Mr Nasim

Re: Request to attend Committee

I am writing to you regarding a letter I received from you on the 21st May 2015 with respect attending Licensing Committee about the possibility of you applying for and being granted with a Torbay Council issued Drivers Licence.

I have reviewed your case, especially taking into account the circumstances around the committee decision dated 19th December 2013 to revoke your licence. I have considered the fact that only 18 months have elapsed since that decision, and the fact that you have not provided me with any evidence or supporting material as to why the circumstances around your licence revocation have changed. My decision is that I am currently not prepared to submit your request to our Licensing Sub-Committee.

If you feel you still wish to request a hearing, then I would like an explanation as to how the circumstances have changed which resulted in your revocation. This should include what you have done to amend your behaviour and why you would now consider yourself to be a 'fit and proper person', as set out in the Local Government (Miscellaneous Provisions) Act 1976.

Although it would be appropriate of me to consider any evidence you submit, I must inform you that unless that submission is compelling it may be that I would still recommend refusal.

I also attach a copy of the original decision to revoke your licence.

Should you need to contact us please quote the reference number above.

Yours sincerely

A handwritten signature in cursive script that reads 'Stephen Cox'.

Mr Steve Cox
Environmental Health Manager Commercial
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts



Please reply to: Mr Steve Cox

Community Safety

c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Imran Nasim
(address removed)

My ref: R:196716/SJC
Your ref:
Telephone: 01803 208025
Website: www.torbay.gov.uk
Date: 2 January 2014

Dear Mr Nasim

Re: Section 61 Local Government (Miscellaneous Provisions) Act 1976 – Licensing Sub Committee hearing 19th December 2013

I am writing with reference to the Licensing Sub Committee hearing on 19th December 2013 to consider a report. This was in relation to an assault on another driver for which you received and accepted a Police caution. The decision of the Sub Committee was as follows:

That Mr Nasim's Torbay Hackney Carriage Driver's Licence be revoked on the grounds of any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, and that this revocation shall be with immediate effect, in accordance with Section 61("B) of the Local Government (Miscellaneous Provisions) Act 1976, as it appears to Members on hearing the facts of the case that it is appropriate to do so in the interests of public safety.

The reasons for Decision:

Having carefully considered all of the written and oral representations, Members resolved to revoke Mr Nasim's Hackney Carriage Driver's Licence for the following reasons:

Whilst it was accepted that there were elements of provocation earlier in the evening of the assault taking place and that there was an ongoing dispute between the two individuals, as submitted at the hearing by both Mr Nasim and the victim, Mr Nicholson who is also a driver licensed by Torbay Council, Members found that Mr Nasim's conduct in physically assaulting another driver whilst on duty for that which he was licensed and doing so in front of members of the public who he was there to provide a service for fell well below the standard reasonably expected by a driver licensed by Torbay Council. .

Mr Nasim was observed by a witness to abandon his vehicle in the middle of the road and then, as captured on CCTV, to approach the victim's car in such a manner that it caught the attention and necessary presence of a Taxi Marshall who was placed to facilitate the orderly dispersion of taxi customers. Mr Nasim was then seen on the CCTV to walk away from the victim's vehicle but after a short distance, return and subsequently throw his right arm into the open driver's side window, physically assaulting the victim where he had remained throughout the incident This resulted in Taxi Marshalls having to intervene in such a way that it was necessary for them to take Mr Nasim to the ground to restrain him, until the Police arrived. Members say this indicated Mr Nasim's state

of mind which they found to be unacceptable and fell well below the standards reasonably expected of a driver licensed by Torbay Council..

The assault took place during the early hours of the morning in the middle of the night time economy and in front of members of the public who were queuing at the time for a taxi service. This, Members found to be alarming, unacceptable and fell well below the standards reasonably expected of a driver licensed by Torbay Council

It was a concern to Members that Mr Nasim failed to notify the Licensing department of his assault on Mr Nicholson when he attended the Council's offices on the 4th November 2013. Whilst Members noted that this was not a scheduled appointment and that the attendance was brief due to the Officer having a prearranged meeting, Mr Nasim only chose to make reference to Mr Nicholson's conduct on that evening and not that of his own. Members found this to be intentionally misleading of what in their view was very serious incident.

Having admitted the offence and been issued with and accepted a caution, Mr Nasim failed to notify Torbay Council's Licensing Team of this caution, as required to do so in accordance with paragraph 6.4 of the Council's Hackney Carriage (Taxi) & Private Hire Policy 2013 (referred hereinafter as the 'Policy'). Mr Nasim's submission that he was not aware that he had to report it carried no weight, as the declaration when collecting and signing for their copy of the Policy states that they (licensed drivers) understand that it is their duty to familiarise themselves with all of the contents and that it shall be carried within the licensed vehicles at all times. Mr Nasim collected and signed for his copy of the Policy on the 20 March 2013. Members also noted the recommendation in the previous decision of the Licensing Sub-Committee on the 1st August 2013 which stated that Mr Nasim should read again the Policy. Members resolved that Mr Nasim had had sufficient opportunity to read the Policy and therefore it was reasonable that he should have been aware of this requirement.

Members had regard to the summary of complaints and outcomes held by Torbay Council's Licensing Team, as outlined in the report. In particular Members noted the incident which led to Mr Nasim's previous appearance before a Licensing Sub-Committee on the 1 August 2013 and the decision of that Committee, as set out in Appendix 10 of the report. An appearance which resulted in Mr Nasim's driver's licence being suspended for a period of four weeks. It was concerning to Members that this further incident took place only eight weeks after the end of that suspension and that the suspension was for similar conduct. Members were also concerned that this further incident, in such a short time, demonstrated to them that a pattern of aggressive behaviour was developing which by his own admission; Mr Nasim had failed address during his suspension, despite the recommendation to undertake an anger management course by the previous committee.

In concluding, Members resolved that they could no longer be satisfied that Mr Nasim remained a fit and proper person to hold a Torbay Council drivers licence. In coming to that decision, Members considered what if any conditions could be added to Mr Nasim's drivers licence or whether a further period of suspension would be appropriate. In light of these considerations and the previous conduct of Mr Nasim, Members felt that they were left with no alternative but to revoke his licence.

In revoking Mr Nasim's licence with immediate effect, as in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, Members resolved that it appeared to them in the interest of public safety to do so, as Mr Nasim's continued aggressive conduct in their view placed others at a very real risk.

You have a 21 day right of appeal regarding the decision to suspend your driver's licence from the date of this letter. This has to be made to the Magistrate's Court under Section 300 Public Health Act 1936. I attach a copy of the relevant sections for your information.

Should you need to contact us please quote the reference number above.

Yours sincerely

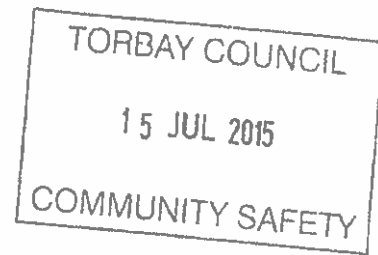
A handwritten signature in black ink that reads "Stephen Cox". The signature is written in a cursive style with a large 'S' and 'C'.

Mr Steve Cox
Environmental Health Manager Commercial
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

12th July 2015

Imran Nasim



Steve Cox
c/o Town Hall,
Castle Circus,
TORQUAY,
Devon
TQ1 3DR

Re: Appeal letter for consideration for application for a Torbay
Hackney Carriage License.

Dear Steve,

I am writing to you in reply to the letter received dated the 19th
June 2015.

I would like Torbay Council Hackney Carriage committee to re-
open my case so that they may re-consider granting Myself a
Hackney Carriage license upon reviewing my evidence
enclosed.

On the 19th December 2014 it was accepted by the committee
that there were elements of provocation between the Victim and
Myself, I had tried to ignore the racial slurs throughout the day
but later that evening I heard more racial comments shouted
from the Victims car, this made me feel humiliated in front of
my Colleagues and the Public and although this doesn't justify
my actions it had tested my patience and with my poor ability to

manage my anger at that time I unfortunately lashed out at the Victim. I had behaved in this manner because of building underlying anger issues.

I have taken steps to address the issues, I have attended anger management courses at Devon Clinic in January and February this year, I have responded well to treatment and as a result I am able to keep my anger under control.

I have since gained employment with [redacted] in Torquay and over the past 15 months I have worked successfully with members of the public and my colleagues.

I have enclosed a personal reference from [redacted] that I would like to use as part evidence, it shows that I am seen as fit and proper to work.

I have also attached a copy of my anger management course response letter with receipt's to show that I have self funded and successfully participated and as a result received a letter from the director, I would like to provide this as evidence to show I have bettered myself for the interest of public safety.

I had a strong customer base, which I served well, I still have many customers wishing to use my services and I now see that I have let my customers, community and myself down. I know with the lessons I have learned that I can do better and that I can still be purposeful to Torbay Council and my Customers.

I know my actions were wrong and I now have better self-control, I have also used this time to read the Hackney Carriage & Private Hire Policy to help better understand what I had done wrong and how I should behave and act to meet the standards required from me.

I am competent and feel fit to work again as a Hackney Carriage driver, I would be happy to propose that the committee impose

special restrictions on my license if needed for a temporary period to help gain further trust within the committee, Hackney drivers and member of the community.

Thank you.

Sincerely,

Imran Nasim

To Whom it May Concern

Imran Nasim has been employed by [redacted] since 15th February 2014 and has worked both on our Evening Team and recently on our Tills. During his time of working for us he has proven to be reliable, honest and consciencious which has resulted in him being , at present, trained to assist in the Till Supervision duties in store. At no time during his employment has he acted in an irresponsible nature.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully

Assistant Manager



To whom it may concern,

I am happy to confirm that Mr Imran Nasim has attended anger management courses at The New Devon Clinic during the months of January and February and has responded well to the treatments.

If you have any questions please feel free to call me on the numbers below

Warmest Regards

C

(Director)

the new devon clinic

55 Hyde Road, Paignton, Devon. TQ4 5BP
Tel 01803 557681 www.devonclinic.co.uk

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Registered Address 1 New Road Brixham TQ5 8LZ | Director C. Fleet

