



Wednesday, 10 February 2016

LICENSING SUB-COMMITTEE

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

Thursday, 18 February 2016

commencing at **11.30 am**

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

Members of the Committee

Councillor Barnby

Councillor Doggett

Councillor Sykes

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

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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 4 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 10 December 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. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.
7. **Taxi Driver Report** (Pages 6 - 17)
To consider a report that reviews whether a driver remains fit and proper to retain his Torbay Council issued Driver Licence.



Minutes of the Licensing Sub-Committee

10 December 2015

-: Present :-

Councillors Doggett, King and Stubley

34. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

35. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 September 2015 were confirmed as a correct record and signed by the Chairman.

36. Application for Torbay Council Driver's Licence

Members considered a report on an application for a Torbay Council issued Driver's Licence. Members were informed that the applicant, Mr Nasim, had previously had his licence revoked by a Licensing Sub-Committee on 19 December 2013. On the 19 December 2013, Mr Nasim's licence had been revoked because Members at the time were no longer satisfied that Mr Nasim remained a 'fit and proper person' to hold such a licence.

At the Licensing Sub-Committee, Members heard the circumstances surrounding the revocation of Mr Nasim's previous licence and the steps he had since taken to address his behaviour.

Decision

That Mr Imran Nasim's application for a Torbay Council Driver's Licence be approved subject to the following conditions:

- i) That Mr Nasim formally applies to the Licensing Authority for a Driver's Licence and carries out the necessary requirements of that application.
- ii) During the initial three month period of Mr Nasim's licence, Mr Nasim will be required to attend anger management appointments, at least once per month with evidence of attendance being submitted to the Licensing Authority;
- iii) During the initial six months period of Mr Nasim's licence, Mr Nasim will be required to meet once a month with a Licensing Enforcement Officer of the

Licensing Authority, for support, monitoring and to address any issues of concern that may arise; and

- iv) That the anger management appointments and appointments with the Licensing Enforcement Officer shall alternate on a fortnightly basis.

Reasons for Decision

Members were initially mindful to refuse the approval of a Driver's Licence in respect of Mr Nasim, because they could not be satisfied that the two year period which had elapsed between the violent incident and the similar incident which occurred only eight weeks prior to that was a long enough period for Mr Nasim to demonstrate that lessons had been learnt and that he was a reformed character which in turn, met their expectation of what is a 'fit and proper' person to hold such a licence. This coupled with short length of time that Mr Nasim had voluntarily undertaken sessions of anger management, did not reassure them that Mr Nasim would have in place the necessary support should issues arise again as they had when he was previously a licensed driver and on duty.

However after careful consideration of all the written and oral Representations, Members resolved to approve the granting of the licence, having been satisfied that the conditions imposed with this approval would eliminate their immediate concerns.

In coming to that decision, Members gave careful consideration to their primary duty in ensuring public safety and had regard to the fact that at no time was Mr Nasim's violence or aggression directed towards any members of the public or customers. Therefore they were satisfied that the test set out in page 7 of the report was met with a conclusive yes.

Members were reassured to note that Mr Nasim had not come to the attention of Devon and Cornwall Constabulary during the two year period since his Driver's Licence was revoked. This was evidenced by the author of the reports submission when reviewing Mr Nasim's Disclosure and Barring Service check.

In concluding, Members noted Mr Nasim's evident remorse and notable maturity in his submissions and when questioned what he would do differently if faced with similar circumstances, Members were reassured by his responses and with the additional conditions, that he was unlikely to repeat the behaviour which led to the revocation of his previous licence.

Should issues of concern arise following Mr Nasim being granted a Driver's Licence, Members would encourage those responsible for issuing and monitoring driver's licensed by Torbay Council to return Mr Nasim before a Licensing Sub-Committee, where appropriate action can be taken to address these concerns.

Chairman/woman

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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