



Public Agenda Item: **Yes**

Title: **Allegation of inappropriate conduct towards Civil Enforcement Officers**

Wards Affected: **All**

To: **Licensing Sub Committee** On: **1 August 2013**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. **What we are trying to achieve**

- 1.1 This report concerns a Torbay Council Licensed Driver who is said to have used aggressive, threatening and abusive language towards two Torbay Council Civil Enforcement Officers.

2. **Recommendation(s) for decision**

- 2.1 There is no recommendation.

3. **Key points**

- 3.1 By the provisions of the Town Police Clauses Act 1847 and 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 On the 1st May 2013 Torbay Council's Licensing Team received an email from the Council's Parking Services stating that an incident involving Hackney Carriage Vehicle number 30, and two of their Civil Enforcement Officers had occurred at the GPO roundabout in Torquay. It said that the Driver used aggressive, threatening and abusive language towards the two Officers when they approached him about parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users. Enquires showed that Mr Imran Nasim was the Driver Licensed to use this vehicle, at the time of the alleged incident

3.3 To assist Members in dealing with this matter, it is important to note that this is not the first time that Mr Nasim has come to the attention of the Council's Licensing Team and Licensing Sub-Committee due to incidents of unacceptable conduct. Mr Nasim has a history of complaints against him, including one occasion where his driver's licence was suspended by the Licensing Sub Committee for 7 days due to parking offences. Mr Nasim has also received a final warning letter about further parking issues and allegations of overcharging customers. This is brought to Members attention as in accordance with Section 18.4, Page 28, of the Torbay Council Hackney Carriage (Taxi) and Private Hire Policy 2013. A summary of these and other incidents held by the Licensing Team can be seen at A1.8 below

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

**Frances Hughes
Executive Head Community Safety**

Supporting information

A1. Introduction and history

- A1.1 By the provisions of the Town Police Clauses Act 1847 and 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 This report concerns a Torbay Council Licensed Drivers behaviour towards two Civil Enforcement Officers when approached about parking in areas in Torbay covered by Road Traffic Orders, as well as causing an obstruction to other road users.
- A1.3 On the 1st May 2013 Torbay Council's Licensing Team received an email from the Council's Parking Services giving details of an alleged incident that occurred at the GPO Roundabout, Torquay. The email referred to aggressive, threatening and abusive language towards two of their Civil Enforcement Officers when they approached the driver of Hackney Carriage plate number 30 to inform him that he had parked on the Double Kerb Blip outside of the Taxi Bay markings. A copy of the email is shown as Appendix 1 and photographs taken by the Civil Enforcement Officer at the time are shown as Appendix 2. A second Civil Enforcement Officer has provided a statement shown as Appendix 3.
- A1.4 As a result of the allegation the Licensing Team sent a letter dated 1st may 2103 to Mr Steven Fenlon, the owner of the vehicle, regarding the allegation and to confirm who was driving the vehicle at the time. This is shown as Appendix 4.
- A1.4 In response to the letter to Mr Steven Fenlon we received an email from Mr Imran Nasim on 6th May 2013 who confirmed he was the driver of the vehicle, Hackney Carriage plate number 30, registration WG08 BFY. This is shown as Appendix 5. We also received a letter from Mr Imran Nasim on 7th May 2013 to give further information about his interpretation of events regarding the alleged incident. The letter is shown as Appendix 6.
- A1.5 A letter was subsequently sent from the Licensing Team to Mr Imran Nasim on the 17th May 2013 offering him the opportunity to provide witness statements from other divers that may have observed the incident which could back up his claims. This letter is shown as Appendix 7. In response to this letter, the Licensing Team received 2 email statements. One from Miss Louise Cartright dated the 28th May 2013 who says she was on the taxi rank at the time of the alleged incident, this is shown as Appendix 8. The other was from Mr Steven Fenlon dated the 27th May 2013 who is the owner of vehicle plate 30 who also says he witnessed the alleged incident; this is shown as Appendix 9.
- A1.6 The submissions provided regarding this alleged incident give two conflicting accounts. As such, it is felt that the Licensing Sub-Committee should hear the evidence of both accounts and arrive at their own conclusion.
- A1.7 A summary of complaints held by the Licensing Team and the outcome are shown below:-

Date	Summary of Allegation	Outcome
23/10/ 2010	Parking at the end of the harbourside bus bay protruding out into the clocktower roundabout, then reversing further onto the roundabout.	Licensing sub-committee on 09/12/10 suspended his drivers badge for 7 days. See Appendix 10 for notice sent after committee.
14/04/2011	Allegation of overcharging. Tourist passenger charged £9 when a group in another taxi were charged £7.	Mr Nasim said he hadn't been informed of the group rate. No further action.
2/06/2011	Allegation of being overcharged. Passenger regularly takes same journey at cost of £6 but charged £9 on this occasion.	Test purchase operation undertaken on which occasion he charged the correct fare. Final warning letter dated 08/07/11 sent which refers to 4 complaints of overcharging. See Appendix 12
8/06/2011	Illegal parking on GPO roundabout, in Torquay.	Letter sent regarding illegal parking, see Appendix 11 Letter regarding final warning dated 08/06/13 sent (this letter included incident on 2/06/12 above), see Appendix 12
13/06/2011	Received complaint about overcharging.	Mr Nasim given verbal warning by the Licensing Enforcement Officer. However no further action taken because the complaint related to an incident that was 18 months old.

A1.8 There is a right of Appeal. Any Appeal would be to the Magistrates' Court within 21 days from the date of a Notice being sent out following the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 If Mr Nasim's licence is suspended or revoked there is the potential for an Appeal to the Magistrates' Court which may incur a financial cost.

A3. Options

A3.1 The options are:

- (i) to take no action
- (ii) to warn about future conduct
- (iii) to suspend or revoke the licence

A4. Summary of resource implications

A4.1 There are resource implications if there is an Appeal to the Magistrates' Court against a revocation or suspension.

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

A5.1 There are no equalities and environmental sustainability.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter.

A7. Are there any implications for other Business Units?

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

Annexes

- Appendix 1 Email dated 01/05/13 from Torbay Council's Parking Services regarding alleged aggressive, threatening and abusive language towards Torbay Council Civil Enforcement Officers
- Appendix 2 Photographs to support Appendix 1 dated 01/05/13
- Appendix 3 Incident report form from second Civil Enforcement Officer dated 01/05/13
- Appendix 4 Letter dated 01/05/13 to Mr Steven Fenlon, owner of Hackney Carriage plate number 30
- Appendix 5 Email from Mr Imran Nasim dated 06/05/13 confirming he was the driver of Hackney Carriage plate number 30 on the day of the alleged incident
- Appendix 6 Letter from Imran Nasim received 07/05/13 defending his position
- Appendix 7 Letter from Licensing dated 17/05/13 to Mr Imran Nasim asking for additional information
- Appendix 8 Email statement from Miss Louise Cartright on 28/05/13 in support of Mr Imran Nasim
- Appendix 9 Email statement from Mr Steve Fenlon sent on 27/05/13 in support of Mr Imran Nasim
- Appendix 10 Copy of Notice dated 09/05/10 sent after Licensing Sub Committee

confirming suspension of Mr Imran Nasim's drivers badge for 7 days.

Appendix 11 Letter to Mr Imran Nasim dated 08/06/2011 regarding illegal parking on GPO roundabout.

Appendix 12 Final warning letter dated 08/07/011 to Mr Imran Nasim about illegal parking and overcharging.

Documents available in members' rooms

None

Background Papers:

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

Hackney Carriage (Taxi) and Private Hire Policy 2013