



Report No: Public Agenda Item: **Yes**

Title: **Assault by a Torbay Council Licensed Driver**

Wards Affected: **All**

To: **Licensing Sub Committee** On: **19 December 2013**

Key Decision: **No**

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

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 a Torbay Council Licensed Driver who physically assaulted another licensed driver by punching him to the face.

2. Recommendation(s) for decision

No Officer recommendation

- 2.1 **That Mr Imran Nasim's Torbay Council Drivers Licence is revoked.**

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 At approximately 3.10am on the 3rd November 2013, Mr Imran Nasim physically assaulted Mr James Nicholson at the Taxi Rank on The Strand, Torquay. This happened following a series of incidents which occurred between the two licensed drivers during the early hours of that same day. *[Sentence redacted as information sensitive.]* This he has not reported to Torbay Council. The incident was witnessed by a Torbay Council employee, Mr Bradley Williams and recorded on CCTV.
- 3.3 To assist Members in dealing with this matter, it is important to note that Mr

Nasim has come to the attention of the Council's Licensing Team and Licensing Sub-Committee on a number of occasions 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 and more recently suspended for 4 weeks due to an incident involving a Civil Parking Enforcement Officers. Mr Nasim has also received a final warning letter about further parking issues and allegations of overcharging customers. This is brought to Members attention in accordance with Section 18.4, Page 28, of the Torbay Council Hackney Carriage (Taxi) and Private Hire Policy 2013. A summary of the incidents held by the Licensing Team can be seen at A1.11 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 Driver, Mr Imran Nasim, who by his own admission had been involved in a series of incidents between himself and another licensed driver during the early hours of Sunday 3rd November 2013. This resulted in Mr Nasim physically assaulting the other driver by punching him to the face at around 3.10am whilst at the taxi rank on The Strand, in Torquay.
- A1.3 The incident first came to our attention on the morning of the 4th November 2013, when Mr Nasim attended Torbay Council offices at Commerce House, to speak to Mr Shaun Rackely, Licensing Enforcement Officer. He informed Mr Rackley of his version of events that took place that early morning, though the details of the exact time the incident took place weren't made clear. Mr Rackley subsequently made a statement based on the information supplied to him by Mr Nasim. See Appendix 1.
- A1.4 On the 4th November 2013, Community Safety received a complaint from Mr James Nicholson, a driver licensed by Torbay Council, saying he had been assaulted by Mr Imran Nasim on the 3rd November 2013. Mr Nicholson was interviewed by Officers of Torbay Council on the 6th November 2013 and made a statement detailing the incident.
- A1.5 Mr Nicholson's version of events which occurred during the early hours of the 3rd November 2013 confirmed that there had been a standoff between himself and Mr Nasim in Princess Road, Torquay over who should reverse to allow the other vehicle to pass. This was followed by a series of further incidents which resulted in Mr Nasim confronting Mr Nicholson by getting out of his vehicle and approaching Mr Nicholson who was sat in his vehicle on The Strand in Torquay at approximately 3.10am. It was at this point that Mr Nasim physically assaulted Mr Nicholson by punching him to the face. A taxi marshal who was present at the time of the assault pinned Mr Nasim to the floor and was subsequently assisted by a second Marshal whilst the Police were called. See Appendix 2.
- A1.6 A Torbay Council employee, Mr Bradley Williams, was present but not on duty at the time and witnessed the incident on The Strand at 3.10am. He confirmed what was reported in Mr Nicholson's statement with regard to the sequence of events on The Strand, though he was not close enough to hear what was said or to be sure the punch thrown hit Mr Nicholson. Mr Williams took two photos of the vehicles whilst at the scene and exhibits them in his statement. See Appendix 3.
- A1.7 The incident was captured on CCTV. Upon request, a copy of that recording has been supplied to Torbay Council's Licensing Team by Rob Osborne. See Appendix 4.
- A1.8 Following Council Officers investigation of the alleged incident, a letter was hand

delivered to Mr Nasim at his home address, dated 26th November 2013, inviting him to attend a meeting to discuss the incident. See Appendix 5. This he attended on the 2nd December 2013. Notes of Mr Nasim's account of the incident were taken by Karl Martin, Licensing and Public Protection Officer, which Mr Nasim subsequently read and signed as a true account of this submissions. See Appendix 6. These notes were then transcribed and are available in Appendix 7.

A1.9 *[Paragraph redacted as information sensitive.]*

A1.10 To date Mr Nasim has not reported the *[Part of sentence redacted as information sensitive.]* to Torbay Council as is required in the Hackney Carriage & Private Hire Licensing Policy 2012. It says

6.1 Failure to inform the Licensing Authority immediately, or within 5 working days of any convictions, cautions and fixed penalty notices during the licensing application and/or licensing period (i.e. once the licence is granted) may result in suspension or revocation of the driver licence. Similarly, where convictions, cautions or fixed penalty notices are notified, depending on the nature of the infraction, this may result in suspension or revocation of the driver licence.

A1.11 A summary of complaints and outcomes held by Torbay Council's Licensing Team in respect of Mr Imran Nasim are shown below:-

Date	Summary of Allegation	Outcome
23 rd Oct 10	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 9 th Dec 10 suspended Mr Nasim's drivers badge for 7 days. See Appendix 8 for notice sent after committee dated 9 th Dec 10.
14 th Apr 11	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 nd Jun 11	Allegation of being overcharged. Passenger regularly takes same journey at cost of £6 but charged £9 on this occasion.	Test purchase operation undertaken. Although Mr Nasim charged the correct fare on this occasion, a decision was taken to issue a final warning. Letter was sent dated 8 th Jul 2011, which refers to 4 complaints of overcharging and parking incident below. See Appendix 10

8 th Jun 11	Illegal parking on GPO roundabout, in Torquay.	Initial letter sent regarding illegal parking, dated 8 th June 2011. See Appendix 9. Letter regarding final warning dated 8 th Jul 2011 sent. see Appendix 10 (as above)
1 st Aug 13	Allegation of inappropriate behaviour towards a Civil Enforcement Officers	Licensing sub-committee on the 1 st August 2013 suspended his drivers badge for 4 weeks. See Appendix 11 for the minutes of that meeting.

A1.12 On the outcome of a decision by the Licensing Sub-Committee, 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.

Appendices

Appendix 1 Mr Rackley's statement of an interview with Mr Nasim on the morning of the 4th November 2013

Appendix 2 Mr James Nicholson Statement

Appendix 3 Mr Bradley Williams statement including two photos

Appendix 4 Copy of CCTV footage of the incident

Appendix 5 Letter to Mr Nasim dated 26th November 2013

Appendix 6 Signed notes from interview with Mr Nasim dated 2nd December 2013

Appendix 7 Transcribed notes from interview with Mr Nasim dated 2nd December 2013

Appendix 8 Notice dated 9th December 2010 confirming suspension of Mr Nasim's drivers badge for 7 days sent after Licensing Sub Committee of same date.

Appendix 9 Letter to Mr Nasim dated 8th June 2011 regarding illegal parking on GPO roundabout.

Appendix 10 Final warning letter dated 8th July 2011 to Mr Nasim about illegal parking and overcharging.

Appendix 11 Minutes of Licensing Sub Committee 1st August 2013 confirming suspension of Mr Nasim's drivers badge for 4 weeks.

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