



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 On the 19 December 2013, Mr Nasim's licence had been revoked because Members at the time were no longer satisfied that Mr Nasim remained a 'fit and proper person' to hold such a licence.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.