



Wednesday, 24 July 2013

LICENSING SUB-COMMITTEE

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

Thursday, 1 August 2013

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 Addis

Councillor James

Councillor Pentney

Working for a healthy, prosperous and happy Bay

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 207087

Email: governance.support@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 27 June 2013.
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. **Allegation of inappropriate conduct towards Civil Enforcement Officers** (Pages 5 - 31)
To consider a report in respect of an allegation of inappropriate conduct by a Torbay Council Licensed Driver.



Minutes of the Licensing Sub-Committee

27 June 2013

-: Present :-

Councillors Addis, Bent and Doggett

6. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

7. Minutes

The Minutes of the meeting of the Sub-Committee held on 16 May 2013 were confirmed as a correct record and signed by the Chairman.

8. Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay TQ1 1DT

Members considered a report on an application for a Premises Licence in respect of Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Letter of Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Undated

Additional Information:

The Licensing Sub-Committee noted that a notice to speak had not been returned by the Member of Public. Members agreed it was in the public interest to continue with the hearing.

Members were informed that the Applicant had returned their notice, in accordance with Section 8 (1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005. The Applicant was accompanied by a friend who had not been specified on the notice as attending. Members' permission was sought and granted for the Applicant's friend to assist the Applicant in presenting the Application.

Oral Representations received from:

Name	Details
Applicant and Friend	The Applicant and his friend outlined the application and responded to Members questions.

Applicant's response to Representations:

During deliberation it was deemed necessary for the Senior Lawyer to seek clarification from the Applicant regarding the sale of alcohol, following a submission put forward by the Applicant during the hearing. As a result, Members were advised that the Applicant agreed to the sale of alcohol being amended from 8am to 11a.m.

Decision:

That the application for a Premises Licence in respect of Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay be granted as applied for, subject to the following amendment and additional conditions being imposed:

- i) that the sale of alcohol be permitted from 11 a.m., as opposed to 8 a.m.
- ii) that staff shall monitor the outside area during opening times to ensure that Patrons do not congregate at the shared entrance to the Premises;
- iii) that notices shall be displayed in a prominent position in the shared entrance area stating that "No smoking and drinking shall occur in that area"; and
- iv) that notices shall be displayed prominently informing Patrons when leaving the premises to keep noise to a minimum, to ensure that that nearby residents are not disturbed.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the application subject to the amendment and additional conditions being imposed, having been satisfied that to do so would not undermine the Licensing Objectives.

Members considered the application in respect of the Councils Licensing Statement of Principles 2011 and resolved to depart from the Policy noting that the grant, in their view, would not add to the problems of crime and disorder and/or public nuisance in the area.

Members also noted that there were no Representations from either of the Responsible Authorities.

Chairman/woman



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**

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 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

From:
Sent: 01 May 2013 14:02
To: Rackley, Shaun
Cc:
Subject: FW: Taxi Blue Plate 30

Hi Shaun,

Please see the email below and attached photographs that we have just received from one of the supervisors of the Parking Enforcement Team.

We have asked the CEO to provide us with an official incident form due to the aggressive and threatening behaviour of the taxi driver. Is there any action that you can take at your end as this kind of behaviour is unacceptable, particularly when the taxi drivers have a code of conduct to adhere to? Our officers are instructed to communicate with motorists in a courteous manner, but we expect the same in return.

For your information, a Penalty Charge Notice was not issued by the officers on this occasion.

Regards

~~Parking Services~~

Telephone
Fax
email

Address Torbay Council, Parking Services, PO Box 422, Torquay, Devon, TQ2 5WU

This email and any attachments are intended solely for the use of the intended recipient(s) and may contain confidential information and/or may be legally privileged. If you have received this email in error, please notify the sender immediately and delete this email.

From:
Sent: 01 May 2013 13:37
To:
Subject: Taxi Blue Plate 30

Good Afternoon Bev.

*While monitoring CEO 409 on the West Beat, we came across a Taxi VRM: WG08BFY Blue Plate 30, Parked on DKB on the GPO Roundabout outside of the Taxi Bay markings. On approaching the vehicle it was seen to be empty with no driver present. Two males were standing nearby and I asked if the vehicle belonged to either of them, one person replied that it did and what did it have to do with me. I explained that it was parked on DKB and not in the Taxi Rank or overhanging into Union Street. The Driver said "F***k off you f***king p***ks, I've been here for hours". I then told CEO 409 to issue to the vehicle, at that the driver run to the vehicle and jumped in to drive away (photo) at the same time shouting "you f***ing p***k, Just wait till you're not in uniform and I get you, you c***t" he then drove off the wrong way up Pimlico nearly hitting a car coming down the down the road in the correct direction (photo taken). The driver then reversed back towards the taxi rank but stopping in Union Street and parking (photo). The Driver carried on shouting abuse at me, telling me to "get a f***ing*

life" "have you p[redacted] got nothing better to do" and "Just wait till your off f[redacted]g duty". The other person standing there then joined in saying to the first driver "Take no notice of them prates they can't do anything"

I told the first person that I was reporting him for his threatening and abusive manor. I was told to f[redacted]k off and he would be seeing me later when it was dark (Photos).

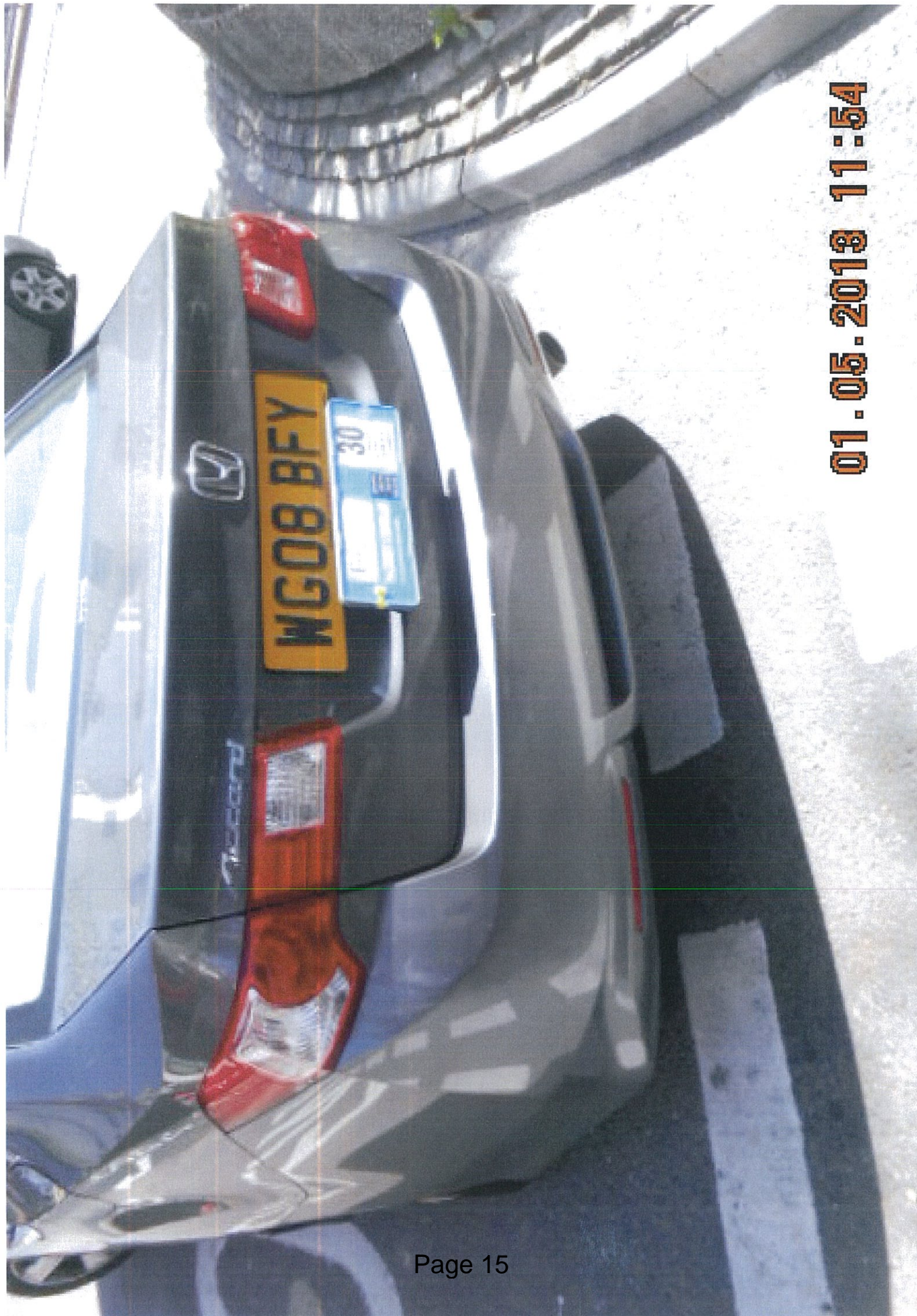
Kind regards!

Law Enforcement & Operations Officer
Parking Enforcement Services
Torquay
TQ2 5WU



01-05-2013 11:55





01.05.2013 11:54







INCIDENT REPORT FORM

Incident Number CEO Number

Incident Location

Date Day Time

Details of Incident

Whilst on beats with S3 we came across a taxi on the loading bay by post office roundabout. We approached the vehicle and asked the driver to move it as he was on a contravention. The driver refused so S3 said to me to issue a pcn. The driver was abusive and then moved his vehicle by going through a no entry sign at the end of Pintock and reversing back into a space that had been created for him on the rank. S3 approached the vehicle and was in conversation with the driver for a while. Other drivers standing around were trying to calm the first driver but he was continued to be abusive.

The vehicle registration was WG09BFF with Plate Number 30. He told us to 'F' off you 'F'ing pids, go and get a proper job. Haven't you got anything better to do. I'm not moving for you. After S3 asked me to issue ticket the man started more abuse but as I was a little further away I didn't hear everything clearly.

Sent: 06 May 2013 22:14
To: Licensing
Subject: Letter of complaint

In response to your letter of complaint I think If anything I felt like I was being threatened and harassed by not just one but two traffic wardens one giving the orders and the other taking unnecessary pictures for no reason. The main traffic warden wasn't willing to be reasonable I explained the situation to him in a calm manor not the way he proclaimed I had spoken to him/them.

I wasn't driving up pimlico as you can CLEARLY see in the picture I had in fact got my reverse lights on, I pulled forward towards pimlico when it was clear which it was at the time... I was merely swapping sides as Louise Cartwright (taxi driver) said that she was pulling off and to move over to her side rather than pull off and go, which i made clear to the wardens yet they took no notice and continued to run after me as i pulled forward to let Louise Cartwright go so i could move into her space, which the wardens still had a problem with.

I had been waiting on the rank gone an hour and thought it was unfair that they (traffic wardens) wanted me to pull off. I was the next taxi to go, which I said to the wardens but they weren't having none of it and continued to take pictures and cause me grief my plate owner (Steve Fenlon) was stood beside me and agreed with me saying they were being unreasonable. They continued to harass me even after I had finally parked up on the other side for no unnecessary reason ranting I'm going to report you as he poked his head in my window.

As a member of the public sector I didnt expect to have been treated this way i felt threatened by his continuous harassment which in my eyes was uncalled for and inappropriate.

Imran nasim.

Mr Craig Noble
Community Safety
Town Hall
Castle Circus
Torquay
Devon
TQ1 3DR

Dear Craig/Shawn,

Ref:- R189626/CAN

I would like very much to defend my position regarding an incident which occurred on Wednesday 1st of May 2013 at approx 11:55am. Whilst waiting for my next customer on the GPO roundabout Rank, I was approached by two traffic enforcement officers, who immediately, through their behaviour and manner, made me feel threatened and harassed. One of the officers seemed to be in charge and was issuing orders, such as the other telling him to take photos of me and my vehicle.

The officer in charge didn't, at any time, want to discuss anything calmly or seemingly rationally. He seemed intent on showing up a taxi driver showing, it seemed, 'how they should be handled' - i would like to enquire whether the officer with him was in training of any sort?

I have received photographs indicating that i was driving up the Pimlico area along the one way street.

However, it can clearly be seen by these same photos that i am reversing to ensure i am doing exactly as i was instructed.

In the letter i received with the same photos it was also insinuated that a driver travelling down Pimlico had to 'slam on' to avoid me and an accident.

This driver did no such thing; he saw me and waived me on letting me manouvre into a new spot. This was witnessed by several drivers.

The spot that i was manouvering into was being vacated by Louise Cartwright; who also witnessed the whole episode.

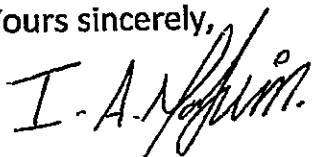
Whilst i understand that the traffic officers have a job and duty to enforce traffic law it really seemed to me to be an incident blown out of all proportion - admittedly, on both sides, our discussion became heated as he and i had a complete difference of opinion as to what i was actually doing.

I would never endanger any other driver or, as has been insinuated, have such disregard for the laws which govern us as Taxi Drivers.

I would welcome the opportunity to discuss this matter further with you and the officers involved, also, to offer a witness statement that will be e-Mailed direct to you by Louise Marie Cartwright.

I am more than happy to discuss this further at any time.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'I. A. Nasim', written in a cursive style.

Imran Nasim (Licensced badge holder LD0225)



Please reply to: Mr Shaun Rackley

Licensing & Public Protection
c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Mr I A Nasim



My ref: R:189626/SAR
Your ref:
Telephone: 01803 208025
E-mail: Licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 17 May 2013

Dear Mr Nasim,

Re – Complaint of abusive behavior

I am writing to you following an alleged incident that happened on the 1st May 2013 at 11:55am on the G.P.O roundabout, Torquay between yourself and Torbay Council's parking civil enforcement officers (CEO's).

Following a letter to the plate owner Mr Fenlon, we have now received an email from yourself dated 6th May 2013 and a letter, again from yourself which was hand delivered to the licensing office explaining your alleged actions.

To investigate the matter further before I decide on how to proceed with the complaint, I now need you to provide any witness statements from any driver that witnessed the alleged incident backing up your claims. You have alleged that you felt threatened and harassed by the two CEO's and they were not rational in how they handled the matter. Any witness statements that you wish to provide to the licensing authority to help resolve the complaint need to be sent directly to me at the address/email address above and should be received no later than **10:00am on the 28th May 2013**.

Please be aware that any witness statements that you provide to the licensing authority need to be accurate and only include information as to what happened regarding the alleged incident. To make a false statement is a criminal offence.

If you wish to discuss the matter further then please do not hesitate to contact me on the number above.

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

Yours sincerely

Mr Shaun Rackley
Licensing Enforcement Officer
Licensing and Public Protection

Sent: 28 May 2013 09:12
To: Rackley, Shaun
Subject: RE: UNCLASSIFIED:

Morning Shaun,

As per our conversation regarding the incident involving Imran and 2 traffic enforcement officers.

On the day in question Shaun I can categorically confirm that Imran was not, under any circumstances, trying to drive up a one way system after being asked to move his vehicle from over the line on the GPO roundabout rank. I actually moved for Imran to move into my space as I was going for lunch with my partner. I was quite shocked at the behavior of the warden and felt that he was trying to come across very much as he was going to prove his authority with Imran due to him being with a younger warden (I think the other warden was in training). Once I'd pulled around the roundabout I did notice the traffic warden seemed to be goading Imran by waking back to carry on the discussion (which I did not hear). Having read the letter which was sent by yourself to Imran I am shocked at the accusations that are being made against him regarding the verbal abuse that was apparently pointed towards the officers by Imran.

Shaun, I was there, I did not here any kind of verbal abuse, I don't doubt for one second that Imran was not however annoyed at the way he was spoken to. I have had experience of this particular traffic warden in the past and I must say that I find his manner extremely aggressive and not at all professional. I know that as taxi drivers we are not perfect, far from it, and yes we park where we shouldn't some of the time, but I have always responded well to the traffic wardens for several reason, like us, they have a job to do and its the law. It's also the way that they deal with us and the majority of them are very good. The fact remains that when a traffic warden asks us to move etc, we are somewhere we shouldn't be, but does this give the odd one the right to speak to us like we are stupid????? I am aware that you have photographic evidence of Imran sticking up his middle finger, again, I did not see this. The accusation that the warden has made about Imran threatening to attack him once he is out of of uniform is a serious allegation!!!! and if found to be true this could result in Imran losing his taxi licence, I can only hope that facts are correct at the time of this decision being made. I would also like to ask if this particular traffic warden has been taken to task regarding his attitude?

I am aware that there has been issues with Imran in the past, but having done a little bit of investigation of my own, Imran seems to of sorted himself out and from speaking to the other drivers (mainly on the GPO rank) he seems to of settled down. Shaun, as you know I've had problems of my own since becoming a Hackney driver. Taxi drivers are a pain in the arse at the best of times, but, the one thing I have always tried to hold onto is a sense of justice and I feel very strongly about this particular incident and the allegation's that have been made. As i said to you during our conversation I would never bare false witness for anyone, nor would I lie if I thought somebody was in the wrong, regardless of who they are. It does annoy me somewhat that it seems to be that the word of the traffic enforcement officer override the word of a taxi driver (in this incident). I know there has to be an amount of fairness and i know that sorting out the taxi drivers is not an easy task (I am always willing to come and help lol).

Shaun, if I can shed anymore light on this please don't hesitate to ring me [REDACTED]. Thank you for calling me back the other day, I know your mega busy.

Warm regards

Louise Cartwright.

Sent: 27 May 2013 20:35
To: Licensing
Subject: Imran Nasim - Taxi Driver

Agenda Item 6 Appendix 8

To whom it may concern:

As a witness to a reported incident from a traffic warden concerning Imran Nasim I have been asked to provide a letter regarding this matter.

I was present at the time of the reported incident and I have seen the traffic warden's report and I did not here Imran swear or say anything to the traffic warden in the manner in which it has been suggested. I was walking back to my car and saw the warden walk back to Imran's car. It appeared to me that the warden wanting to engage once again in a conversation and perhaps carry on a situation that I thought had ended. Imran did not say anything to warrant the warden to return. Even the warden's colleague looked surprised when his colleague returned to Imran.

I have read the letter from the council accompanied with the warden's report and photos. I believe the warden has been particularly over zealous in his version of events. For example Imran did not drive his car the wrong way into Pimlico into oncoming traffic. He simply maneuvered his vehicle when the traffic was clear to take a new position on the taxi rank.

In conclusion Imran is a responsible young man with a strong work ethic and I personally believe that his earning capability as a licensed taxi driver should not be compromised as a result of a one sided version of events from a traffic warden.

Yours faithfully

Steven Fenlon (Hackney Carriage Driver)

Please reply to: Steve Cox
Safety & Licensing Team
Roebuck House, Abbey Road,
Torquay, Devon
TQ2 5EJ

My ref: SJC/SJC/0618834

Your ref:

Telephone: 01803 208126

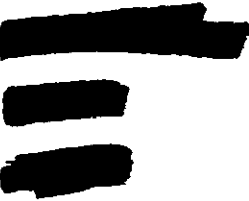
Fax: 01803 208854

E-mail: Licensing@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 9th December 2010

Mr I Nasim



Dear Mr Nasim

Re: Licensing Sub-Committee Hearing – 9th December 2010 Suspension of Hackney Carriage Drivers Licence

I am writing to you following the Licensing Sub-Committee hearing on the 9th December 2010 to consider a report with respect to the suspension of your Hackney Carriage Drivers Licence for 7 days. This was with regard to not complying with Torbay Council's Road Traffic Orders and byelaw.

The Licensing Sub-Committee decision "that Mr Imran Nasim's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any other reasonable cause,' as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. This will take effect from Friday 31st December 2010 for 7 days unless you appeal the decision, see additional information below. The reasons given for the decision were that

"Having carefully considered all the oral and written Representations, the Sub-Committee resolved that Mr Nasim had received a warning letter from the Principal Safety and Licensing Officer dated 4 December 2009 and

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

If you require this in a different format or language, please contact me.

a warning letter from the Environmental Health Manager (Commercial) dated 31 August 2010 raising awareness of the issues of taxis parking in bus bays and non compliance with the Road Traffic Orders. Mr Nasim confirmed that he had received these warning letters.

Members noted the correspondence from Richard Brown (Parking Operations Officer), PC Anthony Moorhouse, Leslie Dransfield (Public Transport Officer) and Christina Ratcliffe (Operations Manager – Torbay Stagecoach South West), contained within the report which highlighted the impact and concerns of public safety by drivers parking in the bus bays and obstructing the flow of traffic.

In addition, Members noted the admission of Mr Nasim that he had parked his vehicle in such a way so as to cause an obstruction on the 23 October 2010 at 00:43 and that he had been parked illegally at the GPO roundabout on Thursday 11 November 2010 at 18:01.

Members also found an aggravating factor in that despite receiving the warning letters and being advised in a letter dated 12 November 2010 that he was to come before the Licensing Committee, Mr Nasim received an endorsement on his drivers licence for parking illegally to alight passengers on the 27 November 2010.

Members felt that the suspension was a proportionate and necessary response to the breach of Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.”

You do have a 21 day right of appeal regarding the decision to suspend your drivers 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.

If you do appeal then the decision is suspended until the appeal is heard. If you do not appeal then you need to hand deliver your drivers badge to Roebuck House either late on Thursday 30th December 2010 or first thing on Friday 31st December 2010, and collect it again the following Friday 7th January 2011.

Can I take this opportunity to warn you, should you be caught again ignoring the Road Traffic Orders and Byelaws that any future recommendation for suspension will be a great deal higher.

If you have any queries then please do not hesitate to contact me.

Yours sincerely

Steve Cox

Principal Safety and Licensing Officer

Safety and Licensing Section

Encl Appeal information

Please reply to: Shaun Rackley

Community Safety

Roebuck House

Abbey Road,

Devon

TQ2 5EJ

Mr I A Nasim

My ref: SRU - 163368

Your ref:

Telephone: 01803 208121

Fax: 01803 208854

E-mail: Shaun.rackley@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 8 June 2011

Dear Mr Nasim,

Re: Hackney Carriage Number 030 – Registration Number YH56 SDZ

I am writing to inform you that your vehicle has been seen illegally parked on the GPO Roundabout at Torquay. Your vehicle was seen at 13:02 hrs on Tuesday 7th June 2011, and was parked on double yellow lines in between the entrance and exit to Fleet Walk next to the flower bed, this was observed for 3 mins before you drove off when I started approaching your vehicle to speak to you.

As we have reminded you in previous correspondence you should not be parking illegally at any time and you were warned that any further breaches of parking regulations could result in you being brought back before the Licensing Committee to explain your actions for a second time.

From our records we have recently written to you, (Ref: SRU155766, dated 28th October 2010 and again on 12th November 2010) regarding illegal parking on the harbour side and this resulted in a 7 day suspension. As a

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If you require this in a different format or language, please contact me.

result of this incident I would now like you to write to me as soon as possible and in no case no later than 17th June 2011 to explain your actions as to why you think it is acceptable to be carrying on breaking parking regulations. On receipt of this information the Licensing Manger will decide whether to take the matter to Licensing Committee for actioning.

Should you wish to discuss this matter further then please contact me on the above telephone number.

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

Yours sincerely

Shaun Rackley

Licensing Support Officer

Licensing & Public Protection.

Please reply to: Mr Steve Cox

Community Safety

Roebuck House

Abbey Road,

Devon

TQ2 5EJ

My ref: SRU 163195

Your ref:

Telephone: 01803 208126

Fax: 01803 208854

E-mail: steve.cox@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 8th July 2011

Mr Imran Nasim



Dear Mr Nasim,

Re: Complaints of contraventions of Road Traffic Orders and charging for journeys

I am writing to you with regard to two files that have been handed to me to consider with respect to non compliance with Road Traffic Orders and with respect to series of allegations/complaints about the charges you have made for journeys.

On the matter of the queuing on the GPO roundabout on Tuesday 7th June 2011, it is not my intention at this time to take this matter to Licensing Committee but to remind you that you have already been suspended once and should the matter be taken back to Licensing Committee I would anticipate a longer suspension. The letter, notes of the offence and your response will be kept on file should we have any future need to take the matter back due to a further offence, so please take this as a last warning.

On the matter of the complaints about overcharging for journeys, we have had four complaints spanning 18 months. This may not in itself seem like many, but bearing in mind we have no other driver who has more than one complaint, this reflects badly on you. As a result of this we undertook a test purchase operation on you and you will be pleased to know that you charged the correct fare on that occasion; however we can and may undertake this operation again.

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If you require this in a different language, please contact me.

The details of the four complaints are as follows. The first complaint, which we received in retrospect, related to over charging 18 months ago, so it was too long ago to investigate now. The second Craig Noble wrote to you about in a letter dated 8TH July 2010. The third related to an investigation regarding a journey dated 14th April 2011, which we have a third party statement and finally the last relates to a letter we have received regarding an incident on the 22nd May 2011. Having reflected on the evidence I have decided on balance that the appropriate action on this occasion is to warn you that if we receive any further complaints about overcharging, which we can substantiate, then you can expect to be referred to Licensing Committee with a recommendation for the revocation of your licence. Clearly any final recommendation or decision will ultimately be based upon the evidence available, but please take this as a final warning.

Yours sincerely

Mr Steve Cox

Environmental Health Manager Commercial

Licensing and Public Protection