



Wednesday, 11 December 2013

LICENSING SUB-COMMITTEE

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

Thursday, 19 December 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 Bent

Councillor Ellery

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:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

www.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 1 - 3)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 31 October 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. **Incident with a Torbay Council Licensed Driver** (Pages 4 - 34)
To consider a Report concerning an incident with a Torbay Council Licensed Driver.



Minutes of the Licensing Sub-Committee

31 October 2013

-: Present :-

Councillor

Councillors Addis, Bent and Doggett

34. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

35. Minutes

The Minutes of the meeting of the Sub-Committee held on 24 October 2013 were confirmed as a correct record and signed by the Chairman.

36. Exclusion of the Press and Public

Prior to consideration of the item in Minute 37 and 38 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

37. Licensing Act 2003 - An application for a Transfer for a Premises Licence

Members considered a report for an application for a Transfer of a Premises Licence in respect of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation received in respect of the exceptional circumstances of the case that granting the application would undermine the Crime Prevention Objective.	30 July 2013 16 October 2013

The Premise is situated in the Cumulative Impact Area.

The Environmental Health Manager (Commercial) advised Members that the original application for Transfer of a Premises Licence was deferred on the 29 August 2013 to enable the Applicant to attend the Committee in person and to respond to Representations and Members questions.

Decision:

That the application for a Transfer of a Premises Licence, in respect of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED be granted as applied for.

Reason for Decision:

As set out in the Decision Notice Letter.

38. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED

Members considered a report for an application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor in respect of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation received in respect of the exceptional circumstances of the case that granting the application would undermine the Crime Prevention Objective.	30 July 2013 16 October 2013

The Premise is situated in the Cumulative Impact Area.

The Environmental Health Manager (Commercial) advised Members that the original application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor in respect of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED naming Mr David Heaslewood has, since the matter was deferred on the 29 August 2013, been withdrawn and replaced with a new application, as before them today.

Oral Representations:

As submitted by both Parties that their oral representations would relate to both applications, it was agreed that the matters would be heard together.

The Chairman allowed the Applicant's Legal Representative and the Police's Legal Representative 15 minutes each for Oral Representations.

Oral Representation received from:

Name	Details
The Applicant's Legal Representative	The Applicant's Legal Representative outlined the applications, as set out in the submitted documents and with the assistance of the Applicant and her husband, responded to Members questions.
The Police Legal Representative	The Police Legal Representative highlighted their concerns in respect of the applications and responded to Members questions.

Additional Information:

The Applicant's Legal Representative circulated a paper to Members, with the Chairman's permission, on the amended guidance issued under Section 182 of the Licensing Act 2003 relating to points 8.94, 8.95, 8.96 and 4.10.

Decision:

That the application for a Variation to a Premises Licence to specify an individual as the Premises Supervisor in respect of Clock Tower, 23 Torwood Street, Torquay TQ1 1ED be granted as applied for.

Reason for Decision:

As set out in the Decision Notice Letter.

39. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of TQ One, 22 Victoria Parade, Torquay TQ1 2BB

The Environmental Health Manager (Commercial) advised Members that the Representation had been withdrawn and that the item had been withdrawn.

Chairman/woman

Agenda Item 6



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

Agenda Item 6

Appendix 1



WITNESS STATEMENT

(CJ Act 1967, S.9 MC Act 1980, SS. 5A (3a) and 5B MC Rules 1981, R. 70)

STATEMENT OF:	SHAUN ANDREW RACKLEY	
OCCUPATION:	LICENSING ENFORCEMENT OFFICER	
AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")	OVER 18	

THIS STATEMENT (CONSISTING OF 2 PAGES EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

DATED THE 5TH DAY OF NOVEMBER 2013

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I am a licensing enforcement officer for Torbay Council who is responsible for the licensing of Hackney Carriage and Private Hire vehicles, as well as drivers throughout Torbay and I have been employed in this position for approximately 5 years. On Monday 4th November 2013, at 09:20 hrs, Mr Imran Nasim attended the licensing office at Commerce House, Abbey Road, Torquay and wanted to discuss a matter with me. Mr Nasim did not have an appointment, but as I was waiting for my 09:30 appointment to turn up, I said I had 10 minutes. Mr Nasim then went on to discuss an incident that allegedly occurred on Saturday 2nd November between himself and another driver called James Nicholson. Mr Nasim explained that there had been a stand off in Princess Road, Torquay between the two of them and their taxis. Mr Nasim then explained that James Nicholson had been stubborn as there were road works in Princess Road which only allowed one vehicle through at a time in places and he had come too far down the road, when he should have waited further on up the road. Mr Nasim then went onto say that James Nicholson would not reverse his taxi to allow Mr Nasim and his passengers through as it was his right of way. Mr Nasim went on to tell me that his passenger said don't move for him, and said he explained to his customer that the meter was running, and his passenger said, "that's okay, I can wait and don't mind paying the extra". They waited a few more minutes and then Mr Nasims passenger got out of the taxi and went over to James Nicholsons taxi and was talking to him. When the customer returned to Mr

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Nasims taxi, he told Mr Nasim that James Nicholson told him he's not moving and told the customer to piss off. Mr Nasim then said to his customer that he would be better off walking as he only had 100 yards to go to get home and his customer still said he didn't mind waiting. Mr Nasim then said he had to reverse his taxi to allow James Nicholson through. He then said there had been a long running argument between the two of them and he wanted to report the incident to me for the poor behaviour towards his customer. I said that I would write out to James Nicholson about the incident and have a word with him about his alleged behaviour. I was not told anything from Mr Nasim about the incident that occurred later in the evening which resulted in police action.



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SIGNATURE WITNESSED BY:



WITNESS STATEMENT

(CJ Act 1967, S.9 MC Act 1980, SS. 5A (3a) and 5B MC Rules 1981, R. 70)

STATEMENT OF:	JAMES WILLIAM NICHOLSON	
OCCUPATION:	TAXI DRIVER	
AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")	OVER 18	

THIS STATEMENT (CONSISTING OF 3 PAGES EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

DATED THE 6TH DAY OF NOVEMBER 2013

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I am a self employed taxi driver, licensed by Torbay Council and I have been licensed since March 2012. I currently work for Riviera Taxis, which operate within Torbay. On Sunday 3rd November 2013 at approx 00:15 hrs, I had just finished dropping off a set of passengers to Grange Road, Torquay, that I had picked up from the taxi rank on Vaughan Parade. I then proceeded to come down Princes Road East where there are a number of road works. I had just gone past the Egerton Road junction when I saw a vehicle travelling up Princes Road East at speed and the vehicle did not attempt to slow down. As it came towards me, I recognised the number plate of WG08 BFY, as this is the vehicle driven by another taxi driver called Imran. We both met just before the junction of East and West Princess Road and came to a stand still in the middle of the road, Imran had just gone past a empty space and came to a stop. Both vehicles were sat in the road for approximately a minute and then I decided to turn my vehicle lights off, as I refused to reverse up the road as it was a long way, whereas if Imran reversed it was only 5 car lengths. I then radioed through to my control at Riviera Taxis and spoke to Chris to explain that I was having a stand off with Imran in Princes Road East. A passenger then got out of Imrans vehicle and came up to my drivers window and said to me, "can you reverse back up the road so we can pass, as the taxi has passengers on board and he has right of way". I then replied, "That means I've got to reverse all the way up the road when all he's got to do is reverse 5 car lengths and I can pass and get through".

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The passenger then asked me "What company do you work for?" to which I replied "Riviera Taxis" and he then saw my door signs on the side of the taxi. The passenger then said "Not a problem, I'll have a chat with your boss", he then got his phone out and walked back to Imran's taxi. Another car came up behind mine which forced Imran to reverse, and I then pulled into a space that had been created. Whilst I was level with Imrans taxi, Imran then shouted from the open window "You fucking wanker, I ain't moving for you again", to which I replied "why don't you grow up?". As Imran tried to edge through the gap, he got level with the back door of my taxi and then tried to open the back door, to which he couldn't as my car as an automatic locking device. Imran then drove off up Princes Road East, and I returned to the taxi rank on Vaughan Parade, Torquay. When I got back to the taxi rank, I then got another job to Princess Road East, and proceeded to drive along Torbay Road, to the roundabout at Cary cottage, came around the roundabout and back along the Strand towards the clock tower roundabout. Just before I turned up Torwood Street, I saw Imran slowing down for the junction of the clock tower roundabout as he had just come down Torwood Street, he then proceeded to stick his middle finger up to me from the open window when he saw me turning up Torwood Street, this happened outside of Sizzles takeaway on Torwood Street. I carried on working through the night and had various jobs, one of which was to Paignton. At approximately 03:00 hrs, when I was travelling along the Torbay Road, I got to the traffic lights at the Belgrave Road junction and was sat in the left filter lane behind another car. I noticed that Imran was also sat at the traffic lights in the right hand lane behind another vehicle. The car in front of me raced off at speed and I merged in between then first vehicle from the right hand lane and Imrans taxi. From the traffic lights all the way down Torbay Road, I was tailgated by Imran who was sat near enough on my bumper. I then approached the clock tower roundabout and went around the roundabout, to find that Imran didn't go around the roundabout and did a u-turn around the island to get in front of me. I then followed him along the strand, where Imran slammed his brakes on, and stopped his taxi in the middle of the two lanes of traffic just before the pedestrian crossing. The lights were on green, so I was unsure why he had stopped, other than to try and make me crash into the back of him. I then saw Imran get out of his vehicle and start walking towards me, so instead of waiting for him to come over to me, I drove around the outside of his vehicle and joined the taxi rank. I looked in my mirror and saw Imran

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running towards my taxi and when he got to the drivers window, Imran started banging on the window which was closed. At this point, one of the taxi marshals came over and stood by the drivers window and at that point I then opened my window. Passengers that were queuing, then got into my taxi and Imran was told to go back to his vehicle by the taxi marshal and he started walking towards his vehicle, at that point I said to Imran " If you want to carry this on, Shaun and Craig in licensing are going to hear about what's been going on tonight". Imran then turned around and walked back to my drivers window and threw a punch at me and caught the left hand side of my face as I was looking at him. Before I could react, the taxi marshal had pinned Imran to the floor and said to him, "You're under arrest for suspicion of assault". The second taxi marshal then came across to assist and while one of them was sat on Imran, they called for police assistance. I then said to the taxi marshal I had to leave and drop my passengers off, the taxi marshal then said to me, "You can't go anywhere, we want to know what you want to do about this offence". I then said "I've got people on board, I can't kick them out and I'll be back once I've dropped light. I'll return back to the rank and lock the car up and come and talk about what I want done about it". I then left the rank with my passengers on board and when I returned Imrans car and Imran had gone. I found the taxi marshal again and asked what had happened to Imran. The taxi marshal replied "the police officer had to move the taxi out of the middle of the road whilst the other officer took details from Imran. He wasn't arrested as they didn't know if you wanted to pursue the matter". The taxi marshal then radioed for the police to make them aware that I had returned and the police officers came to take details from me. I was advised to call 101 to report the incident and they left me their shoulder numbers, which are PC's 6622 and 159. I contacted the licensing department on Monday and asked for someone to contact me back about the incident and I also phoned 101 to report the incident as advised, but was told that the police officers were not back on duty until Tuesday 5th November 2013. I then phoned back on Tuesday the 5th November as I needed a crime reference number and this was given to me, which is FT/13/7623. *J Nicholas*

SIGNATURE: *J Nicholas*

SIGNATURE WITNESSED BY:

[Signature]

WITNESS STATEMENT

(CJ Act 1967, S.9 MC Act 1980, SS. 5A (3a) and 5B MC Rules 1981, R. 70)

STATEMENT OF:	BRADLEY STEPHEN WILLIAMS	
OCCUPATION:	ADMINISTRATION & INTELLIGENCE ASSISTANT	
AGE IF UNDER 18 (IF OVER 18 INSERT "OVER 18")		OVER 18

THIS STATEMENT (CONSISTING OF 2 PAGES EACH SIGNED BY ME) IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND I MAKE IT KNOWING THAT, IF IT IS TENDERED IN EVIDENCE, I SHALL BE LIABLE TO PROSECUTION IF I HAVE WILLFULLY STATED ANYTHING WHICH I KNOW TO BE FALSE OR DO NOT BELIEVE TO BE TRUE.

DATED THE 6TH DAY OF NOVEMBER 2013

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I am an Administration and Intelligence Assistant for Torbay Council and I have been employed in this position for 5 months, but have been employed by Torbay Council since September 2011. On Sunday 3rd November 2013, I was finishing a night out in Torquay with my girlfriend and friends, and at approximately 03:10 hrs, I was stood waiting for a taxi at the taxi rank on Vaughan Parade, next to Prezzo, and I had been waiting for approximately 15 minutes. There were no taxis present on the taxi rank, and while I was waiting for a taxi to arrive I was watching the traffic coming from the clock tower roundabout direction, when all of a sudden a vehicle with a taxi sign on the roof, vehicle registration WG08 BFY, stopped suddenly in between the two traffic lanes just past the traffic lights on the seaward side of the strand, then another vehicle with a taxi sign on the roof, vehicle registration HN60 KYE came past him and then pulled onto the taxi rank. Once on the rank I could see that the licence plate number of vehicle registration HN60 KYE, was number 019. The people at the front of the queue then approached licence number 019 and walked towards the car and were being directed by the security guards that were marshalling the taxi rank. Then the driver from vehicle registration WG08 BFY got out of his vehicle and approached the driver's window of licence number 019. I did not hear the conversation between the two drivers, but whilst I was watching the incident, one of the security guards went over to the drivers window and stood along side the driver from vehicle registration WG08 BFY. The driver of

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vehicle registration WG08 BFY then started to walk back to his vehicle which was still parked in the middle of the two traffic lanes. The driver got half way back towards his vehicle and then turned around and came back to the drivers window of licence number 019 and I then witnessed what I believe to be a punch being thrown into the vehicle from the driver of vehicle registration WG08 BFY. I do not know if he made contact with the driver of licence number 019, but I could see through the car windows from where I was stood, that the driver of vehicle registration WG08 BFY, threw his arm into the car. After this had happened, the security guard that was stood at the drivers window, grabbed the driver of vehicle registration number WG08 BFY, and restrained him and took him to the floor. The second security guard came over to assist the first security guard who had detained the driver, I did not hear any conversations between the security guards and the driver. The driver of licence number 019 then left the taxi rank after passengers had got into the vehicle, but before he did leave the taxi rank, I took a picture of the registration number and licence number of this vehicle and I exhibit this as BW/01. I then went over to vehicle registration number WG08 BFY which was still in the middle of the two traffic lanes, and I took a picture of this vehicles registration number and licence number which was 030 and I exhibit this as BW/02. I took these pictures on my mobile phone, as I work in the same department as the taxi licensing officers and I was going to report the incident when I returned to work on Tuesday 5th November 2013. I then went back to the taxi rank and two police officers were present, they had the driver of licence number 030 near prezzo on Vaughan Parade, Torquay and was talking to him. I approached one of the police officers and explained that I had witnessed the incident, at which point he took my details in case they wished to contact me to take a statement. I then reported the incident to Shaun Rackley, a Licensing Enforcement Officer at Torbay Council on Tuesday 5th November 2013. 

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BW/01



Bw/02

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4 P. SUPP. MEMBERS

EMERSON

CARRIAGE



Please reply to: Mr Steve Cox

Community Safety

c/o Town Hall

Castle Circus

TORQUAY

Devon

TQ1 3DR

Imran Nasim

My ref: R:196716/SJC

Your ref:

Telephone: 01803 208025

Website: www.torbay.gov.uk

Date: 26 November 2013

Dear Mr Nasim

Re Alleged assault on Sunday 3rd December 2013

I am writing to you regarding an allegation of an incident that resulted in an assault that took place between you and another driver in the early morning of Sunday 3rd November 2013. The allegation is that at approximately 3.15am you did assault another driver, a James Nicholson, by punching him. This is obviously a very serious allegation and one that Torbay Council is currently investigating.

The purpose of this letter is to invite you to submit any information you may wish me to consider while I am investigating this matter and if necessary, for consideration by Licensing Sub Committee, should a report be submitted for their consideration.

To help that investigation, can you attend the first floor offices at Commerce House on Abbey Road (adjacent to the car park entrance), at 3.30pm on Monday 2nd December 2013, to discuss the allegation. Should you wish to bring anybody with you then I am happy for you to do so.

I understand that there maybe a Police investigation, so the matter will remain confidential while that investigation is ongoing.

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

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

Yours sincerely

A handwritten signature in black ink that reads "Steve Cox".

Mr Steve Cox
Environmental Health Manager Commercial
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

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STATEMENT OF WITNESS

STATEMENT OF.....IMRAN NASIM.....

Occupation of Witness.....TAXI DRIVER.....

Dated the.....2nd.....day of.....DECEMBER.....20.13.....

Signed.....

I Imran Nasim ~~(S.I.N)~~ ^{have} on going problems with James Nicolson, for a while.

Incident started about 1.00pm on the ~~set~~ ^{Sunday} Sid Nor, in the early morning.

I was ~~driving~~ ^{travelling} Jabry princes Road East. Car coming down the street ^{from the opposite direction} I recognised as James Nicolson (J.N).

* At ~~the~~ ^{this point} neither ~~car~~ ^{cars} car would reverse. My passengers got out of the car to speak with J.N. My passenger returned and advised me he was not going to move.

J.N told my passenger to bugger off / piss off. Passenger (customer) told me to wait and not move (on his bill), which last several minutes. Passenger advised me after a while to reverse. Passenger then made a complaint to the ~~driver~~ ^{drivers} (J.N) taxi company.

Signed.....

Rev 1 / Section 5.0 – Statement of witness – lined / SW/WS3 / June 2005

* Narrow street and the two cars could not pass each other. (Face to face). ^{landmarks in street.}

Statement of Witness

Continuation statement of

Page

I dropped my passenger ~~of~~ car. ~~passenger~~¹ wanted some details ^{from passenger}. he went in his home but never came back out. I left after 15 min.

At about 3:00 am, I was traveling down ~~past~~ the sea & port (~~at~~^{by} for abbey)

I stop at the light traffic light ^{at bottom of Sheddin Hill Rd.}

The ~~and~~ taxi car at the lights. Good manners is but un written rule is that another taxi driver will not pass the taxi in front in an attempt to beat them ^{to} ~~to~~ the taxi ~~rank~~ rank.

The lights changed I went to drive on but I noticed ~~the~~ a taxi coming up behind me. At Mojo ~~the~~ there are ~~no~~ cones there as the ~~road~~ road merges. I braked because I could see J.N behind me, closing the braking J.N drove past me, which ~~I~~ annoyed me. I got back to the rank. I got out of the car.

Signed

Statement of Witness

Continuation statement of

Page

I approached J.N, who was at the rank
 seat in his car. I said to him
 what are you playing at. He kept giving
 me hand gestures. We were shouting
 at each other. I was annoyed I had
 nearly smashed my car. I don't recall
 recall what we said to each other,
 J.N window was closed during the
 at this time.

He then drove his vehicle forward as
 the rank ~~drive~~ pulled forward. At that
 stage I began to turn to walk away.
 At this point he wound down his window,
 and said Fuck off you Paki.

I had a moment of weakness and
 retaliated. It all happened so quick.
 I think I either punched him or shoved
 him in the face. A taxi marshal I think
 then grab me and pushed me to the floor.

Signed

The taxi marshal had me on floor, I said get off. The taxi marshal said for some reason he is resisting and ask to call for back-up.

I was on the floor and could see a Police officer running towards me. This all happened on the short rank.

The Police officer arrived and the taxi marshal picked me up off the ~~floor~~ floor.

I did not notice the direction the taxi marshal came from.

I Affirm

I agree to whats been read back to me.

Steve Cox



Agenda Item 6

Appendix 6

Transcript of a Statement of Imran Nasim taken by Steve Cox and Karl Martin at Commerce House on the 2nd December 2013.

I Imran Nasim have ongoing problems with James Nicholson for a while. Incident started about 1:00am on the Sunday 3rd November. In the early morning I was travelling along Princess Road East. A car coming down the street from the opposite direction I recognised as James Nicholson. At this point neither car would reverse. Narrow street and the two cars could not pass each other (face to face). Road works in Street.

My passenger got out of the car to speak with James Nicholson. My passenger returned and advised me he was not going to move. James Nicholson told my passenger to bugger/piss off. Passenger (customer) told me to wait and not move (on his bill), which last several minutes. Passenger advised me after a while to reverse. Passenger than made a complaint to drivers (James Nicholson) taxi company. I dropped my passenger off. I wanted some details from passenger. He went into his house but never came back out. I left after 15 minutes.

At about 3:00 am I was travelling down the sea front by Tor Abbey. I stopped at the traffic lights at the bottom of Shedden Hill Road. I was the front taxi car at the lights. Good manners but unwritten rule is that another taxi driver will not pass the taxi in front in an attempt to beat them to the taxi rank.

The lights changed, I went to drive on but noticed a taxi coming up behind me. At Mojo (Palm Court Hotel) there are cones there as the road merges. I braked because I could see James Nicholson, during the braking James Nicholson drove past me, which annoyed me.

I got back to the rank. I got out of my car. I approached James Nicholson who was at the rank sat in his car. I said to him what are you playing at. He kept giving me hand gestures. We where shouting at each other. I was annoyed I had nearly smashed my car. I don't recall what we said to each other. James Nicholson window was closed at this time.

He then drove his vehicle forward as the rank pulled forward. At this stage I began to turn to walk away. At this point he wound down his window and said fuck off you Paki.

At this point I had a moment of weakness and retaliated. It all happened so quick. I think I either punched him or shoved him in the face. A taxi marshal I think then grabbed me and pushed me to the floor.

The taxi marshal had me on the floor. I said get off. The taxi marshal said for some reason he is resisting and ask to call for backup.

I was on the floor and could see a Police officer running towards me. This all happened on the sort rank. The Police officer arrived and the taxi marshal picked me up of the floor. I did not notice the direction the taxi marshal had come from.

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

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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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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.

Agenda Item 6

Appendix 9

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 format or 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



Minutes of the Licensing Sub-Committee

1 August 2013

-: Present :-

Councillors Addis, James and Pentney

9. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

10. Minutes

The Minutes of the meeting of the Sub-Committee held on 27 June 2013 were confirmed as a correct record and signed by the Chairman.

11. Allegation of inappropriate conduct towards Civil Enforcement Officers

Members considered a report and appendices 1 to 12, in respect of an allegation of inappropriate conduct by a Torbay Council Licensed Driver.

Oral Representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the report and appendices and responded to Members questions.
Civil Enforcement Officer	The Civil Enforcement Officer outlined the incident that had occurred and responded to Members questions.
Civil Enforcement Officer	A further Civil Enforcement Officer also gave an account of the incident that he witnessed and responded to Members questions.
Respondent	The Respondent outlined his views of the incident and responded to Members questions.
Respondent's Friend	The Respondent's Friend outlined what he had witnessed during the incident and responded to Members questions.

Decision:

That Mr Nasim's Torbay Council Hackney Carriage Driver's Licence be suspended for a period of four weeks, on the ground of 'any other reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, and that this suspension shall be with immediate effect, in

accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, as it appears to Members on hearing the facts of the case that it is appropriate to do so in the interests of public safety.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to suspend Mr Nasim's Hackney Carriage Driver's Licence for the following reasons:

It was accepted by Mr Nasim and subsequently agreed by Mr Fenlon, who appeared in support of Mr Nasim that Mr Nasim had parked illegally on two separate occasions during the same incident and it was that which led to the Civil Enforcement Officers returning to the location of Mr Nasim's vehicle.

Members found that the Civil Enforcement Officers had acted in accordance with Torbay Council's Parking Enforcement Policy when taking photographs of Mr Nasim's vehicle which was in contravention of the road traffic order. As such, Members dismissed the submission by Mr Nasim that the Civil Enforcement Officers were threatening and harassing him and taking unnecessary pictures for no reason.

Whilst Members had due regard to the written Representations of both Mr Fenlon and Ms Cartwright and the subsequent oral Representation by Mr Fenlon at the hearing, Members noted that neither of these witnesses by their own admission had heard what Mr Nasim said to the Civil Enforcement Officers. Therefore Members unanimously concluded that the evidence given by the Civil Enforcement Officers was a true account of the incident. This conclusion was largely founded on the photographic evidence which supported the allegation that Mr Nasim had behaved inappropriately towards the said Officers. When questioned by Members, Mr Nasim accepted that the photograph which showed his inappropriate hand gesture towards the said Officers was offensive. As such, Members resolved that Mr Nasim's conduct during this incident was offensive, inappropriate and fell well below the standards they expected of a driver licensed by Torbay Council.

Members noted that Torbay Council's (Taxi) & Private Hire Policy, at Appendix G, page 55 states that the vehicle allocation for the GPO roundabout location, in Torquay is for up to 3 vehicles. At the time of the incident, oral evidence showed that there were more than 3 vehicles at this location. Members noted that Mr Nasim had received and signed for his copy of this Policy.

In accordance with Torbay Council's Byelaw, with respect to Hackney Carriage and Private Hire Vehicles, Members noted that in accordance with point 8(b) on page 4, Mr Nasim should have proceeded to another stand which he failed to do so. By moving his vehicle off the rank in to the location he did, Mr Nasim no longer assumed or complied with the correct position offered to Hackney Carriage Drivers and their vehicles. As such, Members resolved that Mr Nasim had acted in breach of Torbay Council's Hackney Carriage (Taxi) & Private Hire Policy, point

8(b) of Torbay Council's Byelaw with respect to Hackney Carriage and Private Hire Vehicles and road traffic order.

Members further noted the appendices of the report before them which evidenced that Mr Nasim had previously received written warnings, one of which was after he had appeared before a Licensing Sub-Committee that resulted in a 7 day suspension of his Hackney Carriage Driver Licence, for parking in contravention of road traffic orders and in breach of Torbay Council's Byelaw with respect to Hackney Carriage and Private Hire Vehicles. Given that Mr Nasim appears today before Members of the same Committee, for the same offence and it is that which has led to the allegation of inappropriate conduct towards the Civil Enforcement Officers, Members resolved that they could no longer be satisfied that the continuation of these contraventions by Mr Nasim that he remained a fit and proper person to hold such a licence.

In considering revocation of Mr Nasim's Hackney Carriage Driver's Licence, Members resolved that on this occasion a longer period of suspension would act as a deterrent to Mr Nasim and hopefully serve as an assurance by him that future conduct will be maintained at a standard expected of a driver licensed by Torbay Council.

In suspending Mr Nasim's Hackney Carriage Drivers Licence with immediate effect, as in accordance with Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, Members resolved that it appeared to them in the interest of public safety to do so, as Mr Nasim's continued disregard for road traffic orders, despite previous written warnings and a suspension, placed other road users and pedestrians at a real risk of injury or even death.

In concluding, Members of the Licensing Sub-Committee recommend that Mr Nasim undertake during his period of suspension an Anger Management Course, familiarise himself with the Road Traffic Orders in Torbay, read again Torbay Council's Hackney & Private Hire Policy, as received and signed for by him, obtain and read a copy of Torbay Council's Byelaw with respect to Hackney Carriage and Private Hire Vehicles and obtain and read a copy of Torbay Council's Parking Enforcement Policy.

Chairman/woman