

Case Study One

Sharing information to deal with concerns around a licensed driver

The Casey report identified weaknesses with regard to agencies / teams sharing information in relation to the protection of children. This was particularly the case in relation to looked after children residing in residential homes and transported from the home to their school (or some other place) in a licensed taxi.

Since the publication of the report, the Licensing team have been working with colleagues in Children's Services to ensure that those involved in the care and support of looked after children are aware of the key contacts within licensing, the nature of information that can be passed on to the licensing team and the action that the team can take as a result. This has been achieved by identifying single points of contact within the Business Regulation Service and Children's Services, and an agreed protocol for the sharing of information between services (making use of the formal, documented Local Authority Designated Officer procedures within Children's Services).

In addition, the Council's Hackney Carriage and Private Hire Licensing Policy, which was revised in July 2015, now makes it clear that non-conviction information can be taken into consideration when making decisions regarding licensing matters (there had previously been a criticism that officers acted only when a licence holder had actually been convicted of an offence). The policy confirms that the safety of the travelling public must be the paramount concern.

In late 2015, the Licensing team was contacted by an officer from the Council's Children's Social Care team – this contact demonstrated that the protocols referred to above were working in practice. The officer made licensing aware of an incident that had taken place the day before that involved a licensed driver and a 14 year old female. The information given to the licensing authority was as follows:

On the date in question, the driver was transporting a 14 year old female from her place of education to her residential address. This female was unaccompanied and was not known to the driver.

On her return to her residential address (which is a residential facility for children) the child reported to her care worker that the driver had engaged her in conversation during the journey and that the conversation had made her feel very uncomfortable. So concerned was the young female that she asked the care worker to make alternative arrangements for her transport in future, specifically requesting that this driver no further contact with her.

The female informed her care worker that the comments that the driver made were phrases such as, "you are very pretty", "you should be a model", "have you got a

boyfriend?”, “why are you living there?” (a reference to the residential facility where the child lived) and “you must have been a naughty girl”.

Following receipt of the information, members of the Licensing team spoke with professionals involved in the care and support of the 14 year old female. From the responses given, the licensing officers formed the view that the version of events described by the child was more likely than not to be an accurate reflection of the conversation during the journey.

On the basis of the information provided, the Licensing team were satisfied that (on the balance of probabilities) the driver was not a fit and proper person to hold a licence and that the licence should therefore be revoked. Furthermore, Licensing were of the opinion that it was in the interests of public safety that the revocation should take immediate effect. The reasons for the decision to immediately revoke the licence were as follows:

- The driver’s conversation with the 14 year old female caused her significant concern/ discomfort.
- The driver would have been aware that the educational establishment was a pupil referral unit (PRU), and that the address where the young female lived was a residential facility. It should therefore have been clear that the child should have been considered especially vulnerable, and that engaging in the conversation that the driver had with her was particularly inappropriate.
- The driver had undertaken training (provided by the Council) in relation to safeguarding children and vulnerable adults. As a result of attending this training he would have been fully aware that conversations of this nature are unacceptable. The driver must therefore have engaged in a conversation with a 14 year old girl knowing that the content of the conversation was inappropriate.
- It is considered that conversations of this type may be a precursor to a sexual advance being made towards a child. As a result, the Council considered that there is an unacceptably high risk that the driver may cause harm to a vulnerable person as a result of his behaviour whilst working as a licensed driver. Such harm may be physical, psychological or emotional.

The notice of revocation was served on the driver that same day. It is felt that this incident, and the actions that it resulted in, demonstrate effective information sharing between council teams together with effective enforcement action to protect the public from licence holder that demonstrate unacceptable behaviour.