

**EXTRAORDINARY LICENSING AND ENVIRONMENT COMMITTEE
held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN
at 10am on 14 APRIL 2014**

Present: Councillor D Perry (Chairman)
Councillors J Davey, D Morson and A Walters

Officers Present: M Perry (Assistant Chief Executive – Legal) and A Rees (Democratic Services Support Officer)

Also Present: The driver and his wife in relation to Item 2.

LIC76 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

LIC77 **EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

LIC78 **CONSIDERATION OF A PRIVATE HIIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

The Assistant Chief Executive – Legal said that the driver was licensed by the Council as a private hire driver carrying out school contracts. On 3 April 2014 the Council received information from the driver's operator that a complaint had been made against him. The school was concerned about the safety of a pupil. The issue was referred to Essex County Council's Safeguarding team. It was alleged that the driver pinned a child to a wall whilst shouting at him. The driver has not been suspended by the operator. On 3 April he had suspended the driver's licence with immediate effect on the grounds of public safety. The matter had been referred to Essex County Council's Safeguarding team.

The driver said that he had not pinned the child to a wall. He had been employed for five years and had been carrying out school contracts during that period. Throughout his time executing the contract there had been up to seven children at any time. Their ages had ranged from six years old to fifteen. All the children he transported had special needs. The child in question had been temperamental, especially during the period his parents were separating. He had discussions with his escort about how best to deal with problems caused by the child. On the day in question, the escort was helping a young child, when the child in question ran off after grabbing their bag from the back of the minibus. The driver then shouted at the child to make them return to the minibus and chased after them. The driver put his hand on the

child's shoulder and told him to return to the minibus. The child had run off before, but he had not chased him on other occasions. The driver did not think the incident was of note, so he did not report it. The school had told drivers to report all incidents, but the driver felt that if he did this, no child would end up at school. The incident happened on a Wednesday morning, but he was not made aware of a complaint until Thursday afternoon.

In response to questions by the Committee, the driver said that he did not know why he chased after the child in this instance, as he had not done so before. He did not know of any witnesses to the incident. CCTV did not capture the incident. The escort was busy helping another child at the time of the incident, so they could not keep an eye on the child who ran away. He did not know who had made the complaint. If the school was concerned by his actions, he thought that they would have made a complaint straight away, rather than waiting until Thursday.

The Assistant Chief Executive – Legal reminded the Committee that the burden of proof was with the driver to convince the Committee that he was a fit and proper person to hold a private hire licence.

The driver and his wife left the room at 10.45am so that the Committee could consider its decision. They re-entered the room at 11.45am.

DECISION

Councillor Perry read the following statement. "The driver is licensed by the council as a private hire/hackney carriage driver. He is employed by 24/7 and undertakes school contract work transporting special needs children to and from school. He is accompanied on his school runs by an escort.

On 3 April the driver's operator contacted the council to inform it that a complaint had been received from the school where the driver takes pupils. An allegation had been made that he had pinned a pupil to a wall and shouted at him. Because of this the school had expressed concerns about the pupil's safety and it had referred the matter to the Essex County Council Safeguarding team. Upon receipt of that information the Assistant Chief Executive – Legal suspended the driver's licence with immediate effect in the interests of public safety and referred the matter to the committee today.

The driver denies the allegation. He explained that on the date in question when he arrived at the school the escort had gone to assist one of the passengers leave the vehicle. The other children were asked to remain in the vehicle until they were let out. One pupil got out of the vehicle themselves and ran off. The driver gave chase. He admits shouting at the pupil to stop and admits putting his hand on the pupil's shoulder but denies pinning the pupil to the wall. The driver stated that this pupil had behaved in a similar way on other occasions

but he had not given chase before. He could not explain why he had done so this time. He also acknowledged that he did not log the incident as he should have. He explained that if every incident was logged children would never get to school and that in any event he did not consider this to be an incident which needed to be logged.

The committee's task has been made extremely difficult by the lack of evidence. However the committee may not licence a driver unless the committee is satisfied that he is a fit and proper person. The burden of proof in these circumstances is on the driver. The allegation in this case is a serious one. The committee cannot be satisfied that the driver is a fit and proper person whilst the allegation remains outstanding. Therefore the committee feels that it has no alternative other than to suspend the driver's licence until 31 August 2014 when it is due to expire. The committee request that the Assistant Chief Executive – Legal should contact the Essex County Council Safeguarding team to ascertain the progress of its investigation. In the event that the Safeguarding team are satisfied that there are no concerns the committee give the Assistant Chief Executive – Legal delegated power in consultation with the chairman to lift the suspension.

The nature of the allegation is such that the committee consider that it is in the interests of public safety that the suspension should have immediate effect and therefore so directs.”

The meeting ended at 11.50am.