

# TORBAY COUNCIL

**Please reply to:** Shaun Rackley  
Licensing,  
Town Hall, Castle Circus,  
Torquay,  
TQ1 3DR

**My ref:** MAU/ [REDACTED]

**Your ref:**

**Telephone:** 01803 208025

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

**Website:** www.torbay.gov.uk

Mr K Dooley  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sent by email [REDACTED]

**Date:** 8<sup>th</sup> March 2022

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Dear Mr Dooley,

**Re: Taxi complaint, endangerment to child safety and breach of legislation**

## **Section 59 Town Police Clauses Act 1847**

I am writing to you with regard to correspondence which I have received from Torbay Councils School transport team on the 10<sup>th</sup> February 2022.

Torbay Council's school transport team received a complaint regarding a school contract which you were undertaking on behalf of [REDACTED] on Tuesday 8<sup>th</sup> February 2022. It was alleged that you were carrying a vulnerable 11-year-old passenger in your vehicle and whilst conducting this journey, you took a phone call from a male friend/customer and you picked them up and conveyed them in the same vehicle whilst the child was on board. This is an offence under Section 59 of the Town Police Clauses Act 1847 as you did not have the consent from the original hirer school transport. Not only is it an offence, but it questions your professional conduct as a Licensed driver with this Local Authority as you have endangered a vulnerable child's safety.

For reference, Section 59 of the Town Police Clauses Act 1847 states the following:

*59 Penalty for permitting persons to ride without consent of hirer*

*Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same, shall be liable to a penalty not exceeding [level 1 on the standard scale].*

I attach a copy of the interview that was conducted by school transport where you were present, along with [REDACTED] from [REDACTED] and Jay Clark, school contract manager for Torbay Council. During this interview, you admitted picking up the male passenger which you admitted was a mistake.

As this is a serious matter relating to child safeguarding along with being an offence under the above act, I am referring this matter to Torbay Council's Licensing Committee to determine if you remain a fit and proper person to hold a Licensed drivers badge with this Local Authority.

To help me prepare a report which will be presented to Committee members, please could you submit any submission that you wish to be presented by no later than **Friday 18<sup>th</sup> March 2022**. A date for the Licensing Committee has not been set and you will be informed and invited to attend when it has been arranged, you will receive a copy of the report for reference.

I look forward to receiving the required information in due course. If you do not wish to add anything further, then the report will be written without the information and presented.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Rackley', with a stylized flourish at the end.

Shaun Rackley  
Licensing Officer

Enc – School Transport interview with Karl Dooley 10/02/2022

*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.*