

The Highland Licensing Committee

Meeting – 7 October 2014

Agenda Item	8.1
Report No	HLC/062/14

Application for Renewal of a Taxi Operator's Licence – Syed Ali (Ward 20 – Inverness South)

Report by the Legal Manager

Summary

This Report relates to an application for renewal of a taxi operator's licence.

This item is subject to a formal hearing procedure

1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the operation of a licensed taxi. A licence for the same is issued by the Highland Council and is valid for the whole Council Area.

1.2 Mr Syed Ali currently holds a taxi operators licence which expires on 22 August 2014.

1.3 Mr Ali submitted an application for renewal of his licence on 5 August 2014.

2.0 Objection

2.1 Following consultation an objection in relation to the application was received on 8 August 2014 from the Council's Trading Standards Service, a copy of which is contained in Appendix 1.

3.0 Highland Council Penalty Points System for Taxi and Private Hire Car Operators

3.1 On 1 June 2006 the Council agreed the introduction of a penalty points system for licensed taxi and private hire car operators which formally came into use by Trading Standards on 1 July 2006.

3.2 The trigger point for formal action is 20 points.

3.3 The objection received from Trading Standards confirms that Mr Ali has accrued 29 penalty points taking him over the agreed trigger point.

3.4 Members are asked to note that some of the productions which are referred to in the Trading Standards Report have not been circulated but will be made available at the meeting.

4.0 Determination of Application

4.1 In terms of Section 5(3) of Schedule 1 of the abovementioned Act the Committee may refuse an application for licence where it deems the applicant not to be fit and proper to hold such a licence.

4.2 If Members are minded to grant the application the Committee could require the operator to present his vehicle(s) for inspection on a more frequent period than the current 6 or 12 month inspection regime e.g. every 3 months. This would allow the Trading Standards Service an opportunity to undertake a more regular monitor on this vehicle(s).

5.0 Recommendation

The Committee is invited to determine the application in accordance with the Council's Hearings Procedure.

Author: Legal Manager

Officer Reference: Michael Elsey

Date: 22 August 2014

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Trading Standards Report



Mr A H MacKenzie
Legal Manager
Corporate Governance Service,
The Highland Council
Town House,
Inverness,
IV1 1JJ

Please ask for: Liz Gardner
Direct Dial: 01463 228722
E-mail: elizabeth.gardner@highland.gov.uk
Our Reference: EAG/SA/PP1/14
Your Reference:
Date: 8th August 2014

Dear Mr MacKenzie

**Civic Government (Scotland) Act 1982
Objection to Application Reference Number TO 499, Syed Ali**

Trading Standards, Development and Infrastructure Service, Highland Council, wishes to object to the renewal of the Taxi Operator's Licence held by Syed Ali, 29 Inshes Mews, Inverness, IV2 5HY.

This objection is based on the report, reference number TS/CG(S)/PP1/14, against Syed Ali which states that Mr Ali has failed to maintain his licensed taxi to the standard required by the Licensing Authority, Highland Council, contrary to Condition 1 of the Taxi Operator's Conditions of Licence. The report was submitted for the Licensing Committee's consideration on 23rd July 2014.

Yours sincerely

Elizabeth Gardner
Trading Standards Officer

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
Penalty Points System for Licensed Taxi and Private Hire Car (PHC)
Operators and Drivers

Reference No. TS/CG(S)A/PP/1/14

Against: Syed Ali Age: 36yrs DoB: 16th April 1978

Address: 29 Inshes Mews
Inverness
IV2 5HY

Licences Held:

Taxi Driver's Licence, reference number 11 828, expires on 31st July 2014

Taxi Operator's Licences reference number 11 499, expires on 22nd August 2014

Plate Number 11 499: Vehicle Description: Mercedes Benz E220
Registration Number: WJ51TXE
Date of First Registration: 01/09/2001
Mileage at Last Inspection: 178633

Penalty Points Total as of date: 29 Points

REPORTING OFFICER: Elizabeth Anne Gardner
DESIGNATION: Trading Standards Officer
ADDRESS: Highland Council
TEC Services
Trading Standards
38 Harbour Road
Inverness
IV1 1UF
TELEPHONE NO: 01463 228700

It Is Reported That:

Mr Ali has failed to maintain his licensed taxi to the standard required by the Licensing Authority, Highland Council, contrary to Condition 1 of the Taxi Operator's Conditions of Licence, as demonstrated by the result of a vehicle inspection carried out by Highland Council's contractor at the request of an Assistant Trading Standards Officer and is not a fit and proper person to hold a licence.

Background Information

The Penalty Points System was introduced on July 1st 2006. Its purpose is to assist Trading Standards in the evaluation of how well licensed operators are maintaining their vehicles.

Points accumulate when faults are discovered at the Council's inspection of the licensed vehicle or during "on the spot" inspections of the vehicle by Trading Standards staff. An appeal system is in place which allows an operator to question the allocation of points.

When the points total reaches 20 or more during a two year rolling period, the operator becomes the subject of a report to the Licensing Committee.

A Taxi and PHC Penalty Points Tariff which identifies possible faults and the points allocated to those faults, is included with this report.

Production Number 34 Penalty Points Tariff

Summary of Facts and Evidence

This report relates to the licensed vehicle operated by Syed Ali, licence number 11 449. A Council inspection, carried out on Wednesday 7th May 2014, at the request of an officer from Trading Standards after receiving information from a member of the public, led to the identification of 5 MOT failures, 2 of which were deemed "Dangerous", and 4 problems with the appearance of the licensed vehicle.

Antecedents

Mr Ali has only one licensed vehicle, licence number 11 499. The licence was first issued on 23rd August 2005 and a Mercedes Benz E220, registration number WJ51 TXE, was substituted onto the licence on 9th August 2010.

Mr Ali's licence had been allocated 3 penalty points in 2006 and 5 penalty points in 2007. From 2008 until the Council inspection on 7th May 2014 none of Mr Ali's Council inspections had identified any problems. Mr Ali's last routine Council inspection had been on Thursday 30th January 2014.

Mr Imran Raja is a licensed operator driver of Licence Plate Number 11 500. His licensed vehicle is a blue Mercedes E220, registration number KD51 LCK. He is not a qualified mechanic but he does carry out repair work on vehicles for people he knows.

Evidence Relating to Licence Number 11 499

On Sunday 4th May 2014 an email was sent to Trading Standards by a member of the public complaining about the poor standard of licensed vehicles in Inverness. Two vehicles were identified as examples, the quote below identifying Mr Ali's taxi.

WJ51TXE Taxi 11499

Suspension feels unsafe when traveling as a passenger and rust bubbling through paint.

Production Number 28 Email dated 5th May 2014

Assistant Trading Standards Officer Hiddleston asked Mr Ali to bring his taxi to the Trading Standards Office and on Wednesday 7th May Mr Hiddleston travelled as a passenger in the vehicle. The taxi was making a noise which appeared to come from underneath at the rear and Mr Hiddleston asked Mr Ali to present his vehicle to the Council's Contractor for inspection. The Taxi Test Report Form dated Wednesday 7th May shows the result of that inspection. Five safety related failures, which were also MOT failures, were identified, with two of the failures labelled as "Dangerous".

Interview of Mr Ali

Sayed Ali was interviewed by Elizabeth Gardner, Trading Standards Officer, in the presence of Assistant Trading Standards Officer Stewart Hiddleston, at the Trading Standards Office, 38 Harbour Road, Inverness on Wednesday 14th May 2014.

Mr Ali was asked what maintenance regime he had in place for his licensed vehicle. He produced 27 invoices, 25 of which related to parts bought since May 2012 and 2 of which showed work being carried out by Inverness garages. All were cash invoices, 7 of them identified Mr Ali as the customer, 3 identified Mr Imran Raja as the customer and 17 had no identification of the customer. Mr Ali explained that he had recently sent documents to his accountant and these were what he had left.

He was aware that there was a noise in his car and at the start of the month he'd gone to the Inverness MOT Centre to get the suspension checked out. He had been told there was nothing wrong.

Mr Imran Raja services the vehicle. Sometimes he uses Mr Neil Hrycenko in Lotland Street, Inverness. Only when neither of them can work on the vehicle does he go to others.

Mr Ali said his history was good and asked to be given another chance. He said he would be happy to take care of the car, going to the Inverness MOT Centre every

month for safety aspects. The result of the inspection had shaken him. When he had gone to the MOT Centre about the rattling noise they couldn't find anything wrong. He said he would sort out this and promised it wouldn't happen again and he always keeps his promises.

Evidence held by Trading Standards (to be produced if required)

Number	Description
1 to 25	Invoices for car parts
26	Invoice dated 17/1/2014 from Neil Hyrcenko, Unit 3, 23 Lotland Street, Inverness, IV1 1ST
27	Invoice dated 10/1/2014 from Mike Norgate Body Repairs, Carsegate Road South, Inverness, IV3 8
28	Email dated 5 th May 2014 complaining about condition of taxi plate number 11 499
29	Taxi Test Report Form dated 7 th May 2014
30	S11 Notice dated 7 th May 2014
31	Taxi Test report Form dated 30 th January 2014
32	Statement from Elizabeth Gardner, Trading Standards Officer
33	Statement from Stewart Hiddleston, Assistant Trading Standards Officer
34	Penalty Points Tariff

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	Wed 7 th May 2014	INSPECTION LOCATION	Ross's Garage, Milton of Clava
TIME OF INSPECTION	2.30pm	VEHICLE OWNER	Mr Syed Ali
INSPECTION REF NO.		ADDRESS	29 Inshes View
TAXI/PHC LICENCE NO.	IV 499	POSTCODE & TEL. NO.	IV2 5HY 07868843006
TYPE OF INSPECTION	Trading Standards Request	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)	
VEHICLE DETAILS			
REGISTRATION No.	WJ51 TXE	RECEIPT NO(s)	
MAKE & MODEL	Mercedes E220	FEE PAID	
VEHICLE COLOUR	Silver	MILEAGE	178633
DATE OF FIRST REG	01/09/01	FUEL TYPE	Diesel
ENGINE SIZE	2148cc	TYRE SIZE	205/55/16
CHASSIS NO	WDB2100062B41958 6	TAXI METER SERIAL NO	117578
NO OF PASSENGER SEATS	4	VEHICLE EXAMINER	M. M. Ross

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	FAIL	* WARNING In the opinion of the examiner, the vehicle is dangerous to drive because of the defects listed in box A above <small>*Delete if not applicable.</small>
APPEARANCE & UTILITY	FAIL	
Overall Test Result	FAIL & DANGEROUS	

IMPORTANT: PLEASE READ THE NOTES OVERLEAF FOR INFORMATION AS TO WHAT ACTION (IF ANY) IS REQUIRED TO BE UNDERTAKEN BY YOU THE VEHICLE OPERATOR

A: SAFETY ASPECTS (FAIL POINTS)

(Where Council Inspection and MOT are carried out MOT fail points are marked **)

Fog lights inoperative	TE2
Rear axle sub frame bushes worn to excess - Dangerous	TC7
Front to rear fuel pipes no means of securing – clips missing	TD5
Offside rear tyre below legal limit	TD7
Offside front spring broken - Dangerous	TC7

B: FAULTS (Appearance & Utility Standard) MUST be rectified within 21 days.

Offside rear wheel centre cap missing	TT1
Rust blister around rear boot lock, tail gate & offside rear wing	
Nearside & offside rear wheel arches rust blisters	
Lacquer flaking off rear bumper	

C: Observations for information only

Nearside front brake pipe corroded	
Front axle offside – winter tyre; nearside – standard tyre	

MALCOLM M ROSS

Examiners Signature.....

Date.....07/05/14.....

Trading Standard Officer.....

The Highland Council

Trading Standards

Statement of Witness

Surname:	GARDNER	Maiden Name:	WILSON
Forename(s):	ELIZABETH ANNE		
Title:	MRS		
Address (H):		Tel No (H):	
Address (B):	Trading Standards, 38 Harbour Road, Inverness IV1 1UF	Tel No (B):	01463 228700

Place and Date of Birth:

Occupation: Trading Standards Officer

'Care of' Address (e.g. students, etc.):

Known as or Alias:

Taken by: **On(Day, Date):**

At (Time):

At (Location):

States:-

I have been employed as a Trading Standards Officer enforcing the Civic Government (Scotland) Act 1982 as it applies to licensed taxis and PHCs and the Conditions of Licence for licensed operators and drivers for 17 years.

An interview was arranged with SAYED ALI to discuss the maintenance of his Mercedes Benz, registration number WJ51 TXE, attached to Licence Number 11 499, because a report was being considered for submission to the Licensing Committee as a result of the Taxi Test Report dated 7TH May 2014, detailed on:-

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

Production Number 29 – Taxi Test Report dated 7th May 2014.

This Council inspection of the licensed vehicle had been requested by WITNESS HIDDLESTON from Trading Standards following the receipt of a complaint from a member of the public which alleged that the suspension of the vehicle had felt unsafe when he had been a passenger in the vehicle. ALI was advised that it would be helpful if he could bring with him invoices and receipts which showed what work had been carried out on the vehicle.

The interview took place at the Trading Standards Office, 38 Harbour Road, Inverness on Wednesday 14th May 2014 at 13.55hrs, in the presence of WITNESS HIDDLESTON.

I informed ALI that he had been asked to take part in an interview because the result of the last inspection of his Mercedes had been very poor and the inspection had followed receipt of a complaint from a member of the public. Although he'd had few penalty points before, this one inspection had led to the allocation of 29 penalty points. Five MOT failures had been found during the inspection, two of which were considered dangerous by the examiner. In addition the tread of offside rear tyre had been found to be below the legal limit. This meant that a report to the Licensing Committee was being considered.

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

I asked what maintenance had been carried out on the Mercedes and ALI produced a ring binder containing 28 invoices.

Production Number 1 to 25 – Invoices for parts

Production Number 26- Invoice dated 17/1/2014 from Neil Hrycenko, Unit 3, 23 Lotland Street, Inverness, IV1 1ST for a service of the Mercedes.

Production Number 27- Invoice dated 10/1/2014 from Mike Norgate Body Repairs, Carsegate Road South, Inverness, IV3 8LL for body repairs and spray, as required, of the Mercedes.

ALI said he had recently sent documents to his accountant and these were what he had left.

ALI had gone to the Inverness MOT Centre to get the car's suspension checked out because there was a noise in the car but they could find nothing wrong. That was at the start of the month. (May)

ALI went on to say that Imran Raja usually services the vehicle, sometimes he'd go to Neil Hrycenko on Lotland Street and only when neither of them could do the work would he go to others. He had asked Neil to provide him with something in writing about the work he had carried out on the car and he was going to until his wife said no, so ALI had nothing to show that Neil Hrycenko had done any work.

He claimed his history was good and he should be given a chance. He'd be happy to take care of the car, going to Inverness MOT Centre every month for safety aspects. The result of the inspection and the

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

interview had been a bit of a shake for him. He would sort it all out and he promised it wouldn't happen again and he always keeps his promises.

I advised ALI that the documents he had provided would be evaluated and a decision would be made as to whether he would be reported to the Licensing Committee. I would let him know on Friday afternoon, 16th May. On the Friday afternoon I telephoned ALI to inform him that he would be the subject of a report to the Highland Council's Licensing Committee.

I telephoned Mr Imran Raja and left a message on his answering machine asking him to contact me. At 14.55hrs on Friday 16th May Imran Raja returned my call. I asked him if he regularly maintained Mr Syed Ali's Mercedes. Mr Raja replied that he did occasionally but he had not seen the car recently, not for more than six months.

I asked Mr Raja if he had any qualifications as a mechanic. Mr Raja said he did not, he was experienced but it was his hobby. He had a deep interest in electronics and injectors, things like that. It was a passion but he was not a professional. He had not checked Mr Ali's car in the last six or seven months. He said Mr Ali uses someone else, he wasn't sure who. Neil perhaps. (Neil Hrycenko.)

During my interview of SAYED ALI he had stated that he had no paperwork from Neil Hrycenko and that Mr Hrycenko had refused to put anything in writing for him.

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

On Tuesday 22nd July I spoke to Mr Adam Colvin De Valle at the Inverness MOT Centre. I asked him if MR SYED ALI had taken his Mercedes E220 to their premises in early May to have the rear suspension checked out. Mr De Valle checked the firm's computer records but could find no record of Mr Ali or his Mercedes at any time. However he did remember someone with a Mercedes coming in to have bushes checked but it had been a while ago, earlier in the year than May. He said that if there had been anything wrong the man would have been advised to have work carried out.

ALI'S last routine Council inspection was on 30th JANUARY 2014. He received a "Pass" result with three observations, one of which was "rear subframe bushes worn" as detailed in

Production Number 31 Taxi Test Report Form dated 30th January 2014

The mileage was recorded on 30th January as 168735 miles. On 7th May 2014 the Taxi Test Report Form from ALI'S inspection recorded the mileage as 178633, an increase of 9898 miles since January and the observation regarding the rear subframe bushes was now recorded in Group A as "rear subframe bushes worn to excess – Dangerous", an MOT failure, as detailed in

Production Number 29 Taxi Test report Form dated 7th May 2014

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

Surname: HIDDLESTON **Maiden Name:**

Forename(s): CHARLES STEWART

Title: MR

Address (H): **Tel No (H):**

Address (B): Trading Standards,
38 Harbour Road,
Inverness
IV1 1UF **Tel No (B):** **01463 228700**

Place and Date of Birth

Occupation: Assistant Trading Standards Officer

**'Care of' Address (e.g. students,
etc.):**

Known as or Alias:

Taken by: **On(Day, Date):**

At (Time):

At (Location):

States:-

I have been employed as an Assistant Trading Standards Officer, enforcing the Civic Government (Scotland) Act 1982 as it applies to licensed taxis and PHCs and the Conditions of Licence for licensed operators and drivers for 18 years.

An email was received by Trading Standards on 5th May 2014

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

Production Number 28 Email dated 5th May 2014

which identified problems with two taxis, one of which was taxi licence plate number 11 499, Mr Syed Ali's taxi. I telephoned Mr Ali and asked him to bring his taxi to the Trading Standards Office in Harbour Road, Inverness because a complaint had been received about the condition of its suspension.

Mr Ali, with his taxi, attended the Trading Standards office on Wednesday 7th May. I got into the taxi and asked Mr Ali to drive round the block. There was a noise coming from the back of the vehicle which could mean there was a problem with the suspension. I arranged for Mr Ali's taxi to go to the Council's Contractor's garage that day and undergo a full inspection. The result was a "Fail and Dangerous" Test Report, identifying 5 MOT failures, 2 of which were labelled as dangerous and 4 problems with the appearance of the vehicle. The Test Report Form is

Production Number 29, Taxi Test report Form dated 7th May 2014.

I immediately issued a s11 Notice which suspended Mr Ali's licence to operate the taxi,

Production Number 30, S 11 Notice dated 7th May 2014.

Date:-

Signed:-

The Highland Council

Trading Standards

Statement of Witness

I arranged for Mr Ali to be interviewed in the Trading Standards Office by WITNESS GARDNER, with myself as witness. This interview took place on Wednesday 14th May 2014 and I am able to corroborate WITNESS GARDNER'S statement where it relates to that interview.

Date:-

Signed:-

Taxi PHC Penalty Points Tariff

Applicability				Defect Category	Sub-Category	Descriptor	DEFECT CODE	Penalty Points	
Taxi Operator	PHC Operator	Taxi Driver	PHC Driver						
√	√	√	√	Safety	Tyres/wheels	High Risk/ Obvious	TA7	7	
√	√			Safety	Tyres/wheels	Med-High Risk/ Detectable by Routine Maintenance	TA5	5	
√	√			Safety	Tyres/wheels	Med Risk/ Undetectable by Routine Maintenance	TA2	2	
√	√	√	√	Safety	Brakes	High Risk/ Obvious	TB7	7	
√	√			Safety	Brakes	Med-High Risk/ Detectable by Routine Maintenance	TB5	5	
√	√			Safety	Brakes	Med Risk/ Undetectable by Routine Maintenance	TB2	2	
√	√	√	√	Safety	Steering/ Suspension	High Risk/ Obvious	TC7	7	
√	√			Safety	Steering/ Suspension	Med-High Risk/ Detectable by Routine Maintenance	TC5	5	
√	√			Safety	Steering/ Suspension	Med Risk/ Undetectable by Routine Maintenance	TC2	2	
√	√	√	√	Safety	General	High Risk/ Obvious	TD7	7	
√	√			Safety	General	Med-High Risk/ Detectable by Routine Maintenance	TD5	5	
√	√			Safety	General	Med Risk/ Undetectable by Routine Maintenance	TD2	2	
√	√	√	√	Safety	Lighting	High Risk/ Obvious	TE7	7	
√	√			Safety	Lighting	Med-High Risk/ Detectable by Routine Maintenance	TE5	5	
√	√			Safety	Lighting	Med Risk/ Undetectable by Routine Maintenance	TE2	2	
√	√			Documents Etc.	Insurance	Not Present (Insurance Valid)	TF1	1	
√	√			Documents Etc.	MOT	Not Present (MOT Valid)	TG2	1	
√	√			Documents Etc.	Registration Document V5	Not in operators name	TH1	1	
√	√			Documents Etc.	Registration Document V5	Not Present	TI1	1	
√	√ If Meter Fitted			Documents Etc.	Tariff Card	Not Present/ Illegible	TJ3	3	
		√	√	Documents Etc.	Drivers ID Card	Not Present	TK5	5	
		√	√	Documents Etc.	Drivers ID Card	Incorrectly Displayed	TK3	3	
√	√			Documents Etc.	Licence plate	Not Present	TL5	5	
√	√			Documents Etc.	Licence plate	Incorrectly Displayed	TL3	3	
√				Documents Etc.	Taxi Sign	Not Present / Incorrectly Displayed	TM3	3	
√	√	√	√	Taximeter	Meter	Unsealed (Not False or Unjust & with Reasonable Excuse)	TN3	3	
√	√			Safety(+)	Standards	Fire extinguisher	Not Present	TO1	1
√	√			Safety(+)	Standards	Fire extinguisher	Unacceptable Standard	TP1	1
√	√			Safety(+)	Standards	First aid kit	Not Present	TQ1	1
√	√			Appearance / Utility	Spare Wheel	Not Present	TR1	1	
√	√	√	√	Appearance / Utility	External Cleanliness	Unacceptable Standard	TS1	1	
√	√			Appearance / Utility	External Appearance	Unacceptable Standard	TT1	1	
√	√			Appearance / Utility	Advertising	Unacceptable Standard (Honest, Decent & Truthful?)	TU2	2	
√	√	√	√	Appearance / Utility	Internal Cleanliness	Unacceptable Standard	TV2	2	
√	√			Appearance / Utility	Internal Appearance	Unacceptable Standard	TV1	1	
√	√			Appearance / Utility	Controls & Fittings	Unacceptable Standard	TW1	1	
		√	√	Appearance / Utility	Drivers Cleanliness / Appearance	Unacceptable Standard	TX1	1	
√	√	√	√	Licensee Behaviour	Other Breach of Conditions/ Act	Written Warning	TY5	5	
√	√	√	√	Licensee Behaviour	Other Breach of Conditions/ Act	Oral Warning/ Written Notice	TY3	3	
√	√			Licensee Behaviour	Accident Damage	Failure to Report	TZ2	2	

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
Penalty Points System for Licensed Taxi and Private Hire Car (PHC)
Operators and Drivers

Reference No. TS/CG(S)A/PP/1/14

Against: Syed Ali

Licences Held:

Taxi Driver's Licence, reference number 11 828, expires on 31st July 2014

Taxi Operator's Licences reference number 11 499, expires on 22nd August 2014

Penalty Points Total as of date: 29 Points

REPORTING OFFICER: Elizabeth Anne Gardner
DESIGNATION: Trading Standards Officer
ADDRESS: Highland Council
TEC Services
Trading Standards
38 Harbour Road
Inverness
IV1 1UF
TELEPHONE NO: 01463 228700

It Is Reported That:

Mr Ali has failed to maintain his licensed taxi to the standard required by the Licensing Authority, Highland Council, contrary to Condition 1 of the Taxi Operator's Conditions of Licence, as demonstrated by the result of a vehicle inspection carried out by Highland Council's contractor at the request of an Assistant Trading Standards Officer and is not a fit and proper person to hold a licence.

Background Information

The Penalty Points System was introduced on July 1st 2006. Its purpose is to assist Trading Standards in the evaluation of how well licensed operators are maintaining their vehicles.

Points accumulate when faults are discovered at the Council's inspection of the licensed vehicle or during "on the spot" inspections of the vehicle by Trading Standards staff. An appeal system is in place which allows an operator to question the allocation of points.

When the points total reaches 20 or more during a two year rolling period, the operator becomes the subject of a report to the Licensing Committee.

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Summary of Facts and Evidence

This report relates to the licensed vehicle operated by Syed Ali, licence number 11 449. A Council inspection, carried out on Wednesday 7th May 2014, at the request of an officer from Trading Standards after receiving information from a member of the public, led to the identification of 5 MOT failures, 2 of which were deemed "Dangerous", and 4 problems with the appearance of the licensed vehicle.

Antecedents

Mr Ali has only one licensed vehicle, licence number 11 499. The licence was first issued on 23rd August 2005 and a Mercedes Benz E220, registration number WJ51 TXE, was substituted onto the licence on 9th August 2010.

Mr Ali's licence had been allocated 3 penalty points in 2006 and 5 penalty points in 2007. From 2008 until the Council inspection on 7th May 2014 none of Mr Ali's Council inspections had identified any problems. Mr Ali's last routine Council inspection had been on Thursday 30th January 2014.

Mr Imran Raja is a licensed operator driver of Licence Plate Number 11 500. His licensed vehicle is a blue Mercedes E220, registration number KD51 LCK. He is not a qualified mechanic but he does carry out repair work on vehicles for people he knows.

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WJ51TXE Taxi 11499

Suspension feels unsafe when traveling as a passenger and rust bubbling through paint.

Production Number 28 Email dated 5th May 2014

Assistant Trading Standards Officer Hiddleston asked Mr Ali to bring his taxi to the Trading Standards Office and on Wednesday 7th May Mr Hiddleston travelled as a passenger in the vehicle. The taxi was making a noise which appeared to come from underneath at the rear and Mr Hiddleston asked Mr Ali to present his vehicle to the Council's Contractor for inspection. The Taxi Test Report Form dated Wednesday 7th May shows the result of that inspection. Five safety related failures, which were also MOT failures, were identified, with two of the failures labelled as "Dangerous".

Interview of Mr Ali

Sayed Ali was interviewed by Elizabeth Gardner, Trading Standards Officer, in the presence of Assistant Trading Standards Officer Stewart Hiddleston, at the Trading Standards Office, 38 Harbour Road, Inverness on Wednesday 14th May 2014.

Mr Ali was asked what maintenance regime he had in place for his licensed vehicle. He produced 27 invoices, 25 of which related to parts bought since May 2012 and 2 of which showed work being carried out by Inverness garages. All were cash invoices, 7 of them identified Mr Ali as the customer, 3 identified Mr Imran Raja as the customer and 17 had no identification of the customer. Mr Ali explained that he had recently sent documents to his accountant and these were what he had left.

He was aware that there was a noise in his car and at the start of the month he'd gone to the Inverness MOT Centre to get the suspension checked out. He had been told there was nothing wrong.

Mr Imran Raja services the vehicle. Sometimes he uses Mr Neil Hrycenko in Lotland Street, Inverness. Only when neither of them can work on the vehicle does he go to others.

Mr Ali said his history was good and asked to be given another chance. He said he would be happy to take care of the car, going to the Inverness MOT Centre every month for safety aspects. The result of the inspection had shaken him. When he had gone to the MOT Centre about the rattling noise they couldn't find anything wrong. He said he would sort out this and promised it wouldn't happen again and he always keeps his promises.

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30	S11 Notice dated 7 th May 2014
31	Taxi Test report Form dated 30 th January 2014
32	Statement from Elizabeth Gardner, Trading Standards Officer
33	Statement from Stewart Hiddleston, Assistant Trading Standards Officer
34	Penalty Points Tariff