

## The Highland Licensing Committee

Meeting – 4 November 2014

Agenda Item	9.1
Report No	HLC/076/14

### Application for renewal of a Taxi Operator's Licence – Kenneth Finnerty (Ward 19 – Nairn)

#### 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 Kenneth Finnerty currently holds a taxi operators licence (licence number 13 59) which expired on 2 August 2014.
- 1.3 An application for renewal of his taxi operator's licence was received from Mr Finnerty on 25 July 2014.
- 1.4 He is also detailed as the day to day manager of three other taxi operators licences which are held by the company Taxi 24/7 (13 51, 13 63 and 13 64).

#### 2.0 Objection

- 2.1 An objection in relation to Mr Finnerty's application was received on 31 July 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.
- 2.2 The Formal Action Trigger Point is 20 points.
- 2.3 The objection received from Trading Standards confirms that Mr Finnerty has accrued 23 penalty points taking him over the agreed Formal Action Trigger Point.

### **3.0 Previous Committee Appearance**

**3.1** Mr Finnerty appeared before the Highland Licensing Committee on 2 April 2013 following a complaint received from the Trading Standards Service. This was in relation to Mr Finnerty accruing 30 penalty points in relation to another of one of his previously licensed taxis (licence number 13 42).

**3.2** The decision of the Committee at this time was not to suspend the licence. However the Committee agreed that in respect of his Licence Number 13 42 that he would require to submit all vehicles held under this plate for inspection on a 3 monthly basis for the next year.

**3.3** The Committee also issued Mr Finnerty with a written warning requiring him to ensure that all vehicles licensed on plate number 13 59 (which is the subject of this report) are kept in a safe and serviceable condition.

### **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: 4 September 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  
The Court House,  
High Street,  
Nairn,  
IV12 4AU

Please ask for: Liz Gardner  
Direct Dial: 01463 228722  
E-mail: [elizabeth.gardner@highland.gov.uk](mailto:elizabeth.gardner@highland.gov.uk)  
Our Reference: EAG/KF/PP3/14  
Your Reference:  
Date: 31<sup>st</sup> July 2014

Dear Mr MacKenzie

**Civic Government (Scotland) Act 1982  
Objection to Application Reference Number TC 59, Kenneth Anthony Finnerty**

Trading Standards, Development and Infrastructure Service, Highland Council, wishes to object to the renewal of the Taxi Operator's Licence held by Kenneth Anthony Finnerty, 44 Elm Grove, Achareidh, Nairn, IV12 4SN, application reference TC 59.

The basis of this objection is an ongoing investigation into the penalty points accrued by the Licenced Operator. A report on the findings of the investigation will follow within the 28 day consultation period for the renewal application.

Yours sincerely



Elizabeth Gardner  
Trading Standards Officer



Mr A H MacKenzie  
Legal Manager  
Corporate Governance Service,  
The Highland Council  
The Court House,  
High Street,  
Nairn,  
IV12 4AU

Please ask for: Liz Gardner  
Direct Dial: 01463 228722  
E-mail: [elizabeth.gardner@highland.gov.uk](mailto:elizabeth.gardner@highland.gov.uk)  
Our Reference: EAG/KF/PP3/14  
Your Reference:  
Date: 19<sup>th</sup> August 2014

Dear Mr MacKenzie

**Civic Government (Scotland) Act 1982  
Objection to Application Reference Number TC 59, Kenneth Anthony Finnerty**

Further to Trading Standards' letter of objection to the renewal of the Taxi Operator's Licence held by Kenneth Anthony Finnerty, 44 Elm Grove, Achareidh, Nairn, IV12 4SN, application reference TC59, dated 31<sup>st</sup> July 2014, I now enclose the report which forms the basis of this objection.

Yours sincerely

[Redacted signature]

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/3/14**

Against:        Kenneth Anthony Finnerty        Age: 50yrs        DoB: 03.04.64

Licences Held:

Taxi Driver TCD 93  
Taxi Operator Licence numbers 13 59  
Manager of Taxi 24/7 Ltd  
operating Licence numbers 13 11(PHC), 13 51, 13 63 and 13 64

Address:	44 Elm Grove Achareidh Nairn IV12 4SN	Vehicle Description: Fiat Ducato Registration No: DN05 UNG Date of first registration: 22.06.2005 Mileage at last inspection: 196136 miles
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Penalty Points Total as of 18.06.2014        23points

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 Kenneth Finnerty has failed to maintain his licensed taxi, Licence number 13 59, to the standards required by the Licensing Authority, Highland Council, contrary to Condition 1 of the Taxi Operator's Conditions of Licence and a warning issued by the Licensing Committee on 2<sup>nd</sup> April 2013, as demonstrated by the results of vehicle inspections carried out by the Highland Council's contractor and a routine visual inspection carried out by an Officer from Trading Standards and is therefore not a fit and proper person to hold a licence.

## **Background Information**

The Penalty Points System was introduced on July 1<sup>st</sup> 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 routine visual 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 18).

## **Summary of Facts and Evidence**

This report relates to Licence number 13 59 which was first issued on 3<sup>rd</sup> August 2011. A Fiat Ducato, registration number DN05 UNG, was substituted onto the licence on 29<sup>th</sup> June 2012. As a result of inspections carried out by the Council's Contractor and a routine visual inspection carried out by an officer from Trading Standards, the licence has accrued a total of 23 penalty points.

## **Antecedents**

Kenneth Finnerty currently holds one operator's licence, licence number 13 59. He is also named as manager of Taxi 24/7 Ltd, a firm which operates four licences, 13 11, 13 51, 13 63 and 13 64. The two Directors of the firm are Lucy Jean Finnerty, Mr Finnerty's daughter and Mrs Sharon Myree Finnerty, Mr Finnerty's wife.

## **Historical Evidence Relating to Licence Number 13 59 Over The Last Two Years**

On 2<sup>nd</sup> April 2013 Mr Finnerty appeared in front of the Licensing Committee because a report had been submitted by Trading Standards in relation to his operator's Licence Number 13 42. The Licensing Committee imposed 3 monthly Council Inspections of the vehicle on Licence Number 13 42 and issued a warning in respect of both Licence

Number 13 42 and Licence Number 13 59 requiring that all vehicles should be kept in a safe and serviceable condition (Production Number 2).

Mr Finnerty did not apply to renew his Licence Number 13 42 but allowed it to expire on 18<sup>th</sup> April 2013, during the 28 day appeal period following the Licensing Committee's decision. Taxi 24/7 Ltd was granted a new taxi licence, plate number 13 64, on 11<sup>th</sup> June 2013.

At the time of the Licensing Committee's warning Licence Plate Number 13 59 had 3 penalty points against it as a result of a Council inspection on 21<sup>st</sup> December 2012 when Group B faults (Appearance and Utility Standard) had been identified (Production Number 1).

On 18<sup>th</sup> June 2013 the Council inspection identified 2 MOT failures which were considered dangerous in Group A and 4 Group B faults. 14 points were allocated to these faults which brought the total to 17 points (Production Number 3). A s11 Notice suspending the licence to operate was issued on 18<sup>th</sup> June 2013 (Production Number 4). The vehicle was presented for retest on 19<sup>th</sup> June 2013 and received a "Conditional Pass" (Production Number 5) which cleared the s11 Notice suspension. A letter was posted to Mr Finnerty (Production Number 6) informing him that his licence number 13 59 had accrued 17 points.

Following receipt of the letter Mr Finnerty presented officers from Trading Standards with a copy of an invoice from Henderson's Garage in Nairn (Production Number 7) which was dated 18<sup>th</sup> June 2013 and showed the licensed vehicle had undergone a pre-MOT check and had work carried out on it. As a result of this information the points total on the licence was reduced by 13 points because Mr Finnerty was deemed to have done what he could to avoid faults being identified in the taxi inspection. The new points total on the licence became 4 points.

Assistant Trading Standards Officer Stewart Hiddleston carried out a routine visual inspection of the Fiat Ducato on 5<sup>th</sup> November 2013 and issued a 28 day Notice requiring the replacement of a damaged offside window (Production Number 8). The glass window had been replaced with a piece of wood which was unacceptable in terms of "Appearance and Utility". This attracted 2 penalty points taking the licence total to 6 points. Mr Finnerty informed Trading Standards on 15<sup>th</sup> November that charges had been brought against the culprit who had damaged the window and a resolution of the case would mean that Autoglass could be given the go ahead to make the appropriate repairs (Production Number 9). On 3<sup>rd</sup> December Mr Finnerty contacted ATSO Hiddleston and informed him that the window had been replaced.

A routine Council Inspection of the licensed vehicle on 17<sup>th</sup> December 2013 identified four Group B faults which attracted 2 penalty points, bringing the licence total to 8 points. One of the faults was described as "Offside middle window Perspex and not of smart appearance" (Production Number 10). Group B faults should be rectified within 21 days and the repairs shown to an officer from Trading Standards to ensure the work has been of acceptable standard.

Mr Finnerty contacted Enforcement Officer Bill Leslie on 8<sup>th</sup> January 2014 to inform him that the Fiat Ducato was booked into a garage for repair work to the wheels and

paintwork but the replacement of the window was awaiting the result of criminal proceedings for payment for the window replacement. Mr Finnerty was given an extension of his 21 days for repair work till 22<sup>nd</sup> January 2014. Assistant Trading Standards Officer Hiddleston took a telephone call from Mr Finnerty on 13<sup>th</sup> February 2014 in which Mr Finnerty said that all Group B faults for the Fiat Ducato had been rectified except for the offside window which was still the subject of a dispute.

Four months later the Fiat Ducato went through a routine Council inspection on 18<sup>th</sup> June 2014 (Production Number 11). The result was a dangerous Fail, with 3 MOT failures identified in Group A and 4 faults identified in Group B which included "Perspex on offside middle window – not of smart appearance". The inspection result attracted a further 15 points which brought the licence total to 23 points. A s11 Notice suspending the licence to operate was issued on 19<sup>th</sup> June 2014 (Production Number 12). The vehicle was presented for retest on 19<sup>th</sup> June and received a "Conditional Pass" which cleared the s11 Notice of suspension (Production Number 13).

On Thursday 31<sup>st</sup> July 2014 Mr Finnerty was invited to an interview in the Trading Standards Office to give him the opportunity to inform Trading Standards what his maintenance regime for his licensed vehicle was. He said he was unable to attend an interview until Monday 18<sup>th</sup> August at 12 noon. At 11.00am on Monday 18<sup>th</sup> August Mr Finnerty telephoned to say he had just woken up after a busy weekend and would be unable to keep his appointment. He had other meetings in the afternoon so a Monday meeting was impossible. He did however agree to email Mrs Gardner with the paperwork relevant to the maintenance of the Fiat Ducato after which another interview could be arranged if necessary.

The following day, Tuesday 19<sup>th</sup> August, an email was received from Mr Finnerty (Production Number 14) to which was attached three documents. The first was an undated hand written document (Production Number 15), the second an invoice from Henderson's Garage in Nairn dated 18/06/2014 (Production Number 16) which was the date of the Council's inspection which resulted in a dangerous Fail and the third an invoice from Henderson's Garage dated the 19/06/2014 (Production Number 17).



## **Evidence Held By Trading Standards (to be produced if required)**

<b>Number</b>	<b>Description</b>
1	Taxi Test Report Form dated 21 <sup>st</sup> December 2012
2	Letter re Licensing Committee Decision dated 2 <sup>nd</sup> April 2013
3	Taxi Test Report Form dated 18 <sup>th</sup> June 2013
4	s11 Notice dated 18 <sup>th</sup> June 013
5	Taxi Re-Test Report Form dated 19 <sup>th</sup> June 2013
6	+10 Points Letter dated 19 <sup>th</sup> June 2013
7	Invoice from Henderson's Garage dated 18 <sup>th</sup> June 2013
8	28 day Notice dated 5 <sup>th</sup> November 2013
9	Email from K Finnerty dated 15 <sup>th</sup> November 2013
10	Taxi Test Report Form dated 17 December 2013
11	Taxi Test Report Form dated 18 <sup>th</sup> June 2014
12	s11 Notice dated 19 <sup>th</sup> June 2014
13	Taxi Re-Test Report Form dated 19 <sup>th</sup> June 2014
14	Email from K Finnerty dated 19 <sup>th</sup> August 2014
15	Hand written document relating to DN05 UNG
16	Invoice from Henderson's Garage dated 18 <sup>th</sup> June 2014
17	Invoice from Henderson's Garage dated 19 <sup>th</sup> June 2014
18	Statement from Elizabeth Gardner, Trading Standards Officer
19	Statement from Stewart Hiddleston, Assistant Trading Standards Officer
20	Statement from William Leslie, Enforcement Officer
21	Penalty Points Tariff

**HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM** Production No:  
EAG/KF/1

DATE OF INSPECTION	Fri 21 <sup>st</sup> Dec 2012	INSPECTION LOCATION	Ross's Garage, Milton of Clava
TIME OF INSPECTION	1030HRS	VEHICLE OWNER	Kenneth A Finnerty
INSPECTION REF NO.	N/VI/48/12	ADDRESS	44 Elm Grove, Achareidh NAIRN
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN      01667 459595
TYPE OF INSPECTION	6mth	INSPECTION CARRIED OUT	<u>Council Test</u>
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)	
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	0443022
MAKE & MODEL	Fiat Ducato	FEE PAID	£90.00
VEHICLE COLOUR	Grey	MILEAGE	148240
DATE OF FIRST REG	22/06/2005	FUEL TYPE	Diesel
ENGINE SIZE	2286	TYRE SIZE	205/70/15
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	M. J. Kirk

	<b>TEST RESULTS</b>	<b>MOT CERTIFICATE NUMBER</b>
<b>MOT</b>	N/A	N/A
<b>SAFETY ASPECTS</b>	PASS	
<b>APPEARANCE &amp; UTILITY</b>	FAIL	
<b>Overall Test Result</b>	<b>CONDITIONAL PASS</b>	
<b>IMPORTANT: PLEASE READ THE NOTES OVERLEAF FOR INFORMATION AS TO WHAT ACTION (IF ANY) IS REQUIRED TO BE UNDERTAKEN BY YOU THE VEHICLE OPERATOR</b>		

**A: SAFETY ASPECTS (FAIL POINTS)**

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


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

1kg fire extinguisher required	TO1
First aid kit required	TQ1
Spare tyre deflated	TR1 Other
Brake pedal anti slip pad split	TW1

**C: Observations for information only**

2 <sup>nd</sup> row seats slightly stained	Both front lower suspension arm rear bushes deteriorated
Road wheels corroded	

MARTIN J KIRK

Examiners Signature.....

Date.....21/12/12.....



Mrs Elizabeth Gardner,  
Trading Standards Service,  
Highland Council,  
38 Harbour Road,  
Inverness,  
IV1 1UF.

Please ask for: Mr Michael Elsey  
Direct Dial: (01463) 724298  
Your Ref:  
Our Ref: 12/2/5e  
Date: 2<sup>nd</sup> April 2013

Dear Mrs Gardner,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**LICENSING COMMITTEE – 2<sup>nd</sup> APRIL 2013**

I refer to the above and to the reports considered by the Highland Licensing Committee where there were Objections/Representations submitted by the Trading Standards Service and would confirm that the Committee took the following decisions.

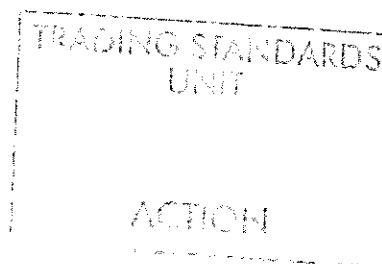
- Alexander Fraser – Warning issued
- Artur Piotrowski – Granted Taxi Driver licence and issued warning. Issued warning in relation to PHC driver's licence
- Allan Moore – No action
- Kenneth Finnerty – Warning issued and 3 monthly inspections imposed for a period of 12 months (following the 28 appeal period) for any vehicle licensed under taxi plate 13 42. Warning issued in respect of taxi plate 11 59.

In terms of Section 18 of Schedule 1 of the Civic Government (Scotland) Act 1982 you have the right of appeal against the decisions of the Council. Any such application should be lodged with the Sheriff Clerk within 28 days from the date of the decision appealed against.

Yours sincerely

[Redacted Signature]

LEGAL MANAGER



# HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

Production No:  
EAG/KF/3

DATE OF INSPECTION	Tuesday 18th June 2013	INSPECTION LOCATION	Ross's Garage, Milton of Clava
TIME OF INSPECTION	1200 hrs	VEHICLE OWNER	Kenneth A Finnerty
INSPECTION REF NO.	N/VI/28/13	ADDRESS	44 Elm Grove, Achareidh NAIRN
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN 01667 459595
TYPE OF INSPECTION	6mth	INSPECTION CARRIED OUT	Council Test
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)	
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	0516319
MAKE & MODEL	Fiat Ducato	FEE PAID	£90.00
VEHICLE COLOUR	Grey	MILEAGE	166356
DATE OF FIRST REG	22/06/2005	FUEL TYPE	Diesel
ENGINE SIZE	2286	TYRE SIZE	205/70/15
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	M. M. Ross

MOT	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	FAIL	* <b>WARNING</b> In the opinion of the examiner, the vehicle is dangerous to drive because of the defects listed in box A above *Delete if not applicable.
APPEARANCE & UTILITY	FAIL	
<b>Overall Test Result</b>	<b>FAIL</b>	
IMPORTANT: PLEASE READ NOTES OVERLEAF FOR INFORMATION AS TO WHAT ACTION (IF ANY) IS REQUIRED TO BE UNDERTAKEN BY THE VEHICLE OPERATOR		

**A: SAFETY ASPECTS (FAIL POINTS)**

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

Driver's seat insecure	TD7 Other
Offside front top strut bearing seized	TC5 Other

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

3 <sup>rd</sup> row nearside and centre head rests missing	TW1 Other
All wheels require painting )	
Rear bumper/door panels paint flaking off )	TT1
Side trim missing nearside )	

**C: Observations for information only**

Front bumper tarnished	

MALCOLM M. ROSS

18/06/13

Examiners Signature.....

Date.....

Production No:  
EAG/KF/4



Reference No.  
CGSA/ 1154

V074202

CP due 9/5/13

CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
SECTION 11(2) STATUTORY NOTICE

AL 4439 4699 3GB

(Taxi and Private Hire Cars)  
(Safety of Vehicles and Fitness Accuracy of Taximeters)

*Licence Holders Details*

Name

Taxi 24/7 / Highland Community

Address

44A High Street,  
Nairn IV12 4AU

*Authorised Officer's Full Name*

1,

Bill Hissie

Being an Officer authorised by Highland Council for the purposes of Section 11 of the Civic Government (Scotland) Act 1982

*Official Address*

of, Highland Council, TEC Services, Trading Standards Unit, 38 Harbour Road, Inverness, IV1 1UF

Hereby give you notice that I am not satisfied that

Vehicle Details:	Fiat Ducato 1905 LING
Licence No:	13-59

\* is safe for the carriage of passengers

\* is fitted with a taximeter which is fit for its purpose and/or accurate

The reasons for my said conclusions are:

1 DRIVERS SEAT INSECURE  
2 OFFSIDE FRONT TOP STRUT BEARING SEIZED

\* Your Licence (identified above) to operate a \*(Taxi/Private Hire Car), is hereby suspended with immediate effect.

You have a period of 28 days from the date of this Notice to satisfy an authorised officer of the Council or a Police Officer that the above matters have been rectified. Failure to do so will result in the automatic suspension of the unexpired portion of the duration of the said licence.

\* You are required to submit the said vehicle \*(and taximeter) for further inspection and test at:

*Time and Place*

Local inspection garage when repaired

Signature of Authorised Officer

[Redacted Signature]

Date

18th June 2013

\* Delete as appropriate

**HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM**

Production No:  
EAG/KF/5

DATE OF INSPECTION	Wed 19 June 2013	INSPECTION LOCATION	Ross's Garage, Milton of Clava	
TIME OF INSPECTION	1530 hrs	VEHICLE OWNER	Kenneth A Finnerty	
INSPECTION REF NO.	N/VI/32/13	ADDRESS	44 Elm Grove, Achareidh NAIRN	
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN	01667 459595
TYPE OF INSPECTION	RE-TEST FOC	INSPECTION CARRIED OUT	Council Retest	
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)		
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	N/A	
MAKE & MODEL	Fiat Ducato	FEE PAID	F.O.C.	
VEHICLE COLOUR	Grey	MILEAGE	166389	
DATE OF FIRST REG	22/06/2005	FUEL TYPE	Diesel	
ENGINE SIZE	2286	TYRE SIZE	205/70/15	
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798	
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	Gareth MacMillan	

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	PASS	
APPEARANCE & UTILITY	FAIL	
<b>Overall Test Result</b>	<b>CONDITIONAL PASS</b>	
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 \*\* )


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

3 <sup>rd</sup> row nearside and centre head rests missing	
All wheels require painting	
Rear bumper/door panels paint flaking off	
Side trim missing nearside	

**C: Observations for information only**

Front bumper tarnished	

GARETH MacMILLAN

Examiners Signature.....

Date.....19/06/13.....

Mr Kenneth Finnerty  
Taxi 247  
44a High Street  
Nairn  
IV12 4AU

Please ask for  
Direct dial  
e-mail  
Your ref  
Our ref  
Date

*Liz Gardner*  
01463 228722  
elizabeth.gardner@highland.gov.uk

19 June 2013

Dear Mr Finnerty

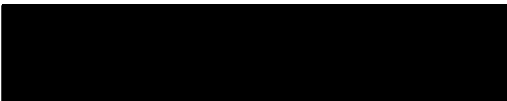
**Civic Government (Scotland) Act 1982  
Taxi and Private Hire Car (PHC) Licensing Provisions  
Trading Standards Penalty Points System**

Trading Standards operates a Penalty Points System to help in the assessment of the level of compliance shown by each Operator in relation to Conditions 1 and 2 of an Operator's licence which require your licensed vehicle to be maintained to the Council's standard. Faults identified either by the Council's Contractor during inspection or by Trading Standards staff during spot checks attract penalty points. These points are totalled over a two year rolling period and should the total pass 20 points the operator will be reported to the appropriate Licensing Committee for breach of Licence Conditions.

Your licensed vehicle, plate number 13 059 has accumulated 17 points. Should further points be added so that the total becomes 20 or more, before two years from the date of the first points accrued, please be aware that you will find yourself the subject of a report to your Licensing Committee.

Should you have any queries please do not hesitate to contact me.

Yours sincerely



Trading Standards Officer

# R&E HENDERSONS GARAGE

3 BALMAKEITH IND EST  
FORRES ROAD  
NAIRN  
IV12 5QW

Production No:  
EAG/KF/7

Tel No. 01667 453505 Fax No. 01667 454828

Invoice To: 1716
TAXI 24-7 44 HIGH STREET NAIRN
IV12 Tel No. 01667 459595

<b>Invoice</b>
----------------

Vat Reg No.	Date	Invoice
VAT No. 296 9675 76	18/06/2013	13420

Make & Model	FIAT DUCATO
Reg No.	DN05 UNG
Mileage	166319
Chassis	ZFA244000075663382

Job Number	Mechanic
8813	VT~Virgis Teresius

Part Number	Description	Qty	Net	Vat	Total
LP1750	FRONT BRAKE PAD SET	1.00	30.71	20.00 %	36.85
B/WASH	BRAKE/CLUTCH CLEANER	1.00	3.80	20.00 %	4.56
DOT4	BRAKE/CLUTCH FLUID	1.00	5.96	20.00 %	7.15
JIZER	DEGREASER	1.00	4.80	20.00 %	5.76
Parts Sub Total		0.00	45.27	0.00 %	54.32
LAB01	WORKSHOP LABOUR	4.00	40.00	20.00 %	192.00
Labour Sub Total		0.00	160.00	0.00 %	192.00
<p><b>Description Of Work Done</b></p> <p>1:PRE MOT CHECK                      Check operation of lights &amp; set headlamp alignment                      Check controls,horn/washers/wipers/seatbelts ect.                      Check engine compartment &amp; top up levels as required                      Check tyre size/condition,fit spare to front right.                      check &amp; set all tyre pressures as required.                      Check steering/suspension &amp; underside of vehicle.                      Check operation of brake system,strip front brakes/free off caliper slides/replace pad set &amp; bleed calipers.                      Strip rear brakes,free off brake shoe mechanism &amp; adjusters/grind lip off brake drums/clean up shoes &amp; set brake adjustment as required.                      Degrease &amp; power wash underside at front</p>					

<b>Additional Information</b>	Sub Total	205.27
JOB DATE:17-18/06/2013	VAT	41.05
	Misc	0.00
	Mot Total	0.00
<b>Unpaid</b>	<b>Invoice Total</b>	<b>£246.32</b>



Ref: 074956

THE HIGHLAND COUNCIL  
TRADING STANDARDS UNIT  
TEC SERVICES

To:

MR. K. FINNERTY

44A. HIGH STREET

NAIRN

IV12-4AU

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

You are hereby notified that the following matters require to be attended to:-

Licensed Taxis & Private Hire Cars

On examination of the Taxi/PHC Licence No. 13 0059

Registration No. DN 05 UNG

At NAIRN AREA ROAD

On 5/11/2013 the faults specified below were found, which are in contravention of the Highland Council's vehicle standards for Taxis and PHC's. Failure to rectify the said faults within 28 days will result in further action being taken, including where appropriate, consideration being given to reporting the matter to the relevant Council Committee and, or the immediate suspension of the Taxi/PHC Operators Licence.

WINDOW TO BE REPLACED BEHIND DRIVER

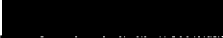
TZ2

\* PLEASE CONTACT WHEN REPLACED

If you require further information on this matter please contact:-

Issuing Officer STEWART

Date 5/11/2013

Signature 

Tel No 228725

Any enquires relating to this notice can be addressed to the issuing officer or by contacting the Trading Standards Unit at 38 Harbour Road, Inverness, IV1 1UF Tel. 01463 228700

**From:** [info@taxi247nairn.com](mailto:info@taxi247nairn.com) [mailto:[info@taxi247nairn.com](mailto:info@taxi247nairn.com)]  
**Sent:** 15 November 2013 13:09  
**To:** Elizabeth Gardner  
**Subject:** Penalty Points

Hi Liz

**Re: Penalty Points**

**Taxi Plate TC13 064 Registration SR04 APX**

I refer to your letter dated 10 October 2013, concerning the 13 points accumulated at the combined MOT and Testing of the above mentioned vehicle, about which we have spoken.

Please find attached a copy of R&E Henderson's Garage's invoice, from which you will note that a pre MOT examination was carried out, during which none of the faults, for which points were accumulated, were highlighted. As discussed I would be most grateful if you could please amend the points accordingly.

**Taxi Plate TC13 063 Registration GJ56 ZLN**

Whilst writing, please note that the repairs to the Grand Scenic have been completed and I have attached a copy of the invoice for these repairs as evidence for your records.

**Taxi Plate TC13 059 Registration DN05 UNG**

With regards to this vehicle and the damaged window. Charges have now been made against the culprit and we are awaiting a resolution before Autoglass can go ahead and make the appropriate repairs.

Kind Regards

Kenneth Finnerty  
**for TAXI 24/7 LTD**  
**01667-45-95-95**

**HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM**

Production No  
EAG/KF/10

DATE OF INSPECTION	Tuesday 17 December 2013	INSPECTION LOCATION	Ross's Garage, Milton of Clava	
TIME OF INSPECTION	1400 hrs	VEHICLE OWNER	Kenneth A Finnerty	
INSPECTION REF NO.	N/VI/54/13	ADDRESS	44 Elm Grove, Achareidh NAIRN	
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN	01667 459595
TYPE OF INSPECTION	6mth	<u>INSPECTION CARRIED OUT</u>		<u>COUNCIL TEST</u>
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)		
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	0525543	
MAKE & MODEL	Fiat Ducato	FEE PAID	£90.00	
VEHICLE COLOUR	Grey	MILEAGE	183564	
DATE OF FIRST REG	22/06/2005	FUEL TYPE	DIESEL	
ENGINE SIZE	2286	TYRE SIZE	205/70/R16	
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798	
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	M.M.ROSS	

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	PASS	
APPEARANCE & UTILITY	FAIL	
<b>Overall Test Result</b>	<b>CONDITIONAL PASS</b>	
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 \*\*)


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

PAINT FLAKING OFF BONNET ON NEARSIDE )	OFFSIDE FRONT DOOR RUBBER INSECURE TV1
OFFSIDE MIDDLE WINDOW PERSPEX AND NOT OF SMART APPEARANCE )	
FOUR WHEELS BADLY CORRODED AND PAINTED OVER – NOT OF SMART APPEARANCE )	TTI

**C: Observations for information only**

EXHAUST CORRODED	
NEARSIDE AND OFFSIDE INNER WINGS CORRODED WITHIN 30CM OF SUSPENSION MOUNTINGS	
NEARSIDE FRONT DOOR RUBBER SPLIT	

M.M.ROSS

17.12.2013

Examiners Signature.....

Date.....

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

Production No:  
EAG/KF/11

DATE OF INSPECTION	Wednesday 18 June 2014	INSPECTION LOCATION	Ross's Garage, Milton of Clava	
TIME OF INSPECTION	1530 hrs	VEHICLE OWNER	Kenneth A Finnerty	
INSPECTION REF NO.	N/VI/26/14	ADDRESS	44 Elm Grove, Achareidh NAIRN	
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN	01667 459595
TYPE OF INSPECTION	6mth Council	<u>INSPECTION CARRIED OUT</u>		<u>Council Test</u>
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)		
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	0587793	
MAKE & MODEL	Fiat Ducato	FEE PAID	£90.00	
VEHICLE COLOUR	Grey	MILEAGE	196136	
DATE OF FIRST REG	22/06/2005	FUEL TYPE	Diesel	
ENGINE SIZE	2286	TYRE SIZE	205/70/15C	
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798	
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	G. MacMillan	

	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 *Delete if not applicable.
APPEARANCE & UTILITY	FAIL	
<b>Overall Test Result</b>	<b>FAIL</b>	
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 \*\* )

Nearside headlight aim too high	TE5
Offside front brake binding )	TB7
Front brakes out of balance )	

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

Perspex on offside middle window – not of smart appearance	TT1
No fire extinguisher – 1kg required	TO1
Clips missing from roof lining )	TV1
Headrests damaged and not of smart appearance )	

**C: Observations for information only**

Windscreen marked	
Exhaust rubber mountings perished and splitting	
Offside rear wheel slight noise when rotating	

GARETH MacMILLAN

Examiners Signature.....

Date.....18/06/14.....



Reference No.  
CGSA/ 1180  
V076077

CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
SECTION 11(2) STATUTORY NOTICE

Production No:  
EAG/KF/12

Licence Holders Details

(Taxi and Private Hire Cars)  
(Safety of Vehicles and Fitness/Accuracy of Taximeters)

Name

MR Kenneth Funnerty

Address

44 ELM GROVE, ACHAREIDH  
NAIRN, IV12 4SN.

Authorised Officer's Full Name:

I,

Bill Hestie

Being an Officer authorised by Highland Council for the purposes of Section 11 of the Civic Government (Scotland) Act 1982

Official Address

of, Highland Council, TEC Services, Trading Standards Unit, 38 Harbour Road, Inverness, IV1 1UF

Hereby give you notice that I am not satisfied that

Vehicle Details:	FIAT DUCATO DNO5 LNG
Licence No:	13-059

\* is safe for the carriage of passengers

~~\* is fitted with a taximeter which is fit for its purpose and/or accurate.~~

The reasons for my said conclusions are:

- 1 Nearside headlamp aim too high.
- 2 offside front brake binding
- 3 Front brakes out of balance.

\* Your Licence (identified above) to operate a ~~\*(Taxi/Private Hire Car)~~, is hereby suspended with immediate effect.

You have a period of 28 days from the date of this Notice to satisfy an authorised officer of the Council or a Police Officer that the above matters have been rectified. Failure to do so will result in the automatic suspension of the unexpired portion of the duration of the said licence.

\* You are required to submit the said vehicle ~~\*(and taximeter)~~ for further inspection and test at:

Time and Place

Council inspection garage when repaired

Signature of Authorised Officer

[Redacted Signature]

Date

19th June 2014.

\* Delete as appropriate

**HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM**

Production No:  
EAG/KF/13

DATE OF INSPECTION	Thursday 19 June 2014	INSPECTION LOCATION	Ross's Garage, Milton of Clava	
TIME OF INSPECTION	1615 hrs	VEHICLE OWNER	Kenneth A Finnerty	
INSPECTION REF NO.	N/VI/26/14	ADDRESS	44 Elm Grove, Achareidh NAIRN	
TAXI/PHC LICENCE NO.	TC-59	POSTCODE & TEL. NO.	IV12 4SN	01667 459595
TYPE OF INSPECTION	RETEST – F.O.C.	<u>INSPECTION CARRIED OUT</u>		<u>Council Retest</u>
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)		
REGISTRATION No.	DN05 UNG	RECEIPT NO(s)	N/A	
MAKE & MODEL	Fiat Ducato	FEE PAID	F.O.C.	
VEHICLE COLOUR	Grey	MILEAGE	196165	
DATE OF FIRST REG	22/06/2005	FUEL TYPE	Diesel	
ENGINE SIZE	2286	TYRE SIZE	205/70/15C	
CHASSIS NO	ZFA24400007655382	TAXI METER SERIAL NO	10798	
NO OF PASSENGER SEATS	8	VEHICLE EXAMINER	M. M. Ross	

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	PASS	
APPEARANCE & UTILITY	FAIL	
<b>Overall Test Result</b>	<b>CONDITIONAL PASS</b>	
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 \*\*)


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

Perspex on offside middle window – not of smart appearance	
No fire extinguisher – 1kg required	
Clips missing from roof lining	
Headrests damaged and not of smart appearance	

**C: Observations for information only**

Windscreen marked	Brake flexi's secured by tie-wraps
Exhaust rubber mountings perished and splitting	
Offside rear wheel slight noise when rotating	

MALCOLM M ROSS

Examiners Signature.....

Date.....19/06/14.....

Elizabeth Gardner

---

**From:** info@taxi247nairn.com  
**Sent:** 19 August 2014 12:29  
**To:** Elizabeth Gardner  
**Subject:** Pre Test Repairs to DN05 UNG  
**Attachments:** PreTest Repairs DN05 UNG.pdf

Hi Liz

Further to our telephone conversation yesterday, please find attached invoices relating to pre test repairs and service for my vehicle DN05 UNG.

Regards

Ken Finnerty

# Taxi 24/7 vehicle copy 2 of 2

DN05 UNG Fiat Ducato

Carry out full service Air fuel oil filters and oil  
Carry out taxi test inspection

Parts

Service kit - £47

Labour

£50

Total

£97

(Jobs for taxi test)

Take vehicle for tyres

Wash and clean vehicle

Take vehicle for test

Parts

Wiper blades

Wheel trims

Tiger seal

Consumables

Sticker for taxi sign

Labour

£100

Diesel

£30

Total

£173

Driving

Golfers job

£40

Overall total

£517

Handwritten notes in a large circle: "24/7 fuel for taxi" and "270" circled.



Cash Paid  
8/7/14

# R&E HENDERSONS GARAGE

3 BALMAKEITH IND EST  
FORRES ROAD  
NAIRN  
IV12 5QW

Production No:  
EAG/KF/16

Tel No. 01667 453505 Fax No. 01667 454828

①

Invoice To: 150
MR KEN FINNERTY 44 ELM GROVE ACHAREIDH NAIRN IV12 4SN
Tel No. 01667 453482

## Invoice

Vat Reg No.	Date	Invoice
VAT No. 296 9675 76	18/06/2014	14627

Make & Model	FIAT DUCATO
Reg No.	DN05 UNG
Mileage	196117
Chassis	ZFA244000075663382

Job Number	Mechanic
10066	SH~Scott Hanshaw

Part-Number	Description	Qty	Net	Vat	Total
2057015B	BARUM TYRES	2.00	59.27	20.00 %	142.25
W/BALANCE	WHEEL BALANCE	2.00	5.50	20.00 %	13.20
T/VALVE	TYRE VALVE	2.00	2.50	20.00 %	6.00
T/DISPOSAL	TYRE DISPOSAL	2.00	1.40	20.00 %	3.36
Parts Sub Total		0.00	137.34	0.00 %	164.81

Description Of Work Done

1: TYRES  
LABOUR TO REMOVE/REPLACE BOTH REAR TYRES & BALANCE RIMS

<u>Additional Information</u>	Sub Total	137.34
JOB DATE: 18/06/2014	VAT	27.47
	Misc	0.00
	Mot Total	0.00
	<b>Invoice Total</b>	<b>£164.81</b>

Unpaid

# R&E HENDERSONS GARAGE

3 BALMAKEITH IND EST  
FORRES ROAD  
NAIRN  
IV12 5QW

Tel No. 01667 453505 Fax No. 01667 454828

Cash Paid  
8/7/14

①

Invoice To: 150
MR KEN FINNERTY 44 ELM GROVE ACHAREIDH NAIRN IV12 4SN
Tel No. 01667 453482

## Invoice

Vat Reg No.	Date	Invoice
VAT No. 296 9675 76	19/06/2014	14631

Make & Model	FIAT DUCATO
Reg No.	DN05 UNG
Mileage	196117
Chassis	ZFA244000075663382

Job Number	Mechanic
10075	SH-Scott Hanshaw

Part Number	Description	Qty	Net	Vat	Total
PAD1750	FRONT BRAKE PAD SET	1.00	29.88	20.00 %	35.86
B/WASH	BRAKE/CLUTCH CLEANER	1.00	3.80	20.00 %	4.56
DOT4	BRAKE/CLUTCH FLUID	1.00	5.96	20.00 %	7.15
B/PIPE MED	BRAKE PIPE	1.00	6.80	20.00 %	8.16
Parts Sub Total		0.00	46.44	0.00 %	55.73
LAB01	WORKSHOP LABOUR	2.50	40.00	20.00 %	120.00
Labour Sub Total		0.00	100.00	0.00 %	120.00

**Description Of Work Done**

1:FRONT BRAKES BINDING  
LABOUR TO STRIP FRONT BRAKES,FREE OFF/CLEAN UP BOTH FRONT CALIPERS & RENEW BRAKE PAD SET.REPLACE FRONT R/H BRAKE PIPE,BLEED BRAKES & CHECK OPERATION OF SYSTEM  
2:HEADLAMP ALIGNMENT  
CHECK & SET HEADLIGHT ALIGNMENT

<b>Additional Information</b>	Sub Total	146.44
JOB DATE:19/06/2014	VAT	29.29
	Misc	0.00
	Mot Total	0.00
	<b>Invoice Total</b>	<b>£175.73</b>

# The Highland Council

Production No:  
EAG/KF/18

## 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.

I telephoned KENNETH FINNERTY on Thursday 31<sup>st</sup> July to advise him the penalty points on his licence 13 59 had risen to 23 points following the last inspection of the vehicle by the Council's Contractor and ask him to come to the Trading Standards Office for an interview, taking with him any

---

**Date:-**

**Signed:-**

# **The Highland Council**

## **Trading Standards**

### **Statement of Witness**

---

June 2014 and detailed the work carried out to rectify the Group A faults identified in the previous day's Council inspection (Production Number 17).

---

Date:-

Signed:-

# The Highland Council

Production No:  
EAG/KF/19

## Trading Standards

### Statement of Witness

---

Surname: HIDDLESTON Maiden Name:  
Forename(s): CHARLES STEWART  
Title: MR  
Address (H): Tel No (H):  
  
Address (B): Trading Standards, Tel No (B): 01463 228700  
38 Harbour Road,  
Inverness  
IV1 1UF  
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.

On Tuesday 5<sup>th</sup> November 2013 I was carrying out routine checks on Taxis and Private Hire Cars in Nairn with Enforcement Officer William Leslie. We saw a silver Fiat Ducato, registration

---

Date:-

Signed:-

# **The Highland Council**

## **Trading Standards**

### **Statement of Witness**

---

Another inspection of the licensed vehicle was carried out by the Council's Contractor at Ross's Garage, Clava on Wednesday 18<sup>th</sup> June 2014 and I saw that the Dangerous Fail result had identified 3 MOT failures and included within the 4 faults listed in the Appearance and Utility section was "Perspex on offside middle window – not of smart appearance".

---

Date:-

Signed:-

# The Highland Council

Production No  
EAG/KF/20

## Trading Standards Unit

### Statement of Witness

---

**Surname:** Leslie

**Maiden Name:**

**Forename(s):** William Robert

**Title:** Mr

**Address (H):**

**Tel No (H):**

**Address (B):** Highland Council,  
Trading Standards Unit,  
38 Harbour Road,  
Inverness,  
IV1 1UF

**Tel No (B):** 01463 228700

**Place and Date of Birth:**

**Occupation:** Enforcement Officer

---

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

**Known as or Alias:**

---

**Taken by:**

**On(Day, Date):**

**At (Time):**

**At (Location):**

I was alone/accompanied by\* when the statement was noted.  
It was/was not signed\* in my notebook by the witness.

---

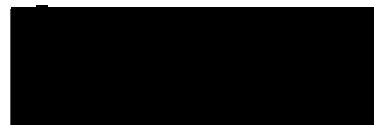
**States:-**

I am an Enforcement Officer with Highland Council Trading Standards Unit.

---

**Date:-** 5<sup>th</sup> August 2014

**Signed:-**



# The Highland Council

## Trading Standards Unit

### Statement of Witness

---

On Wednesday 8<sup>th</sup> January 2014, I received a telephone call from Mr Finnerty. He informed me that the vehicle was booked into a garage to have the faults on the conditional pass rectified. The window was subject of criminal proceedings and he was awaiting the result of this and hoped a compensation order would be granted to allow him to repair the window. He asked that I extend the outstanding notices to allow the work to be carried out. I extended the period of the notices by 14 days, until 22<sup>nd</sup> January 2014.

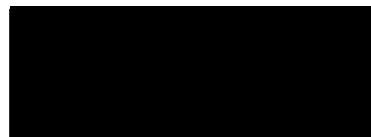
On Thursday 13<sup>th</sup> February 2014, I became aware that the faults with the paintwork, wheels and door rubber had been rectified but the window remained outstanding.

I can identify Kenneth Finnerty.

---

Date:- 5<sup>th</sup> August 2014

Signed:-





**Taxi & PHC Penalty Points Tariff**

Taxi Operator	Applicability			Defect Category	Sub-Category	Production No: EAG/KF/21 Descriptor	DEFECT CODE	Penalty Points
	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	TH1	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