

Appendix 6(a)

Dear Mr Edwards,

With reference to your recent email regarding amended draft document, I would like to briefly submit some of the points inter alia as follows:

1 My previous three responses should be read as an integral part of this letter.

2 The introduction and section 1 of this manual is very ill drafted and even laughable to certain extents. Introduction doesn't make any sense pertaining to synopsis, and it doesn't correspond to the most of section 1. The same is the case to the extent, as with additional requirements other than the TOGR, in the rest of the amended draft.

3 This amended draft suggests that licensing department haven't paid any heed to the submissions, I have been making in terms of gunning principles. No reasons have been given in the introduction, as the basis for these proposals. There is no clarity about the Annual or Mid year MOT in the amended draft.

4 The Hackney Carriage and Private Hire Inspection Technical Officer Group, Public Authority Transport Network/Freight Transport Association, considered the number of miles taxi vehicles do, in relation to tyre treads and brake lining limit , before producing the minimum standards as set out in the 'Best Practice Guide for the Inspection of Hackney Carriage and Private Hire Vehicles. If there guideline is 1.6 mm then there can be no justification what's so over, for over riding the superior knowledge and increase that to 2 mm. For the same technical and legal reasons I surrendered to the rational approach of Mr. Shah on this subject.

It is apparent from the course of actions taken by the licensing department so far, that the decision has already been made, which is itself the direct violation of the first gunning principle 'Proposal at a formative stage'. The obvious point of Gunning principle (i) is that the decision-maker cannot consult on a decision that it has already made. Otherwise, consultation is not only unfair – the outcome has been pre-determined -- but it is pointless. I would very respectfully rely on some of the judgements as below

(a) (R v. Worcestershire Health Council, ex parte Kidderminster & District Community Health Council [1999] EWCA (Civ) 1525, per Simon Brown LJ).

(b) Royal Brompton & Harefield NHS Foundation Trust v Joint Committee of Primary Care Trusts [2011] EWHC 2986 (Admin) at [16],

(c) R(Bailey) v Brent LBC [2011] EWHC 2572 (Admin),

(d) R (Sardar) v. Watford Borough Council [2006] EWHC 1590 (Admin) at [29] per Wilkie J)

(e) R (Madden) v. Bury MBC [2002] EWHC 1882 (Admin),

(f) R (Medway Council) v. Secretary of State for Transport [2002] EWHC 2516 (Admin),

The crux of the matter in the whole proposal is that TOGR shall apply in conjunction with Annual MOT or MID year MOT. The Technical Officer Group considered the mileages undertaken by the vehicles in a year time and after considering the same they produced those guidelines. The reason for producing these guidelines itself was because of the excess miles taxi vehicles do, otherwise there was no need of TOGR in the first place. Hence therefore the approach and reasoning adopted by you so far for 2 MOT plus TOGR is highly inappropriate. I would be obliged to provide you with any further assistance if required in this regard.

Thanks with regards,

Muhammad Jadoon