

LICENSING COMMITTEE INFORMATION SHEET

21 FEBRUARY 2024

LICENCE HOLDER: Mame Mbaye
TAXI DRIVER'S LICENCE: 1618

This has been deferred from the 12 December 2023 committee on the request of Mr Mbay's Union Representative.

COMPLAINT 1

On the 29 May 2023, a complaint was received in relation to taxi driver Mame Mbaye knowingly overcharging for a fare taken from Aberdeen Rail Station.

The complaint relates to a fare being charged that was above that shown on the taxi meter at the end of the journey (due to the driver quoting a minimum fare if paying by card).

It is summarised below-

DATE	DESTINATION	FARE ON METER	STANDARD FARE	FARE CHARGED	DIFFERENCE
28/12/2022	Ferryhill House Hotel	£3.60	£3-£4	£10.00	£6.40

The passenger made the journey and paid £10.

The legislation states that no fare may be charged in any circumstances over that shown on the meter and to do so is a criminal offence.

Mr Mbaye has stated that he has been wrongly accused and when he metred the journey, it was £5.10 and not £3.60.

Please see the video file here for confirmation of the additional charge-
<\\aberdeencitycouncil0365.sharepoint.com@SSL\DavWWWRoot/sites\OT-LegalLicensing\Shared Documents\General\Licensing\Civic\Committee-2024\21.02.2024\Public Apps\Complaint x 21618 & T205 M Mbaye\MM - Video - Confirms £10 Min.MOV>

However evidence is held showing that the passenger was charged £10.

COMPLAINT 2

A further complaint was received on 23/11/2023 from the management at Aberdeen Rail Station.

This complaint states that on 06/11/2023 Mr Mbaye became involved in a heated and potentially racially aggressive engagement with two other taxi drivers in full view of the public and other taxi drivers.

The incident has been reported to British Transport Police by a member of the public and Scotrail Station Management on review of the incident revoked the Rail Station Permits held by all three drivers involved.

This behaviour may constitute a breach of Taxi Driver Licence conditions 22 & 28

We have not yet been made aware of any Police action.

LEGISLATION/CONSULTEE

Civic Government (Scotland) Act 1982, Section 21 subsection 5-

If any person demands fares or other charges in respect of the hire of a taxi or for the hire of a private hire car which is fitted with a taximeter in excess of the scales established under sections 17 and 18 of this Act, he shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale.

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Taxi driver licence conditions state-

22. The driver of a taxi whilst so acting must at all times be strictly sober, clean and tidy in his person and clothing, shall conduct himself in a proper and civil manner and shall not smoke.

28. While at a stance or a place of public entertainment where other taxis are waiting, drivers must not congregate with others in any one taxi or on the footpath thereat.

GROUNDINGS FOR SUSPENSION/REVOICATION

A licensing authority may suspend or revoke a licence if, in their opinion—

A licensing authority may order the suspension [or revocation] of a licence if in their opinion—

- (a) the holder of the licence or, where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) above;
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety;
- (d) a condition of the licence has been contravened.

COMPLAINT 1

I would like to raise a formal complaint against Aberdeen City licensed taxi driver, Mame, SJ62 EWP.

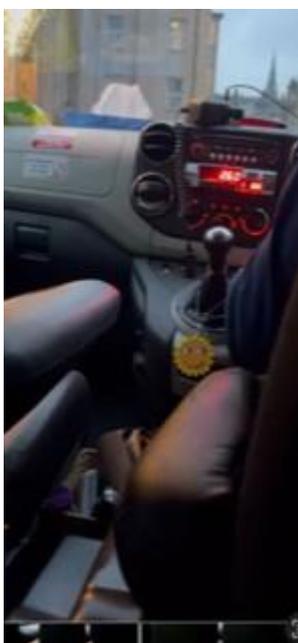
On 28 December 2022, I experienced the same overcharging pattern as the several previous complaints submitted to ACC whilst travelling from Aberdeen train station taxi rank to the Ferryhill House Hotel.

Please find the enclosed video evidence. Evidence of the £10 taken from my bank account will be forwarded separately.

I trust my complaint will be fully investigated.

Kind regards

Photo of meter- not very clear but not showing £10



DRIVER RESPONSE

I acknowledge receipt of the complaint sent to me on 31.5.23 for a journey reported to have taken place on 28.12.22 – with a period of almost 5 months in between the journey taking place, and the complaint being passed to me. Given the time gap, one could expect it would be difficult for a taxi driver who takes many passengers over the course of 5 months to remember details of the interaction. But for reasons outlined below, I may recall that particular fare, because our encounter was unusual from the very start.

Let me be clear – I do not, and have not ever, said to a passenger that a £10 minimum fare applies for any journey paid by credit card. I value my taxi license, which is my livelihood, and I read the communications issued by Aberdeen City Council, and I follow the fare rules. I categorically deny that I demanded a £10 minimum fare as the customer has claimed.

I could not be precise about the day, but I do recall some time in an afternoon during the Festive period late December 2022, a man approached my taxi at Aberdeen Railway Station rank, and

before commencing our journey, asked me if I set a minimum £10 fare for any journey paid by card – he said he was asking because it had happened to him in the past. I said no, he would be charged what is on the meter.

We proceeded to Ferryhill House Hotel. The fare was less than £10 but the customer said words to the effect of “I’m sorry it is such a short journey for you, take £10 from my card” – this is a very common thing for customers to do and happens on an almost daily basis, but not when that same customer started our interaction by complaining about paying £10 for a short journey – and that is why the incident sticks in my mind. So I refute this complaint also for this reason – the customer volunteered to pay the fare with a tip included, within a £10 card payment.

The third reason I refute this claim is that the details given are inaccurate. When setting off on the journey, the meter would show £2.60 minimum fare plus £0.50 = £3.10. As the meter goes up in even numbers, the fare at destination would be an odd number - not an even number such as the £3.60 stated in the complaint.

I contest the passenger’s recollection of details of our interaction; I can confidently say that I have not broken the rules regarding fares and card payments at any time since commencing work at the rail station; and I have provided details which call into question the validity of the whole complaint.

I hope this meets your requirements.

DRIVER RESPONSE 2

Good Evening

Further to your message of 05.06.23 reinforcing the seriousness of this matter and alluding to a criminal offense being committed, I have sought the advice of both (name redacted), British Transport Police at Aberdeen Rail, and a solicitor, (Name redacted) who are both copied into this e-mail. I also learned from colleagues that I am the 5th taxi driver operating at the Rail that has carried a passenger, presumed to be the same passenger, to the Ferryhill House Hotel and had a complaint made against them, although I understand the circumstances are slightly different and those complaints were raised some time ago, whilst there was a delay of 5 months for the complaint being lodged against me – just as I returned to work after a long absence abroad, suggesting to me, they knew of my return.

I do not wish to amend my earlier response because I stand by what I said, but in light of the further information you have disclosed after your initial email advising me of the complaint, I would like to add this email to my response.

You say there is an audio recording of me. I have not heard that recording. Are you able to supply me with a copy? I cannot say how like me it sounds, but I can say it is not me as I do not say the words quoted to my customers ie I do not tell customers there is a £10 minimum charge for card payments. It is very hard to say much else without having heard it but is it indisputable that it was recorded during the exact situation laid out in the complaint or could it have been created after the event? We do live in a digital age, where there are means to produce recordings that are ‘fake’.

You say it is a picture of my meter but don't explain how you are so sure it is my meter or how you can be sure of the exact time and date that photo was taken. Even if this is based on imprints with the photo, it is now possible to edit this information if you choose to.

You say that *"if the passenger was paying £10 with the remainder as a tip, why would they then complain of being overcharged?"* which is exactly the point I tried to make in my first e-mail. The whole matter is very strange. As stated, the fare I think this could have been, stuck in my mind for the very reason it was very strange to complain about being overcharged for a short journey, then paying the exact amount you were annoyed about, for the same short journey. I can only suggest the reason they may then complain about it, is because it was always their intention to make a complaint in the first place.

Secretly recording a taxi driver is quite an extreme act, which I don't think most regular members of the public taking a run-of-the-mill taxi journey would take, and together with what is said in the previous paragraph, I am wondering if there is more behind this – am I being set up somehow?

I would propose there is a chance that this complaint is trumped up. I have advised you previously that I have been facing harassment from another Driver, (name redacted), who explicitly said to me he was going to make me lose my license. I include below my previous email on this. Your reply was that it was a police matter. I did pursue the matter with the police, he was interviewed, I was initially given the impression by the Police that (name redacted) would be arrested, but somehow this didn't happen. (name redacted) has access to many recordings of my voice as we were previously friends. It is possible he has got someone to imitate me or somehow digitally alter my voice to say the words he wanted and got a third party to present it all in a complaint to the Council. Is it possible that the voice recording was not even taken during an exchange in my taxi but made afterwards?

(name redacted) already set up a fake Facebook page in my name, announcing that I was homosexual (which is not true and was meant to be offensive and damaging due to my religion and being in a heterosexual marriage). He left his digital footprint on that occasion, perhaps he has got more sophisticated in his means of harassment. Again this was reported to the Police so is recorded.

This all sounds so far-fetched, but I would put nothing past this man as he has tried very hard to ruin my life for the past 5 years. On Monday 5th June 2023, the day after sending you my first reply, while leaving my front door to go for a jog, I saw David's taxi parked opposite my house (I live in Hatton, and he lives roughly 22 miles away) taking a photograph of the plate of my rental taxi. He also took a photo of me whilst picking up a customer recently. Why would he be doing this, if not to do more harassment against me? If his Aberdeen Rail system was active at the time, it will show him being at the location at approximately 12.15 pm. As we work at the same taxi rank, David has the opportunity to take photos of my plate, or the inside of my vehicle on a regular basis. Going out of his way to do so, at my home address, obviously shows devious intent.

With reference to your statement "Secondly we have a photo of the taxi meter at the end of the journey- the second digit is not very clear but the 3 (first digit) and zero (third digit) can be seen- the meter certainly does not show £10."

I agree, the meter certainly would not show £10 for this journey. I metered it today and the fare is £5.10. So the fare would not be £3.60 as originally stated, and '3' would not be the first digit as you have said here. I think it is important that the facts are correct in any complaint. Is the photo actually of the journey it claims to be of?

I would also add that I think it is a terrible thing if someone can misuse Council Complaint Processes and resources to take vindictive action against people they don't like.

MAME MBAYE

COMPLAINT 2

Good afternoon ,

We were made aware of an incident within Aberdeen train station on the evening of Wednesday 6 November where one of our permit holders, Mr (redacted) urinated in the station environment. Subsequently Mr (redacted), Mr (redacted) and Mr Mbaye all participated in a heated and potentially racially aggressive manner in front of other customers and taxi permit holders.

All 3 permit holders were interviewed yesterday and ScotRail has made the decision to revoke their permits to ply for hire in the station on the grounds that they have breached condition 6 and 11.6 of our Ply for Hire Agreement.

The incident has also been independently reported to the BTP by another permit holder. This behaviour has no place in our station and will put ScotRail and Aberdeen into disrepute. I have attached copies of the letters issued to the permit holders today and would like this matter raised at your next licencing meeting as there may be a requirement for you to introduce some training for your taxi drivers on diversity and inclusive language.