

Edinburgh firm's vehicle retained by Traffic Commissioner

Traffic Commissioner refuses to return impounded vehicle to Edinburgh scaffolding firm

A local scaffolding business got "caught out" after one of its vehicles was detained for running illegally, the Traffic Commissioner for Scotland has ruled.

Joan Aitken told Lindsay Scaffolding Contracts Ltd, of Lauriston Street, that it had taken a risk in the face of commercial pressures after using a vehicle to transport materials without permission on multiple occasions.

Her findings follow a hearing into the company's application for the return of its vehicle. The HGV was impounded by the Vehicle and Operator Services Agency (VOSA) on 05 April 2013 in Ferry Road.

After hearing evidence from the company, and a VOSA traffic examiner, Miss Aitken refused to return the vehicle to the company.

During the hearing, the Traffic Commissioner noted that the firm, and a previous company, had applied for and held licences to run HGVs in the past.

One of those applications was refused at a public inquiry in October 2011, when a Deputy Traffic Commissioner ruled that directors Grant Lindsay and Valerie Lindsay could not be trusted. Evidence considered at that inquiry revealed both had been complicit in running vehicles without authority.

At the impounding hearing, Miss Aitken was told by the VOSA officer about further evidence of illegal operation. Records

from the digital tachograph on the impounded vehicle confirmed it had been driven on 63 days between 15 December 2012 to 05 April 2013.

Director Grant Lindsay acknowledged and accepted that his company required a licence to operate legally and conceded that he had been disrespectful to the Traffic Commissioner. He also admitted that the company was desperate to be able to serve existing contracts and that he had allowed vehicles to be used for certain jobs without authorisation.

Mr Lindsay added that he had made a fresh application for an operator's licence, which was under consideration at a separate inquiry, and outlined his plan to allow matters to progress, including an agreement with a haulage company.

Issuing her decision in writing after the hearing, Miss Aitken concluded that Mr Lindsay's application for the return of the vehicle and his evidence had been about one thing – the financial difficulty that would be caused by the vehicle's detention.

“He was caught out, quite simply. He took a risk in the face of commercial pressures and operated unlawfully with the result that VOSA impounded the vehicle. Against that clear state of knowledge, I cannot find any ground on which this application can succeed.”