

Agenda item	11.1
Report no	HLC/034/22

## THE HIGHLAND COUNCIL

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 20 June 2022

**Report title:** Taxi Operator's licence – Pawel Wyderka (Ward 14 – Inverness Central)

**Report by:** Principal Solicitor – Regulatory Services

### 1. Purpose/Executive summary

#### 1.1 Summary

This report relates to a licensed taxi operator who has been reported for a breach of licence conditions.

This item is subject to a formal hearing procedure.

### 2. Recommendation

**2.1** Members are asked to determine in accordance with the Council's hearings procedure, whether the licence holder continues to be a fit and proper person to hold a taxi operators' licence and/or whether the carrying out of the activity to which the licence relates is likely to cause a threat to public safety. Upon determining this, members are asked to decide whether any action should be taken against the licence holder.

### **3. Background**

- 3.1** The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the “Act”) a licence will be required for the operation of a taxi. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

### **4. Licence Holder**

- 4.1** Pawel Wyderka is a licensed taxi operator. His licence expires on 16 June 2024.

### **5. Highland Council Penalty Points System for Taxi and Private Hire Operators**

- 5.1** Highland Council (Trading Standards) introduced a Penalty Points System on 01 July 2006 to assist in the assessment of the level of compliance shown by each operator in relation to conditions 1 and 2 of a taxi operator’s licence. When the points on an operator’s licence reach 20 or more during a two year rolling period, the operator becomes the subject of a report to the Highland Licensing Committee.

- 5.2** On 5 May 2022 a report in relation to Mr Wyderka was received from the Council’s Trading Standards Service who are responsible for the enforcement of the licensing scheme for taxi/private hire cars and their drivers. A copy of the report received from Trading Standards is attached as **Appendix 1**, together with copies of productions which are attached as **Appendix 2**.

- 5.3** The report has been submitted due to Mr Wyderka accruing a total of 37 points on taxi Operator Licence no. 11 785 and for failing to maintain his licensed taxi to the standards required by the Licensing Authority.

### **6 Process**

- 6.1** A copy of the report and all attachments have been sent to Mr Wyderka who has been invited to attend and will be provided with an opportunity to be heard by the Committee. A copy of the procedure which will be followed at the meeting has also been sent to Mr Wyderka.

### **7. Consideration of action to be taken**

- 7.1** In terms of Section 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 a Licensing Authority may suspend a licence(s) on the following grounds:

- (a) if in their opinion the holder of the licence is no longer a fit and proper person to hold the licence(s);
- (b) 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;  
or
- (c) a condition of the licence has been contravened.

- 7.2** If Members are not of a mind to suspend the licence, the Committee could require the operator to present his vehicle for inspection on a more frequent period than the current 6 or 12 months inspection regime eg every 3 months. This would allow Trading Standards an opportunity to undertake more regular monitoring of the vehicle.

## **8. Policies and Conditions**

**8.1** The standard taxi operator's licence conditions are relevant to this case and can be accessed via the following link:

[https://www.highland.gov.uk/downloads/file/3516/taxi\\_operator\\_conditions\\_of\\_licence](https://www.highland.gov.uk/downloads/file/3516/taxi_operator_conditions_of_licence)

**8.2** In terms of condition 1 of the taxi operator's licence conditions, "the holder of a taxi operator's licence shall ensure that the taxi, including all body work, upholstery and fittings, is maintained in a safe and serviceable condition and, subject to prevailing road conditions, is in a clean condition and of smart appearance".

## **9. Implications**

**9.1** Not applicable.

Date: 19 May 2022

Author: Michael Elsey

Appendix 1: Trading Standards report

Appendix 2: Trading Standards copies of productions

# CIVIC Government (Scotland) Act 1982

## Penalty Points System for Licensed Taxi and Private Hire Car (PHC) Operators and Drivers

Reference No TS/CG(S)/APP/110785

Against: Pawel Wyderka Age: [REDACTED] DOB: [REDACTED]

Address [REDACTED]

Licence Held: Taxi Operators Licence 11 0785

Expiration Date: 16/06/2024

Vehicle description: Ford Galaxy VRM: ST13 VAY

Date of first registration: 02/08/2013

Mileage at last inspection: 143226

Penalty Points Total as of 20/04/2022: 37 Points

Reporting Officer: Bobby Smeaton

Designation: Enforcement Officer

Address: Highland Council  
Trading Standards  
38 Harbour Road  
Inverness  
IV1 1UF

Telephone Number: 01463 644574

**It is reported that:**

Mr Wyderka 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 three vehicle inspections, carried out by The Council's approved contractor.

**Background Information**

The penalty points system was introduced on 1<sup>st</sup> July 2006. Its purpose is to assist Trading Standards in the evaluation of how well licensed operators maintain their vehicles.

Points accumulate when faults are found at the Council's inspection of licensed vehicles or during 'on the spot' inspections 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.

*(Production Number 1. Penalty points tariff).*

**Summary of Facts and Evidence**

This report relates to the licensed vehicle operated by PAWEL WYDERKA licence number 11 0785. The vehicle on this licence is a Ford Galaxy, vehicle registration mark ST13 VAY. The licence has accrued 37 penalty points since 4<sup>th</sup> March 2021, for faults identified during three inspections of the licenced vehicle, carried out by the Council's contractor. This matter is reported because the licence has accumulated more than 20 points within a two-year rolling period.

## **Antecedents**

Mr Wyderka currently holds Taxi operator's licence 11 0785 which was renewed on 17/06/2021 and is valid until 16/06/2024. The present vehicle is the fifth vehicle to be operated on this licence.

## **Evidence relating to licence 11 0785**

Inspection by the council's contractor of the licensed vehicle on 4<sup>th</sup> March 2021 resulted in a failure with four faults being identified:

Nearside parking brake has no effort

Nearside parking brake cable broken at calliper

Parking brake efficiency below requirements

Exhaust emissions exceed manufacturer's specified limit (0.51)

This failure accrued 10 penalty points.

In the opinion of the examiner, the vehicle was deemed dangerous to drive because of the defects listed.

*(Production number 2. Taxi test report form dated 04/03/21).*

A suspension notice in terms of Section 11 of the Civic Government (Scotland) Act 1982, was issued to Mr Wyderka via e mail.

*(Production Number 3. Suspension notice dated 04/03/21)*

The vehicle was presented for re-test on 05/03/21 but failed again with the following fault:

Exhaust emissions exceed manufacturer's specified limit (0.51)

\*please note the re-test does not attract penalty points as the licence to operate the vehicle has already been suspended.

*(Production Number 4. Taxi test report form dated (05/03/21)*

The vehicle was retested on 12<sup>th</sup> March 2021 and passed the inspection.

*(Production Number 5. Taxi test report form dated 12/03/21).*

A warning letter in terms of Penalty Points System and the Civic Government (Scotland) Act 1982, was sent to Mr Wyderka via email.

*(Production Number 6. Warning Letter dated 10/04/21)*

On 9<sup>th</sup> September 2021, the vehicle was subjected to its 6 monthly inspection carried out by the council's contractor. This inspection resulted in a failure. The fault identified was:

Nearside rear handbrake not working

For this fault the operator was issued 5 penalty points and now had a total of 15 points on his operator's licence accrued within the two-year rolling period.

*(Production Number 7. Taxi test report dated 09/09/21)*

A suspension notice in terms of Section 11 of the Civic Government (Scotland) Act 1982, was issued to Mr Wyderka via e mail.

*(Production Number 8. Suspension notice dated 09/09/21)*

The vehicle was retested on the 10<sup>th</sup> September 2021 and attained a pass.

*(Production Number 9. Taxi test report dated 10/09/21)*

The vehicle was again due its 6 monthly inspection and on 9<sup>th</sup> March 2022 was presented for inspection but failed with the following defects:

Emissions above limits

Fuel cap missing

Handbrake readings below limits

Service brake below limits

Both rear axle front bushes perished

o/s headlight too high

No rubber on brake pedal

First aid kit expired (2021)

For these faults Mr Wyderka was given 22 penalty points which took him to a total of 37 within the 2-year rolling period.

*(Production Number 10. Taxi test report dated 09/03/22)*

A suspension notice in terms of Section 11 of the Civic Government (Scotland) Act 1982, was issued to Mr Wyderka via e mail.

*(Production Number 11. Suspension notice dated 09/03/21)*

The vehicle was re-tested on the 21<sup>st</sup> March 2022 and passed.

*(Production number 12. Taxi test report dated 21/03/22)*



Current operating protocols of the penalty points system require that when an Operator reaches 20 or more points, they are interviewed by Trading Standards Staff, to ascertain if there is any reason that points should not have been allocated to the licence prior to being reported to the Licensing Committee.

Trading Standards Staff interviewed Mr Wyderka on 11<sup>th</sup> April 2022. He was duly notified that the points on his Taxi operator's licence had exceeded the threshold and asked if he had any mitigating circumstances for this. Mr Wyderka did not have any mitigating circumstances and had not had the vehicle checked over by a suitable garage prior to submitting the vehicle for its taxi inspection. He was therefore informed that the matter would be reported to the licensing committee for their consideration.

#### Evidence held by Trading Standards:

Number	Description
1	Penalty Points Tariff
2	Taxi test report 04/03/2021
3	CG(S)A S11 suspension notice 04/03/2021
4	Taxi test report 05/03/2021
5	Taxi test report 12/03/2021
6	10pt warning letter 10/04/2021
7	Taxi test report 09/09/2021
8	CG(S)A S11 suspension notice 09/09/2021
9	Taxi test report 10/09/2021
10	Taxi test report 09/03/2022
11	CG(S)A S11 suspension notice 09/03/2022
12	Taxi test report 21/03/2022

This leaflet is designed to explain the penalty points system in operation within Highland Council and provide basic guidance to Taxi and PHC operators and drivers on its use. It is not a complete or an authoritative statement of the law relating to taxi and PHC businesses.

## **1. What is it?**

1.1. The Penalty Points System (the system) is an evaluation tool used by Trading Standards staff to determine whether the licensed vehicle of a Taxi/PHC operator or driver, when examined over a period of time, has reached a point where the matter justifies referral to the Licensing Committee.

## **2. Why was it introduced?**

2.1. The system was introduced in 2006 following concerns expressed by Members of the Civic Government Licensing Working Group about the level of safety related failures recorded during the routine vehicle examinations undertaken by the Council's appointed contractor.

2.2. In addition to the real public safety concerns that existed, the time spent by Trading Standards staff suspending unsafe vehicles from use and chasing up licensees to remedy other defects found, was seen as wasteful and inefficient.

2.3. Trading Standards have used the system since then to maintain the general standard of Taxi's and PHC's operating within Highland.

## **3. What is the principle of the system?**

3.1. The system is a way of demonstrating to licensees any failures to maintain and otherwise operate a licensed vehicle, including unacceptable actions or omissions by a licensed driver. The system encourages self-regulation and by routine scrutiny provides a fair process for all licensed operators/drivers.

3.2. In addition, it provides a clear decision making process for Trading Standards staff to report a matter to the Licensing Committee. The system can be seen as being fair and transparent. Members can also be confident that a consistent approach is being taken and that the behaviour of one licensee can be easily compared against that of other licensees as well as against the standard set by the Council.

## **4. How does it work in practice?**

4.1. The current Penalty Points Tariff is annexed to this document. The tariff was drawn up by reference to existing DVSA guidelines on the categorisation of vehicle safety defects. Other non-safety elements of the tariff were agreed by the Civic Government Licensing Working Group members.

4.1.1. The tariff was last reviewed by the Civic Government Licensing Working Group during 2009.

4.2. Different categories of licence holder will be liable to have Penalty Points allocated for different events or defects found. This is due to the very specific responsibilities that are applicable to licence categories; examples of this are as follows: -

4.2.1. A licensed Operator has overall responsibility for the vehicle and will therefore be liable for safety defects discovered which should have been detected by appropriate routine maintenance.

A licensed driver also has some responsibility for the safety of the vehicle, but whilst it is seen as reasonable that he/she should carry out an examination of the vehicle at the start of a shift and detect tyres that are below the legal tread depth, he/she is not liable for defects which would take a mechanic to identify.

4.2.2. A licensed operator cannot be liable for the failure of a licensed driver to display his identity badge. In such circumstances penalty points will only be allocated to the driver.

4.2.3. In some cases e.g. the “bald tyres” scenario, both driver and operator would be allocated penalty points as both have equal liability.

4.3. Vehicle defects are recorded on the Trading Standards database. These include defects discovered during:

- Routine Council examinations
- inspections carried out on taxi ranks and elsewhere while vehicles are in use
- complaint investigations, and
- any necessary follow-up actions e.g. warnings issued where remedial work has not been carried out as required.

This record entry is automatically translated into the relevant number of Penalty Points according to the agreed tariff.

4.4. A licensee can appeal to Trading Standards operational staff against the allocation of penalty points and, in cases where circumstances justify, an adjustment to the allocated points will be made.

A further route of appeal to the Trading Standards Team Leader is also available, should this be necessary.

## 5. **What is the Formal Action Trigger Point?**

5.1. The “**Formal Action Trigger Point**” has been set at a total of 20 Penalty Points during any 2 year period.

5.2. If any licensee accumulates 10 points or more they will be formally notified in writing of this fact and given the opportunity to discuss the matter with a member of Trading Standards staff.

5.3. Where the “**Formal Action Trigger Point**” is reached or exceeded, the preparation of a report to the Licensing Committee will be triggered.

5.4. Licensees are then notified in full of the faults or problems which have led to the penalty points accumulated and are given the opportunity, before the report is submitted, to make representations to the Trading Standards Manager in relation to the matter.

5.5. A report would only go ahead if the Trading Standards Manager is content that such a report is justified.

## 6. **What information will the report to the Licensing Committee contain?**

6.1. The report will identify the licensee to which the case relates. This could be a licensed operator, licensed driver or both.

- 6.2. Where a report is made against a licensed operator who is also a driver, the report may only be in relation to one of the licences he/she currently possesses.
- 6.3. The Penalty Points accumulated by the licence will be identified, as will the full facts including vehicle inspection reports, complaint outcomes, warnings issued and any other evidence relevant to the case. It is on the basis of the total evidence and not simply on the Penalty Points total that the case will be submitted.

# Annex: Penalty Points Tariff

Applicability				Defect				Penalty Points
Operator		Driver		Category	Sub-Category	Descriptor	Code	
Taxi	PHC	Taxi	PHC					
✓	✓	✓	✓	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
✓	✓ If meter fitted	✓	✓	Taximeter	Meter	Unsealed (Not 'False or Unjust' and 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/	Spare Wheel	Not Present	TR1	1

Applicability				Defect				Penalty Points
Operator		Driver		Category	Sub-Category	Descriptor	Code	
Taxi	PHC	Taxi	PHC					
				Utility				
✓	✓	✓	✓	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

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

DATE OF INSPECTION	Thursday 4 March 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1000 hours	VEHICLE OWNER	Pawel Wyderka	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Combined	INSPECTION CARRIED OUT	<u>Combined</u>	
<b>VEHICLE DETAILS</b>		(Council Test/Combined Test/Retest etc)		
REGISTRATION No.	ST13 VAY	RECEIPT NO(s)	4J6SC9978981	
MAKE & MODEL	Ford Galaxy	FEE PAID	£134	
VEHICLE COLOUR	Silver	MILEAGE	111901	
DATE OF FIRST REG	02/08/2013	FUEL TYPE	Diesel	
ENGINE SIZE	1997	TYRE SIZE	215/60R16	
CHASSIS NO	WFOMXXGBWMD3630 7	TAXI METER SERIAL NO	1606895	
NO OF PASSENGER SEATS	6	VEHICLE EXAMINER	JJ MacFarlane	

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)

N/A

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	FAIL	
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	PASS	
<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)**

NS Parking Brake has no effort	
NS Parking Brake cable broken at caliper	
Parking Brake efficiency below requirements	
Exhaust emissions exceed manufacturer's specified limit 0.51	

Has the plate been removed from the vehicle: No

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


**C: Observations for information only**


Examiners Signature JJ MacFarlane

Date 04.03.2021



Reference No.  
CGSA/0890

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

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

*Licence Holders Details*

Name

Pavel Wyderka

Address

[Redacted Address]

*Authorised Officer's Full Name:*

I,

Adam Smeaton

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

<i>Vehicle Details:</i>	Ford Galaxy ST13 VAY
<i>Licence No:</i>	11 0785

\* 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:

NS Parking Brake has no effort  
NS Parking Brake cable broken at caliper  
Parking Brake efficiency below requirements  
Exhaust emissions exceed manufacturer's specified limit 0.51

\* 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 upon rectification of faults

*Signature of Authorised Officer*

A Smeaton 04/03/21

*Date*

[Redacted Signature]

\* Delete as appropriate



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

DATE OF INSPECTION	Friday 5 March 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness
TIME OF INSPECTION	1600 hours	VEHICLE OWNER	Pawel Wyderka
INSPECTION REF NO.	-	ADDRESS	██████████
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	██████ ██████
TYPE OF INSPECTION	RE-TEST	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)	Retest
<b>VEHICLE DETAILS</b>		RECEIPT NO(s)	N/A
REGISTRATION No.	ST13 VAY	FEE PAID	N/A
MAKE & MODEL	Ford Galaxy	MILEAGE	11924
VEHICLE COLOUR	Silver	FUEL TYPE	Diesel
DATE OF FIRST REG	02/08/2013	TYRE SIZE	215/60R16
ENGINE SIZE	1997	TAXI METER SERIAL NO	160895
CHASSIS NO	WFOMXXGBWMD3630 7	VEHICLE EXAMINER	JJ MacFarlane
NO OF PASSENGER SEATS	6		

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)	N/A
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	PASS	
SAFETY ASPECTS	FAIL	
APPEARANCE & UTILITY	PASS	
<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)**

Exhaust emissions exceed manufacturer's specified limit 0.51	

Has the plate been removed from the vehicle: No

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


**C: Observations for information only**


Examiners Signature JJ MacFarlane

Date 05.03.2021

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

DATE OF INSPECTION	Friday 12 March 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1300 hours	VEHICLE OWNER	Pawel Wyderka	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 month combined 2 <sup>nd</sup> re-test	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)	Combined	
<b>VEHICLE DETAILS</b>				
REGISTRATION No.	ST13 VAY	RECEIPT NO(s)	4J6D19935695= £74.00 4J2W19926476= £54.85	
MAKE & MODEL	Ford Galaxy	FEE PAID	£108.85	
VEHICLE COLOUR	Silver	MILEAGE	112383	
DATE OF FIRST REG	02/08/2013	FUEL TYPE	Diesel	
ENGINE SIZE	1997	TYRE SIZE	215/60R16	
CHASSIS NO	WFOMXXGBWMD3630 7	TAXI METER SERIAL NO	160895	
NO OF PASSENGER SEATS	6	VEHICLE EXAMINER	JJ MacFarlane	

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)	N/A
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	PASS	3385 3490 7411 11.03.2021
SAFETY ASPECTS	PASS	
APPEARANCE & UTILITY	PASS	

**Overall Test Result****PASS**

**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)**


Has the plate been removed from the vehicle: No

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


**C: Observations for information only**


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


**Examiners Signature JJ MacFarlane**

**Date 12.03.2021**



Mr Pawel Wyderka  
[REDACTED]

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

*Bobby Smeaton*  
[REDACTED]

Bobby.smeaton@highland.gov.uk

11 0785

22 April 2022

Dear Mr Wyderka

**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 11 0785, has accumulated 10 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

[REDACTED]  
Bobby Smeaton  
Enforcement Officer

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

DATE OF INSPECTION	Thursday 09 September 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1430 hours	VEHICLE OWNER	Pawel Wyderka	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Council	<b>INSPECTION CARRIED OUT</b> (Council Test/Combined Test/Retest etc)		<b>COUNCIL TEST</b>
<b>VEHICLE DETAILS</b>				
REGISTRATION No.	ST13 VAY	RECEIPT NO(s)	4J6D19940363	
MAKE & MODEL	Ford Galaxy	FEE PAID	£114.00	
VEHICLE COLOUR	Silver	MILEAGE	128388	
DATE OF FIRST REG	02/08/2013	FUEL TYPE	DIESEL	
ENGINE SIZE	1997	TYRE SIZE	215/65 R16	
CHASSIS NO	WFOMXXGBWMD3630 7	TAXI METER SERIAL NO	16-06895	
NO OF PASSENGER SEATS	6	VEHICLE EXAMINER	Gareth MacMillan	

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE  
(PHC'S ONLY)

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	FAIL	
APPEARANCE & UTILITY	PASS	
<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)**

Nearside rear handbrake not working	

Has the plate been removed from the vehicle: NO

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


**C: Observations for information only**

Offside and nearside rear trailing arm bushes worn	Nearside number plate light not working

Examiners Signature G MacMillan

Date 09/09/2021



Reference No.  
CGSA/0890

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

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

*Licence Holders Details*

Name

Pawel Wyderka

Address

[Redacted Address]

*Authorised Officer's Full Name:*

I,

Adam Smeaton

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

<i>Vehicle Details:</i>	Ford Galaxy ST13 VAY
<i>Licence No:</i>	11 0785

\* 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:

N/S/R handbrake not working

\* 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 upon rectification of faults

*Signature of Authorised Officer*

A Smeaton                      09-09-21

*Date*

[Redacted Signature]

\* Delete as appropriate

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

DATE OF INSPECTION	Friday 10 <sup>th</sup> September 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1700 hours	VEHICLE OWNER	Pawel Wyderka	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	RE TEST	<b>INSPECTION CARRIED OUT</b> (Council Test/Combined Test/Retest etc)		<b>RE TEST</b>
<b>VEHICLE DETAILS</b>				
REGISTRATION No.	ST13 VAY	RECEIPT NO(s)	N/A	
MAKE & MODEL	Ford Galaxy	FEE PAID	FREE	
VEHICLE COLOUR	Silver	MILEAGE	128400	
DATE OF FIRST REG	02/08/2013	FUEL TYPE	DIESEL	
ENGINE SIZE	1997	TYRE SIZE	215/65 R16	
CHASSIS NO	WFOMXXGBWMD3630 7	TAXI METER SERIAL NO	16-06895	
NO OF PASSENGER SEATS	6	VEHICLE EXAMINER	D Scott	

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)	
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	N/A
SAFETY ASPECTS	PASS	
APPEARANCE & UTILITY	PASS	
<b>Overall Test Result</b>	<b>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)**


Has the plate been removed from the vehicle: NO

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


**C: Observations for information only**

Offside and nearside rear trailing arm bushes worn	Nearside number plate light not working

Examiners Signature D Scott

Date 10.09.2021

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

DATE OF INSPECTION	Wednesday 09 March 2022	INSPECTION LOCATION	Riveford Autos, Great North Road, Conon Bridge, Dingwall
TIME OF INSPECTION	1145 hours	VEHICLE OWNER	Pawel Wyderka
INSPECTION REF NO.	-	ADDRESS	██████████
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	██████ ██████
TYPE OF INSPECTION	6 mth Combined	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)	<u>combined</u>
<b>VEHICLE DETAILS</b>			
REGISTRATION No.	ST13 VAY	RECEIPT NO(s)	4j3in9961751
MAKE & MODEL	Ford Galaxy	FEE PAID	134.00
VEHICLE COLOUR	Silver	MILEAGE	143226
DATE OF FIRST REG	02/08/2013	FUEL TYPE	diesel
ENGINE SIZE	1997	TYRE SIZE	215/65/16
CHASSIS NO	WFOMXXGBWMD3630 7	TAXI METER SERIAL NO	1606895
NO OF PASSENGER SEATS	6	VEHICLE EXAMINER	P foster

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)	YES/NO
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	fail	
SAFETY ASPECTS	fail	
APPEARANCE & UTILITY	pass	
<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)**

Emissions above limits	Both rear axle front bushes perished
Fuel cap missing	o/s headlight too high
Handbrake readings below limits	No rubber on brake pedal
Service brake below limits	

Has the plate been removed from the vehicle: Yes/No

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

First aid kit expired (2021)	

**C: Observations for information only**

Age related marks	No top sign fitted

Examiners Signature...p foster.....

Date...9/3/22.....



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

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

*Licence Holders Details*

Name	Mr Pawel Wyderka

Authorised Officer's Full Name; I, Jordan Mclean 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, Trading Standards Unit, 38 Harbour Road, Inverness, IV1 1UF

Hereby give you notice that I am not satisfied that

Vehicle Details:	Ford Galaxy – ST13 VAY
Licence No:	11 0785

- \* Is safe for the carriage of passengers
- \* is fitted with a taximeter which is fit for its purpose and/or accurate

The reason for my said conclusions are:	Emissions above limits Fuel cap missing Handbrake readings below limits Service brake below limits Both rear axle front bushes perished o/s headlight too high No rubber on brake pedal First aid kit expired (2021)
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\* 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 upon rectification of faults

Signature of Authorised Officer J McLean  
Date 09.03.2022

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

DATE OF INSPECTION	Monday 21 March 2022	INSPECTION LOCATION	Riveford Autos, Great North Road, Conon Bridge, Dingwall
TIME OF INSPECTION	1200 hours	VEHICLE OWNER	Pawel Wyderka
INSPECTION REF NO.	-	ADDRESS	██████████
TAXI/PHC LICENCE NO.	IV 785	POSTCODE & TEL. NO.	██████ ██████
TYPE OF INSPECTION	Re-test	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)	retest
<b>VEHICLE DETAILS</b>		RECEIPT NO(s)	6sc5728109
REGISTRATION No.	ST13 VAY	FEE PAID	54.00
MAKE & MODEL	Ford Galaxy	MILEAGE	143938
VEHICLE COLOUR	Silver	FUEL TYPE	diesel
DATE OF FIRST REG	02/08/2013	TYRE SIZE	215/65/16
ENGINE SIZE	1997	TAXI METER SERIAL NO	1606895
CHASSIS NO	WFOMXXGBWMD3630 7	VEHICLE EXAMINER	P foster
NO OF PASSENGER SEATS	6		

ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)	YES/NO
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	n/a	
SAFETY ASPECTS	pass	
APPEARANCE & UTILITY	pass	
<b>Overall Test Result</b>	<b>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)**


Has the plate been removed from the vehicle: Yes/No

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


**C: Observations for information only**

Age related marks	No top sign fitted

Examiners Signature..p foster.....

Date..21/3/22.....