

|             |                   |
|-------------|-------------------|
| Agenda item | <b>10.2</b>       |
| Report no   | <b>HLC/058/24</b> |

## **THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 25 June 2024

**Report title:** Private Hire Car Operator's licence – Grzegorz Kunicki (Ward 16 – Inverness Millburn)

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

### **1. Purpose/Executive summary**

#### **1.1 Summary**

This report relates to a licensed private hire car (PHC) 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 PHC 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 in the form of a suspension or revocation of his licence.

### **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 PHC. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

### **4. Licence Holder**

- 4.1** Grzegorz Kunicki is a licensed PHC operator. His licence expires on 8 September 2025.

### **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 PHC 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 13 May 2024 a report in relation to Mr Kunicki 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.

- 5.3** The report has been submitted due to Mr Kunicki accruing a total of 20 points on PHC Operator Licence no. 11 109 and for failing to maintain his licensed PHC to the standards required by the Licensing Authority.

### **6.0 Process**

- 6.1** A copy of the report and all attachments have been sent to Mr Kunicki who, in terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, 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 Kunicki.

### **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 e.g. 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 PHC operator's licence conditions are relevant to this case and can be accessed via the following link:

[https://www.highland.gov.uk/downloads/file/3508/private\\_hire\\_car\\_operators\\_conditions\\_of\\_licence](https://www.highland.gov.uk/downloads/file/3508/private_hire_car_operators_conditions_of_licence)

In terms of condition 1 of the PHC operator's licence conditions, 'The holder of a private hire car operator's licence shall ensure that the private hire car, 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: 17 May 2024

Author: Michael Elsey

Appendices:

Appendix 1: Trading Standards report

# **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/110109**

Against: Grzegorz Artur Kunicki

Age: 48      DOB: 29/05/1975

Address: 55 Milton Crescent, Inverness, IV2 3DH

Licence Held: PHC Operators Licence 11 0109

Expiration Date: 08/09/2025

Current Vehicle: Toyota Avensis white VRM: NA11TDZ

Date of first registration: 13/07/2011

Mileage at last inspection: 285469

Penalty Points Total as of 02/05/2024: 20 Points

Reporting Officer: Jordan Mclean

Designation: Assistant Trading Standards Officer

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

Telephone Number: 07918610522

### **It is reported that:**

Mr Kunicki has failed to maintain his licensed PHC to the standard required by the Licensing Authority, Highland Council, contrary to condition 1 of the PHC Operator's Conditions of Licence, as demonstrated by the result of two vehicle inspections, carried out by the Highland Council 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 during 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 Grzegorz Kunicki, on licence number 11 0109. The licence has accrued 20 penalty points since 6<sup>th</sup> March 2023, for faults identified during two inspections of the licensed vehicle, carried out by the Council's contractor. This matter is reported as the penalty points total has accumulated 20 points within a two-year rolling period.

## **Antecedents**

Mr Kunicki currently holds PHC operator's licence 11 0109 which was renewed on 09/09/2022 and is valid until 08/09/2025.

### **Evidence relating to licence 11 0109**

Inspection by the Council's contractor of the licensed vehicle on 6<sup>th</sup> March 2023 resulted in a failure with four faults being identified: Nearside headlamp aim obviously incorrect, nearside rear wheel bearing excessive play, nearside track rod end worn and nearside anti roll bar link worn. This failure accrued 9 penalty points.

*(Production number 2. Council test report form dated 06/03/2023).*

The vehicle was presented for a retest on 7<sup>th</sup> March 2023 and passed the inspection.

*(Production Number 3. Council test report form dated 07/03/2023).*

The vehicle was inspected again on 6<sup>th</sup> March 2024 resulted in a failure with seven faults being identified: Nearside front brake lagging in operation, nearside front to rear brake pipe corroded, offside front to rear brake pipe corroded, offside suspension arm ball joint worn, service brake efficiency below requirement, Imbalance across front axle. The operator was issued 11 penalty points.

*(Production Number 4. Council test report dated 06/03/2024)*

*(Production Number 5. Suspension notice dated 06/03/2024).*

The vehicle was presented for a Council retest on 6<sup>th</sup> March 2024 and passed the inspection.

*(Production Number 6. Councili test report form dated 06/04/2024).*

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 Kunicki on 23<sup>rd</sup> April 2024. He was duly notified that the points on his PHC operator's licence had exceeded the threshold and asked if he had any mitigating circumstances for this. Mr Kunicki did not have any mitigating circumstances and had not had the vehicle checked over by a suitable garage prior to submitting the vehicle for the council inspection. He was therefore informed that the matter would be reported to the licensing committee for their consideration.

Mr Kunicki believed the council inspection was like an MOT where if faults were found they needed to be fixed and was not aware of the penalty point system and that any failures or conditional passes would result in points added to the operators' licence.

Mr Kunicki asked why he did not receive a 10 point warning letter and was advised that he went from 9 points to 20 points and due to this the warning letter was not issued. Mr Kunicki has advised in the future he will have his vehicle pre-inspected. If any issues were identified they would be repaired before having the vehicle presented for the council inspection. Mr Kunicki also advised that if he had received the 10 point warning letter, he would have contacted Trading Standards regarding the matter and would have

taken any advice on board and would have had his vehicle pre-inspected to avoid going over the 20 point threshold.

Evidence held by Trading Standards:

| Number | Description                                      |
|--------|--|
| 1      | Penalty Points Tariff                            |
| 2      | <i>Council test report form dated 06/03/2023</i> |
| 3      | <i>Council test report form dated 07/03/2023</i> |
| 4      | <i>Council test report dated 06/03/2024</i>      |
| 5      | <i>Suspension notice dated 06/03/2024</i>        |
| 6      | <i>Council test report form dated 06/04/2024</i> |



## Trading Standards Business Guidance

### Taxi & PHC Penalty Points System

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.

| 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 |
| ✓ | ✓<br>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 |
| ✓ | ✓<br>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 |

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

|                              |                      |  |  |                      |
|------------------------------|----------------------|--|--|----------------------|
| <b>DATE OF INSPECTION</b>    | Monday 06 March 2023 | <b>INSPECTION LOCATION</b>   | Inverness MOT Centre, 36 Shore Street, Inverness |                      |
| <b>TIME OF INSPECTION</b>    | 1030 hours           | <b>VEHICLE OWNER</b>   | Grzegorz Artur Kunicki                           |                      |
| <b>INSPECTION REF NO.</b>    | -                    | <b>ADDRESS</b>   | 55 Milton <u>Crescent</u> , <u>Inverness</u>     |                      |
| <b>TAXI/PHC LICENCE NO.</b>  | PHC 109              | <b>POSTCODE &amp; TEL. NO.</b>   | IV2 3DH  | 07722 034135         |
| <b>TYPE OF INSPECTION</b>    | 6 mth Combined       | <b>INSPECTION CARRIED OUT</b><br>(Council Test/Combined Test/Retest etc) |  | <b>COMBINED TEST</b> |
| <b>VEHICLE DETAILS</b>       |                      |  |  |                      |
| <b>REGISTRATION No.</b>      | NA11 TDZ             | <b>RECEIPT NO(s)</b>   | 4J6SC9922651                                     |                      |
| <b>MAKE &amp; MODEL</b>      | Toyota Avensis       | <b>FEE PAID</b>  | £134.00  |                      |
| <b>VEHICLE COLOUR</b>        | White                | <b>MILEAGE</b>   | 253070   |                      |
| <b>DATE OF FIRST REG</b>     | 13/07/11             | <b>FUEL TYPE</b>   | DIESEL   |                      |
| <b>ENGINE SIZE</b>           | 2231                 | <b>TYRE SIZE</b>   | 215/55R17  |                      |
| <b>CHASSIS NO</b>            | SB1BA76L30E028365    | <b>TAXI METER SERIAL NO</b>  | N/A  |                      |
| <b>NO OF PASSENGER SEATS</b> | 4                    | <b>VEHICLE EXAMINER</b>  | Gareth MacMillan                                 |                      |

|  |            |
|--|------------|
| <b>ARE 'PRE-BOOKED ONLY' STICKERS BEING DISPLAYED ON EACH SIDE OF THE VEHICLE (PHC'S ONLY)</b> | <b>YES</b> |
|--|------------|

|                                 | TEST RESULTS | MOT CERTIFICATE NUMBER |
|---------------------------------|--------------|------------------------|
| <b>MOT</b>                      | <b>FAIL</b>  |                        |
| <b>SAFETY ASPECTS</b>           | <b>FAIL</b>  |                        |
| <b>APPEARANCE &amp; UTILITY</b> | <b>PASS</b>  |                        |

**Overall Test Result** **FAIL**

**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 <u>headlamp</u> aim obviously incorrect |  |
| Nearside rear wheel bearing excessive play       |  |
| Nearside track rod end worn                      |  |
| Nearside front anti roll bar link worn           |  |
|  |  |
|  |  |

Has the plate been removed from the vehicle: No

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

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|--|--|
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**C: Observations for information only**

|  |  |
|--|--|
| Offside front anti roll bar link dust cover deteriorated |  |
|  |  |
|  |  |

Examiners Signature G MacMillan

Date 06/03/2023

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

|                        |                       |  |  |                        |
|------------------------|-----------------------|--|--|------------------------|
| DATE OF INSPECTION     | Tuesday 07 March 2023 | INSPECTION LOCATION  | Inverness MOT Centre, 36 Shore Street, Inverness |                        |
| TIME OF INSPECTION     | 1630 hours            | VEHICLE OWNER  | Grzegorz Artur Kunicki                           |                        |
| INSPECTION REF NO.     | -                     | ADDRESS  | 55 Milton Crescent, Inverness                    |                        |
| TAXI/PHC LICENCE NO.   | PHC 109               | POSTCODE & TEL. NO.  | IV2 3DH  | 07722 034135           |
| TYPE OF INSPECTION     | Re-test               | <b>INSPECTION CARRIED OUT</b><br>(Council Test/Combined Test/Retest etc) |  | <b>COMBINED RETEST</b> |
| <b>VEHICLE DETAILS</b> |                       |  |  |                        |
| REGISTRATION No.       | NA11 TDZ              | RECEIPT NO(s)  | NO FEE   |                        |
| MAKE & MODEL           | Toyota Avensis        | FEE PAID   | NO FEE   |                        |
| VEHICLE COLOUR         | White                 | MILEAGE  | 253098   |                        |
| DATE OF FIRST REG      | 13/07/11              | FUEL TYPE  | DIESEL   |                        |
| ENGINE SIZE            | 2231                  | TYRE SIZE  | 215/55R17  |                        |
| CHASSIS NO             | SB1BA76L30E028365     | TAXI METER SERIAL NO   | N/A  |                        |
| NO OF PASSENGER SEATS  | 4                     | VEHICLE EXAMINER   | A HUGHES   |                        |

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

|                      | TEST RESULTS | MOT CERTIFICATE NUMBER          |
|----------------------|--------------|---------------------------------|
| MOT                  | PASS         | 4025 1831 5041                  |
| SAFETY ASPECTS       | PASS         | <b>MOT EXPIRY DATE 06.03.24</b> |
| 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)**

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

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

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**C: Observations for information only**

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|  |  |
|  |  |

Examiners Signature Andrew Hughes

Date 07/03/2023

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

|                        |                         |   |  |               |
|------------------------|-------------------------|---|--|---------------|
| DATE OF INSPECTION     | Wednesday 06 March 2024 | INSPECTION LOCATION   | Inverness MOT Centre, 36 Shore Street, Inverness |               |
| TIME OF INSPECTION     | 0930 hours              | VEHICLE OWNER   | Grzegorz Artur Kunicki                           |               |
| INSPECTION REF NO.     | -                       | ADDRESS   | 55 Milton Crescent, Inverness                    |               |
| TAXI/PHC LICENCE NO.   | PHC 11 109              | POSTCODE & TEL. NO.   | IV2 3DH  | 07722 034135  |
| TYPE OF INSPECTION     | 6 mth Combined          | INSPECTION CARRIED OUT<br>(Council Test/Combined Test/Retest etc) |  | COMBINED TEST |
| <b>VEHICLE DETAILS</b> |                         |   |  |               |
| REGISTRATION No.       | NA11 TDZ                | RECEIPT NO(S)   | 4J6SC9945374                                     |               |
| MAKE & MODEL           | Toyota Avensis          | FEE PAID  | £134.00  |               |
| VEHICLE COLOUR         | White                   | MILEAGE   | 285465   |               |
| DATE OF FIRST REG      | 13/07/2011              | FUEL TYPE   | DIESEL   |               |
| ENGINE SIZE            | 2231                    | TYRE SIZE   | 215/55 R17                                       |               |
| CHASSIS NO             | SB1BA76L30E028365       | TAXI METER SERIAL NO  | 06132855   |               |
| NO OF PASSENGER SEATS  | 4                       | VEHICLE EXAMINER  | Gareth MacMillan                                 |               |

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

|                      | 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)**

|   |                             |
|---|-----------------------------|
| Nearside front brake lagging in operation       | Imbalance across front axle |
| Nearside front to rear brake pipe corroded      |                             |
| Offside front to rear brake pipe corroded       |                             |
| Offside suspension arm ball joint worn          |                             |
| Nearside rear antiroll bar link ball joint worn |                             |
| Service brake efficiency below requirement      |                             |

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

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

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**C: Observations for information only**

|                        |                                     |
|------------------------|-------------------------------------|
| Rear subframe corroded | Offside rear brake binding slightly |
|                        |                                     |
|                        |                                     |

Examiners Signature G MacMillan

Date 06/03/2024

**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    | Grzegorz Artur Kunicki |
| Address | 55 Milton Crescent     |
|         | Inverness              |
|         | IV2 3DH                |

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: | Toyota Avensis – NA11TDZ |
| Licence No:      | 110109                   |

- \* 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:

|   |
|---|
| <p>Nearside front brake lagging in operation<br/> Nearside front to rear brake pipe corroded<br/> Offside front to rear brake pipe corroded<br/> Offside suspension arm ball joint worn<br/> Nearside rear antiroll bar link ball joint worn<br/> Service brake efficiency below requirement<br/> Imbalance across front axle</p> |
|---|

\* 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 06-03-2024



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

|                        |                         |   |  |
|------------------------|-------------------------|---|--|
| DATE OF INSPECTION     | Wednesday 06 March 2024 | INSPECTION LOCATION   | Inverness MOT Centre, 36 Shore Street, Inverness |
| TIME OF INSPECTION     | 1630 hours              | VEHICLE OWNER   | Grzegorz Artur Kunicki                           |
| INSPECTION REF NO.     | -                       | ADDRESS   | 55 Milton Crescent, Inverness                    |
| TAXI/PHC LICENCE NO.   | PHC 11 109              | POSTCODE & TEL. NO.   | IV2 3DH 07722 034135                             |
| TYPE OF INSPECTION     | 6 mth Combined Retest   | INSPECTION CARRIED OUT<br>(Council Test/Combined Test/Retest etc) | COMBINED RETEST                                  |
| <b>VEHICLE DETAILS</b> |                         |   |  |
| REGISTRATION No.       | NA11 TDZ                | RECEIPT NO(s)   | N/A  |
| MAKE & MODEL           | Toyota Avensis          | FEE PAID  | FREE   |
| VEHICLE COLOUR         | White                   | MILEAGE   | 285469   |
| DATE OF FIRST REG      | 13/07/2011              | FUEL TYPE   | DIESEL   |
| ENGINE SIZE            | 2231                    | TYRE SIZE   | 215/55 R17                                       |
| CHASSIS NO             | SB1BA76L30E028365       | TAXI METER SERIAL NO  | 06132855   |
| NO OF PASSENGER SEATS  | 4                       | VEHICLE EXAMINER  | Gareth MacMillan                                 |

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

|                      | TEST RESULTS | MOT CERTIFICATE NUMBER |
|----------------------|--------------|------------------------|
| MOT                  | PASS         | 7347 1034 4704         |
| SAFETY ASPECTS       | PASS         | EXPIRY DATE 06.03.2025 |
| 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)

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Has the plate been removed from the vehicle: No

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

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#### C: Observations for information only

|                        |                                     |
|------------------------|-------------------------------------|
| Rear subframe corroded | Offside rear brake binding slightly |
|                        |                                     |
|                        |                                     |

Examiners Signature G MacMillan

Date 06/03/2024