

Agenda item	9.1
Report no	HLC/006/22

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 18 January 2022

Report title: Private Hire Car Operator's licence – Domingos Moreira
(Ward 14 – Inverness Central)

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 private hire car 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 private hire car (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** Domingos Moreira is a licensed PHC operator. His licence expires on 4 November 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 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 16 December 2021 a report in relation to Mr Moreira 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 Moreira accruing a total of 24 points on PHC Operator Licence no. 11 0155 and for failing to maintain his licensed PHC to the standards required by the Licensing Authority.

6.2 Process

A copy of the report and all attachments have been sent to Mr Moreira 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 Moreira.

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 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/3516/taxi_operator_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".

8. Implications

- 8.1** Not applicable.

Date: 20 December 2021

Author: Michael Elsey

Appendix 1: Trading Standards Report

Appendix 2: Business Guidance: Penalty Points System

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/110155

Against: Domingos Moreira [REDACTED] [REDACTED]

Address [REDACTED]

Licence Held: Private Hire Car (PHC) Operators Licence 11 0155

Expiration Date: 04/11/2024

Vehicle description: Ford Galaxy VRM: SB14JVJ

Date of first registration: 30/05/2014

Mileage at last inspection: 137832

Penalty Points Total as of 12/11/2021: 24 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 Moreira has failed to maintain his licensed Private Hire Car 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 1st 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 DOMINGOS MOREIRA, licence number 11 0155, which was applied for on 6th September 2018. The vehicle on this licence was a Ford Galaxy, vehicle registration mark SY14 JMJ. This is the second vehicle to be operated on this licence by Mr Moreira. The licence has accrued 24 penalty points since 8th October 2020, for faults identified during three inspections of the licensed 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 Moreira currently holds PHC operator's licence 11 0155 which was renewed on 05/11/2021 and is valid until 04/11/2024. The present vehicle is the third vehicle to be operated on this licence.

Evidence relating to licence 11 0155

Inspection by the council's contractor of the licensed vehicle on 8th October 2020 resulted in a failure with one fault being identified. The offside and nearside number plate lights were not working. This failure accrued 2 penalty points.

(Production number 2. Taxi test report form dated 08/10/20).

The vehicle was inspected again on 9th October 2020 and passed the inspection.

(Production Number 3. Taxi test report form dated 09/10/20).

On 8th April 2021, the licensed vehicle was subjected to its 6 monthly inspection carried out by the council's contractor. This inspection resulted in a failure. The faults identified were:

1. Emissions exceed plate value 0.51.
2. Offside and nearside light source incompatible with lamps (HID kit fitted).

Each of these faults was allocated 5 points, giving a total for this inspection of 10 points and a total of 12 points on his operator's licence accrued within the two-year rolling period.

(Production Number 4. Taxi test report dated 08/04/21)

The vehicle was inspected again on 9th April 2021 and passed the inspection.

(Production Number 5. Taxi test report dated 09/04/21)

A warning letter in terms of Penalty Points System and the Civic Government (Scotland) Act 1982, was sent to Mr Moreira via registered post. Mr Moreira subsequently contacted Trading Standards via telephone to ascertain how the penalty points were accumulated and this was provided to him by email.

(Production Number 6. Warning Letter dated 05/05/21)

(Production Number 7. Email with points breakdown dated 19/08/21)

On 7th October 2021, the licensed vehicle was subjected to its 6 monthly inspection carried out by the council's contractor. This inspection resulted in a failure and in the opinion of the examiner, the vehicle was deemed dangerous to operate because of the faults identified. The faults identified were:

1. Emissions exceed plate value 0.51.
2. Nearside front lower ball joint (3 bolts slack).

Fault 1 accrued 5 penalty points and Fault 2 accrued 7 penalty points. This gave a total for this inspection of 12 points and a total of 24 points on his operator's licence accrued within the two-year rolling period.

(Production Number 8. Taxi test report dated 07/10/21)

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

This notice effectively prohibited the use of the vehicle as a PHC until such time as the faults were repaired and the vehicle inspected by the Council contractor.

(Production Number 9. Suspension notice dated 07/10/21)

The vehicle was re-tested on the 8th October 2021* and again failed on the emissions element.

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

(Production number 10. Taxi test report dated 08/10/21)

Mr Moreira subsequently substituted the vehicle on his operator's licence on the 4th November 2021 to Citroen Berlingo VRM: DK16 HZP.

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 Moreira on 1st December 2021. 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 Moreira 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.

(Production number 11. Transcript of meeting dated 01/12/21)

Evidence held by Trading Standards:

Number	Description
1	Penalty Points Tariff
2	Taxi test report dated 08/10/2020
3	Taxi test report dated 09/10/2020
4	Taxi test report dated 08/04/2021
5	Taxi test report dated 09/04/2021
6	Penalty Points warning letter 05/05/2021
7	Email with points breakdown 19/08/2021
8	Taxi test report dated 07/10/2021
9	CG(S)A S11 suspension notice 07/10/2021
10	Taxi test report dated 08/10/2021 (re-test)
11	Transcript of meeting dated 01/12/2021

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 08 October 2020	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1030 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Council	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)		COUNCIL TEST
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	8G00810961	
MAKE & MODEL	Ford Galaxy	FEE PAID	£114.00	
VEHICLE COLOUR	Black	MILEAGE	96624	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	DIESEL	
ENGINE SIZE	1998	TYRE SIZE	215/50 R17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
SAFETY ASPECTS	FAIL	
APPEARANCE & UTILITY	PASS	
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)

OFFSIDE AND NEARSIDE NUMBER PLATE LIGHTS 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

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	FRIDAY 09 October 2020	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	14.30 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Council	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)		COUNCIL RETEST
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	N/A	
MAKE & MODEL	Ford Galaxy	FEE PAID	FREE	
VEHICLE COLOUR	Black	MILEAGE	96767	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	DIESEL	
ENGINE SIZE	1998	TYRE SIZE	215/50 R17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
---	-----

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
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

Examiners Signature G MacMillan

Date 09/10/2020

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	Thursday 08 April 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1330 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Council	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)		COUNCIL TEST
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	4J6SC9980383	
MAKE & MODEL	Ford Galaxy	FEE PAID	£114.00	
VEHICLE COLOUR	Black	MILEAGE	112850	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	DIESEL	
ENGINE SIZE	1998	TYRE SIZE	215/55R17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
SAFETY ASPECTS	FAIL	
APPEARANCE & UTILITY	PASS	
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)

Emissions not met plate value 0.51	Offside and nearside light source incompatible with lamps (HID KIT) FITTED

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 rear trailing arm bush slightly deteriorated	
Small dent on nearside rear door	
Nearside rear bumper corner slightly scuffed	
Nearside front outer cv boot deteriorated	

Examiners Signature G MacMillan

Date 08/04/2021

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	Thursday 08 April 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1600 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	RE-TEST	<u>INSPECTION CARRIED OUT</u> (Council Test/Combined Test/Retest etc)		<u>COUNCIL TEST</u>
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	4J6SC9980383	
MAKE & MODEL	Ford Galaxy	FEE PAID	£114.00	
VEHICLE COLOUR	Black	MILEAGE	112956	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	DIESEL	
ENGINE SIZE	1998	TYRE SIZE	215/55/R17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
---	-----

	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
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

OFFSIDE rear trailing arm bush slightly deteriorated	Nearside front outer cv boot deteriorated
Small dent on nearside rear door	
Nearside rear bumper corner slightly scuffed	

Examiners Signature D Scott

Date 09.04.2021



Mr Domingos Moreira



Please ask for

Direct dial

e-mail

Your ref

Our ref

Date

Bobby Smeaton

07557 197 667

Bobby.smeaton@highland.gov.uk

11 0155

V085799

05 May 2021

Dear Mr Moreira

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 0155, has accumulated 12 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



Bobby Smeaton
Enforcement Officer

Production 7 - Email With Point Break Down

Dated 19/08/2021

From: Bobby Smeaton (Corporate Governance)
Sent: 19 August 2021 12:09
To: Domingos Moreira
Subject: RE: Your Ref. V085733
Attachments: WRLV085268 PHC 11 155 Fail.docx; WRLV085482 11 0155 PHC Fail.docx

Dear Mr Moreira

Apologies for the delay in getting back to you. I am currently working alone so am very busy at present.

I thought it best to get back to you by email so I could attach the two most recent inspections of your vehicle showing where you have accumulated penalty points.

WRLV085482 failed for the following reasons endorsing your operators licence with 10 penalty points:

1. Emissions above plate limit
2. Offside and nearside light source not compatible with lamps (HID kit fitted)

WRLV085268 failed for the following reason endorsing your operators licence with 2 penalty points:

1. Both number plate lamps not working.

As you will be aware the penalty points system runs on a 2 year rolling basis. Warning letters are sent to operators who have received 10 points or more. Operators who receive 20 points during a 2 year period may be subject of a report to the licensing committee.

It may be beneficial in future to have a pre-inspection check carried out on the vehicle prior to the visual inspection so that any issues can be addressed before accruing points.

I trust this explains the position. However if you require clarification or further information please do not hesitate to contact me.

Kind regards


Bobby Smeaton
Enforcement Officer (Trading Standards) | Highland Council

38 Harbour Road, Inverness, IV1 1UF T: 01463 644613 M: 07557197667
www.highland.gov.uk/tradingstandards | email: bobby.smeaton@highland.gov.uk



www.deliverylaw.uk

For comprehensive information on consumer rights and business obligations in relation to parcel delivery.



From: Domingos Moreira [REDACTED]

Sent: 16 August 2021 12:17

To: Bobby Smeaton (Corporate Governance) [REDACTED]

Subject: Your Ref. V085733

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon dear Bobby

I'm writing to you because I would like to know the reason for so many penalties points in my license. I've read many times in Condition 1 and 2 and don't find anything irregular in my car. I would like to avoid a future unpleasant situation.

Thanks in advance
Domingos Moreira

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	Thursday 07 October 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1430 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	6 mth Council	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)		COUNCIL TEST
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	4J31N9960564	
MAKE & MODEL	Ford Galaxy	FEE PAID	£114.00	
VEHICLE COLOUR	Black	MILEAGE	137694	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	diesel	
ENGINE SIZE	1998	TYRE SIZE	215/55 r17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
SAFETY ASPECTS	FAIL	* WARNING 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	
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)

EXHAUST EMISSIONS ABOVE PLATE VALUE 0.51	
Nearside front lower ball joint (3 bolts slack) DANGEROUS	

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 rear antiroll bar drop link ball joint worn	Offside rear trailing arm bush wo

Examiners Signature G MacMacillan

Date 07/10/2021

**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	Domingos Moreira
Address	[REDACTED]

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
Licence No:	110155

- * 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:

EXHAUST EMISSIONS ABOVE PLATE VALUE 0.51
Nearside front lower ball joint (3 bolts slack) DANGEROUS

* 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	07.10.2021

HIGHLAND COUNCIL – TAXI/PHC VEHICLE TEST REPORT FORM

DATE OF INSPECTION	Friday 8 October 2021	INSPECTION LOCATION	Inverness MOT Centre, 36 Shore Street, Inverness	
TIME OF INSPECTION	1230 hours	VEHICLE OWNER	Domingos Moreira	
INSPECTION REF NO.	-	ADDRESS	[REDACTED]	
TAXI/PHC LICENCE NO.	PHC 155	POSTCODE & TEL. NO.	[REDACTED]	[REDACTED]
TYPE OF INSPECTION	Retest	INSPECTION CARRIED OUT (Council Test/Combined Test/Retest etc)		RETEST
VEHICLE DETAILS				
REGISTRATION No.	SB14 JVJ	RECEIPT NO(s)	N/A	
MAKE & MODEL	Ford Galaxy	FEE PAID	FREE	
VEHICLE COLOUR	Black	MILEAGE	137832	
DATE OF FIRST REG	30/05/2014	FUEL TYPE	DIESEL	
ENGINE SIZE	1998	TYRE SIZE	215/55 R17	
CHASSIS NO	WFOMXXGBWME538402	TAXI METER SERIAL NO	08001824	
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)	YES
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	TEST RESULTS	MOT CERTIFICATE NUMBER
MOT	N/A	
SAFETY ASPECTS	FAIL	
APPEARANCE & UTILITY	PASS	
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)

Exhaust emissions above plate limit 0.51 average 1.00	

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 rear antiroll bar link ball joint worn	
Offside rear trailing arm bush worn	

Examiners Signature G MacMillan

Date 08/10/2021

**Production 11 - Transcript of Meeting Dated
01/12/2021**

Interview with Domingos Moreira.

Trading Standards Unit, 38 Harbour Road, Inverness. IV1 1UF.

01/12/2021 1000hrs.

Present: Adam Smeaton, Enforcement Officer **(BOS)**

Jordan McLean, Assistant Trading Standards Officer **(JOR)**

Domingos Moreira, PHC Operator 11 0155 **(DM)**

(BOS): Mr Moreira, do you understand why you have been asked to attend this meeting today?

(DM): I have accumulated more than 20 points on my PHC operator's licence within the two-year rolling period and understand that I will now be subject of a report to the Council's Licensing Committee. I am unsure as to how I have managed to breach 20 points though.

(BOS): I refer to my email dated 19th August 2021 and the subsequent inspections that followed.

(Production Number 7. Email with points breakdown dated 19/08/21)

(Production Number 8. Taxi test report dated 07/10/21)

(Production number 10. Taxi test report dated 08/10/21)

(BOS): Do you have a pre-inspection carried out on your vehicle and are you able to offer any mitigating circumstances as to why this vehicle and your operator's licence have accumulated this many penalty points?

(DM): I usually check my own vehicles, but this is not as straightforward for things like emissions. I don't have the equipment to enable me to do so. I don't have anything to offer in terms of mitigation. Can you tell me how many points I have accumulated?

(BOS): You currently have 24 points on your operator's licence. As stated in my email It may be beneficial in future to have a pre-inspection check carried out on the vehicle prior to the visual inspection so that any issues can be addressed before accruing points.

As you are already aware, This Service will now proceed to submit a report to the licensing committee for their consideration.