



## **WEST MIDLANDS TRAFFIC AREA**

### **DECISION OF THE TRAFFIC COMMISSIONER**

**PUBLIC INQUIRY HELD IN BIRMINGHAM ON 6 NOVEMBER 2018**

**OPERATOR: GRA HAULIER LTD**

**LICENCE OD1143764**

#### **Decision**

1. The standard national goods vehicle operator's licence held by GRA Haulier Ltd is revoked with immediate effect pursuant to Sections 26(1)(f) and 27(1)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. Director Rupinder Kaur is disqualified for a period of three years, until 6 November 2021, from holding or obtaining any type of operator's licence in any traffic area and from being the director of any company holding or obtaining such a licence, pursuant to section 28 (1), (4) and (5) of the 1995 Act.

#### **Background**

1. GRA Haulier Ltd has a standard licence OD1143764 for five vehicles and five trailers. Four vehicles were in possession until 20 August 2018 when they were all removed from the licence. The sole director of the company is Rupinder Kaur. The nominated transport manager until his resignation on 17 August 2018 was Karanveer Singh.
2. On 5 April 2018 one of the operator's vehicles was stopped by DVSA and its driver, Kuljit Singh, found to be driving without entitlement. The operator claimed only to have employed him that day, although subsequently it transpired that he had frequently driven for the operator using his new name of Gurpreet Singh Sekhon. DVSA's examination of tachograph charts caused them to suspect that, although charts were in the names of several drivers, they had all been filled in by Kuljit Singh.

3. DVSA reported that director Rupinder Kaur had not answered any of their requests for information or attended an interview when invited. The driver also failed to attend interview. The transport manager was able to provide some limited information.
4. In the light of the above I decided to call a public inquiry. Call-up letters to the operator and transport manager were sent out on 18 September 2018 and the inquiry was held in Birmingham on 6 November 2018.

### **Public inquiry**

5. The operator failed to attend the inquiry. It did not respond to the call-up letter. It was unreachable on its phone numbers.
6. Ex-transport manager Karanveer Singh did attend. He produced a copy of the driving licence of Gurpreet Singh Sekhon. This had the same photograph as on the (revoked) licence of Kuljit Singh, but a completely different date of birth. Investigations during the inquiry showed that DVLA held a completely different photograph for Gurpreet Singh Sekhon than the photograph on the copy of the licence provided by Karanveer Singh. Drivers Kuljit Singh and Gurpreet Singh Sekhon were clearly two different people. It was unclear who had forged the licence seen and copied by Karanveer Singh or how they had done this. What was clear is that the driver stopped by DVSA on 5 April 2018 who uses the names of Kuljit Singh and Gurpreet Singh Sekhon does not have the entitlement to drive HGVs.
7. I therefore proceeded to reach the following findings:
  - i) GRA Haulier Ltd lacks financial standing. Despite a request that evidence of financial standing be submitted to my office by 31 October 2018, no such evidence was submitted either then or since (Section 27(1)(a) of the 1995 Act refers);
  - ii) the company lacks professional competence (Section 27(1)(a) also refers). The transport manager resigned on 17 August 2018. The company has neither appointed a replacement nor requested a period of grace in which to find a new transport manager;
  - iii) the company lacks an effective and stable establishment (Section 27(10)(a) refers). Neither DVSA's nor my office's attempts to contact it have born any fruit;
  - iv) the company has failed to fulfil its undertaking to ensure the lawful driving of vehicles (Section 26(1)(f) refers). A driver has driven without the correct entitlement. The representative of the company, an Arvinder Singh, misled DVSA about the length of the driver's employment.

### **Conclusion**

#### *Revocation of the licence*

8. The company lacks financial standing, professional competence and an effective and stable establishment. Revocation of its licence is therefore mandatory under Section 27(1)(a). Given that no vehicles are apparently currently being operated, the revocation will take immediate effect.

#### *Disqualification of director*

9. Director Rupinder Kaur has consistently failed to engage either with DVSA or my office. There are indications that she may be a figurehead, with the true controlling minds operating from the shadows. In considering whether or not to disqualify her under Section 28 of the 1995 Act from holding a licence in the future, I have taken account of paragraph 93 of the STC's Statutory Guidance Document 10. This posits a starting point of between one and three years for a first public inquiry (which this is). I have fixed upon a disqualification at the upper end of this period given her complete refusal to co-operate with the authorities in the regulatory process.

#### *Transport manager*

10. I have not made any adverse findings against Karanveer Singh's repute. He resigned as transport manager after encountering difficulties in contacting the operator. There is no evidence to suggest that he had any part in the forging of a driving licence by Kuljit Singh. He can be criticised for not

having a close knowledge of who was driving the vehicles and when, but there is a mitigating circumstance in that vehicles were operated on a three shift basis. He is warned that he must take greater care in future to ensure the rigorous checking of driver entitlement.

Nicholas Denton .

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Nicholas Denton  
Traffic Commissioner  
6 November 2018