



TRAFFIC COMMISSIONER'S DECISION

MAJORS GENERAL CONSTRUCTION LIMITED

LICENCE NUMBER OK2010541 (Under Consideration)

GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995

Decision

1. The Applicant, Majors General Construction Limited, has failed to satisfy me that it is not unfit to hold a Licence pursuant to Section 13B of the Goods Vehicles (Licensing of Operators) Act 1995. Accordingly, the application number OK2010541 is refused.

Reasons

2. The history is set out in the Public Inquiry case summary and Call-In Letter. Whilst preparing for the hearing, I noted in the bank statements a significant loan from a company with links to former director, Shyqyri Bajrakurtaj. There are also significant payments to Orbital Plant Services Limited. The sole Director of that company is Mr Afrim Nutaj, who is also a former Director of a company, which had gone into liquidation, Majors Engineering Limited. There were a number of "coincidences" which sole Director Mr Peparim Nutaj was unable to explain with conviction at the hearing, namely:-
 - Major Engineering Limited went into liquidation within 2 weeks of the current application.
 - The Applicant failed to disclose a material piece of information at question 10 of the GV79 and/or failed to disclose a new insolvency – Mr Peparim Nutaj is a former director of Major Engineering Limited, which was going into liquidation and subsequently did. He was aware of this but answered 'No' to the relevant question.
 - Mr Afrim Nutaj became a Director of Orbital Plant Services Limited shortly before this application. A former Director of Orbital Plant Services Limited (Mr Altin Isufaj) now works for Mr Peparim Nutaj.
 - There are large sums of money passing for "Plant Hire" to Orbital even though it has "limited stock" (oral evidence given at the hearing). I am told that the hire sums do include 3 vans on long term hire but the figures are still high. There is also a bank entry of a XXXX payment to Isis Insurance reference 'Orbital'.
 - Mr Peparim Nutaj failed to declare to me at first that Orbital was also working from same site. It transpired that the Operating Centre address is wrong on the GV79 and in the advertisement but the Director did not notice until the Public Inquiry Brief. On

balance, I am satisfied that the advert error is not prejudicial such as to refuse the application without considering the merits. The way all this evidence came out is a concern.

3. At the conclusion of the hearing, I gave the Director a further 7 days to send in evidence, which may assist in persuading me that this is not a Phoenix/'Lifeboat' to circumvent the debts of Major Engineering Limited and/or a front for Orbital Plant Services Limited and Mr Afrim Nutaj.
4. The Applicant lodged some documentation under cover of an e mail received very late on 15 June 2018. We had set out in a letter the types of information that was required. Regrettably, what I have is of limited value. There are invoices for third party transport but they are not receipted to show payment has been received. There is no cross-referencing or similar exercise in relation to the bank statements to demonstrate payment. I do note the purchase order for a vehicle from BMW but there is no registration mark. I note that shortly before the liquidation, Major Engineering Limited sold 2 vehicles to the Applicant; the invoices are dated 8 December 2017. There is a sales invoice for a vehicle to Safe Asset Solutions Limited and there is an equivalent sum in the Applicant's bank statements. However, I have no vehicle data unit evidence or similar to show that the in scope vehicles have not been used.
5. The insurance policy provided, covers company cars and 3 small transit vans. Even if vehicles are not being used, one would expect there to be some sort of separate third party fire and theft insurance. Instead I am told that Orbital insure PJ09LCW pending the outcome of this application. Why would it do this? It does not have an Operator's Licence either. Further, the majority of the XXXX is now said to be for further invoices from Orbital for plant hire from its 'limited stock'. In reality, there is virtually nothing in the paperwork, which is cogent, corroborative indicative of proper arms length arrangements.
6. Traffic Commissioners are the 'Gatekeepers' of the licensing regime. I am entitled to know whom I am regulating, both in terms of corporate entity and officers. My role is fair competition as well as road safety. The links between the various entities and individuals leave the answer to that question as opaque. I also remain to be persuaded that only third party transport and vans have been used for the reasons given. I remind myself that it is for the Applicant to satisfy me that it is not unfit and for the reasons given above it has failed to meet that test on balance.
7. It is open for any of the entities and individuals to apply for a Licence at any time. However, any future application will need to cover the extant issues above and be transparent on all aspects.



Miss Sarah Bell
Traffic Commissioner
London & South East England
20 June 2018