



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 27 JUNE 2018

OPERATOR: PORTCLIFF LTD

LICENCE OF1145110

Decision

1. The standard international goods vehicle operator's licence held by Portcliff Ltd is revoked with immediate effect, pursuant to Section 27(1)(a) and (b) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. Company director Cvetan Dimitrov is disqualified for an indefinite period of time 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.
3. Transport manager Cvetan Dimitrov has lost his good repute as a transport manager, pursuant to schedule 3 paragraph 1 of the 1995 Act. Under paragraph 16(2) of that schedule, he is disqualified, with immediate effect and for an indefinite period of time, from acting as a transport manager on any operator's licence in any Member State of the European Union.

Background

Operator details

1. Portcliff Ltd holds a standard international goods vehicle operator's licence (OF1145110) for five vehicles and five trailers. There are two vehicles specified on the licence, which was granted in June 2016. The authorised operating centre is at Asfordby Business Park near Melton Mowbray, LE14 3JL. The sole director of the company is Cvetan Dimitrov. Mr Dimitrov is also the nominated transport manager on the licence.

DVSA report

2. In April 2018 I received a report from DVSA traffic examiner Robert Lees. The report stated that:
 - i) from February to November 2017 Portcliff Ltd had been operating five vehicles on hire from Dina Global Ltd, without these vehicles ever being specified on Portcliff's licence. Throughout the period of hire, the vehicles had continued to display the o-licence discs of Dina Global Ltd;
 - ii) The total number of vehicles operated by Portcliff during the above period was seven, in excess of their authorisation for five vehicles;
 - iii) a driver driving for the company had been stopped and found to have driven after having removed his tachograph card, thereby disguising a maximum driving hours offence;
 - iv) Portcliff had failed to respond to the DVSA's Section 99 request for tachograph data and had made no contact with DVSA.

Public inquiry

3. The company was called to a public inquiry by letter dated 14 May 2018, as was Cvetan Dimitrov in his capacity as transport manager. All letters were returned marked not known at this address. The company's contact telephone number turned out to belong to a previous operations manager who had left the company 12 months ago.
4. The public inquiry was held in Birmingham on 27 June 2018. No representative from the company attended; neither did the transport manager. A representative from the Environment Agency was present: he informed me that the Agency was anxious to trace Portcliff to discuss a large number of very serious waste offences which the company had committed. The Agency had not been able to trace the company at any of its given addresses.
5. I proceeded to make the following findings on the basis of the evidence available:
 - i) the company lacks financial standing. No evidence to demonstrate financial standing was offered;
 - ii) the company lacks an effective and stable establishment. It is not contactable at any of the addresses it has given the regulatory authorities;
 - iii) the transport manager lacks good repute. More vehicles than authorised have been operated; vehicles have been operated by the company while displaying the disc of another operator; the company has used an unauthorised operating centre as it cannot be found at its authorised place of operation; waste offences have been committed;
 - iv) the transport manager lacking good repute, the company no longer has professional competence;
 - v) for the same reasons as outlined in sub-paragraph (iii) above, the company lacks good repute.

Decisions

Revocation of the licence

6. As the company lacks good repute, financial standing, professional competence and a stable and effective establishment, revocation of the licence is mandatory under Section 27(1)(a) and (b) of the 1995 Act. The revocation will take immediate effect.

Disqualification of director and transport manager

7. Cvetan Dimitrov is clearly a person who has no intention with engaging with the regulatory authorities, whether traffic commissioner, DVSA or Environment Agency. He has overseen an operation which clearly has little regard for the laws regarding either HGV operations or the treatment and disposal of waste. I am thus disqualifying him from holding or obtaining a goods vehicle operator's licence and from being the director of a company holding or obtaining such a licence. Having removed his good repute, I am also disqualifying him from being a transport manager. The disqualifications are for an indefinite period of time. Mr Dimitrov may request a hearing before a traffic commissioner at which to argue that the disqualification be cancelled or time-limited. However I consider it unlikely, in view of the offences, that the disqualification would be time-limited to less than three years.

Enforcement of this decision

8. In view of their history, I consider it unlikely that Portcliff or Mr Dimitrov will comply with this decision. I am therefore requesting DVSA and the Police to employ their ANPR and on-road resources to identify and stop vehicles operated by Portcliff. The vehicles currently specified on the licence are WX59 AXC and NK60 CNE. Any heavy goods vehicle operated by Portcliff is henceforth liable to be impounded.



Nicholas Denton
Traffic Commissioner
27 June 2018