



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 11 JULY 2019

**OPERATORS:
PRIORY COACHES UK LTD PD1111294
RIGLEYS HIRE LTD PB2004142**

Decision

1. The licence held by Priory Coaches UK Ltd is revoked with effect from 0001 hours on 12 July 2019. The revocation is pursuant to Sections 17(1)(a) and (b) and 17(3)(aa) of the Public Passenger Vehicles Act 1981 (“the 1981 Act”).
2. The licence held by Rigleys Hire Ltd is revoked with effect from 0001 hours on 12 July 2019. The revocation is pursuant to Sections 17(1)(a) and (b) and 17(3)(aa) of the Public Passenger Vehicles Act 1981 (“the 1981 Act”).
3. The good repute of transport managers Michael Parker and Paula Parker is lost and they are disqualified indefinitely, pursuant to Schedule 3 of the 1981 Act, from acting as transport managers under any operator’s licence.
4. Pursuant to Section 28 of the Transport Act 1985, Michael Parker and Brett Parker are disqualified indefinitely from holding or obtaining any type of operator’s licence in any traffic area and from being the directors of any company holding or obtaining such a licence.

Background

1. Priory Coaches UK Ltd (“Priory”) holds a standard international PSV operator’s licence PD1111294 authorising four vehicles. The sole director of the company is Brett Parker. The nominated transport managers on the licence are Michael Parker and Paula Parker.
2. Rigleys Hire Ltd (“Rigleys”) also holds a standard international PSV operator’s licence PD1111294 authorising four vehicles. The sole director of the company is Michael Parker. The nominated transport manager on the licence is Paula Parker.

3. The two companies operate their vehicles from the same location, a disused factory in Baker Street, Coalville. This is not the nominated operating centre on either licence.

DVSA reports

4. In early June 2019 I received a report from DVSA traffic examiner Anita Barwell. This stated that:
 - i) vehicle PF52 WPY displaying the PSV disc of Ripleys had been involved in a fatal collision on 28 January 2019. A schoolchild had been killed;
 - ii) the vehicle was being driven by Michael Parker, who did not have the required category D driving entitlement – he had a provisional car licence only;
 - iii) the vehicle was therefore being driven uninsured;
 - iv) the vehicle was still “registered to the motor trade” according to DVLA records: in other words Ripleys had not taxed it after acquiring it;
 - v) on 10 February 2019 vehicle LX06 DZS was stopped by police. It was being operated by Priory and the driver was Brett Parker, director of the company, who did not have the category of driving licence required to driver the vehicle. It was therefore being driven uninsured. Mr Parker’s driver CPC had also expired;
 - vi) Ripleys’ nominated maintenance provider had been contacted and had stated that it had refused to undertake the maintenance of Ripleys’ vehicles since previous director Richard Rigley had left the business in June 2018;
 - vii) Ms Barwell had requested maintenance and tachograph records from Ripleys but on 18 March 2019 she had received a letter from Michael Parker enclosing only the Ripleys vehicle discs and offering assurances that neither he nor Paula Parker would be involved in the bus and coach industry at any time in the future;
 - viii) maintenance and tachograph records had also been requested from Priory. Letters had been returned marked “gone away”. An email to transport manager Paula Parker had not been answered.
5. In early June 2019 I received further information from the police to the effect that Brett Parker had been found guilty in his absence on 29 May of driving otherwise than in accordance with his licence and driving without insurance.

Public inquiry

6. Concerned by these reports, I decided to call the companies and the transport managers to a public inquiry, and Michael and Brett Parker to parallel driver conduct hearings. Call-up letters were issued on 6 June 2019 and the inquiry took place today, 11 July 2019, in Birmingham. Nobody from the operators appeared.
7. Sergeant Dolby from Leicestershire Police attended, as did DVSA vehicle examiner Julian Parkes and traffic examiner Anita Barwell. VE Parkes confirmed that he had examined the vehicle after the fatality in January and had found nothing amiss apart from a slight oil leak from the steering. This would not have had any effect on the collision.

8. Sergeant Dolby informed me that Brett Parker had received a six month driving ban and been fined £700 for the offences described in paragraph 5 above. A prosecution of Michael Parker for his offences of 28 January 2019 was ongoing.

Findings

9. After considering the evidence I make the following findings:
- i) both companies lack the required financial standing (Section 17(1)(a) of the 1981 Act refers). No evidence of finances has been offered;
 - ii) the companies have failed to fulfil their undertakings to ensure the lawful driving and operation of vehicles (Section 17(3)(aa) of the 1981 Act refers). A Priory vehicle was driven by Brett Parker who lacked the required driving entitlement and driver CPC and was driving while uninsured. A Ringleys vehicle was driven by Michael Parker who lacked the entitlement to drive and drove while uninsured. The vehicle was also untaxed.
 - iii) Paula Parker and Michael Parker have presided as transport managers over a seriously unlawful operation. They have not co-operated with DVSA's request for records. There is nothing to weigh on the positive side of the balance. I have therefore concluded that they do not have the necessary good repute as transport managers. The operators thus lack the necessary professional competence (Section 17(1)(a) and (b) refers).

Decisions

Revocation

10. The operators lack financial standing and professional competence. Revocation of the licences is therefore mandatory under Section 17(1) of the 1981 Act. The revocations will take immediate effect.

Disqualification – transport managers

11. As Michael Parker and Paula Parker have lost their repute, I must also disqualify them under Schedule 3 to the 1981 Act. These are people who have knowingly sent out PSVs with drivers not entitled to drive buses and coaches. Their irresponsibility and lack of regard for the safety of their passengers and other road users is deplorable. They have indicated that they do not intend to work in the passenger transport industry again: I am making sure that this is the case by disqualifying them both indefinitely.

Disqualification - operators

12. For the same reasons, I am disqualifying both Michael Parker and Brett Parker under Section 28 of the Transport Act 1985 from holding an operator's licence in the future and from being directors of any company holding such a licence. In view of the seriousness of their conduct and abrogation of their responsibilities as operators, the disqualification is indefinite.



Nicholas Denton
Traffic Commissioner
11 July 2019