



## WEST MIDLANDS TRAFFIC AREA

### DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 6 NOVEMBER 2019

**OPERATOR: GEORGE YOUNG'S COACHES LTD  
PD1047770**

#### **Decision**

1. The standard international PSV licence held by George Young's Coaches Ltd is revoked with effect from 0001 hours on 23 December 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. Pursuant to Section 28 of the Transport Act 1985, Kevin Young and Gwendoline Ruth Young are disqualified 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. The disqualification is for the period of three years, from 23 December 2019 until 23 December 2022.
3. The good repute of transport manager Gwendoline Ruth Young is lost. She is accordingly disqualified, pursuant to Schedule 3 of the 1981 Act, from acting as a transport manager under any operator's licence. The disqualification is for an indefinite period of time.
4. The good repute of transport manager Edward Berry is lost. He is accordingly disqualified, pursuant to Schedule 3 of the 1981 Act, from acting as a transport manager under any operator's licence. The disqualification is for an indefinite period of time.

#### **Background**

1. George Young's Coaches Ltd holds a standard international PSV operator's licence PD1047770 authorising 19 vehicles. The directors of the company are Gwendoline Ruth Young and her son Kevin George Young. Gwendoline Young is the transport manager on the licence. Edward George Berry was an additional transport manager on the licence between April 2019 and 19 September 2019 when he resigned.

#### *2018 public inquiry*

2. The company attended a public inquiry on 18 September 2018 following an unsatisfactory maintenance investigation by DVSA. At the end of the inquiry, I found that:

- i) the operator's vehicles had not always been given inspections at the promised eight week intervals. Most of the gaps were accounted for by the vehicles being off road, but the vehicles had not always been given inspections before being put back into service;
- ii) many safety inspection sheets lacked details such as tyre tread depths;
- iii) the driver defect reporting system was well below the required standard. Drivers had clearly been failing to carry out effective checks, as could be seen from the numerous prohibitions for driver detectable items. The system for reporting and rectifying defects had been poorly managed and the chain of reporting and action was frequently unclear;
- iv) there had been five prohibitions for roadworthiness shortcomings in the previous two years;
- v) the MOT pass rate was very poor;
- vi) the operator had failed to respond to DVSA's notice of shortcomings;
- vii) there was clear evidence that the transport manager had failed to keep abreast with modern-day best practice and had let standards slip, most notably in driver defect reporting and condition of vehicles.

3. Director and transport manager Gwendoline Young did not attend the inquiry in September 2018 owing to ill health. Towards the end of that inquiry I made the following remarks:

"I just want to raise one other point about the transport manager [Gwendoline Young]. I understand why she could not be here today. It has meant that I have been unable to make a complete assessment of what I think of her good repute and professional competence. But I have to say that on the evidence so far I am not full of confidence that this is an operation which I would be happy to let go forward in anything other than the most short term with that transport manager at the helm. I do not see sufficient evidence that she has taken on board the lessons from [the DVSA vehicle examiner] Mr Bird's report. There are still things here which are on the "to do" list rather than the "done" list and there are still things which although started are far from the finished article. Maybe it is one of those cases which, given the age of the transport manager, rather than proceed to a separate hearing of the transport manager an undertaking can be given that you will find an alternative transport manager within a certain period of time. Is that something which you would be prepared to agree to?"

4. There followed a discussion in which Kevin Young replied that it would depend on the length of the "certain period of time". I stated that I did not want this period to be months, but clearly more than a few days would be needed in order for the operator to find an alternative transport manager. After a short adjournment in which Mr Banks, the solicitor representing the company took instructions, the inquiry resumed and Mr Banks stated that "that undertaking will be given, in relation to the transport manager." I then concluded that I would record the undertaking on the licence and that a new transport manager should be nominated by 5 November 2018 [giving the operator almost seven weeks in which to do this]. I concluded the inquiry by stating that "with the undertaking that a new transport manager be nominated by 5

November [2018], I would be prepared to accept the resignation of the current transport manager by that date.”

5. At the end of the inquiry I suspended the operator’s licence for seven days from 29 October 2018. The operator accepted undertakings to the effect that vehicles would be given roller brake tests every 12 weeks (in addition to the brake test at MOT) and that a new transport manager would be nominated by 5 November 2018.

*Subsequent developments: transport manager*

6. I have set all this out at some length because of what happened next. On 12 October 2018 the central licensing office in Leeds received from the operator a duly completed TM1 form nominating Edward George Berry as transport manager. The form stated that he would be an internal transport manager working 40 hours per week Monday to Friday. Mr Berry stated on the form that he did not hold an operator’s licence and was not the transport manager on any other licence. A check by CLO showed that neither statement was correct, as Mr Berry held licence PH1024380 in partnership with Pauline Berry t/a All Seasons and was the transport manager listed on the licence PH1045615 held by Michael Januszkiewicz t/a Star Travel. Mr Berry replied to CLO on 22 October 2018 stating that both All Seasons and Star Travel were dormant businesses. He subsequently amended this statement by letter of 18 November 2018 when he said that his partnership licence PH1024380 **was** in fact still operating and was not dormant after all.
7. The matter was then referred by CLO to me for decision. I stated that I was minded to accept Mr Berry as transport manager but that I first wished to see a copy of the employment contract between the company and Mr Berry. This request was conveyed by CLO to the operator on 19 December 2018. There followed a long gap in communication for some reason until Kevin Young emailed CLO on 22 March 2019 stating that “Mr Edward Berry has agreed to be transport manager”. CLO replied on 26 March 2019 pointing out that a copy of the signed contract was still required. A further chasing email was sent to the operator on 10 April 2019.
8. In response, CLO received a document headed “Contract Agreement”. Its entire contents were: “This is an agreement that Mr Edward Berry will undertake the position of Transport Manager for George Youngs [sic] Coaches Ltd.” The “contract” should at this point have been referred by CLO to me to ascertain whether I was satisfied with it (I would not have been). Instead, for some reason, the licence was simply amended to record Mr Berry as an *additional* transport manager on the licence alongside Gwendoline Young. This was not at all what I had determined at the September 2018 public inquiry when it had been clearly accepted by the operator that a *new* transport manager should be nominated by 5 November.

*Other developments*

9. On 7 June 2019 CLO Leeds received a letter from Julian Oakley, the maintenance provider for George Young’s Coaches, to the effect that the operator had not been paying them owing to lack of funds. This had clear implications for the operator’s financial standing. However, for some reason, the letter was not referred to me.
10. In early October 2019 I was made aware of a report from an engineer employed by Gloucestershire County Council of an inspection of one of the vehicles operated by George Young’s Coaches Ltd under a school contract with the Council. The vehicle had been inspected at the school in question on 9 May 2019 and found to have numerous safety-related defects, including exhaust fumes entering the vehicle, rust holes in the wheel arches, water leaking into the vehicle, bumper and bonnet insecure, an insecure mirror, and a gas strut on the luggage compartment door broken, with the result that this door would not close properly. The Council provided

me with a copy of the operator's response, which was dismissive in tone and accused the inspector of over-zealous conduct. It was not the response of an operator which took seriously the need to keep its vehicles roadworthy.

11. Further correspondence provided by the Council showed that, despite many requests, they had not succeeded in meeting or talking to transport manager Edward Berry. Indeed, they were eventually told by Kevin Young that the traffic commissioner had accepted that Gwendoline Young could remain on the licence as transport manager. This statement was untrue: I would have been horrified had I known that Gwendoline Young was still on the licence as a transport manager. As far as I was aware, she had been replaced by Edward Berry.
12. Further correspondence was provided by the Council which showed that two other vehicles run by the operator had been found with their rear emergency buzzers not working. The driver would not therefore have been able to tell if a school student passenger had opened the emergency door. These defects also implied that the drivers had failed to carry out an effective walk-round check.
13. Next, I was made aware of the fact that Edward Berry had written on 25 September 2019 to the office in Leeds to say that he had resigned from his transport manager position on 19 September with immediate effect from George Young's Coaches Ltd. The letter stated that he had been the transport manager for "about 3 to 4 months" and had resigned because "the working relationship with Mrs [Gwendoline] Young is not working as she will not let me have any access to paperwork."

#### **Public inquiry**

14. In the light of the above, I decided to recall the operator and both transport managers to a public inquiry. The call-up letters were sent on 8 October 2019.

#### *DVSA Maintenance Investigation*

15. Shortly after the call-up letters had been sent, I received a maintenance investigation report from DVSA vehicle examiner Nathan Harwood, which my office immediately forwarded to the operator. Mr Harwood reported that he had visited the operator on 19 September 2019. He had been informed that transport manager Edward Berry was on holiday but that otherwise he attended the operator's premises "most days" to check paperwork and maintenance. Mr Harwood asked for evidence of Mr Berry's involvement with the business but was told that everything was communicated verbally. Director Kevin Young stated that he (Mr Young) looked after control of vehicle movements and maintenance. Gwendoline Young was also present at the meeting: Mr Harwood ascertained that she was unaware of DVSA's "Guide to Maintaining Roadworthiness".
16. Kevin Young provided Mr Harwood with a contact telephone number for Mr Berry: the number turned out to be out of use. Mr Harwood was subsequently able to find Mr Berry by using the records held by CLO Leeds. He visited Mr Berry who told him that:
  - i) he had not been informed by the operator that he had been appointed as transport manager until June 2019;
  - ii) his attempted input into the operation had been met with resistance;
  - iii) his requests to be shown paperwork had always been refused;
  - iv) he had not received any payment for his role as transport manager.
17. Mr Harwood's perusal of the company's maintenance records recorded that:

- i) roller brake tests were not being carried out every 12 weeks, contrary to the undertaking given at the September 2018 public inquiry. Some roller brake tests had been carried out, but there were gaps of 4-7 months between them. Many of the results were meaningless because incorrect brake codes had been entered on the equipment by the tester. Decelerometer tests had also been carried out but these would have been ineffective owing to low speeds;
  - ii) the 8-weekly safety inspection reports showed a significant amount of defects which drivers would have been expected to report on their daily walk-round checks;
  - iii) the safety inspection reports still contained no information on tyre tread depths, pressures and brake wear;
  - iv) many defect reports were impossible to read or did not identify the driver accurately;
  - v) the 8-week inspection interval was not always being respected. For example, there was a 21 week interval between the safety inspections given to vehicle A5 GYC. The maintenance file recorded the vehicle as VOR for the intervening period, but driver defect reports showed that the vehicle had been driven on at least 36 days during the period it was supposedly off road;
  - vi) during his inspection he had issued a prohibition to vehicle GHZ 8754 for oil contamination from the air dryer vent. This had been noted on the August 2019 safety inspection form, where the action was recorded as "monitor";
18. Mr Harwood concluded his report by saying that he had done his utmost to highlight the gravity of the situation to the operator. "During the entire process, however, I have been subjected to repeated comments and accusations being made about other operators, people or bodies for not being compliant in their field or having ulterior motives against this operator." This reflected my own experience: in the run-up to the public inquiry my office received several communications from the operator complaining that I had not taken sufficient action over its complaints about other operators.

#### *Public inquiry*

19. The public inquiry took place in Birmingham on 6 November 2019. Present were directors Kevin and Gwendoline Young, former transport manager Edward Berry, Julian Oakley the previous maintenance provider, DVSA vehicle examiner Nathan Harwood and Nick Helliker from Gloucestershire County Council. The operator was represented by Barry Culshaw, solicitor-advocate.

#### *Evidence of Kevin Young*

20. Mr Young stated that Edward Berry had come down to the yard a few times. However, he accepted that Mr Berry had not carried out any work as transport manager and had not been paid.

#### *Evidence of Edward Berry*

21. Mr Berry said that he had found out from the internet in June 2019 that he had been appointed as transport manager for the company. He had then gone down to the operating centre to see about his starting date. He had asked to see some paperwork but Gwendoline Young had refused to show him any. He had subsequently phoned the operator a few times in June and July: the calls had not been returned. In August he had been on holiday and in September he had been phoned by VE Harwood with

a view to meeting. He had resigned the following day. He had done no work as transport manager and had not been paid anything.

*Evidence of Gwendoline Young*

22. Mrs Young still had no idea of the importance of the “Guide to Maintaining Roadworthiness” or even of what it was. Her response to the extended intervals between safety inspections was to tell the maintenance provider to “get it done”. I asked her to describe what she did to fulfil her transport manager role: she replied that she attended the yard every day and spoke to drivers. This appeared to be it: Mrs Young clearly had no conception of the duties and responsibilities of a modern-day transport manager (she holds her qualification by virtue of acquired rights). Asked what action she had taken to improve compliance following the 2018 inquiry, she stated that six new (to the operator) buses had recently been acquired. She had never undergone any form of training as a transport manager but would be willing to attend a course. She had not been aware that I had expected her to resign after the inquiry of September 2018: she saw no reason why she should have to.

*Evidence of Julian Oakley*

23. Mr Oakley, the maintenance provider until June 2019, stated that it had sometimes been hard work to get the vehicles in from the operator for maintenance. The relationship between him and the Youngs had been going downhill for the past two years. The vehicles were in a very tired condition, partly because of the tough work they had to carry out on the rural roads and lanes of Gloucestershire. The safety inspection interval should have been more frequent than 8 weeks. Mr Oakley had been unaware of the undertaking to have vehicles roller brake tested every 12 weeks. He had written to the operator asking whether a Bowmonk decelerometer test was satisfactory and had received no reply.

*Evidence of Nathan Harwood*

24. VE Harwood confirmed that the decelerometer brake tests did not conform to acceptable standards. It was clear to him that Gwendoline Young had frozen out Mr Berry as transport manager. Her knowledge was not that expected of a transport manager – she had never heard of the “Guide to Maintaining Roadworthiness” for instance.
25. VE Harwood mentioned the vehicle which had clearly been operated during the period when the vehicle file recorded it as being off road and there was a gap of 21 weeks between safety inspections. I looked at another vehicle file and saw from the driver defect reports and mileages that this vehicle too had been operated when it had been recorded as off the road. The VOR records appeared to be largely fictional. When I looked at the wall-chart I began to understand why – it was a mass of crossings out and confused entries. It was very difficult to tell at a glance which vehicles were VOR and which were not.

*Finances*

26. In closed session I examined the operator’s financial standing. Bank statements in the company’s name showed average available finances over three months of £xxxxxx, considerably short of the £88,000 required to support a licence of 19 vehicles. The operator stated that the value of its vehicles would bridge the gap and produced a copy of an (unsigned) document from Drew Wilson Coach Sales Ltd valuing four vehicles in its fleet at a total of £xxxxxx. The valuation estimated the timescale of a sale as between 6-8 weeks. Mr Young said that these vehicles were coaches previously used on private hire business: this side of the operator’s business had been wound down, to concentrate on the core school contract business.

### *Concluding remarks*

27. Summing up, Mr Culshaw accepted that the transport manger situation was unsatisfactory. The decision from the 2018 public inquiry had been ambiguous relating to Gwendoline Young. Edward Berry's application was to be an additional rather than a replacement transport manager. Gwendoline Young had never tendered her resignation. Until VE Harwood's visit this had never been flagged up as a concern. It was also accepted that Mr Berry had not exercised continuous and effective management as a transport manager. Gwendoline Young's view was that she had done that, albeit in a way which perhaps was not fully compliant. She would be prepared to undergo CPC refresher training. She was thus someone whom I could conclude *would* exercise continuous and effective management in the future. In addition, Kevin Young was booked to take the transport manager CPC exam in December 2019.
28. Mr Culshaw added that, if I were nevertheless minded to remove Gwendoline Young's repute, it was hoped that a period of grace could be given in which to appoint a new transport manager.
29. On the principal maintenance issues, Mr Culshaw accepted that the undertaking relating to roller brake tests had not been fulfilled straight away. But the new maintainer (since June 2019) was carrying them out. The lack of recording tyre tread depths would be addressed. There had only been one MOT failure since April 2019 and no roadside prohibitions (although there had been no roadside encounters either). VE Harwood had stated that the condition of the fleet was "mostly satisfactory".
30. Mr Culshaw asked me not to put the company out of business. The operator was embarrassed to be at public inquiry again. But its problems were in the "serious" rather than "severe" category. I could trust the company to implement its undertakings. It had become clear that 8-week inspections were not sufficient. But no one had suggested that safety inspections should be carried out more frequently [I noted at this point that the "Guide to Maintaining Roadworthiness" made precisely that recommendation for vehicles as old as the company's]. The company could survive a curtailment to its peak vehicle requirement of 17 vehicles, but a suspension of its licence would cost around £20,000 per week during school term time (the bulk of its work was now school contracts).

### **Consideration**

31. No one present at the inquiry into the operator in September 2018 could possibly have come away with any idea other than that I considered that transport manager Gwendoline Young was not up to the task of managing the licence and that she should be quickly replaced. The only reason I did not remove her repute was that I wished to give her the opportunity to retire gracefully.
32. I accept that I should have been more pro-active in subsequently ensuring that she did retire and that the newly nominated transport manager took her place. But even if I accept Mr Culshaw's proposition that there was some ambiguity over whether Mr Berry should be a replacement or an additional transport manager (which I do not), it is quite clear that the operator simply appointed Mr Berry in name only and never intended him actually to carry out a transport manager's duties. They did not notify him that he had been appointed when I accepted him onto the licence in April 2019 – he only found out subsequently through the internet. The contract of employment was risible, they did not pay him and I am satisfied that his requests to see paperwork were refused. So even on the operator's interpretation of what they had agreed to in September 2018 – the appointment of an additional transport manager – there was a complete failure to carry this out.

33. Worse, Kevin Young sought to conceal this from both DVSA and myself. The TM1 application form submitted by him in October 2018 stated that Mr Berry would be working 40 hours per week as a transport manager. In the event, no work was done. When VE Harwood visited in September 2019, Kevin Young told him that Mr Berry was on holiday that day but visited the yard most days: this was completely untrue.
34. In reality, the operation continued to be overseen, not by a competent transport manager as I had intended, but by the (unqualified) Kevin Young and Gwendoline Young whose performance as transport manager I had concluded in September 2018 was considerably below the expected standards. Unsurprisingly, the shortcomings discovered by VE Harwood in September 2019 were remarkably similar to those which had brought the operator to public inquiry in September 2018: excessive intervals between safety inspections, lack of information on the safety inspection sheets, an ineffective driver defect reporting system, inadequate brake tests, poor vehicle condition.

### **Findings**

35. I find that the transport manager Gwendoline Young lacks good repute (Schedule 3 of the 1981 Act refers). At the inquiry in September 2018 I clearly found that she had been an inadequate transport manager: on that occasion I refrained from removing her repute on the understanding that she would shortly step down. In the event she did no such thing. Not only that, but she completely failed to ensure that the undertaking relating to roller brake testing given at the 2018 inquiry was fulfilled or attend to the other shortcomings revealed at that inquiry. She continued to show all the inadequacies as a transport manager which had brought the operator to the 2018 inquiry. It became absolutely clear from her evidence at this (2019) inquiry that she has no idea of the responsibilities and duties of an up-to-date transport manager and, from her insouciant attitude, did not seem to appreciate that this was in any way important. On the more positive side of the balance she has said that she is prepared to attend a CPC refresher course, but this is far too little far too late. She should have attended such a course years ago.
36. I find that former transport manager Edward Berry lacks good repute. He must have known from the decision I issued in September 2018 that I attached weight to the appointment of a properly performing transport manager to the licence. In the TM1 form he signed in October 2018 he committed to work 40 hours a week for the operator. For some reason he then sat back until June 2019 before approaching the operator about the task. He then went for three further months on the licence being refused access to paperwork and carrying out none of a transport manager's duties. He should have resigned the moment he was first rebuffed, as it should have been obvious that no reputable operator would treat its transport manager in this way. By falsely stating that he would be dedicating 40 hours per week to the licence and by remaining on the licence long after it became clear that Mrs Young would not tolerate any interference, Mr Berry has given an outward veneer of professional competence to the licence when the reality was wholly otherwise. He deserves on this account to lose his repute.
37. As a result of the findings above, and given that the operator now does not have a valid transport manager, I find that the operator lacks professional competence (Section 17(1)(a) of the 1981 Act refers).
38. I find that the company George Young's Coaches Ltd lacks good repute (see also Section 17(1)(a)). Its director Kevin Young failed to fulfil the undertaking he gave in September 2018 to appoint a new transport manager. Whether he thought the requirement was for a new or additional transport manager is immaterial: he simply



went through the motions of appointing someone and never took any steps to ensure that that person actually carried out the transport manager role in practice. He knew that this was not what I required: that is why he attempted to hide Mr Berry's absence from both VE Harwood and myself. The other director Gwendoline Young connived in this attempt to evade the undertakings given at the September 2018 inquiry. The company's good repute cannot survive this behaviour by its two directors.

39. I find that the company has failed to fulfil its undertaking, given at the 2018 inquiry, that vehicles would be given roller brake tests every 12 weeks (Section 17(3)(aa) refers). As is clear from VE Harwood's report, there have been much longer gaps between roller brake tests. The operator's then maintainer was not even informed of the roller brake test requirement.
40. I find that the operator has failed to fulfil its undertaking to keep vehicles fit and serviceable. The inspection by the Gloucestershire County Council engineer found a vehicle in a poor condition to the extent that it terminated the contract for the use of that vehicle. When VE Harwood visited in September 2019 he inspected three vehicles and issued two vehicles with delayed prohibitions for seating defects, oil leaks and seat belt issues. The long lists of defects on most of the safety inspection sheets betoken a fleet in generally poor condition.
41. I find that the operator lacks financial standing (Section 17(1)(a) refers). The operator is some £xxxxx short of the amount it needs to demonstrate appropriate financial standing. The company is dependent on selling vehicle assets to raise sufficient funds to support the licence. The valuation of the vehicles is unlikely (according to the valuer) to be realised within a four week period. If the operator is relying on these assets it should have sold some of them a while ago in order to realise the funds.

#### *Balancing act*

42. In the course of reaching these findings I conducted a balancing act. On the negative side were the issues set out in the findings. I could find little concrete to put on the positive side: there was Kevin Young's intention to take the transport manager CPC exam in December 2019, as well as Gwendoline Young's preparedness to attend a refresher course. But against the operator's act of deception in the matter of appointing a new transport manager, and the consequent failure to effectively address the shortcomings in maintenance and the vehicles' condition, these positive aspects did not weigh heavily with me. I also note that Kevin Young previously expressed an intention at the September 2018 inquiry of qualifying as a transport manager, but all that happened subsequently (in October 2018) was that he emailed my office to ask if he could be accepted as a transport manager under acquired rights (which has not been possible for the last eight years).

#### *Priority Freight and Bryan Haulage questions*

43. Having found that the operator lacks good repute, professional competence and financial standing, revocation of the licence is mandatory under Section 17(1)(a) and (b) of the 1981 Act. However, before reaching these findings I also asked myself the "Priority Freight" question of how likely is it that this operator will comply in the future. Given that the 2019 inquiry has found almost exactly the same non-compliance issues that the 2018 inquiry found, and given that the operator has failed to fulfil its undertakings given at the 2018 inquiry, I conclude that the answer is "highly unlikely". A negative answer to the "Priority Freight" question would tend to suggest a positive answer to the "Bryan Haulage" question of whether the operator deserves to go out of business. Because of its dishonesty over the appointment of Mr Berry as transport manager and its failure to make any real improvements in compliance since 2018 I am persuaded that it does.

## Decisions

### *Revocation of licence*

44. For the reasons set out above, the licence is revoked pursuant to Sections 17(1)(a) and (b) and 17(3)(aa) of the 1981 Act. I am allowing the usual 28 day period before the revocation takes effect.

### *Disqualification of directors*

45. I have considered whether to make a disqualification order preventing Kevin Young and Gwendoline Young from holding an operator's licence in the future. Because of their personal responsibility for the failure to heed the requirements of the September 2018 inquiry I conclude that they should be so disqualified. In deciding upon the length of the disqualifications, I have taken account of paragraph 100 of the Senior Traffic Commissioner's Statutory Guidance Document 10. This posits a starting point of between one and three years for a first public inquiry and a period of between five and ten years where an operator has allowed drivers to falsify records or deliberately endangered people's safety. This is the operator's second inquiry within a relatively short space of time. Although I conclude that passengers in the operator's vehicles have on occasions been exposed to a degree of danger which would not have been the case in a well-run operation, I do not consider that this was a deliberate or reckless act by the operator. I have therefore decided upon a period of disqualification at the upper end of the range for a first public inquiry – three years.
46. Having concluded that transport managers Gwendoline Young and Edward Berry have both lost their reputation, I must also disqualify them from acting as such in the future, under Schedule 3 of the 1981 Act. Both hold the transport manager qualification by virtue of acquired rights so have never taken the CPC examination or (in Mrs Young's case) ever undertaken any formal training. In my judgement, neither possesses the competence or knowledge which is expected of a modern-day competent and reputable transport manager. A time-limited disqualification would be unhelpful, since the mere passage of time is unlikely to rectify these shortcomings. I am thus disqualifying them for an unlimited period of time and consider it would be best if they now retired and did not seek to act as a transport manager again. I would only be prepared to consider an application for the re-establishment of reputation if the applicant had taken and passed the transport manager CPC examination.



Nicholas Denton  
Traffic Commissioner  
22 November 2019