



WESTERN TRAFFIC AREA

Decision of the Traffic Commissioner

Public Inquiry in Launceston, 19 November 2019

DEALTOP (PLYMOUTH) LTD t/a TARGET TRAVEL

SUPPLEMENTARY DECISION

DECISION

PUBLIC PASSENGER VEHICLES ACT 1981 (the “1981 Act”)

Robert Risk is disqualified from holding or obtaining an operator’s licence or being involved in the management, administration or control of the transport operations of an entity that holds or obtains such a licence in Great Britain with effect from 17 February 2020 and for a period of two years.

Dealtop (Plymouth) Limited is disqualified from holding or obtaining an operator’s licence, including through shareholding of another entity that holds or obtains an operator’s licence in Great Britain with effect from 17 February 2020 and for a period of two years.

I make no order for disqualification of Lee Risk

BACKGROUND

1. I issued a decision revoking the licence of Dealtop (Plymouth) Ltd on 20 December 2019. I indicated that I was minded to disqualify the company and its constituent directors for periods between one and three years. I invited submissions on that prior to making my decision and adjourned that decision until 17 January. Those submissions have been received today.

That being the case, I find it is no-one's interest for me not to get on and make a decision now.

THE SUBMISSIONS

2. Mr Robert Risk and Mr Lee Risk have each provided submissions. They are complementary. In summary, each director asserts that Robert Risk was in sole control of the business and Lee Risk acted in an administrative capacity only, despite his status as a statutory director. Each asserts that the responsibility for the decisions taken to buy newer and/or additional vehicles were taken only by Robert Risk with Lee Risk in disagreement.
3. The submissions also identify the financial impact on the individuals and on employees, some of whom are of long-standing.

CONSIDERATION

4. I cannot know whether or not Lee Risk was actually opposed to the purchase of the vehicles which led to the company being unable to demonstrate financial standing. However, the assertions that all business decisions were taken by Robert Risk are fully aligned with the oral evidence I heard and I have no reason to doubt them.
5. The impact on employees was a consideration in my mind when I made my decision that the operation ought to be brought to an end. The relevance here is whether or not a door is left open for a new application which may preserve some employment.
6. Robert Risk has positives. He has always cooperated with DVSA. He has regard for those who he carries. I remind myself that the new operating centre is a significant improvement on the previous facility, that the three vehicles inspected by VE Balsdon were found clear of defects, that there has been investment in brake testing and that this is the first maintenance public inquiry, the 2015/16 inquiry having focussed on drivers hours and tachographs and that in 2018 on finance.
7. I balance these positives against the rash actions of Robert Risk following the grant of his increase in authority in February 2019. Having just demonstrated financial standing for that increase, he went on a spending spree which left him very far short of compliance and I find he fully knew that would be the outcome but preferred commercial growth and investment in image over compliance. Robert Risk was fully aware of the requirement for financial standing having had a licence revoked previously on that ground. His actions were grossly unfair to those operators who work hard to preserve their financial reserves, cutting their cloth accordingly. He acted with contempt for that mandatory statutory requirement, as he did when he operated inaccessible buses on a service route. ;

8. I find it is necessary for Robert Risk to reflect upon his actions and that any further entry to the industry by his son would benefit from not operating under his control. For those reasons, I disqualify Robert Risk from holding or obtaining an operator's licence or being involved in the management, administration or control of the transport operations of an entity that holds or obtains such a licence in Great Britain with effect from 17 February 2020 and for a period of two years.
9. I accept the submissions in relation to Lee Risk's role. Whilst he clearly did not fulfil his statutory duties, I accept that the familial relationship makes doing so more difficult. He has been subject to a licence revocation. I find that no further action is required but any re-entry to the industry will be subject to scrutiny and he will need to demonstrate that he is in charge.
10. To allow Lee Risk to demonstrate that he is having a new start, it is necessary that he is separated from Dealtop (Plymouth) Limited and the almost inevitable involvement of his father should he continue with that entity. For that reason, Dealtop (Plymouth) Limited is disqualified from holding or obtaining an operator's licence, including through shareholding of another entity that holds or obtains an operator's licence in Great Britain with effect from 17 February 2020 and for a period of two years.



Kevin Rooney
Traffic Commissioner for the West of England
10 January 2019