



EASTERN TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN CAMBRIDGE ON 24 FEBRUARY 2020

OPERATOR: MATHEW JOHN TAYLOR T/A MJT GRAB

LICENCE OF1138094

Decision

1. The restricted goods vehicle operator's licence held by Mathew John Taylor trading as MJT Grab is revoked with immediate effect pursuant to Sections 26(1)(c)(iii), (f) and (h) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. Mathew John Taylor is disqualified for five years, until 24 February 2025 from holding or obtaining any type of

Background

Operator details

1. Mathew John Taylor t/a MJT Grab holds a restricted goods vehicle operator's licence (OF1138094) for two vehicles. There is one vehicle specified on the licence.

DVSA Report

2. DVSA traffic examiner Anita Barwell has submitted a report of an encounter with a vehicle operated by Mathew Taylor on 9 April 2019. Her report stated that:
 - i) the vehicle, MX54 AWW, had initially been indicating to turn into the site where DVSA was present but had continued down the road when it had seen the DVSA's vehicle;

- ii) a man was seen walking away from the vehicle shortly afterwards – this man later returned to the vehicle and identified himself as Mathew Taylor. Mr Taylor stated that he did not know who had been driving the vehicle;
- iii) Mr Taylor did not have the driving entitlement to drive the vehicle, having only a provisional licence for category C;
- iv) the vehicle was declared SORN and was thus not taxed;
- v) the vehicle was displaying a disc belonging to another operator but had been removed from that operator's licence in February 2018, more than a year previously. It was not specified on Mathew Taylor's licence;
- vi) there was no tachograph chart in the vehicle's tachograph unit;
- vii) the vehicle had been issued with prohibitions for bald and underinflated tyres and for an insecure road spring;
- viii) Mathew Taylor failed to respond to a subsequent DVSA request to produce maintenance and drivers' hours records, and failed to respond to an invitation to interview.

Public inquiry

- 3. In the light of the above report, Mathew Taylor was called to a public inquiry. The call-up letter was issued on 20 January 2020, with the inquiry to take place in Cambridge of 24 February 2020.
- 4. Mathew Taylor has failed to appear at today's inquiry, so I have taken a decision on the documentary evidence available.

Findings

- 5. In the light of TE Barwell's report, I make the following findings:
 - i) the operator has failed to fulfil its undertaking to keep vehicles fit and serviceable: MX54 AWV was in a lamentable state when it was encountered by DVSA on 9 April 2019. A road spring leaf was insecure and likely to fall from the vehicle; the nearside outer tyre was of a different size from its inner twin; the nearside rear inner tyre was worn beyond the legal limit and was also seriously under-inflated (Section 26(1)(f) of the 1995 Act refers);
 - ii) the vehicle was issued with four prohibitions (three of them immediate) for the above issues (Section 26(1)(c)(iii) refers);
 - iii) the operator has failed to fulfil its undertaking to ensure the lawful operation and driving of vehicles. The vehicle was untaxed. I am also satisfied that the vehicle was being driven illegally by Mathew Taylor, as DVSA saw one man walking away from the vehicle and this man later returned and proved to be Mr Taylor;
 - iv) by failing to respond to DVSA's request for information and call to interview and by failing to appear at today's inquiry, Mathew Taylor has shown that he is not fit to hold an operator's licence (Section 26(1)(h) refers).

Balancing exercise and conclusions

- 6. There is nothing to put on the positive side of the balance – Mathew Taylor's refusal to engage with the authorities has meant he has passed up the chance of offering any mitigation. The answer to the *Priority Freight* question of how likely is it that the

operator will comply in the future is – in the light of the operator’s behaviour to date – extremely unlikely. All the evidence demonstrates that Mathew Taylor sees no need to run his vehicle(s) in a compliant manner and has no intention of engaging with the authorities. I conclude that he thus deserves to go out of business.

Decisions

Operator licence

7. In the light of the above, I have decided to revoke the licence, and am doing so with immediate effect. The revocation is pursuant to Section 26(1)(c)(iii), (f) and (h) of the 1995 Act.

Disqualification

8. For the reasons outlined above, and having performed the same balancing act described therein, I conclude that Mathew John Taylor should be disqualified under Section 28 from holding a licence in the future. In deciding upon the length of the disqualification, I have taken account of paragraph 100 of the STC’s Statutory Guidance Document 10. This posits a starting point of between one and three years for a first public inquiry (this is Mr Taylor’s first) and a period of between five and ten years in serious cases where, for example, an operator has knowingly operated unsafe vehicles. Because of the seriousness of this case (an unsafe, untaxed vehicle being driven by someone who had only a provisional licence) I conclude that a disqualification period of five years is proportionate and appropriate.



Nicholas Denton

Nicholas Denton
Traffic Commissioner
24 February 2020