



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 11 MARCH 2020

APPLICANT: SUKHVIR KAUR T/A MIDLAND COACHES

Decision

1. The application made by Sukhvir Kaur trading as Midland Coaches for a standard national PSV operator's licence is refused pursuant to Section 14ZA of the Public Passenger Vehicles Act 1981 (the 1981 Act").

Background

1. On 19 October 2019 Mrs Sukhvir Kaur t/a Midland Coaches applied for a standard national PSV operator's licence for one vehicle. The nominated transport manager was Nirmal Singh Johal.
2. In considering the application, the central licensing office (CLO) in Leeds noted that Sukhvir Kaur had had an application for a restricted PSV licence refused in 2014, as she did not meet the main occupation criteria. This refusal was not declared on the current application.
3. CLO further noted that Mrs Kaur's husband, Mr Major Singh, had had an application for a PSV operator's licence refused at a public inquiry in January 2016 as the then traffic commissioner found he had been operating PSVs illegally by using photocopies of discs issued to another operator. The traffic commissioner described Major Singh as "a dishonest manipulative individual" and a "rogue operator". He concluded that "had I power to order a disqualification under Section 28 of the Transport Act 1985 I would have done so." The commissioner did disqualify Major Singh from holding PSV driver entitlement for a period of two years.
4. The original application from Sukhvir Singh proposed to use a residential address as the operating centre. A letter from Major Singh was provided, confirming that he gave permission for this address to be used to park a PSV. In correspondence with CLO, Sukhvir Kaur stated that the only involvement Major Singh would have in the business would be as a driver.
5. Concerned that this application might be a front for Major Singh, I decided to consider it at a public inquiry.

Public inquiry

6. The inquiry was held on 11 March 2020 in Birmingham. Present were Sukhvir Kaur (assisted by a Punjabi interpreter) and prospective transport manager Nirmal Johal.
7. Mrs Kaur stated that she intended to operate a 16 seater minibus. She had not yet acquired a vehicle. I asked how she proposed to finance the vehicle given that she was only just showing sufficient financial standing to support one vehicle which she had yet to acquire. She stated that she intended to purchase it by credit card and gradually pay the balance off. I asked what her forecast income stream was: she stated that she did not have a business plan but would wait for the first bookings and see how it went. She intended to tender for a school contract but, when asked, did not know how much income such a contract might bring in. She did not know how many hours her transport manager would be working (although the figure of 10 hours had been entered on the TM1 application form) and was intending to pay him about £50 per week, to rise as business increased.
8. I asked Mrs Kaur whether she was aware that there was already an operator named Midland Coaches (in this case a limited company) and that it would therefore not be possible to trade under that name. She was not so aware.
9. I noted that the “parking permission” letter from Major Singh on page 58 of the brief was remarkably similar in form to a supposed letter from a Piara Singh on page 59 (giving permission to park at a separate and more suitable operating centre) and letters from Sukhvir Kaur herself on pages 61 and 64. All letters appeared to have been written by the same person. Sukhvir Kaur’s letter (undated) on page 61 was strange in that it referred to herself in the third person (eg “she forgot to present the bank statements showing her financial standing...”) which suggested that someone else might have written it. Sukhvir Singh told me that she had written all of the letters, presenting the parking permission letters to Major Singh and Piara Singh for them to sign. She had had help from her son with the letter on page 61, which explained the reference to her in the third person.
10. I asked Sukhvir Kaur what her intended maintenance inspection interval was. I noted that Mr Johal showed four fingers to her at this point. She also had to flick through the papers to find the promised inspection interval in the application before correctly answering that it was four weeks.
11. I asked prospective transport manager Nirmal Johal whether he thought £50 a week was sufficient recompense for 10 hours work for a professionally qualified transport manager. As an hourly rate, it would be substantially below the minimum wage. He stated that it was not a finally agreed amount. He stated that he had only a verbal contract with Sukhvir Kaur (despite having signed the TM1 application form confirming that he had a contract specifying in detail nine separate issues).
12. I asked why Mr Johal’s letter to CLO on page 65 of the brief also referred to him in the third person (“The transport manager has continually worked for various operators.....”). The natural thing would have been to say “I have continually worked for various operators...” Had the letter been written by someone else? Mr Johal stated that he had written it.
13. I noted that Mr Johal had stated in the letter that he was planning to take a CPC refresher course in early 2020. Had he done so? Mr Johal stated that owing to family health difficulties he had not.

14. In conclusion, Sukhvir Singh stated that she had some experience of taxi work. She would have to talk to people to get an idea of the income a minibus could bring in. But she wanted to give it a go.

Conclusions

15. Sukhvir Kaur appeared to have remarkably little idea about the likely costs and income involved in the operation of a PSV. I received the very strong impression that she was not the controlling mind behind this application. This was reinforced by the remarkable similarity, in style, content and spelling mistakes, between much of the correspondence involved in the application process even though this correspondence purported to come from different people. I was not persuaded by Mrs Kaur's explanation that she had written them all. I concluded that it was more likely than not that this application is a front for Major Singh who might well have feared that his past history would prevent an application direct from him from being granted. It stretches credulity to imagine that Mrs Kaur, who clearly knew almost nothing about the prospects for profitably operating a PSV, and who was unfamiliar with various crucial parts of the application (eg TM hours and vehicle inspection intervals) would be the controlling mind of an operation where the driver of the sole PSV on the licence was her husband Major Singh.
16. Even if this were not the case, I was not persuaded that Mrs Kaur would have appropriate financial standing if her application were granted. Her plan of buying a PSV using a credit card is unrealistic, and she had no idea of what income stream would be necessary to ensure that the debt and interest could be paid along with all the other costs of the business.

Decision

17. In the light of the above, I am not satisfied that Sukhvir Kaur is of the good repute and has the financial standing required for a standard national licence to be granted. The application is therefore refused under Section 14ZA of the 1981 Act.



Nicholas Denton

Nicholas Denton
Traffic Commissioner
11 March 2020