



**WEST MIDLANDS TRAFFIC AREA**  
**DECISION OF THE TRAFFIC COMMISSIONER**  
**VIRTUAL PUBLIC INQUIRY HELD ON 20 MAY 2020**  
**OPERATOR: P B WHOLESALE LTD**  
**LICENCE OD2023561**

**Decision**

1. The restricted goods vehicle operator's licence held by P B Wholesale Ltd is revoked with immediate effect pursuant to Sections 26(1)(a), (e), (f) and (h) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. P B Wholesale Ltd and Palwinder Singh Bagri are disqualified for two years, until 21 May 2022, from holding or obtaining any type of operator's licence in any traffic area and (in Mr Bagri's case) from being the director of any company holding or obtaining such a licence, pursuant to section 28 (1), (4) and (5) of the 1995 Act.

**Background**

*Operator details*

1. P B Wholesale Ltd holds a restricted goods vehicle operator's licence (OD2023561) for one vehicle. There are no vehicles currently in possession. The licence was granted on 14 August 2019. The authorised operating centre is at Unit 1, Neachells Lane, Wolverhampton WV11 3QG. The sole director of the company is Palwinder Singh Bagri.

*DVSA Investigation*

2. On 13 August 2019, the day before the licence was granted, DVSA traffic examiner Kathrine Cox noticed a 7.5 tonne vehicle GK11 OLC parked at Birmingham Wholesale Market. The vehicle was not displaying a licence disc nor was it specified on any licence. On the driver's cab door there was a sticker of the company FPG UK Ltd. Further inquiries elicited the information that the vehicle had been registered to P B Wholesale Ltd since August 2018. The vehicle had been frequently sighted by ANPR carrying out trips from Birmingham to London and was being parked when not in use at FPG UK Ltd's unit at the Wholesale Market.

3. Further investigations were carried out by DVSA in the following weeks and ensuing reports noted that:
- i) the vehicle GK11 OLC (specified on P B Wholesale's licence on 27 August 2019) was not being parked at the authorised operating centre in Neachells Lane Wolverhampton but at Birmingham Wholesale Market or at Rye Farm in Sutton Coldfield;
  - ii) director Palwinder Singh Bagri said that he had been operating under the licence of Root Global Ltd until P B Wholesale Ltd had been granted its own licence. This claim was denied by the director of Root Global Ltd;
  - iii) P B Wholesale Ltd, although possessing only a restricted licence (from 14 August 2019), accepted that on occasion it had carried goods for FPG UK Ltd;
  - iv) no tachograph records were available;
  - v) only three preventative maintenance inspection reports were available, dated 25 March, 18 July and 10 October 2019. The company had undertaken in its application form to have the vehicle inspected every six weeks;
  - vi) there was no evidence of any measured brake testing;
  - vii) no driver defect reports were available. Mr Bagri stated that they had all perished in a fire in the vehicle cab in October 2019.

#### **Public inquiry**

4. Concerned by this report, I called P B Wholesale Ltd Price to a public inquiry. The inquiry was originally due to be held in Birmingham on 24 March 2020. However, owing to the COVID-19 crisis, this was postponed and a virtual public inquiry was eventually held on MS Teams on 20 May 2020. Present were company director Palwinder Singh Bagri, Steve Rounds of Steve Rounds Associates Ltd (representing the company), DVSA vehicle examiner Paul Matthews and traffic examiner Kathrine Cox.
5. Giving evidence, Palwinder Singh Bagri made the following points:
- i) although he had specified on the application form that the vehicle would be given safety inspections every six weeks, the form had been filled in by a consultant and he had not read it before signing;
  - ii) he had been told by "someone" that it was "all right" to have safety inspections every 12 weeks and to carry a third party's goods on a restricted licence;
  - iii) he had thought that, once he obtained an operator's licence, he could park his vehicle wherever he liked;
  - iv) he had worked for Root Global Ltd and operated under their licence until December 2018. The arrangement was not documented. Asked why he had not ensured that a vehicle disc was affixed to his windscreen he stated that he had not been aware of the requirement for vehicles to display discs;

- v) he accepted that he had not had the equipment to download driver cards or tachograph units and that no analysis of drivers' hours had been carried out.
6. Mr Rounds said that Mr Bagri now knew and fully accepted that what he had done was illegal. He had been wrongly advised by others in the industry. The reports of the vehicle and traffic examiners were not disputed. The business had ceased trading since the vehicle fire in October 2019 but Mr Bagri would like to be able to apply for a standard national licence under the supervision of a properly qualified transport manager.

### Findings

7. After considering the evidence, I make the following findings:
- i) the company has used unauthorised operating centres (Section 26(1)(a) of the 1995 Act refers). The vehicle has in fact never been kept at the authorised operating centre in Neachells Lane;
  - ii) the company has failed to fulfil the promise, made on application, that the vehicle would be given a safety inspection every six weeks (Section 26(1)(e) refers);
  - iii) the company has failed to fulfil its undertaking to ensure that the rules on drivers hours and tachographs would be observed (Section 26(1)(f) refers). There was never any attempt to download or analyse tachograph data;
  - iv) the company was operating for a full year before an operator's licence was granted. Although it applied for and was granted a restricted licence, it has carried goods for other companies, notably Root Transport Ltd and FPG UK Ltd. There is no evidence to support Mr Bagri's assertion that the vehicle was operated under the licence of Root Global Ltd: indeed the director of Root Global has flatly denied it.

### Conclusions

8. Had I been aware, when I granted the licence on 14 August 2019, that P B Wholesale had been already been operating a vehicle for a full year, with minimal regular safety inspections and no supervision of drivers' hours, I would not have granted the application. Palwinder Singh Bagri has embarked upon the business of HGV operating without the slightest idea of the rules on safety with which he was required to comply. He has made zero attempt to familiarise himself with these rules. Reading the application form, which sets out basic expectations regarding compliance, would have been a start, but he failed to do even that.
9. I carried out a balancing exercise. On the negative side were the findings set out above. I found very little on the positive side, apart from the intention to get things right (with the help of a transport manager) in the future. In my view, this good intention is heavily outweighed by the negligent and illegal way in which Mr Bagri and the company have operated.
10. In the light of the above, I conclude that P B Wholesale Ltd and its sole director Palwinder Singh Bagri are not fit to hold an operator's licence (Section 13B and 26(1)(h) refer). In reaching this conclusion I asked myself the *Priority Freight* of how likely it is that the operator will comply in the future. As Mr Bagri has made no effort to acquire the knowledge necessary to operate compliantly, I conclude that it is highly unlikely. The answer to the *Bryan Haulage* question of whether the company deserves to go out of business is that it does, although it may in fact be able to continue to deliver produce in a smaller vehicle of 3.5 tonnes.

## Decisions

### *Operator licence*

11. The licence is revoked under Section 26(1)(a), (e), (f) and (h) of the 1995 Act. As the company has not operated an HGV since October 2019 and no notice is therefore required in order to wind down operations, the revocation takes effect immediately.

### *Disqualification - operator*

12. Because of the company and Mr Bagri's wholesale failure to operate legally and compliantly, I have determined that they should be disqualified from holding or obtaining an operator's licence. 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 (which this is). The prolonged illegal operation and complete failure to abide by undertakings given justify a disqualification longer than a year. I have fixed upon a disqualification period – two years – in the middle of the range.

  

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Nicholas Denton  
Traffic Commissioner  
21 May 2020