



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

VIRTUAL PUBLIC INQUIRY HELD ON 20 MAY 2020

**OPERATOR: SARJEET SINGH
T/A GO GO TRANSPORT SERVICES
PD1099592**

Decision

1. The restricted PSV operator's licence held by Sarjeet Singh is revoked pursuant to Section 13(3)(b)(ii) and Section 17(3)(aa) and (e) of the Public Passenger Vehicles Act 1981 ("the 1981 Act") with effect from 0001 hours on 1 September 2020.

Background

1. Sarjeet Singh trading as Go Go Transport Services holds a restricted PSV operator's licence (PD1099592) for one vehicle. The licence was granted in December 2010.
2. In April 2019 Mr Singh attended a public inquiry in Birmingham after DVSA had found him to be using a photocopied vehicle disc. In the course of that inquiry I formed the strong impression that operating PSVs was Mr Singh's main occupation (rendering him ineligible to hold a restricted PSV licence), as the income from the PSV side of his business seemed to exceed that from the taxi side of the business (the claimed main occupation). Mr Singh's explanation was that much of the income and expenditure on the taxi side of the business was in cash and therefore did not appear in his bank account records.
3. In the end I gave Mr Singh the benefit of the doubt on this question, but secured a number of undertakings from him for the future. These included undertakings to the effect that:
 - i) he would keep records of the monthly income and expenditure, and of hours worked, relating to each side of his business: PSV minibus and taxi. These records should be made available to DVSA or the traffic commissioner on request. If in two consecutive months the net income from, or the hours worked on, the minibus side of the business exceeded the income from or the hours worked on the taxi side of the business, he would apply for a standard licence;
 - ii) all income from the taxi side of the business would henceforth be banked;

- iii) he would keep a record of the hours he spent driving i) the minibus; and ii) the taxi, to ensure that drivers' hours rules were observed.
4. Mr Singh gave a further undertaking to the effect that his vehicle would be given roller brake tests at least every three months (in addition to the test at MOT) and that records would be kept of the results.

DVSA Report

5. In February 2020 I received a report from DVSA vehicle examiner David Wynn. This stated that:
- i) Sarjeet Singh was exceeding the stated eight week safety inspection intervals, with some nine week intervals and one of 12 weeks;
 - ii) although roller brake tests were being carried out as per the undertaking, the first two had been failures. Although Mr Singh had carried out work on the brakes following the failures, the vehicle had not been re-submitted for a brake test to see if it now passed. The first roller brake test pass result had not been achieved until September 2019, five months after the April 2019 public inquiry;
 - iii) at 33% the operator's MOT pass rate was well below the national average of 92%. Although the number of presentations were few (one failure from three presentations) it was disappointing that the failure had been for inadequate parking brake performance, since regular roller brake testing was supposed to be now carried out.

Public inquiry

6. Concerned by this report, I called Sarjeet Singh to a public inquiry. This was originally to be held in Birmingham on 24 March 2020, but because of the COVID-19 crisis was eventually held on MS Teams on 20 May 2020. Present were Sarjeet Singh, accompanied by his daughter and represented by Eliot Willis, solicitor at NA Legal. DVSA vehicle examiner David Wynn was also present.
7. An emailed letter dated 5 May 2020 to Mr Singh from my clerk had requested him to submit, by 18 May at the latest, the records of monthly income and expenditure from the taxi and PSV sides of the business (the records he had undertaken to keep at the inquiry in April 2019). In the end, despite several reminders from my clerk, these records were not submitted by Mr Willis on Mr Singh's behalf until 1327 hours on 20 May, 33 minutes before the inquiry was due to start.
8. Mr Willis informed me that Sarjeet Singh's main occupation since the start of 2020 was now a caterer, not a taxi operator. The bank statements submitted appeared to show that the income from the PSV side of the business greatly exceeded that from the catering side. The monthly income/expenditure record compiled and submitted by Mr Singh showed a more equal picture. I asked Mr Singh why he had submitted these records so late: he replied that he had not been keeping the records in a precise monthly format (although that was the requirement of the undertaking) and had therefore had to work to reformat them. I asked why much of the proceeds from the catering business did not seem to be showing up in the bank account and was told that most of the proceeds were in cash. A lot of the expenditure was also in cash and that explained why the bank account was not fully reflective of the volume of business. I noted that this was exactly the same explanation given to me by Mr Singh in April 2019 and which I thought I had dealt with through his undertaking to bank all cash income. I asked him why he had not done this: he explained that the bank was not nearby and it was not always convenient to bank cash there. I noted that the

failure to bank cash did not seem to be a result of the COVID-19 crisis, as the records referred to January and February 2020.

9. Sarjeet Singh also provided catering invoices in support of his claim that catering was his main occupation. I noted that the invoices were addressed to “Miss Jain GoGo Catering”, not to Sarjeet Singh t/a GoGo Transport Services. Mr Singh explained that the card was in her name so it was easier to do it that way. I asked if the catering business was a partnership arrangement: he said it was not.
10. On the issue of missing the eight week safety inspections, Mr Singh said that they had slipped his mind. When he had remembered they were due, it had not always been possible to book the vehicle in quickly.
11. On the issue of roller brake tests, Mr Singh stated that he had taken the vehicle for a re-test after he had done work on it following a brake test failure result, but the garage to which he had taken the vehicle did not have the facility to print the results out. I noted that the undertaking to which he had agreed included the requirement to keep a record of brake test results.
12. Summing up, Mr Willis noted that, as well as fulfilling an undertaking given at the 2019 inquiry to attend an operator licence management course, Mr Singh had also done much more than was required by attending a ten day transport manager CPC study course (although unfortunately he had failed the subsequent exam). A new maintenance provider had been lined up; the vehicle examiner’s report had commented favourably on the quality of driver defect reporting and his inspection of the vehicle had found no issues. Mr Singh had had roller brake tests at each safety inspection, ie more frequently than required by the undertaking. He had been a good operator for many years and deserved to be allowed to continue. If I was minded to revoke the licence on main occupation grounds, he asked for time for Mr Singh to apply for a standard national licence.

Conclusions

13. I am disappointed that, after giving Sarjeet Singh the benefit of the doubt in April 2019 concerning his main occupation and impressing upon him (by securing undertakings) the importance of keeping records and banking cash, he has failed to make the necessary changes. He has not kept records in the stipulated monthly format (hence the delay in supplying them to the inquiry); he has not banked cash as he said he would. Instead, he has simply repeated the excuses he made last April as to why his bank statements appear to show that most of his income comes from PSV operations. The substantive evidence – in the form of the bank statements and invoices presented – shows clearly that PSV operation **is** his main occupation and I make a formal finding to this effect. This time I am not prepared to give him the benefit of the doubt on supposed cash transactions, particularly when there is evidence to suggest that the catering business is run by another person, either alone or at least in partnership with Mr Singh.

Decision

14. Having found that operating PSVs is Sarjeet Singh’s main occupation, it follows that he is not entitled to hold a restricted PSV operator’s licence. I am therefore revoking his restricted licence pursuant to Sections 13(3)(b)(ii) and Section 17(3)(aa) and (e) of the 1981 Act. Given the current conditions, I am prepared to allow a reasonable period of time (as requested by Mr Willis) for him to apply for a standard licence. The revocation will thus take effect at 0001 hours on 1 September 2020. If Mr Singh does apply for a standard licence, he will need to bring a much more rigorous and professional approach to vehicle maintenance schedules than he has done with the restricted licence.

Nicholas Denton

Nicholas Denton
Traffic Commissioner
22 May 2020