



WEST MIDLANDS TRAFFIC AREA
DECISION OF THE TRAFFIC COMMISSIONER
PUBLIC INQUIRY HELD IN BIRMINGHAM ON 16 JULY 2020
OPERATOR: KHAN PALLETS LTD
LICENCE OD1131374

Decision

1. The restricted goods vehicle operator's licence OD1131374 held by Khan Pallets Ltd is revoked with immediate effect, pursuant to Section 26(1)(a) and (h) of the Goods Vehicles (Licensing of Operators) Act 1995.

Background and Reasons

1. Khan Pallets Ltd sought to continue its licence for a further five-year period in October 2019. The continuation checklist it provided showed insufficient financial resources for the five vehicles it was at that time authorised to operate. There were also indications that it had left its authorised operating centre.
2. Attempts by the central licensing office in Leeds (CLO) to resolve these issues elicited no response from the operator. Accordingly, my office wrote to the operator on 4 December 2019 saying that I proposed to revoke the licence unless the operator responded by 27 December requesting a public inquiry.
3. Director Inamullah Munir responded to the "propose to revoke" letter, saying that he had been absent on leave: he requested a public inquiry. This was duly arranged for 19 March 2020. Two days before the inquiry, Mr Munir contacted us to say that he had developed xxxxxxxxxxxx symptoms and asked for the inquiry to be postponed. I asked the company, pending the inquiry, to agree to voluntarily curtail its licence to the two vehicles in possession, which it did.
4. A virtual public inquiry, via video link, was subsequently arranged for 10 June 2020. The call-up letter was sent on 19 May. On 2 June I received a letter from the operator's solicitors, saying that the company was unable to participate in a virtual inquiry and "respectfully requested the opportunity to appear in person on a future date." Director Inamullah Munir "very much wished to appear to present the operator's case." I agreed to the postponement of the inquiry until a physical inquiry in Birmingham could be

arranged. Such an inquiry was subsequently arranged, for 16 July 2020: the operator was notified of this on 30 June 2020.

5. On 13 July I received an email from the operator's solicitors saying that they were no longer acting for the company as their attempts to communicate with it had failed. On 14 July CLO in Leeds received a surrender request, dated 9 July 2020, from the operator. The operator did not communicate with my office.

Conclusion

6. A "propose to revoke" letter was issued to Khan Pallets Ltd as long ago as 4 December 2019. Twice a public inquiry has been postponed at the behest of the operator. On the third occasion, the operator submitted a surrender request seven days before the inquiry was due. The company's prevarications have in effect enabled it to prolong the licence from 27 December 2019 until the present day. Three public inquiry slots have been scheduled and unused.
7. In the circumstances described above, I have decided that I am not prepared to accept the surrender of the licence but am instead revoking it under Section 26(1)(a) – use of an unauthorised operating centre – and Section 26(1)(h) – material change in the financial circumstances of the company. The operator states that it has already destroyed the discs and licence, so the revocation will take immediate effect.



Nicholas Denton
Traffic Commissioner
16 July 2020