



SOUTH EASTERN AND METROPOLITAN TRAFFIC AREA

DECISION OF THE DEPUTY TRAFFIC COMMISSIONER

**PUBLIC INQUIRY HEARD AT IVY HOUSE, IVY TERRACE, EASTBOURNE ON 11
AUGUST 2020**

OK2032474 CELERITY LS LTD

Decision

This application for a standard international operator's licence is refused on the grounds that I am not satisfied that repute has been made out in accordance with the requirements of Section 13A of the Goods Vehicles (Licensing of Operators) Act, 1995.

Background

- 1. On the 22 April 2020 the applicant Celerity LS Ltd applied for a standard international licence for 5 vehicles and 3 trailers. The sole director of the company is Steven Field and the proposed transport manager is Ludovic Stefan Muntyan.**
- 2. When the application was scrutinised, it was noted that Mr Field had been a director and transport manager for a company Parasol Worldwide Limited whose licence had been revoked on the 31 October 2014. Mr Field lost his repute as a transport manager and was disqualified indefinitely for acting in that capacity at a separate hearing on the 9 December 2014. These previous matters were not declared by Mr Field and a decision was made to consider the application at a public inquiry.**
- 3. It was also noted that an earlier application had been made in October 2013, i.e. prior to the revocation of the licence for Parasol Worldwide Limited, by a company Virtual Link Enterprises Limited with Mr Field**

nominated as transport manager.

The Public Inquiry

4. Mr Field attended the public inquiry together with the proposed transport manager Mr Muntyan. Neither of the parties were represented.
5. Mr Field gave evidence and told me that his failure to declare details of the revoked licence and his disqualification on this application was an oversight. He said that the liquidation of the company Parasol Worldwide Limited had been mainly a result of fraudulent activity by a former business partner during the period 2010 to 2011. He had also been dealing with personal issues concerning the illness of his father and father-in-law. A CVA had been entered into for the company but this had not proved successful as payments could not be maintained and eventually the company went into liquidation. A document had been sent in advance of the inquiry showing that the balance of creditors' claims was circa £165,000.
6. Mr Field told me that a company called DBO had been responsible for the CVA and subsequent liquidation and he had tried to contact an individual there to obtain a report as part of this application but had been unable to do so. I pointed out to him that the record from Companies House showed the company as still active and it appeared that the liquidation had not been finalised. He said that he could not explain this as that had been the responsibility of DBO. The application by Virtual Link Enterprises, which had been made just before the demise of Parasol Worldwide Limited had been made by a friend and was not an attempt to circumvent the loss of a licence.
7. Mr Field confirmed that he was a director of 10 active companies although he said that not all of them were trading. The applicant company had been using small vans to undertake delivery work and the plan is to use larger vehicles to move goods between depots if a licence is granted.
8. I asked Mr Field about his failure to attend the two inquiries before the Traffic Commissioner in 2014 and he said that he had not received any correspondence about the hearings and would have attended if he had known about them. I pointed out the findings made by the Traffic Commissioner at the hearing on the 9 December 2014 and in particular "the apparent serious dishonesty Mr Field showed in claiming that the company had appropriate financial standing when in fact it had defaulted on the promised payments to creditors under the CVA and was the subject of a winding up order." Mr Field said that he had probably completed the financial details on the continuation checklist for Parasol Worldwide believing he had the money required but this was before the creditors, in

particular the banks and DBO, took their money.

9. I also heard from Mr Muntyan who outlined his current duties as a transport manager for another operator and what his plans were for this company.

Findings and Decision

10. Section 13A of the Goods Vehicles (Licensing of Operators) Act, 1995 requires me to be satisfied that an applicant for a standard licence has an effective and stable establishment in Great Britain, is of good repute, of appropriate financial standing and is professionally competent. It is for the applicant to demonstrate, on the balance of probabilities, that all these criteria are met.
11. In this case the criterion that is under consideration is repute. Mr Field is the sole director of the company and the licence held by a previous company of which he was the director was revoked in 2014. His personal repute as a transport manager was lost in December 2014 and he was disqualified indefinitely from acting in that regard, He has not regained his repute as a transport manager since then.
12. The finding made by the Traffic Commissioner regarding the completion of what appear to be incorrect financial details in 2014 when attempting to renew a licence is particularly relevant. I did not find the explanation given by Mr Field to me for this plausible. I also find it more likely than not that he received the letters concerning the public inquiries in 2014. They were sent by recorded delivery and ordinary post, not returned, and Mr Field told me that he was living at the time at the address shown on the relevant correspondence.
13. The absence of a report from the liquidator is an additional factor and of concern. This is normally provided upon request by a director of the liquidated company and assists Traffic Commissioners in understanding the circumstances of the liquidation and being reassured that nothing untoward has taken place. Enquiries made by the Office of the Traffic Commissioner which were answered after the inquiry, revealed that the Official Receiver was appointed as liquidator and has conduct of the administration. This does not make understanding the circumstances of the liquidation clearer but does show that the enquiries made by Mr Field to obtain details were limited. The fact that Mr Field failed to declare the details of the previous licence and its' revocation when applying for this licence adds an additional negative aspect to my consideration of repute. I do not accept that it was simply an oversight.
14. Having taken all the above into account I am not satisfied that repute has been made out in this application and it is refused as a result. This relates

only to Mr Field as sole director and does not impact on the proposed transport manager Mr Muntyan. He presented as a competent, professional transport manager and this decision does not tarnish his reputation in any way.

A handwritten signature in black ink, appearing to read 'John Baker', written in a cursive style.

John Baker
Deputy Traffic Commissioner

12 August 2020