



**Neutral Citation Number: [2026] UKUT 17 (AAC)**  
**Appeal No. UA-2025-000853-T**

**IN THE UPPER TRIBUNAL  
ADMINISTRATIVE APPEALS CHAMBER**

**Mohamed Abdulahi Omer**

**Appellant**

**Before:** **Upper Tribunal Judge Citron and Upper Tribunal Members  
James and Luckett**

Hearing date: 1 December 2025  
Hearing mode: Cloud Video Platform

**Representation:**  
Appellant: did not attend and was not represented

**On appeal from:**  
Decision maker: Traffic Commissioner  
Ref: PH2080691  
Date of decision: 19 June 2025

**SUMMARY OF DECISION**

**100 Transport – Traffic Commissioner Appeals**

**100.1 Applications**

**100.5 Restricted licences**

**100.15 Public service vehicles**

The Traffic Commissioner refused the appellant's application for a restricted PSV operator's licence as insufficient evidence had been provided that this activity would not be the appellant's main occupation (reflecting the requirements of section 13(3)(b) of the Public Passenger Vehicles Act 1995). The Traffic Commissioner also decided that the appellants' conduct in relation to his application (in not providing the required information about his other business activities, despite it having been requested) had been frivolous or unreasonable, such that there was no need to give the appellant an opportunity to state his case at a public inquiry (reflecting regulation 6 of the Public

Service Vehicles (Operators' Licences) Regulations 1995). The Upper Tribunal found that that the Traffic Commissioner's decisions could not be said to be wholly wrong and so dismissed the appeal.

*Please note the Summary of Decision is included for the convenience of readers. It does not form part of the decision. The Decision and Reasons of the judge follow.*

## **DECISION**

The decision of the Upper Tribunal is to **dismiss** the appeal.

### **Subject matter**

Restricted PSV licence – main occupation requirement

### **Cases referred to**

*Bradley Fold Travel Ltd & anor v Secretary of State for Transport* [2010] EWCA Civ 695

*Hukin t/a Red Fox Travel* [2017] UKUT 0226 (AAC)

## **REASONS FOR DECISION**

### **The decision appealed against**

1. The appellant appealed to the Upper Tribunal against a decision of a Traffic Commissioner (the “**TC**”) in a letter (the “**decision letter**”) from the office of the TC (“**OTC**”) dated 19 June 2025 refusing the appellant’s application for a restricted PSV operator’s licence under the Public Passenger Vehicles Act 1995. (In what follows (unless the context otherwise indicates), references to “sections” or “s” are to sections of that Act.)
2. The decision gave reasons for the refusal, as follows:
  - a. the TC was not satisfied that Mr Omer met the requirement of main occupation set out in s13(3)(b);

(this provision says that a restricted licence authorises the use of public service vehicles adapted to carry between 9 and 16 passengers when used

- i. otherwise than in the course of a business of carrying passengers; or
- ii. by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers)

- b. that was because Mr Omer had not demonstrated his main occupation;
- c. Mr Omer had stated he was self-employed but this was later contradicted by his saying that the business was yet to trade;
- d. that no evidence had been received which suggested that a main occupation with a main income existed;
- e. it seemed that Mr Omer had to establish the taxi business first and then re-apply once there was evidence of what the taxis could earn.

3. The decision letter also referred to regulation 6 of the Public Service Vehicles (Operators' Licences) Regulations 1995, which says

A traffic commissioner shall not refuse an application for a licence, or grant it other than as requested without giving to the applicant an opportunity to state his case at an inquiry save where the application or the applicant's conduct in relation to it is frivolous or unreasonable.

The decision letter stated that, as Mr Omer had not supplied the required evidence, a TC had determined that his application had little prospect of succeeding; the TC was therefore not offering Mr Omer the chance to request a public inquiry.

#### **Mr Omer's licence application and subsequent communication between Mr Omer and OTC**

4. Mr Omer's application was in his own name. On the application, in response to question 2 *What type of business are you?*, the application said: sole trader; in response to question 3, headed *Business details*, the application had "Ceed Cars" as its trading name, and "school run" as the nature of the business. In section 9 *Vehicles declarations*, the application said that 9-seat and above vehicles were

intended to be operated; under the sub-heading, *Business or main occupation*, the application confirmed that Mr Omer was fully aware of, and would comply with, the restrictions under the terms of the restricted licence for the use of vehicles with 9-16 passenger seats. Opposite the words *Details of your business or main occupation and how you will comply with restrictions*, the application stated (amongst other things):

The main business is transport children from school to home and local trips. My main occupation is transporting.

5. Having received his application for a licence, OTC on 10 March 2025 sent Mr Omer a letter stating that his application was incomplete and that he must provide more information. The further information required was set out in an annex to the letter, under headings of Finances, Purchasing Vehicles, Declaration, Operating Centre, Safety Inspections/Maintenance, Main Occupation and Small Vehicles. The letter said that Mr Omer had to respond by 24 March 2025.
6. OTC again wrote to Mr Omer on 11 April 2025, noting that the additional documentation in the annex remained outstanding. The letter said that Mr Omer had to respond by 25 April 2025 and if on that date his application remained incomplete, it would be refused.
7. Mr Omer responded on 24 April 2025. This included, among other things
  - a. under the heading *Main Occupation*, Mr Omer stating that he was self-employed and a taxi driver “in addition to the PSV”; he currently had three people working for him, two drivers and a person responsible for managing the operation; he said he worked 5 days per week as a taxi driver and some weekends; he said that if his application for the PSV licence was successful, he would reduce his taxi driving days from 5 to 3 and that his income would also be reduced by 40% (which would be compensated for by the (new) PSV business)
  - b. he signed certain “restricted licence undertakings” that had been sent to him by OTC
  - c. a table of figures headed “Ceed Cars Indicative Budget Forecast (1 Year) Application Reference”; the Year 1 (and indeed total) figure for ‘Service Contract’ was £60,000.

8. On 25 April 2025, OTC sent Mr Omer a letter stating that his application had been refused, as it remained incomplete.
9. On 14 May 2025, someone from OTC's Caseworker Team sent Mr Omer a message on its electronic 'VOL' platform saying that they had reviewed his application and further information was needed; this was set out under four headings: Finances, Operating centre, Main occupation, and PSV. Under Main occupation, it said this:

Provide evidence of your/ceed cars income. Tax return, annual accounts, etc. Clarify if the PSVs will run 3 or 5 days. Is the indicative projected forecast referring to each PSV i.e. £60,000 service contract per PSV? ...

10. On 4 June 2025, Mr Omer sent a number of materials to OTC in response. In a note to the OTC caseworker, Mr Omer said this under the heading Main Occupation:

CEED CARS is a new company and has not generated any income as yet – therefore, no accounts, tax return or otherwise. The PSV will run for 5 days. The indicative £60,000 is for PSVs, as projected. Evidence of driving category entitlement is attached. Finally, I have not bought the vehicles yet. The vehicles will be purchased through a leasing company/finance.

### **Internal OTC documents**

11. As part of the Upper Tribunal proceedings, OTC disclosed a one-page internal OTC document of 13 June 2025 called 'Recommendation with TC decision'. The document had three headings: Case worker comments, Case worker recommendation, and TC decision. Under Case worker comments, there were three sub-headings:

- a. Main Occupation – here, it was said that
  - i. there was no tangible evidence to show how Mr Omer's application was to meet s13(3)(b)
  - ii. Mr Omer had stated a main occupation of taxi driver, and that he had three people working for him
  - iii. no evidence of income had been provided; rather, it had been stated that Ceed Cars (trading company) was a new company and had not generated income

- iv. the work to be carried out by the PSV would return £60,000
- v. there was no main income evidence to assess if it would remain the greater

- b. Operating Centre – it was said not to be clear where the two allocated spaces were, and that there was “very little room available”
- c. Financial Standing – it was said that the requirement was only met due to £8,000 deposited, said to be money borrowed to develop the business; there was “no evidence of the origins or repayment terms”.

12. Under Case worker recommendations, it was recommended that the application be refused due to s13(3)(b) not being satisfied; and that no public inquiry be offered as there was no “main occupation income” and so no point in such an inquiry being held.

### **The appellant’s case**

13. Mr Omer’s appeal form stated in Part A (*Type of case*) that the TC’s rejection of his application was based on confusion around how he had completed the application form: when he said he was self-employed, that related to his taxi business; and where he referred to the business not being started, that referred to “the PSV business” and not to his “regular taxi business”. Mr Omer elaborated on this in Part F (*Grounds of Appeal*): he said he was a self-employed taxi driver and had been doing so for the last 15 years; this was his “regular profession and main occupation”; he attached his taxi licence from Bristol City Council for the period 29 May 2025 to 22 May 2026. Mr Omer also said that the questions about “main occupation” were not fully clear.

### **Jurisdiction of the Upper Tribunal**

14. An applicant for the grant of a PSV operator’s licence may appeal to the Upper Tribunal against any decision of a TC to refuse to grant the licence: s50(1)(a).

15. The Upper Tribunal has jurisdiction to hear and determine all matters whether of fact or law for the purpose of the exercise of its functions under an enactment relating to transport. It has the power to make such order as it thinks fit or, in a case where it considers it appropriate, to remit the matter to a TC for rehearing and determination.

16. The Upper Tribunal may not take into consideration any circumstances which did not exist at the time of the determination which is the subject of the appeal.
17. The task for the Upper Tribunal on an appeal is to conclude whether or not, on objective grounds, a different view from that taken by the TC is the right one or (meaning the same thing) whether reason and the law impel the Upper Tribunal to take a different view (*Bradley Fold Travel and anor v Secretary of State for Transport* [2010] EWCA Civ 695 at [40]).

### **The Upper Tribunal hearing**

18. The Upper Tribunal hearing was directed to be held via video-link, using the Cloud Video Platform. The Upper Tribunal's case management directions (issued on 17 October 2025) had given Mr Omer the option to request a face-to-face hearing, but he made no such request. The Upper Tribunal's hearing notice, issued on 7 November 2025, explained how to join the hearing. Mr Omer did not join the hearing at the appointed time. The Upper Tribunal clerk tried to contact Mr Omer using the mobile phone number on his application form, but he did not pick up. A Mr Fubara did join the hearing; he had not been appointed as Mr Omer's representative, but did say he had been his business adviser, and said that Mr Omer was out of the country and having problems connecting to the hearing. The Upper Tribunal panel considered whether it was in the interests of justice to proceed with the hearing in Mr Omer's absence, and concluded that it was: there was no good reason for his failure to attend; even if what Mr Fubara reported was right (about problems connecting whilst out of the country), this was an issue that could reasonably have been anticipated and Mr Omer should reasonably have planned for, either by ensuring access to stable connectivity, or informing the Upper Tribunal, well in advance of the hearing, of any insuperable problem in ensuring stable connectivity from wherever Mr Omer was planning to be at the time of the hearing. Moreover, Mr Omer had had a fair and just opportunity to put his case in written form, and this was reflected in the bundle of 150 pages that was before the Upper Tribunal.

### **Discussion**

19. Whilst there was confusion in the communications between Mr Omer and OTC about whether or not Mr Omer's taxi business had commenced, even if we accept Mr Omer's assertion that he had a longstanding taxi business, there remains the point that TC considered that, on the evidence before OTC, the TC could not conclude that the taxi business was Mr Omer's main occupation (in contrast with

the planned PSV business). It was clear enough from OTC's communication to Mr Omer of 14 May 2025 that OTC wanted documentary evidence of the scale of Mr Omer's taxi business (evidence such as tax returns, annual accounts, etc), against which to compare Mr Omer's £60,000 estimate for the PSV business; and this was never provided. Moreover, there is legal authority for OTC's requiring evidence of this kind: in *Hukin t/a Red Fox Travel* [2017] UKUT 0226 (AAC) at [24], the Upper Tribunal said that "bare assertion" would not do as regards demonstrating a "main occupation": "clear evidence" – wage slips, accounts, bank statements, tax returns, and P60's were given as examples – would have to be produced to establish that a particular activity was not only an occupation but the applicant's main occupation. In this case, it cannot be said to have been "plainly wrong" for the TC to have concluded that evidence to that standard was not provided.

20. For similar reasons, we do not think it plainly wrong for the TC to have decided that Mr Omer's conduct in relation to his application, in not providing the documentary evidence sought by OTC about the scale of Mr Omer's taxi business, was unreasonable, such that there was no obligation on the TC to give Mr Omer an opportunity to state his case at a public inquiry.
21. It follows that Mr Omer's appeal falls to be dismissed.

**Zachary Citron**  
**Judge of the Upper Tribunal**

**Stuart James**  
**Ian Luckett**  
**Members of the Upper Tribunal**

Authorised by the Judge for issue on 12 January 2026