



Neutral Citation Number: [2026] UKUT 23 (AAC)
Appeal No. UA-2025-000794-T

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

Sucha Driving Limited

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: OD2053253
Date of decision: 13 May 2025

SUMMARY OF DECISION

**100 Transport – Traffic Commissioner Appeals
100.12 Revocation**

The appellant, a company, did not respond to communications from the Office of the Traffic Commissioner stating that the Traffic Commissioner was minded to revoke its good vehicles operator's licence under the provisions of both section 26 and section 27 of the Goods Vehicles (Licensing of Operators) Act 1995. The Upper Tribunal decided that the Traffic Commissioner could not be said to be plainly wrong in deciding, following expiry of reasonable deadlines set for the appellant to respond, to direct revocation, given that the case for revocation under one or both of those sections, as set out in the communications from the Traffic Commissioner, was adequately coherent and rational. The appeal against the revocation of the appellant's licence was therefore dismissed.

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

Revocation of goods vehicles operator's licence
Failure to respond to Office of Traffic Commissioner

Cases referred to

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

Jason McNamara t/a JMC Transport Appeal 2005/472

A.J. Curtis t/a Silver Wing Travel Appeal 2001/12

REASONS FOR DECISION

The decision appealed against

1. The appellant, a company, 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 13 May 2025 revoking (from 16 May 2025 at 23:59) the appellant’s goods vehicles operator’s licence under the Goods Vehicles (Licensing of Operators) Act 1995. (In what follows (unless the context otherwise indicates), references to “sections” or “s” are to sections of that Act, and references to “Schedules” are to its schedules.)
2. According to the decision letter, the grounds for the TC deciding to direct revocation, under s26(1)(h), were that since the licence had been issued (or varied) there had been a material change in any of the circumstances of the licence-holder that were relevant to the issue (or variation) of the licence – namely, changes to financial standing and repute. The decision letter also said that the TC’s direction to revoke was required under s27(1), as it appeared to the TC that the appellant no longer satisfied the first requirement in s13A (including that the appellant was of good repute and had appropriate financial standing) or the second requirement there (that the appellant had designated a suitable number of individuals who satisfied the transport manager requirements in paragraph 14A of Schedule 3).
3. The decision letter also set out context, including:

- a. OTC's letter to the appellant of 26 March 2025 notifying the appellant that the TC was considering revoking its licence
- b. OTC's letter to the appellant of 16 January 2025 requesting evidence that the appellant continued to meet the requirement of financial standing; no response had been received
- c. the sole director of the appellant, Armaan Singh, had recently been appointed sole director of another company with an operator's licence, Erika Auto Commercial Limited; and that that company had been found to lack financial standing and been allowed a period of grace to correct the situation.

Further background

4. We note that:

- a. the decision letter was marked as sent via recorded delivery and email to the same email address as 'Armann Transport Ltd' (see sub-paragraph d. below);
- b. OTC's 26 March 2025 letter
 - i. was marked as sent via recorded delivery and email to the same email address as 'Armann Transport Ltd' (see sub-paragraph d. below);
 - ii. cited the fact at paragraph 3c above as meaning that the TC could not be satisfied that the appellant continued to meet the requirement for financial standing;
 - iii. cited the appellant's failure to respond to OTC correspondence as meaning that the TC was no longer satisfied that the requirement of good repute was met; and
 - iv. gave the appellant until 16 April 2025 to make written representations for the TC's consideration and/or to request a public inquiry (this was in compliance with s27(2) and (3) and s29(1));
- c. OTC's 16 January 2025 letter, citing changes in directorship, required the appellant to provide financial evidence in the name of Armaan Singh showing it had ready access to sufficient resources to support its licence; various documents were required to be submitted by 30 January 2025

- d. In an email to OTC of 14 May 2025 from 'Armann Transport Ltd', the sender states (amongst other things) that, as regards the appellant, "I sold this company on April 14th, and the new owner is relatively new to this industry. He depends heavily on this business and may be struggling with the complexities surrounding it".
5. As part of the Upper Tribunal proceedings, OTC disclosed a five-page internal OTC document; this included (in addition to information included in the summaries of OTC's letters, above) that:
 - a. the appellant had "declared a change of ownership" – two directors had been removed and a new one, Armaan Singh, nominated;
 - b. there was no history of non-compliance;
 - c. OTC's 26 March 2025 letter to the appellant, sent by recorded delivery, had been signed for on behalf of the recipient.

Jurisdiction of the Upper Tribunal

6. The holder of an operator's licence may appeal to the Upper Tribunal against any direction given under s26(1) or s27(1) in respect of the licence (s37(2)).
7. 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.
8. 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.
9. 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 appeal

10. The appellant's case was essentially that it had not received OTC's letter of 16 January 2025; the appellant asserted that it had met all required financial standards and was willing to provide the necessary bank statements to

demonstrate this (and certain such statements were enclosed with its appeal form).

The Upper Tribunal hearing

11. 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 14 October 2025) had given the appellant the option to request a face-to-face hearing, but no such request was made. The Upper Tribunal hearing notice, issued on 7 November 2025, explained how to join the hearing. A reminder letter was sent to the appellant by the Upper Tribunal on 25 November 2025. Despite all this, no one representing the appellant joined the hearing at the appointed time. We considered whether it was in the interests of justice to proceed with the hearing in the absence of a representative of the appellant, and concluded that it was: the appellant's appeal form was adequately clear and intelligible; we had a complete bundle, including the OTC case file; the case management directions had given the appellant the opportunity to change its grounds of appeal in the light of the contents of the OTC file (it had not chosen to do so); and no good reason had been advanced for the appellant's failure to attend the hearing.

Discussion

12. This seems to us a simple case of an operator failing to respond to important correspondence from OTC. The appellant here protests that it did not receive OTC's 16 January 2025 letter – but that does not assist the appellant in explaining why it did not respond to OTC's 26 March 2025 letter, sent by recorded delivery and to an email address that was clearly in use. There is a rich seam of Upper Tribunal (and its predecessors) case law emphasising the difficulty of showing a decision of the TC to be plainly wrong, where it results from an operator failing to respond to important correspondence from OTC. One example is *Jason McNamara t/a JMC Transport Appeal 2005/472*, where this was said:

9. One aspect of the trust which should exist between the Traffic Commissioner and an operator is that the Traffic Office is entitled to expect to receive replies to correspondence, either within the timescale set down in the letter from the Traffic Office, or with the promptness which the contents of the letter under reply deserves. Sometimes an operator may have good reasons for being unable to reply, in full, at once. In that case he should reply promptly and explain why he cannot reply in full and how long he will need to do so. The alternative of remaining silent will, almost inevitably, lead the Traffic

Commissioner to draw adverse conclusions which it may be impossible to overturn on appeal.

10. In the appeal of *A.J. Curtis t/a Silver Wing Travel appeal no. 12 of 2001* the Tribunal said this:-

“This case demonstrates, once again, how important it is for operators to reply to correspondence from Traffic Commissioners. If they fail to do so and if they fail to take advantage of the opportunity of requiring a Public Inquiry, with the result that their operator’s licence is revoked, it is highly unlikely that an appeal to the Tribunal will succeed.”

13. This, combined with the fact that, in our view, OTC’s letter of 26 March 2025 set out an adequately coherent and rational case for why one or more of the licence-revocation conditions in s26(1) and/or s27 was satisfied, means that it cannot be said that it was plainly wrong of the TC, on receiving no response from the appellant on expiry of the (reasonable) time limit set, to direct revocation of the appellant’s operator’s licence.
14. It follows that the 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 15 January 2026