



**Neutral Citation Number: [2026] UKUT 107 (AAC)
Appeal No. UA-2025-000073-T**

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER
(TRAFFIC COMMISSIONER APPEALS)**

**ON APPEAL from a DECISION of a TRAFFIC COMMISSIONER in the SOUTH
EASTERN and METROPOLITAN TRAFFIC AREA**

Before: E Mitchell, Judge of the Upper Tribunal
S Booth, Specialist Member of the Upper Tribunal
I Lockett, Specialist Member of the Upper Tribunal

Appellant: Wembley Hire Ltd (t/a Choice Cars)

Commissioner's ref: PK2078202
**Date of Commissioner's
decision:** 13 January 2025

Heard at: Remotely, at the Appellant's request, using Cloud Video
Platform (CVP), on 25 May 2025

Representation: For the Appellant, Muhammad Hamid (director of the
Appellant company).

Date of decision: 21 February 2026

SUMMARY OF DECISION

100 Transport (Traffic Commissioner and DoE (NI)) appeals

100.16 Applications

Judicial summary

The Office of the Traffic Commissioner made a reasonable request for information (supply of an original qualification certificate) in connection with an application for a PSV operator's licence. The applicant operator failed to comply with the request. The Traffic Commissioner's subsequent decision to refuse to grant a PSV operator's licence was not made in error of law or fact.

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 Upper Tribunal follow.

DECISION OF THE UPPER TRIBUNAL

This appeal is DISMISSED. The Traffic Commissioner's decision of 13 January 2025, refusing to grant operator's licence ref. PK2078202, was not made in error of law or fact. Under section 50(1) of the Public Passenger Vehicles Act 1981, the Upper Tribunal dismisses this appeal.

Subject matter: Application for operator's licence

Case law referred to: *Muck It Ltd and Others v Secretary of State for Transport* (2005) EWCA Civ 1124

REASONS FOR DECISION

Introductory

1. In these reasons:

- "1981 Act" means the Public Passenger Vehicles Act 1981;
- "operator" means the Appellant company;
- "OTC" means the Office of the Traffic Commissioner.

2. The remote (CVP) hearing of this appeal began about an hour after the listed start time due to technical difficulties. When the hearing began, Mr Hamid, who represented

the operator, explained that he was in charge of his infant child because a family member was in hospital. We asked Mr Hamid if he wished to request an adjournment, but he declined. As it was, the hearing ran smoothly and Mr Hamid's child remained asleep throughout.

The Traffic Commissioner's decision-making

3. On 13 November 2024, the operator applied for a standard national PSV operator's licence, which sought authority to operate two vehicles

4. On 20 November 2024, OTC wrote to Mr Hamid to inform him that the operator's application was incomplete. OTC asked the operator to supply specified documents and information relating to the operator's finances, its nominated transport manager, and the suitability of the proposed operating centre. In relation to the transport manager, the letter said:

"The nominated transport manager's original certificate(s) of professional competence in passenger transport operations [is required].

The certificate submitted is confirmation of the overall qualification. Please upload the full page of the actual certificate to the online application."

5. OTC required the specified documents and information to be supplied by 4 December 2024. OTC's letter added:

"Where we have requested original documents from you, you must send these by post to the above address. Please upload all other documents through your online user account and only send documents by email if you are having problems with the self-service system..."

6. On 4 December 2024, Mr Hamid sent the following email to OTC:

"...We have reviewed your requirements and have taken the following steps to address them:

- Financial Evidence: We have uploaded the correct bank statements for WEMBLEY HIRE LIMITED covering the required 28-day period...demonstrating sufficient financial resources to support our application.

- Transport Manager: We have uploaded the full page of the nominated transport manager's original certificate(s) of qualification of professional competence in passenger transport operations.
- Operating Centre: We have provided a detailed written explanation confirming the suitability of our proposed operating centre, along with an aerial map clearly showing the parking spaces, entrance/exit routes, and surrounding area. Additionally, we have included photographs of the site and parking area, with descriptions to explain what is shown.

...Since this is our first time applying for such a license, we were unaware of the exact documentation required. We have now made every effort to ensure our application is complete and meets all the necessary criteria.”

7. On 26 December 2024, OTC wrote again to the operator:

“...I note that the additional documentation listed in the attached annex remains outstanding. **This letter is intended as a final attempt to resolve these issues by correspondence and you must now respond in full by no later than 09/01/2025. If on that date the application remains incomplete, it will be refused...**

SUPPORTING DOCUMENTATION REQUIRED

- The nominated transport manager's original certificate(s) of professional competence in passenger transport operations.

The certificate previously submitted is not classed as the full CPC certificate.

- You must provide further details to satisfy the traffic commissioner regarding the suitability of the proposed site. We must be assured that this is an appropriate site for your 2 PSV vehicles.

It is noted you have supplied evidence of the site and a contract for parking. However, the Traffic Commissioner must be satisfied with the specific area for your exclusive use. Please provide photo evidence of the specific/exclusive area and how this area will be kept clear at all times.”

8. On 6 January 2025, OTC sent a message to Mr Hamid via the operator's VOL account, which read:

"We have sent you a letter dated 26 December seeking further information to support your application. It is crucial you respond quickly so the application can be considered by the Traffic Commissioner. You will note within the final letter it highlights...failure to respond or provide a satisfactory response, the application will be refused."

9. The VOL printout supplied to the Upper Tribunal also contains the following wording beneath the message of 6 January 2025:

"First read by Muhammad Hamid on Tuesday 14 January at 18:05 pm"

10. On 13 January 2025, a Traffic Commissioner refused the operator's application for a PSV operator's licence. The decision letter read as follows:

"...The deadline set in our last letter has now ended. As such, your application has been refused under Section 14 of the [1981 Act], as it remains incomplete. The documentation requested was not received and no explanation was offered as to why you were unable to submit the information.

You have not provided evidence the nominated transport manager has the correct CPC. As such, you have not demonstrated that you meet the requirement for professional competence as set out on Section 14ZA(2) of the [1981 Act].

A traffic commissioner is not satisfied that you meet the requirement of arrangements for driving/operation of vehicles as set out in Section 14ZC(1)(b) of the [1981 Act]. This is because you have failed to provide satisfactory evidence that the nominated operating centre/area for parking is exclusive to you and is suitable for the requested authorisation."

Legal framework

11. Section 12(4) of the Public Passenger Vehicles Act 1981 provides as follows:

"(4) An application for a PSV operator's licence shall be made in such form as a traffic commissioner may require, and an applicant shall give the traffic

commissioner dealing with the application such information as he or another traffic commissioner may reasonably require for disposing of the application.”

12. Section 14(1) of the 1981 Act provides that, on an application for a standard licence, a Traffic Commissioner must consider whether the requirements of sections 14ZA and 14ZC are satisfied. If the requirements are satisfied, the Commissioner must grant the licence (section 14(3)).

13. The requirements of section 14ZA of the 1981 Act include that the applicant has designated a transport manager who is professionally competent, as determined in accordance with Schedule 3(6) to the Act (section 14ZA(3)(b)).

14. The requirements of section 14ZC of the 1981 Act include that a Traffic Commissioner is satisfied:

“(a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence; and

(b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.”
(section 14ZC(1)).

Grounds of appeal

15. The operator’s notice of appeal, written by Mr Hamid, argues:

“I applied for the PSV operator license and received a reply on 13/01/2025 requesting additional supporting documentation I called in and spoke to an assistant...advising me to send an email to him which he sent on December 4 2024...I have done everything that was advised to me. I have attached all supporting evidence and all correspondence regarding my licence.”

16. At the hearing of this appeal, Mr Hamid said that he believed he had done all that OTC asked of him in connection with the application for an operator’s licence. He went on to say that he received OTC’s letter of 26 December 2024 and attempted to deal with it but, for some reason, was unable to upload documentation on VOL. Mr Hamid also told us that he made several telephone calls to OTC and told officials that he was unable to upload documents to VOL.

17. We asked Mr Hamid why he did not email a response to OTC’s letter of 26 December 2024, since he had previously communicated with OTC by email (see Mr

Hamid's email of 4 December 2024). Mr Hamid said that OTC informed him that he was not permitted to communicate with them by email. When asked if he had ever managed to use VOL successfully, Mr Hamid replied that, initially, he could but, subsequently, it 'just kept saying can't upload'.

18. Mr Hamid accepted that he received OTC's letter of 26 December 2024 and understood it, but added that he assumed it was for the transport manager to supply his own documents. It was pointed out to Mr Hamid that OTC's reminder message of 6 January 2025, placed on the operator's VOL account, was recorded as not having been read until 14 January 2025. Mr Hamid did not dispute that record.

Analysis

19. This operator was seeking a licence and so the burden was on it to satisfy a Traffic Commissioner that the regulatory requirements were met (see paragraph 69 of *Muck It Ltd and Others v Secretary of State for Transport* (2005) EWCA Civ 1124, which concerned operator's licences under the Goods Vehicles (Licensing of Operators) Act 1995 but is of equal application to the 1981 Act).

20. The crucial OTC communication in this case was their letter of 26 December 2024. In our judgment, this letter was a proper exercise of the power under section 12(4) of the 1981 Act to require information that a Traffic Commissioner may reasonably require for the purpose of disposing of an application for an operator's licence. This is because the letter sought information that was relevant to the operator's application and did not impose a requirement with which the operator was incapable of complying or was otherwise unreasonable.

21. Regarding relevance, the letter of 26 December 2024 explained why the transport manager documentation previously supplied was insufficient, and why particular photographic evidence relating to the proposed operating centre was required. Both requirements related to the regulatory requirements that section 14(1) of the 1981 Act obliged the Traffic Commissioner to consider on the operator's application.

22. The letter of 26 December 2024 did not impose a requirement with which the operator was incapable of complying, nor was it an unreasonable requirement. The proposed transport manager was an individual whom the operator proposed to employ, or commission, and so the operator could have required the manager to make available the full qualification certificate. And it should have been straightforward enough for the

operator to arrange for the required photographs to be taken of its own operating centre.

23. The operator argues that it did all it could to comply with the requirements in the 26 December 2024 letter, but was thwarted by some defect in the VOL system that prevented it from uploading documents. In the circumstances of this case, any such defects cannot assist the operator. While OTC's letter of 20 November 2024 may have been unclear as to whether the original transport manager's qualification certificate was required, the 26 December 2024 letter was not. It required the operator to supply an original certificate as described in the letter. OTC had previously informed the operator, by letter of 20 November 2024, that "where we have requested original documents from you, you must send these by post to the above address". Mr Hamid accepts that he did not send the original certificate to OTC by post.

24. In conclusion, we are satisfied that, on 26 December 2024, OTC made a reasonable request for information in connection with the operator's application for a licence under the 1981 Act. The only possible conclusion open to a reasonable decision maker on the evidence is that the operator failed to comply with the request insofar as it related to the transport manager (we do not need to decide whether the VOL system prevented the operator from uploading the photographic evidence sought by the letter of 26 December 2024). It follows that the Traffic Commissioner, in deciding to refuse to grant the operator's application for a licence under the 1981 Act, made no mistake in law or fact. The Commissioner was not persuaded that the regulatory requirements referred to in section 14(1) of the 1981 Act were satisfied. This meant that, under section 14(3), the Commissioner was not permitted to grant the application for an operator's licence.

Conclusion

25. For the reasons given above, this appeal is dismissed.

**Authorised for issue by Upper
Tribunal Judge Mitchell on 21
February 2026.**

Given under section 50(1) of the
Public Passenger Vehicles Act 1981.