



Neutral Citation Number: [2026] UKUT 204 (AAC)  
Appeal No. UA-2025-001038-T

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

**ON APPEAL FROM A DECISION OF A TRAFFIC COMMISSIONER IN THE  
NORTH EASTERN TRAFFIC AREA  
DATED 10 JULY 2025**

**(1) WILLIAM STEADMAN & SON (TRANSPORT) LIMITED  
(2) WILLIAM STEADMAN**

**Appellants**

**Before:** Upper Tribunal Judge Buckley  
Mr. Gary Roantree, Specialist Member of the Upper Tribunal  
Mr. David Rawsthorn, Specialist Member of the Upper Tribunal

**Hearing date:** 28 April 2026  
**Heard at:** Leeds Employment Tribunal  
**Mode of hearing:** In person

**Representation:**  
**Appellants:** Mr Willis, solicitor

*On appeal from:*

**Decision maker:** Traffic Commissioner in the North-Eastern Traffic Area  
**Commissioner's ref:** OB1148076  
**Date of decision:** 10 July 2025

**SUMMARY OF DECISION**

**Transport: Other (100.20)**

**Cases referred to: Bradley Fold Travel Ltd and Another v Secretary of State for Transport [2010] EWCA Civ 695; Priority Freight Limited and Williams 2009/225;**

**Redsky Wholesalers Limited** T/2013/07, [2013] UKUT 0194 (AAC); **Bryan Haulage Limited (No. 2)** 217/2002; **T/2014/25/26 H. Sivyer (Transport) Ltd. and Simon Sivyer** [2014] UKUT 0404 (AAC); **Egertons Recovery Group Limited** [2022] UKUT 141.

## Judicial summary

The Upper Tribunal dismissed the appeal brought by William Steadman & Son (Transport) Limited against the decision of the Traffic Commissioner for the North-Eastern Traffic Area which had revoked the company's operator's licence, disqualified Mr Steadman as a transport manager for 12 months and disqualified Mr Steadman from holding or obtaining an operator's licence for 12 months. The Tribunal found no material error of law or procedural impropriety in the decision, concluding that there was no procedural unfairness. The Tribunal upheld the Traffic Commissioner's findings that the operator had lost good repute due to a pattern of serious regulatory breaches, including vehicle maintenance failures and inadequate management oversight. Despite a number of remedial efforts, the Upper Tribunal determined that revocation and disqualification were a proportionate and lawful response.

***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 Tribunal follow.***

## DECISION

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

**The decision of the Traffic Commissioner sent to the appellant on 10 July 2025 is not 'plainly wrong' and does not involve a material error of law or procedural unfairness.**

**IT IS DIRECTED that this appeal is to be treated as disposed of 28 days after the date on which this decision is sent and that at 23:59 on that date the order staying the effect of the Traffic Commissioner's decision shall cease to have effect.**

## REASONS FOR DECISION

### Introduction

1. This is an appeal brought by William Steadman & Son (Transport) Limited ('the Company' or 'the operator') and William Steadman, its director and transport manager, against the decision of the Traffic Commissioner for the North-Eastern Traffic Area ('the Commissioner') dated 10 July 2025.
2. References to 'the Act' or 'the 1995 Act' are to the Goods Vehicles (Licensing of Operators) Act 1995.

3. By that decision, the Deputy Traffic Commissioner ('the Commissioner'):
  - a. Found that Mr. Steadman was not and had not been managing continuously and effectively the operator's transport operation and had lost his good repute. The Commissioner disqualified Mr. Steadman as a transport manager for one year from 18 July 2025.
  - b. Required Mr. Steadman to take the full transport manager Certificate of Professional Competence again as a condition for being a transport manager in the future.
  - c. Revoked the Company's standard international licence from 23.45 on 18 July 2025 on the mandatory ground that the transport manager had lost his good repute and had been found not to have continuous and effective management of the operator's transport services.
  - d. Revoked the Company's standard international licence from 23.45 on 18 July 2025 on the mandatory ground that the operator had lost their good repute and no longer had professional competence required for a standard international licence.
  - e. Revoked the Company's standard international licence on discretionary grounds under section 26(1)(c)(iii), 26(1)(e) and 26(1)(f) of the 1995 Act.
  - f. Disqualified Mr. Steadman from holding or obtaining an operator's licence for one year from 18 July 2025.
4. The appellants applied to the Commissioner for a stay of the decision which was refused on 16 July 2025. The Commissioner refused to defer the coming into effect of the decision until such time as the Upper Tribunal could consider a stay application. A stay application was made to the Upper Tribunal on 27 July 2025, and a stay was granted by Upper Tribunal Judge Smith.

### **Factual background**

5. The Company was granted a Standard International Goods Vehicle Operator's Licence (OB1148076) on 27 October 2016 with authorisation for the use of 6 vehicles and 10 trailers. By the time of the public inquiry in June the Company operated 4 x 44 tonne articulated trucks and had 4 permanent members of staff. The Company offers a traction only service to a number of large trailer operators at the Humber ports delivering and collecting imported and exported goods.
6. On 31 July 2024, trailer C277764 was issued with an 'S' marked Roadworthiness Prohibition Notice. As a result, a full maintenance investigation was conducted by DVSA Vehicle Examiner Stephen Thorpe on 16 August 2024, attended by Mr. Steadman.
7. The Maintenance Investigation Visit Report concluded that 6 out of the 12 areas considered were unsatisfactory, as was the transport manager assessment and recommended that the case be reported to the Office of the Traffic Commissioner ('the OTC').
8. The report's conclusions included that:

- a. maintenance records were not suitable and not properly completed, including that none of the 13 records analysed had any evidence of a brake safety check;
  - b. inspection intervals were obviously not managed;
  - c. there was an ineffective forward planning system which did not meet the statement of intent to inspect the vehicle every 6 weeks;
  - d. there was an ineffective vehicle off the road (VOR) system;
  - e. there was no evidence of a safety defect and recall system in place;
  - f. assessment and repair of defects was ineffectively managed;
  - g. there was no evidence of safety inspection or maintenance contract,
  - h. there was no evidence of a maintenance and monitoring system to ensure correct operation of emissions control
9. The report concluded that there was no evidence of relevant continual professional development of the transport manager and that the transport manager had 'no control' of the operation.
10. Mr. Steadman responded to the report by email on 4 and 31 October 2024. Taken together, those responses said that a full review had been undertaken and the following steps had been taken:
- a. Steps had been taken to ensure that inspection reports were completed correctly by the maintenance providers and included a signed declaration of roadworthiness. Mr Steadman said that all reports would be checked and countersigned by him and all documents would be retained in the vehicle file. In cooperation with the maintenance providers, they were actively monitoring the fleet maintenance planner to ensure they were inspected in accordance with the 6 weekly maintenance schedule. They had written to the nearest MAN approved franchise and asked them to ensure that their records are up to date so that the Operator will be notified immediately of any manufacturer recall. They said that they speak to MAN regularly and would speak to the local dealer at least every 3 months. They had written to the trailer maintenance provider and agreed that all trailers will receive a first use inspection when they have been made VOR prior to return to service.
  - b. The defect policy had been reaffirmed to the driver team and all drivers issued with defect books. They had issued a memo to all drivers affirming the need to ensure all defects are recorded as part of the daily vehicle walk round check. It had been reaffirmed that any immediate defect should be reported to the transport manager who can arrange for a technician to visit site. All defect sheets would be audited by the transport manager weekly to ensure that any defect had been rectified and signed off.
  - c. Contracts with the maintenance providers have been reissued, performance will be monitored over 12 months. A forward maintenance planner had been introduced.
  - d. The driving team had been instructed to record ad blue usage, which will be monitored along with the vehicle's ad blue reporting system. They had purchased a battery flow meter which would be installed in the hose

- attached to their IBC. In the meantime, they will measure ad blue with a measuring can.
- e. The operator had a written agreement with a local company to examine the fleet's tyres on a monthly basis and provide written reports.
  - f. The VOR procedure has been re-evaluated and a robust system established and the need for a 'first-use inspection' reaffirmed before a VOR trailer returned to service.
  - g. As part of the ongoing maintenance regime all tread depths will be monitored and tyres approaching the end of their service life reported to the tyre company for removal, repair or rectification.
  - h. Mr Steadman had undertaken a 2 day transport manager refresher course and revised his workload to address the shortcomings identified in the inspection.
11. An HGV traffic desk-based assessment was carried out by traffic examiner Jason Doogue on 2 January 2025. The result was an unsatisfactory rating. The unsatisfactory findings included:
- a. Load security – unsatisfactory – no documentary evidence provided.
  - b. Driver training records – unsatisfactory - no documentary evidence in support
  - c. Driver hours/records keeping – unsatisfactory – disciplinary system in place but no action taken – no evidence of effective system to manage agency, casual or dual employed staff.
  - d. Working time directive – unsatisfactory – night work collective agreement not provided
  - e. Compliance assessment – unsatisfactory – offences indicate some weaknesses of management of driver's hours
  - f. Transport manager assessment – unsatisfactory – currently ineffective control being demonstrated
12. The remaining elements were marked mostly satisfactory or satisfactory.
13. Mr Steadman provided responses on 10 and 14 January 2025. In response to that the Traffic Examiner concluded that the Operator/transport manager had addressed the identified shortcomings by providing additional explanations, evidence and assurances. He said that until the assurances are fulfilled the assessment would remain unsatisfactory.
14. The Traffic Commissioner decided to hold a public inquiry. The call-up letter to the Company and Mr Steadman is dated 8 May 2025. The call-up letter to the Company identified the following specific issues of concern to the Traffic Commissioner:
- a. The Company's vehicles or drivers have been issued with prohibition notices by DVSA or the police in the past five years;
  - b. the following statements made when applying for the licence were either false or have not been fulfilled:
    - i. that the Company's vehicles would be inspected at the promised 6 week intervals

- ii. that safety inspection and/or maintenance and repair work would be carried out by HRVS
    - c. the Company had not honoured the undertakings signed up to when applying for the licence namely:
      - i. that the Company's vehicles and trailers would be kept fit and serviceable;
      - ii. that the Company would observe the rules on drivers' hours and tachographs and keep proper records;
      - iii. that the Company would keep records for 15 months of driver defect reports, safety inspections and routine maintenance and make them available on request;
      - iv. drivers would report promptly any defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers, and that any defects would be promptly recorded in writing;
    - d. since the licence was issued, there has been a material change in the circumstances of its holder, namely,
      - i. it appears that the holder may no longer be of good repute
      - ii. it appears that the holder may no longer have access to the required financial standing for the vehicle authorisation on the licence.
15. The call up letter said that due to the matters listed above, the traffic commissioner was also concerned that the Company may not be of the appropriate financial standing to hold an operator's licence for the number of vehicles authorised and required the Company to provide evidence.
16. The letter to the Company said that the Traffic Commissioner was also concerned that the Company may not meet the requirement to be of good repute or meet the requirements of a transport manager and said, 'if you do not meet these requirements, your licence is at risk'. The letter also said that the nominated transport manager may not be exercising continuous and effective management of the Company's transport activities. The letter said, 'if you do not have a transport manager who is professionally competent and of good repute, your licence is at risk'.
17. The letter stated that 'If the Traffic Commissioner concludes that you are not so complying, or have failed to comply in the recent past, they may - according to the seriousness of the findings - ... suspend your licence for a period of time; or revoke it entirely'. The letter continued: '**You should consider making contingency arrangements** for any outcome from the inquiry, **WHICH MAY INCLUDE THE LOSS OF YOUR LICENCE**'.
18. The call-up letter to the transport manager of 8 May 2025 said that the public inquiry would consider whether he continued to meet the requirements to be of good repute and professionally competent. The letter said that 'Your continued authorisation to act as a transport manager is at risk' and said 'If the Traffic Commissioner determines that you are no longer of good repute or professionally competent, there is a mandatory requirement that they must order that you be disqualified (either indefinitely or for such period as the Commissioner thinks fit) from acting as a transport manager'.

19. The Company and the transport manager responded to the call-up letter by a form dated 27 May 2025 stating that the Company and Mr. Steadman would attend the public inquiry and would be represented by Mr Willis, a solicitor, and enclosed financial information.
20. Traffic examiner Jason Doogue provided a supplementary report dated 30 May 2025 in which he said that there had been an overall improvement with the compliance systems that are in place with some areas that still required further improvement to ensure full compliance. The report said that assurances were given in the previous assessment and it appeared that some of these had not been fully implemented or fulfilled. The report details a repeat of driver infringements and the transport manager's recording of other work indicated that this should be monitored a bit more closely. The report said that it was also unclear why no VU date had been provided for vehicle MV17 VEL although acknowledged this might have been a genuine error.
21. Vehicle examiner Stephen Thorpe provided a supplementary statement dated 31 May 2025 in which he came to the following conclusion:

“The inspection reports do not show they have been analysed by the TM, as assured in the operator's original responses. With incorrect use of checkboxes, incorrect brake readings recorded, and repairs carried out and not being recorded on the inspection reports. The inspector is signing the inspection as finished days after, with the declaration of roadworthiness after this. There is evidenced, signed DDR (Driver Defect Reports) days when the vehicle is still under inspection.

ANPR records show use of these vehicles before they have finished and signed off as completed by the inspector or declared roadworthy.

I further note that the ANPR shows that, during this period, the vehicles have at times not returned to the operating centre but continued the journey, even on the day the inspector has signed the inspection record as finished.

The various DDR (Drivers Defect Reports), show the drivers signing for the vehicles, between 4am and 6am, with increases in daily mileages of approx. 600kms a day, even though the vehicles inspection has not finished and not signed off by the inspector.”

22. The Company provided a further letter dated 1 June 2025 and responded to the supplementary statement from vehicle examiner Stephen Thorpe and the supplementary report from traffic examiner Jason Doogue by letters dated 5 June 2025 (see PDF p 340 and 345)

## **The public inquiry**

23. The public inquiry was convened before Deputy Traffic Commissioner Moxon and took place on 12 June 2025. Mr Steadman attended and was represented by Mr Willis.
24. At the start of the hearing, the Deputy Traffic Commissioner reiterated that revocation and disqualification of the operator and transport manager were part of the options under consideration. Mr Steadman gave evidence about the regulatory issues raised in the call-up letter and Mr Willis made submissions at the conclusion of the proceedings.
25. The following parts of the transcript are set out because they are of most relevance to the appellants' grounds of appeal to the Upper Tribunal.
26. The appellants challenge a finding of fact made by the Commissioner in relation to the DVSA's Guide to Maintaining Roadworthiness (GTMR). The relevant part of the transcript arises in the context of a discussion about the transport manager's ability to check that the preventative maintenance inspection is done properly. The transcript uses S1, S2 etc to identify the speaker, but the Tribunal has substituted Mr Steadman and DTC for clarity:

Mr Steadman: ...I've spoken to our maintenance providers, and I think that the only other alternative would be to just leave the vehicle with them until it's physically... That document is physically generated, which, at the moment, can be anywhere between 24 and 72 hours, and you'll be leaving the vehicle there for 72 hours until they've generated the document for you.

DTC: Ok. When did you last look at the guide to maintaining roadworthiness?

Mr Steadman: I'll be honest. I've scanned it but I've not really read it 100 per cent. I've not... I have had conversations with people, and I understand that's part of the guidance and you must have a signed-off document that says the vehicle is able to go back on the road, But obviously, we have that, but we've not realised that it should be at the time of the vehicle going back on the road.

DTC: OK. Have you ever read it properly?

Mr Steadman: I've not read it fully. I'll be honest.

DTC: OK. When did you last scan it?

Mr Steadman: January

- DTC: And did you at that stage of January of 2025 satisfy yourself about what was required of you as a transport manager?
- Mr Steadman: I believe that we were receiving PMIs in a timely manner, signed off. I didn't understand that it had to be when the vehicles physically left the premises. I obviously understand now because... Reading and understanding that that has to happen.
- DTC: So, as per the guide to maintaining roadworthiness, what you should be doing... This is set out in paragraph 14. Is the transport manager must have access to and review the completed safety inspection sheet or electronic record before the vehicle returns to service. I think that's a bit more than you understood when you first came into this room.
- Mr Steadman: I understand what you're saying. Yes.
- DTC: OK. It goes on to say at paragraph 15. By exception, if what I've just said, so you can't have access and review the safety inspection sheet before it returns to service, the maintenance provider must send a written confirmation that the vehicle is declared roadworthy before the vehicle returns to service.
- Mr Steadman: OK. And the document I intended wouldn't do that because it wouldn't give you the items, I guess. Or would it?
- DTC: Well, what you've set out when you first started speaking about it was the exceptional position. It seemed at that point you were saying you were going to do that as your standard. I hear from you that you now accept that that wouldn't be enough, and that you would want something in more detail. It may be that you need to return to the guide to maintain your roadworthiness.
- Mr Steadman: OK
- DTC: Are you aware of what that document's all about and the status of it?
- Mr Steadman: Yeah. It states... It tells you what... How you should operate your vehicles. How you should maintain them. What you should record, etcetera. Yeah.

DTC: So, you are aware of it? Alright. Let's move on.

27. There was a discussion at 01:58:00 onwards about whether the appellant had considered having an external transport manager:

DTC: And just during the course of... When I say these proceedings, I really mean from August 2024. Have you given any consideration as to whether you might want an external transport manager?

Mr Steadman: My... As I say, my circumstances have changed. I am now home-based. I work from home, and that's because of my personal circumstances. I haven't looked at an external transport manager. We're a small operation and I... Effectively, I'm not 100 per cent how much he would be involved with the business. I understand he's there to make sure we are compliant. It's not something that I've looked at, albeit the last week, maybe we have contemplated potentially that as possibly a way, but I don't know... Well, I don't know how the business will actually support a transport manager. I'll be brutally honest, our red, amber status makes it very difficult for me because I have spoken to a number of transport managers, and the external guys don't really want the reds and the ambers. They want the greens.

DTC: Right.

Mr Steadman: You know, if I was to say to him, I've got a red and amber, they'd say, well, no, not really. All that makes it so it wasn't financially able to do it. You know, quote figures and 2,000 pound a month and things, which, as a small business, I don't know how I would sustain that. I mean, obviously, if that's the decision today, I have to try and look at it, but I would hope that with training and rehabilitation that I may be able to maintain the transport manager role, because effectively that's all i'll be doing.

28. At 02:03 the following exchange took place. Mr Willis was representing Mr Steadman:

Mr. Willis: ...If it pleases you Commissioner, shall we have Mr. Steadman's evidence on regulatory action?

DTC: I think that would be helpful.

Mr Willis: Is it important to go through all aspects of regulatory action?

DTC: Yes.

29. Mr. Willis then asked Mr. Steadman about the consequences for him of all different aspects of regulatory action, including revocation of the licence and disqualification of the transport manager. During that series of questions, the following exchange occurred:

Mr. Willis: And in terms of your transport manager repute. If that was removed... Say, you were disqualified for a period, how would that impact?

Mr. Steadman: It brings extra financial pressure to the business, but it also causes me problems [in the event that I, in the future, wanted to fold... Finish the company and go and work somewhere else. I've no repute anymore. I can't be a transport manager. It changes my career prospects and everything.

Mr. Willis: And would it put the business out of business?

Mr. Steadman: It burdens me with another 1,200, 1,500, whatever it costs me for an external transport manager. And, as you've explained, the fact that we are red, amber, which I'm desperately trying to improve, means that a lot of external transport managers have looked at us and said, no, we don't want to do that, or we do but the costs are prohibitive. But again, if that's something we have to do, then I've got to look at it.

30. At 02:38 the Commissioner said as follows, in response to Mr. Willis' submission that the regulatory starting points should be a formal warning, tarnishing of Mr. Steadman's reputation or a time-limited removal of the margin:

DTC: If I take the view that this does fall within the persistent operator licence failure: with an inadequate response, the starting point would be severe to serious action. If I then follow the Senior Traffic Commissioner's guidance, then neither of those options would be sufficient, because the least restrictive within the severe to serious bullet-pointed points would be a significant time-noted [*sic*] curtailment that may materially affect the transport operation. If you don't feel that you can make submissions further, then that's a matter for you. I am content to indicate that what's been suggested, as

you put it, feels way off having gone through this exercise together. So, I give you the opportunity, if you wish to take it, to make a sufficient in line with the guidance. If you feel that you've covered it, that's your... That's a matter for you

Mr. Willis: I think it was covered in regulatory actions, submissions, where Mr. Steadman... We went through the exercise of what impact it would have on him. On his...

DTC: So, in terms, then, of if there's going to be a mandatory disqualification, it always follows that everybody would want that to be as short as possible, so I take that as a given submission. But do you think there's anything that you would like me to take into account more specifically with the period if it was going to be a time-limited disqualification?

Mr. Willis: No. Our submissions would be that it doesn't fall into that category, and obviously, you take as the given that comment you made, but...

DTC: Of course.

Mr. Willis: It wasn't my submission. But it's... That doesn't fall within that remit.

31. There was a short adjournment at 02:40:

DTC: Alright. I'm mindful of the time. It's four minutes to one. So, I think in line to that, I would like to take some time to consider what's been said, reflect on those submissions, knowing work through that process again is on myself. Do you have to be somewhere else this afternoon? I don't want you to come back this afternoon, but do you need to leave now for other professional commitments?

...

DTC: I'm not going to ask you to come back this afternoon, not least because there's a different public inquiry in any event. But I think, if possible, it is [02:41:05 unintelligible] for us to have a decision on the day. What I would like to do at this time is to take 15 minutes to reflect on everything. If that's not enough, then I'll say, and see if I can get to the point where there can be an oral decision. which is followed up by a written decision. If after that time period I can't,

then it'll have to be a full written decision, which will be communicated in writing. Is there anything else at all that you think I ought to take into account before doing that?

Mr. Willis:

No. I think just in summary, just generally speaking, looking at the whole thing holistically, you know, this isn't a case of someone cutting corners trying to mislead. There's no... There's not even a suggestion of that. There's been a tremendous willingness to get trained, even retrain as a transport manager... Not refresher course. Retrain as a transport... There is a tremendous willingness there that Mr. Steadman has... He didn't make as such... He didn't explicit in his evidence, but he's changed his whole mindset. He used to be part of the driver team. He's not now. He might cover emergency driving. He's reduced his hours. His focus is on the transport managing, so he... So, I think, yes. This is an operator with a changed mindset. Not that there was anything necessarily bad about the former mindset, but other than the paperwork issues, and it is an enhanced mindset in respect of the Office of the Traffic Commissioner, for whom he expressly has a great respect for. To a very serious outlook on compliance. So, I think this is different from operators... Other kinds of operators where you might have a similar set of facts, and I think this whole thing looked worse on the papers than it did in reality. Mr. Steadman is someone you can work with. Who is cooperative. That was said by the Examiners. They were very accommodating. I think that's a lovely expression, actually. And as he's presented here today, he's been very forthright and open, and I would say he has presented in a very balanced way and can be trusted as an operator. So, I think that would pretty much sum up from my submissions point of view, Commissioner.

32. The Commissioner then adjourned for 15 minutes and said the following when the hearing reconvened:

DTC:

I'm going to adjourn for a full written decision. I want to carefully consider everything that's been said. I want to look over the notes again. Consider the submissions and look over the Senior Traffic Commissioner's guidance again, and I don't want to rush. It's too important a decision. So, you'll get that promptly but not today. Alright? Thank you very much

## **The Commissioner's decision**

33. The Commissioner set out the background to the case in detail. The decision summarised in detail the vehicle examiner's Maintenance Investigation Report, the traffic examiner's Desk Based Assessment and the appellants' responses. The decision set out in detail the content of the public inquiry supplementary statements from the traffic examiner in paragraphs 17 and 18 of the decision. It set out in detail the content of the supplementary report from the vehicle examiner at paragraph 19.
34. The decision included a detailed summary of the relevant sections of Mr. Steadman's evidence at the public inquiry. The Commissioner made findings in relation to each section of the 1995 Act that was in issue.
35. Under the heading 'balancing exercise and decisions' the decision set out the positives and negatives and explained why the Commissioner had rejected certain submissions made by Mr. Willis.
36. The Commissioner noted that in the hearing, having worked through the positive and negatives of the case with Mr Willis, and having heard all of the evidence and his submissions, the Commissioner had indicated that her initial assessment was that the conduct was "Persistent operator licence failures with inadequate response" which would put the starting point as "Severe to Serious" and that she had offered him another opportunity to address her in submissions which Mr Willis declined.
37. The Commissioner's conclusion was that the conduct was "Persistent operator licence failures with inadequate response" with a regulatory starting point of "Severe to Serious". She said that there had been a persistence of failures in multiple areas and that the response had been inadequate because there were still serious issues outstanding and that some of the material operator failures had persisted and continued at public inquiry. She concluded that the negatives outweighed the positives because the negatives were so serious, they go to the heart of the regulatory objectives of road safety and fair competition, and the issues had not been dealt with to a reasonable conclusion.
38. In relation to the continuous and effective management of transport activities by Mr Steadman as transport manager the Commissioner set out her assessment of the evidence before her in detail, including, but not limited to the following:
  - a. Mr. Steadman delegated too much responsibility to his maintenance providers.
  - b. He has identifiable training needs in fundamental areas of the transport manager role, including having a better understanding of the scope of the role.
  - c. He has been out of date for some time in his knowledge of operator licensing. The recent training was 'too little too late'.
  - d. The Commissioner said that she was "critical of Mr. Steadman's decision not to read the GTMR beyond having "scanned it" as he said in oral

evidence". Mr. Steadman did not use the free at the point of service guidance put in writing by the vehicle examiner in Autumn 2024.

- e. Mr. Steadman has not been proactive enough generally:
  - "Mr Steadman has not been updating his licence to reflect his maintenance provider, or the vehicles specified on the licence. Most importantly, vehicles have not been kept in fit and serviceable condition. Mr Steadman has not retained an adequate oversight of the maintenance of the vehicles, including their brake testing and in addition it would appear from the oral evidence that the reason for this is likely to be a lack of education and knowledge on the requirements both in terms of duty as a transport manager and of how to analyse and react to what he has been looking at.
- f. Mr Steadman has been allowing vehicles to go back onto the road from the maintenance provider without having reviewed the safety inspection sheet because he did not realise until the public inquiry that this was a mandatory requirement of him as set out in the GTMR.
- g. Despite issues with brake tests having already been brought to Mr. Steadman's attention in December 2024, Mr. Steadman acknowledged that a brake test had not been carried out and was unable to explain why he did not obtain another brake test.

39. The Commissioner concluded that Mr. Steadman had not been continuously and effectively managing the licence and could not on the balance of probabilities be trusted to do so moving forwards and found that he had lost his reputation as a transport manager, leading to a mandatory disqualification which she selected at the minimum period of one year, taking account of the positives, his acknowledgement that he needs further training, and personal issues. The Commissioner said that:

"Not only is the disqualification mandatory, it is necessary. The extent of the failings in the August 2024 MIVR [*Maintenance Investigation Report*] make it clear that Mr Steadman has been likely to have been inadequately discharging the duties of transport manager for some time. The minimum disqualification period reflects that Mr Steadman has not been found to be dishonest or deliberately seeking an unfair commercial advantage and that this is his first public inquiry." [84]

40. At paragraph 86 the Commissioner said as follows:

#### Mandatory revocation

- 86. Having found that the sole transport manager has lost his reputation the licence is without professional competence. No period of grace was sought. No tangible evidence was provided to me on this point. Indeed, the evidence about External transport managers was that no one could be identified who would take the role and not at an acceptable price.
- 87. The Operator's licence is revoked on a mandatory basis.

41. The Commissioner went on to consider whether the Operator had lost their good repute. Applying principles in **Priority Freight Limited and Williams** 2009/225 ('**Priority Freight**') and **Redsky Wholesalers Limited** T/2013/07 [2013] UKUT 0194 (AAC) (**Redsky Wholesalers**) she concluded that the Operator had had plenty of opportunity to evidence compliance and could not be trusted to achieve future compliance. She considered compliance unlikely due to excessive delegation by the sole director, a lack of up-to-date knowledge, and a failure to properly discharge the operator's responsibility to obtain and supervise a competent transport manager. She said that too much of future compliance was contingent on future promises and that assurances had been given to the DVSA which had not been consistently actioned before the public inquiry, which negatively impacted her ability to trust promises made at the public inquiry.
42. She asked herself the **Bryan Haulage** question (**Bryan Haulage Limited (No. 2)** 217/2002): 'Is the conduct such that the operator ought to be put out of business?' She accepted without an operator's licence the business was likely to stop trading or would be forced to pivot into a new area of work. She acknowledged that the operator had been able to demonstrate some tangible positives and considered whether there was evidence enough of forward motion towards compliance but concluded:
- “96. ... the reality is the negative outstanding features are too serious to be mitigated down sufficiently by progress in other areas. The omissions of duty for brake testing, before and after, the DVSA investigation are serious failings which should have prompted a much more thorough response. The Operator can, and does, use 44 tonne vehicles. The risk of brakes not working as they should, or failing, on such a large and heavy vehicle are plain and obvious. I am troubled by Mr Steadman's decision not to read the GTMR beyond scanning it coupled with 30% of safety inspections without a brake test evidenced in the SIPCAT dated 28 April 2025. Incorrect brake readings occurred as recently as the safety inspection of 12 April 2025, meaning that I place this as both a serious and a current failing.
97. After careful consideration, the conduct of the operator is such that they ought to be put out of business, if that has to be the result of the decision.”
43. Having concluded that the Operator had lost their repute and that mandatory revocation must follow, the Commissioner held that she would nevertheless have revoked the licence on a discretionary basis on the basis that no decision other than revocation was proportionate. She said that the starting point was severe to serious, that the positive features allowed her to reduce the starting point to serious, and the negative features demanded that the case fell at the top of the serious bracket. She set out a detailed consideration of whether lesser regulatory action than revocation would serve the regulatory objectives, taking account of relevant factors including what the Operator had been able to achieve since August 2024 and road safety risk.

44. In relation to disqualification the Commissioner set out detailed reasons on why she considered it just, proportionate and necessary to disqualify Mr Steadman from holding an operator's licence, and why she had selected the minimum period of one year. She said:

“111. ... I have selected the minimum period to reflect the positives in the case. However, a disqualification is just, proportionate and is necessary. Mr Steadman had a lot of cues to poor road safety standards over a long period of time from failed MOTs, prohibitions and DVSA investigation. The issues were not in an isolated area and have not be [sic] adequately addressed by the public inquiry. As an Operator it was a poor decision not to adequately familiarise himself with the GTMR ever. Mr Steadman, as director, did not have a sufficient grip on where he needed to improve before the start of the hearing which made it difficult for him to present a tangible recovery package before the public inquiry. I assess the public inquiry process itself to have been an important tool in Mr Steadman's analysis of the licence failings to the extent that it points to the need for a disqualification from holding an operator's licence again in the future to reflect, reskill and consider transport manager requirements.”

### The appeal

45. We gave the appellant permission to amend his grounds of appeal at the start of the hearing. The amended grounds, dated 14 November 2025 are as follows:

**Ground 1** – Failure to correctly evaluate TE and VE evidence

**Ground 2** – Article 6 right to a fair hearing – period of grace

**Ground 3** – Wrong conclusion about the DVSA's Guide to Maintaining Roadworthiness (GTMR)

**Ground 4** – The Commissioner was wrong to decide that the appellants had loss of repute and disqualify Mr Steadman from being a TM and applying for and obtaining an O Licence.

46. Mr Willis provided a skeleton argument which reflected the oral arguments he presented in the hearing.
47. Mr Steadman attended the hearing. At the start of the hearing the Judge explained to Mr Steadman the nature of the hearing and gave Mr Steadman the opportunity to make additional submissions if he wished. Mr Steadman did not wish to do so, but during Mr Willis' submissions Mr Steadman helpfully answered a number of questions from the panel to assist the Tribunal's understanding of the background facts.

### Legal framework

Goods Vehicles (Licensing of Operators) Act 1995

48. Section 26(1) of the 1995 Act confers power on a Traffic Commissioner to direct that an operator's licence be revoked on certain grounds, which include:
- (c) "that during the five years ending with the date on which the direction is given there has been—  
...  
(iii) a prohibition under section 69 or 70 of the Road Traffic Act 1988 (power to prohibit driving of unfit or overloaded vehicles) of the driving of a vehicle of which the licence-holder was the owner when the prohibition was imposed"
  - (e) "that the licence-holder made, or procured to be made, for the purposes of—  
(i) his application for the licence,  
(ii) an application for the variation of the licence, or  
(iii) a request for a direction under paragraph 1 or 3 of Schedule 4,  
  
a statement of fact that, whether to his knowledge or not, was false, or a statement of expectation that has not been fulfilled"
  - (f)" that any undertaking recorded in the licence has not been fulfilled"
49. Section 27(1) specifies cases in which a Traffic Commissioner must revoke a standard operator's licence. A Commissioner must revoke the licence if at any time it appears to the Commissioner that the licence-holder no longer satisfies a requirement of section 13A (section 27(1)(a)) or the designated transport manager no longer satisfies a requirement in paragraph 14A of Schedule 3 to the Act (section 27(1)(b)).
50. Where a Traffic Commissioner revokes an operator's licence, the Commissioner may also order the holder of the licence to be disqualified from holding or obtaining an operator's licence. The period of disqualification is to be indefinite or for such period as the Commissioner thinks fit (section 28(1) of the 1995 Act). Where the licence holder is a company, the power to make a disqualification order under section 28(1) is also exercisable "in relation to any director of that company" (section 28(5)).
51. The requirements of section 13A of the 1995 Act include:
- (a) a Traffic Commissioner is satisfied that the operator is of good repute as determined in accordance with paragraphs 1 to 5 of Schedule 3 (section 13A(2)(b));
  - (b) a Commissioner is satisfied that, in the case of an operator who is not an individual, the operator has designated an individual (a transport manager) who satisfies the requirements in paragraph 14(A)(1) and (3) of Schedule 3 to the Act (section 13A(3)(B)). Those requirements include that the transport manager must be of good repute, professionally competent and able to manage effectively and continuously the operator's transport service.

52. If a Traffic Commissioner determines that a person who is a transport manager is no longer of good repute or professionally competent, the Commissioner must order the person to be disqualified from acting as a transport manager (paragraph 16(2) of Schedule 3). The disqualification is to be either indefinite or for such period as the Commissioner thinks fit. Before determining that a transport manager is no longer of good repute or professionally competent, the Commissioner must consider whether such a finding “would constitute a disproportionate response” (paragraph 16(1)).
53. Section 27(3A) of the 1995 Act permits a Traffic Commissioner to set a time limit for a licence-holder to rectify an apparent regulatory breach. This is known conventionally as a ‘period of grace’.
54. The Court of Appeal in **Bradley Fold Travel Ltd and Another v Secretary of State for Transport** [2010] EWCA Civ 695 stated that the Upper Tribunal has the duty, on an appeal to it, to determine matters of fact and law on the basis of the material which had been before the Traffic Commissioner but without the benefit of seeing and hearing from witnesses. The Court of Appeal said that the burden lies on an appellant to show that the process of reasoning and the application of the relevant law requires the Upper Tribunal to take a different view to that taken by the Traffic Commissioner.

## **Analysis**

### Ground 1 - Failure to correctly evaluate the traffic examiner and vehicle examiner evidence

55. In relation to ground 1 Mr Willis submitted, in essence, that traffic examiner Jason Doogue’s supplementary report produced for the public inquiry in May 2025 was a largely positive report, in which the traffic examiner’s assessment was that there had been an overall improvement with only some areas which needed further improvement for full compliance. He submitted that was the most contemporary and powerful evidence. He submitted that the Commissioner repeatedly referenced historic evidence and did not take account of this report in the balancing act.
56. Ground 1 relates, in part, to the Commissioner’s approach to the evidence in conducting the requisite balancing act. That aspect of ground 1 is considered under ground 4.
57. We do not find any error of law in the Commissioner’s approach. We accept that the structure and headings of the sections dealing with Jason Doogue’s supplementary report in the ‘evidence’ section of the decision could have been clearer, and the Commissioner could have more clearly signposted the section in which she dealt with that particular report. However, the substance of that section is clear. In particular it is clear that the Commissioner was aware of and took account of the substance of the supplementary report of traffic examiner Jason Doogue. That is because the Commissioner summarises the contents of this report in detail at paragraphs 17 and 18 in her decision.

58. Further, it is clear that the Commissioner took this report into account when reaching her conclusions. For example, at paragraphs 55(f)(iii) and 61(c)(ii) the Commissioner made specific findings based on traffic examiner's Doogue's supplementary report.
59. Finally, the Commissioner expressly refers to and takes account of the fact that improvements have been made in the balancing exercise. For example, at paragraph 59 she states that 'There has been some tangible progress towards compliance' and at paragraph 96 she states, 'The Operator has been able to demonstrate some tangible positives, and I have asked myself whether they are evidence enough of forward motion towards compliance.'
60. We have considered the issue of whether the Commissioner erred in her approach to the balancing exercise under ground four.

Ground 2 – Article 6 right to a fair hearing – period of grace

61. This ground arises out of paragraph 86 of the Commissioner's decision in which she said:

Having found that the sole transport manager has lost his repute the licence is without professional competence. No period of grace was sought. No tangible evidence was provided to me on this point. Indeed, the evidence about External Transport Managers was that no one could be identified who would take the role and not at an acceptable price.

62. Mr Willis submitted that the option to request a period of grace was available to the appellants at the public inquiry, or, in the alternative, because the hearing was procedurally unfair because the Commissioner did not make sufficiently clear that mandatory revocation was a possibility because she was considering a finding that the transport manager had lost his repute.
63. We do not accept that the option to request a period of grace was not available to the appellants at the public inquiry, nor do we accept that there was any procedural unfairness.
64. The call up letters make abundantly clear what was to be considered at the public inquiry. For example, the letter to the Company said that the Traffic Commissioner was concerned that the Company may not meet the requirement to be of good repute or meet the requirements of a transport manager and said, 'if you do not meet these requirements, your licence is at risk'. The letter also said that the nominated transport manager may not be exercising continuous and effective management of the Company's transport activities. The letter said, 'if you do not have a transport manager who is professionally competent and of good repute, your licence is at risk'.
65. The letter continued that 'If the Traffic Commissioner concludes that you are not so complying, or have failed to comply in the recent past, they may - according to the seriousness of the findings - ... suspend your licence for a period of time;

or revoke it entirely'. The letter continued: '**You should consider making contingency arrangements** for any outcome from the inquiry, **WHICH MAY INCLUDE THE LOSS OF YOUR LICENCE**'.

66. The Commissioner also properly made clear that revocation was under consideration in the course of the public inquiry on a number of occasions. At the start of the hearing, the Commissioner reiterated that revocation and disqualification of the operator and transport manager were part of the options under consideration. The Commissioner confirmed that Mr Willis should go through all aspects of regulatory action with Mr Steadman in evidence. She highlighted specifically her initial thinking on the starting point for regulatory action and specifically invited submissions from Mr Willis on this.
67. That was in accordance with the statutory guidance. The Commissioner indicated the likely options, enabling the operator to make representations about the possible effect on the business and provisionally indicated what she saw as the starting point while demonstrating that she retained an open mind.
68. Mr Willis' submitted that an application for a period of grace cannot be made until after the Commissioner has made a finding that the mandatory conditions are not satisfied. We reject that submission. The Commissioner is required to notify a licence holder under section 27(2) that he is considering giving a direction under section 27(2). At that stage, as the Upper Tribunal put it in at paragraph 40 of **Egertons Recovery Group Limited** [2022] UKUT 141, the Commissioner has established that an operator 'runs the risk' of no longer fulfilling the requirements and must notify the operator that he is considering revocation. It is then for the operator to determine whether to make representations and/or request a period of grace whether in writing or at the public inquiry.
69. In this case, the Operator was given notice in the call up letter that the Commissioner was considering revocation and it was then for the Operator to determine whether to make representations and/or request a period of grace whether in writing or at the public inquiry.
70. The Tribunal accepts that as a matter of tactics, an application for a period of grace needs to be carefully considered, because it carries with it an admission that the operator no longer satisfies one or more of the statutory requirements, but that does not make it unavailable or lead to procedural unfairness. As a matter of practicality there was nothing to prevent the appellant or Mr Willis from making a submission requesting the Commissioner to consider allowing, for example, 14 days to make an application for a period of grace should she decide that the mandatory conditions were not satisfied.
71. Mr Willis submitted that even though no application for a period of grace was made, it should have been clear to the Commissioner that Mr Steadman wanted a period of grace, because it was clear that Mr Steadman wanted to do anything to save his reputation, even though he did not use the exact words. Mr Steadman was represented by a solicitor, who could have made the application or a submission along the lines suggested in the previous paragraph. It was not

procedurally unfair for the Commissioner not to consider whether to grant a period of grace of her own motion.

72. No application for a period of grace was made, or any submission along the lines set out in the previous paragraph. The Commissioner was accordingly not in error by recording that no application had been made and noting that no tangible evidence was provided on that point and that the evidence about external transport managers was that no one could be identified who would take the role and not at an acceptable price. There was no procedural unfairness or error of law in the Commissioner's approach to the period of grace.
73. Any such error would not, in any event, have been material because of the Commissioner's decision under section 26.

Ground 3 – Wrong conclusion about the DVSA's Guide to Maintaining Roadworthiness (GTMR)

74. Mr Willis submitted that the Commissioner was not entitled to make the findings that she made on the GTMR.
75. The relevant part of the transcript is set out above in full. In response to the question, "When did you last look at the guide to maintaining roadworthiness?" Mr Steadman replied, "I'll be honest. I've scanned it but I've not really read it 100 per cent." The Commissioner asked, "Have you ever read it properly?" Mr Steadman replied, "I've not read it fully. I'll be honest."
76. Mr Willis made submissions to us about what Mr Steadman might have meant, but the transcript records what Mr Steadman said and that is what was before the Commissioner.
77. The Commissioner's findings, based on this evidence were that "Mr Steadman said that he had scanned it, but he had never fully read it". On the basis of that finding she said that she was "critical of Mr Steadman's decision not to read the GTMR beyond having "scanned it" and that she was "troubled by Mr Steadman's decision not to read the GTMR beyond scanning it."
78. The factual finding is entirely consistent with the evidence. The conclusions that were based on that finding, i.e. that the Commissioner was critical and troubled by this evidence are conclusions that the Commissioner was entitled to reach. There is no suggestion from the decision that the Commissioner placed undue weight on this evidence, and it was properly balanced with other relevant factors.
79. There is no error of law or fact in the Commissioner's approach to this evidence.

Ground 4 - The Commissioner was wrong to decide that the appellants had loss of repute and disqualify Mr Steadman from being a TM and applying for and obtaining an O Licence

80. In relation to ground 4 Mr Willis argued that the decisions of the Commissioner, in relation to loss of repute of the Operator and Traffic Manager and in relation to disqualification of Mr Steadman, were plainly wrong.
81. In summary, Mr Willis submitted that the decision was plainly wrong because:
- a. there was no suggestion of deception, no deliberate unfair competition and the appellants had been positively responsive to the DVSA investigations
  - b. the Commissioner should have focussed on loss of repute on the day of the hearing; she was overly focussed on historic failings and did not undertake a proper balancing act including the favourable evidence in the traffic examiner's supplementary report
  - c. the Commissioner took a different view to the traffic examiner's supplementary report which appeared reasonably satisfactory
  - d. the issues flagged by the vehicle examiner point to mainly paperwork issues
  - e. it was not open to the appellants to request a period of grace at the public inquiry so that statement that 'no period of grace was sought' casts doubt on the decision
  - f. the Commissioner made a blanket summary that Mr Steadman had never read the GTMR which was incorrect and misleading
82. We have rejected the final two points above under grounds two and three and they do not support an argument that the decision is plainly wrong. We have also concluded under ground one that the Commissioner took proper account of the traffic examiner's supplementary report.
83. In **T/2014/25/26 H. Sivyver (Transport) Ltd. and Simon Sivyver** [2014] UKUT 0404 (AAC), the Upper Tribunal said that where a transport manager has substantially failed in his or her duty to maintain continuous and effective control of an operator's fleet of vehicles the remedy is to consider and, where appropriate, find loss of good repute as a transport manager. Once good repute has been lost, disqualification from acting as a transport manager is a mandatory consequence (see paragraph 16(2) of Schedule 3 to the 1995 Act). There is no opportunity, after a finding of loss of good repute, to consider whether or not disqualification is a proportionate response. Instead, proportionality is to be considered when deciding whether or not to make a finding of loss of repute. To justify a finding of loss of repute, the matters proved must be such that disqualification represents a proportionate response.
84. When a decision maker finds that an operator has lost its good repute, revocation of the licence is the mandatory outcome (s.27(1) of the 1995 Act), which ultimately results in putting the operator out of business. For this reason, the proportionality of the finding (and the outcome) must be considered. Hence, to justify a finding of loss of repute, the matters found proven against the operator must be such that revocation of the licence is a proportionate regulatory response (see *T/2015/39 Firstline International Ltd & William Lambie v Secretary of State for Transport*). The power to revoke an operator's licence should be exercised so as "to achieve the objectives of the system" depending on the seriousness of the

case before the Traffic Commissioner, rather than as punishment for regulatory infringements (*Thomas Muir Haulage Ltd v Secretary of State* 1998 SLT 666). It is a matter of fact and degree for the Commissioner to determine according to the facts of the case before him.

85. Proportionality requires consideration of two questions: (1) “How likely is it that this operator will, in the future, operate in compliance with the operator’s licensing regime?” (the **Priority Freight** question), and (2) “Is the conduct such that the operator ought to be put out of business?” (the **Bryan Haulage** question).
86. The **Priority Freight** question is ultimately a question of trust, which is established by balancing the negative factors with the positive factors in respect of an operator’s conduct. The less likely it is that an operator is considered to be able to comply with the regulations in the future, the more likely a revocation (and possibly disqualification) are to follow.
87. Having summarised the relevant evidence, including the vehicle examiner and traffic examiner reports before the inquiry, the appellants’ written responses and the relevant parts of Mr Steadman’s evidence at the public inquiry, the Commissioner set out in detail her findings in relation to each infringement at paragraphs 53 to 57.
88. The Commissioner set out a balanced list of positive and negatives at paragraphs 59 and 60 and specifically addressed the points in Mr Willis’ submissions on positives and negatives that she did not accept. The Commissioner acknowledged and took account of the progress that had been made in response to the DVSA investigations. The Commissioner’s conclusion was that the negatives outweighed the positives because the negatives were so serious and they went to the heart of the regulatory objectives of road safety and fair competition and the issues had not been dealt with to a reasonable conclusion. It is right that there was no suggestion of deception or deliberate unfair competition and that the positives included the fact that tangible progress had been made. Even so, the Commissioner’s conclusion was clearly justified on the evidence before her and was not plainly wrong.
89. When considering whether Mr Steadman as transport manager had substantially failed in his duty to maintain continuous and effective control of an operator’s fleet of vehicles, the Commissioner made a detailed and balanced assessment of the evidence from before and during the public inquiry in paragraphs 67 to 79. This is summarised in detail above, but it included issues such as out of date knowledge, admitted training needs, excessive delegation of responsibility, not being proactive enough and not retaining an adequate oversight of the maintenance of the vehicles, as well as acknowledging in the hearing that a brake test had not been carried out but not being able to explain why. Those were conclusions that she was entitled to reach on the evidence before her.
90. In the light of those findings and the balanced assessment of positives and negatives, the conclusion that good reputation was lost by the transport manager was proportionate and a conclusion that was not plainly wrong on the basis of the evidence before the Commissioner.

91. Once good repute has been lost, disqualification from acting as a transport manager is a mandatory consequence (see paragraph 16(2) of Schedule 3 to the 1995 Act).
92. We have decided above that the Commissioner did not err by failing to consider whether to allow a period of grace before revoking the Operator's licence on the mandatory basis.
93. Having already conducted a detailed analysis of the positives and negatives, in relation to the Operator's loss of good repute, the Commissioner asked the **Priority Freight** question and gave clear reasons for her conclusion that she did not trust this operator including, for example, her finding that assurances to the DVSA have not been consistently actioned and that the sole director had been too trusting in his delegation. In asking the **Bryan Haulage** question the Commissioner acknowledged the tangible positives that had been demonstrated but concluded that the negative outstanding features were too serious to be mitigated down sufficiently by progress in other areas. In particular she noted the serious failings in relation to brake testing which carried obvious risks with 44 tonne vehicles; Mr Steadman's decision not to read the GTMR beyond scanning coupled with 30% of safety inspections without a brake test evidenced in the SIPCAT dated 28 April 2025. She noted that incorrect brake readings occurred as recently as the safety inspection of 12 April 2025, meaning that she placed this as both a serious and a current failing.
94. We find that the Commissioner considered and applied the relevant law to her determination in respect of loss of repute and revocation of the operator's licence. The Commissioner was entitled to make the findings and conclusions she did, based on the evidence before her.
95. The Commissioner fairly assessed the positives and the negatives, acknowledged progress that had been made up to the public inquiry and expressly considered whether the failings in relation to brake testing were current. We do not accept that she focussed improperly on 'historic' conduct. Whilst some improvements had been made, the Commissioner's conclusion that the conduct of the operator was such that they ought to be put out of business was proportionate and not plainly wrong. We find that the Commissioner provided more than adequate reasons to justify her determinations in relation to both the **Priority Freight** and the **Bryan Haulage** questions.
96. Having determined that the Operator had lost its repute, revocation was mandatory, but the Commissioner considered, in any event, whether the license would have been revoked on a discretionary basis. The Commissioner considered the proportionality of revocation in a careful and detailed manner, addressing each proposal of lesser regulatory action in turn. Her conclusion on this issue was supported by detailed reasoning and was not plainly wrong.
97. In relation to the future disqualification of Mr Steadman from holding an operator's licence, the Commissioner again set out detailed and careful reasons at paragraphs 107-111 for why she had concluded that disqualification for the

minimum period was just, fair and proportionate. Her conclusion on this issue was supported by detailed reasoning and was not plainly wrong.

98. Overall, we are satisfied that the Commissioner applied the correct legal tests, made findings that were supported by the evidence before her and reached well-reasoned decisions that were proportionate and not plainly wrong. The decision was not made in error of law.

### **Conclusion**

99. For all those reasons we are not satisfied that the decision was plainly wrong, or that it contained an error of law or procedural unfairness. The appeal is dismissed.

### **The taking effect of this decision**

100. We are mindful of the fact that the appellant has been continuing its operations, under the terms of a stay granted by the Upper Tribunal such that an immediate coming into force of our decision to dismiss the appeal would lead to an abrupt cessation. That being so, we defer the disposal of the appeal until 23:59 hours 28 days after the date this decision is sent out to allow an orderly winding down of the business.

**Sophie Buckley  
Judge of the Upper Tribunal**

Authorised for issue on 25 May 2026