Neutral Citation Number: [2026] UKUT 278 (AAC)
Appeal No. UA-2025-001576-T

IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER

TRAFFIC COMMISSIONER APPEALS

Appellant:	**BTW TRANSPORT LIMITED**
Commissioner's ref:	**OB2034896**
Before:	**HHJ Beech, Judge of the Upper Tribunal** **Kerry Pepperell, Specialist Member of the Tribunal** **Gary Roantree, Specialist Member of the Tribunal**

Hearing date:	2nd June 2026
Mode of hearing:	Remote by CVP
Heard at:	Field House, Breams Buildings, London, EC4A 1DZ

Representation:

Appellant:	Byron Thomas Williams, Managing Director assisted by Mr Lyon, Transport Consultant
Decision Date:	22nd July 2026

ON APPEAL from the DECISION of the DEPUTY TRAFFIC COMMISSIONER for the NORTH EAST OF ENGLAND dated 21st September 2025

SUMMARY OF DECISION

This appeal is DISMISSED

The Deputy Traffic Commissioner's decision to revoke the Appellant's operator's licence and to disqualify the company and Mr Williams for a period of 12 months was neither wrong on the facts or the law and there is no other compelling reason to allow the appeal.

KEYWORD NAME: 100.12 licence revocation and 100.13 disqualification

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 appeal is DISMISSED

REASONS FOR DECISION

Introduction

1. This is an appeal from the decision of the Deputy Traffic Commissioner for the North East of England ("the DTC") dated 21st September 2025, when he revoked the Appellant's standard national operator's licence under ss.26 and 27 of the Goods Vehicles (Licensing of Operators) Act 1995 ("the Act") and disqualified the Appellant and sole director, Byron Williams ("Mr Williams"), from holding or obtaining an operator's licence in any traffic area with effect from 23.45 hours on 22nd October 2025 for a period of twelve months under s.28(1) of the Act. Whilst the appeal is in the name of BTW Transport Limited ("the company), it is clear that the appeal is on behalf of Mr Williams as well.

2. The TC also found that the good repute of Nichola Ogilvie ("Ms Ogilvie"), the Appellant's former transport manager was lost pursuant to Schedule 3 of the Act and disqualified her from acting as a transport manager with effect from 22nd October 2025 until further order. There is no appeal from that decision.

Factual background

3. The background to this appeal is as follows. The company was granted a standard national operator's licence with effect from 25th August 2020. At the time of the public inquiry, the vehicle authorisation was seven vehicles with seven in possession and eight trailers. Mr Williams was the sole director of the company and the transport manager at the relevant time was Ms Ogilvie. The principal business of the company was bulk waste.

4. On 2nd March 2022, the company attended a public inquiry for the TC to consider regulatory action as a result of an "S" marked prohibition having been issued. At that stage, the company had four vehicles authorised and four in possession. The relevant TC made the following findings:

   - A tractor unit and trailer were subject to a DVSA roadside check in September 2021 and an "S" marked PG9 was issued to the trailer for loose wheel nuts. Immediate PG9s were also issued for a tyre cut to the cords and a spray suppression defect. The driver was issued with a fixed penalty notice for the tyre defect.
   - Subsequent analysis of the company's maintenance systems identified:
     1. Brake performance checks at preventative maintenance inspections ("PMIs") were not being undertaken in accordance with the Guide to Maintaining Roadworthiness.
     2. The driver defect reporting system was deemed to be ineffective given the prohibitions for tyres and loose wheel nuts. This was also borne out by the number of driver reportable defects found at PMIs.

3. There were no effective wheel security systems in place.

- The analysis conducted by the company's consultant identified that the tachograph analysis systems to monitor drivers' hours were not fully effective, with infringement reports and completion of missing mileage only taking place recently.

5. Upon the company giving the TC an undertaking to provide an independent audit of its maintenance and driver's hours procedures by 31st August 2022, the TC curtailed the company's licence from four to three vehicles for a period of two weeks and granted a period of grace of three months for professional competence to be established.

6. On 9th November 2022, a further DVSA assessment was carried out. In a letter dated 29th December 2022, the Office of the Traffic Commissioner ("OTC"), noted that there were incidents of similar shortcomings as those found in the previous investigation although major steps forward had been made resulting in a more robust approach to the maintenance of the vehicles with further improvements and updates to the fleet. Having noted the explanations and assurances provided, the TC had decided to issue the company with a warning.

7. On 30th January 2024, upon presentation of a vehicle for an MOT inspection, an "S" marked PG9 was issued to a vehicle due to seven out of ten-wheel nuts being loose on one wheel. A DVSA investigation conducted by Vehicle Examiner ("VE") Thorpe followed on 1st March 2024 which was marked as unsatisfactory. In summary:

   - Three vehicles were checked
   - 28 PMI records checked
   - 3 were outside the six weekly PMI window stated in the operator's licence
   - 23 records were not fully compliant with the Guidance to Maintaining Roadworthiness
   - 7 dangerous defects were found during PMIs
   - There were 6 instances of driver reportable defects found at PMI with no corresponding driver defect report
   - 27 of the PMIs did not have evidence of brake testing
   - There was one instance of a significant failing leading to a PG9.

8. Traffic Examiner ("TE") Stafford requested tachograph data from 1st January 2024 to 25th March 2024 which was received on 11th April 2024. The data showed minor infringements.

9. On 15th April 2024, an immediate PG9 was issued for a bulging tyre on the offside front axle of a trailer along with an advisory notice for a defective stop lamp. At the same time an advisory notice was issued to the tractor unit (SL64 LZJ) for three-wheel nuts showing signs of insecurity. Moreover, the vehicle had been operated without vehicle excise duty ("VED") having been paid for five months.

10. TE Stafford attended the operating centre on 24th April 2024 and spoke with Ms Ogilvie who had been nominated as the transport manager in October 2023 having qualified in September 2023. Ms Ogilvie was unable to access Tachomaster (the system used for tachograph analysis). It later transpired that the company's subscription had not been paid. Ms Ogilvie was unable to show the TE the driving and load security training records because they were locked in Mr Williams' office and she did not have a key. She could not provide CPC records as they were kept by another transport manager who worked for another company. Moreover, Ms Ogilvie informed the TE that she did not have access to company funds and so was unable to pay for the taxing of vehicles.

11. Mr Williams and Ms Ogilvie were interviewed by TE Stafford on 2nd May 2024. Mr Williams described his main responsibilities within the company as *"everything*". He said that the taxing of SL64 LZJ had been "*overlooked*". He had misplaced the log book and had had to apply for a new one. When the vehicle had been VOR'd, he thought that the excise duty had been sorted out before it went back on the road. When Mr Williams rang Ms Ogilvie about the untaxed vehicle, Ms Ogilvie had said that she had told Mr Williams about the need to tax the vehicle but she could not make the payment with her card. It had "*just been a mistake*".

12. In her interview, Ms Ogilvie told TE Stafford that she had meetings with Mr Williams about every three weeks. DVLA vehicle excise reminders were set up and both she and Mr Williams received them. They were also recorded on the maintenance planner. When a payment was due, she informed Mr Williams as she did not have the authority to make payments and did not have access to company funds. She had chased Mr Williams for payment several times and was going to discuss with him a form of contract to the effect that if he was not going to give her access to funds, then she would remind him by email of a payment which he must respond to with an acknowledgment that non-payment of the VED would damage the reputation of the company and Ms Ogilvie. The only other step she could take was to remove the keys from the vehicle.

13. TE Stafford's report was marked as unsatisfactory by reason of Ms Ogilvie not having access to training records; being unable to access the Tachomaster system; having no access to the company accounts to pay for VED.

14. On 30th May 2024, Ms Ogilvie responded to TE Stafford's report. Her letter listed all of the files that she now had access to including the driver CPC training records. She confirmed that she had access to the Tachomaster system and she had purchased a drivers' hours wall planner. Mr Williams was going to order her a company card so that she had access to funds to pay for VED. In the interim, Mr Williams agreed to send her proof that VED had been paid when due and until she received that confirmation, she would retain the vehicle keys to ensure that it remained off the road. Whilst vehicle insurance remained under the control of Mr Williams, the insurance brokers had agreed to send Ms Ogilvie monthly updates to ensure that all insurance was paid. Finally, the company had appointed a new maintenance provider (DTF Commercial Services) which was based on the same site as the company and it had been agreed that they would undertake pre-MOT inspection checks prior to MOT presentation. Ms Ogilvie now received MOT reminders from the DVLA.

15. On 23rd September 2024, Ms Ogilvie notified the OTC had she had resigned as transport manager for the company. Her reasons were:

    - Mr Williams was unable to respect her position and maintain his obligations
    - She was concerned that the company did not meet the necessary financial standing
    - There had been a recent winding up order against the company brought by a previous tyre provider
    - She had repeatedly asked for evidence of financial standing which had not been forthcoming
    - Her repeated requests for information and requests that policies and procedures introduced by her were adhered to had been ignored.

16. On the same date, the standard "*propose to revoke*" letter was sent to Mr Williams for lack of professional competence. Mr Williams responded on 14th October 2024, stating that he had been focusing on the TE investigation; Ms Ogilvie had resigned with no notice due to her failings identified in the TE's report; he was working with a consultancy company and looking for a new transport manager and that he did not want to hire the first transport manager who came along and end up in a similar situation.

17. The OTC wrote to the company again on 15th October 2024 enquiring whether a period of grace was being requested and details of the steps being taken to find a new transport manager and how duties were being covered in the meantime. Mr Williams responded on the same day, requesting a period of grace and stating that a transport consultancy was fulfilling the transport manager functions and a job advert had been published and Mr Williams was evaluating candidates.

18. On 17th October 2024, the OTC wrote to the company again requesting further information about professional competence and the period of grace requested. This letter is not included in the appeal bundle and the date by which a request was required is not within the bundle.

19. By a letter dated 6th November 2024, the company's operator's licence was revoked with immediate effect for failing to respond to that letter. There followed further correspondence from the company commencing 6th November concerning the revocation and providing evidence that Mr Williams had sent a response to the letter of 17th October 2024 on 28th October 2024. The licence was reinstated. However, the bank statements provided by the company did not demonstrate financial standing and on 25th November 2024, a further "*propose to revoke*" letter was sent requiring further financial evidence. The company was given until 16th December 2024 to do so and the company was reminded that it could request a period of grace. The company did so and at the same time requested a public inquiry. A period of grace was granted at the end of which, financial standing was restored and Christopher Rouse had been appointed as transport manager.

20. On 23rd March 2025, prior to the date for a public inquiry being fixed, the OTC received further information about the winding up petition that had been presented to the High Court by Rapid Rubber (Yorkshire) Ltd (which had been

one of the company's tyre providers). The company had not notified the OTC of the petition. Moreover, the DVSA had forwarded evidence to the OTC that in the 17-day period between the revocation of the licence and it being reinstated, the company's vehicles had been recorded 730 times on the ANPR system consistent with the company having continued to use its vehicles despite being aware of the revocation of its licence.

21. The public inquiry was listed for 16th April 2025. On 15th April 2025, Mr Lyon, the company's transport consultant emailed the OTC stating that the company had not received the public inquiry papers and requesting an adjournment. The hearing was relisted for 17th July 2025. The call up letter advised the company that the DTC would consider the updated Companies House status which recorded that there was a suspended active proposal to strike the company off the register for failing to file accounts. Directions were given as to the production of relevant documents.

22. On 17th July 2025, Mr Williams attended with Mr Rouse and Mr Lyon. Mr Williams produced a witness statement in which he blamed Ms Ogilvie for all of the company's shortcomings, asserted that she had been dismissed and maintained that the winding up petition was based on false invoices and as a result, the petition had been withdrawn.

23. It became clear that Mr Williams had failed to comply with the DTC's directions as to production of documents:

    a) Evidence of financial standing was incomplete. Mr Williams explanations for his failure were contradictory: *"it was a big misunderstanding"*; he had not read the directions; he had read the directions but thought he had complied; he received an email reminding him of the need to produce evidence of financial standing but he had missed it; there was no reason why he had not sent in the evidence. The evidence he produced at the hearing did not demonstrate that financial standing was met.

    b) PMI records produced were incomplete and late and VE Thorpe noted that many of the shortcomings previously identified were repeated in the limited number of records produced including an absence of evidence of brake testing including testing after brakes had been changed. Tyre management also continued to be a concern with repeated examples of tyres being presented for inspection with a minimum level of tread. There was an absence of evidence that the tyre defects or other defects seen at inspection had been identified during driver checks. There was no evidence of auditing being carried out of the inspection reports and vehicles were being returned to service with several issues from previous inspections not addressed.

    c) Drivers' card data had not been provided. TE Stafford provided a second statement confirming that he had seen one driver's card download but a full check was not possible as the vehicle unit data provided was not for any of the company's vehicles driven by that driver. Indeed, three of the five vehicles driven had never been specified on the company's licence.

    d) Vehicle unit data was provided for two vehicles. A full check on one unit was not possible as the company card had only been locked into the unit on 10th February 2025 despite the company having operated the vehicle since March 2021.

e) There was no evidence of continuing professional development.

f) Only one drivers' licence check had been provided with no evidence that all drivering licences were being checked quarterly or at all.

24. Mr. Williams told the DTC that he worked hard on his vehicles and that he employed a full-time tyre man. He had a new transport manager and Mr Williams and his partner dealt with the financial side. When asked about Mr Rouse, he stated that he had a written contract through the transport consultancy for the services of Mr Rouse and that he was paid by the consultancy. It was agreed that this arrangement had to change and that Mr Rouse must be paid by the company direct. Mr Lyon agreed that Mr Williams was "*weak"* on administration and the DTC expressed concerned that he may not be able to trust Mr Williams.

25. During the hearing the DTC received a medical certificate stating that Ms Ogilvie was unfit to work. As the DTC wished to hear from her, he concluded that she should be given a further opportunity to attend the public inquiry. Upon Mr. Williams undertaking to attend an operator's licence awareness training course (OLAT) and Mr Rouse undertaking to attend a two-day transport manager CPC refresher course, the hearing was adjourned. The company was to be provided with a transcript of the hearing; further financial evidence was to be produced by the company along with evidence of the circumstances surrounding the winding up petition and confirmation that the petition had been withdrawn; evidence of driving licence checks for a 6-month period was also to be produced. Finally, a digital copy of Mr. Williams' statement was to be served upon Ms Ogilvie.

26. The public inquiry was reconvened on 19th September 2025. The DTC was provided with the following updated information:

a) A five-year encounter report ending 15th September 2025 which recorded an HGV PG9 rate of 42.11% (the national average being 23.15%) and a Traffic PG9 rate of 25% (the national average being 1.78%).

b) The five-year annual first test failure rate was 14.29% (national average being 11.99%) and the final failure rate of 14.29% (national average being 8.26%).

c) On 4th September 2025, a vehicle and trailer operated by the company was checked at the roadside. Four immediate PG9s were issued for defects found on the tractor unit (three tyre defects and a fuel leak) and two delayed prohibitions. Four immediate PG9s were issued for defects found on the trailer (three tyre defects and a defective lamp) and two delayed PG9s.

d) Confirmation that Mr Williams had attended an OLAT course and that Mr Rouse was booked to attend a transport manager refresher course the following week.

e) The company produced driving licence checks in respect of six drivers, all dated 6th August 2025. As the TC had directed that all checks between 1st February to 31st August 2025 were to be provided and that as the guidance is for checks at six-monthly intervals, there should have been at least one other check.

27. Mr Williams attended the adjourned hearing along with Mr Rouse and Mr Lyon. Ms Ogilvie did not attend and there had been no communication from her. The DTC determined that she had been given proper notice and that the hearing should proceed in her absence. Mr Williams was asked if he wanted to make any representations about that decision and he replied "*no sir*". He was told that the DTC would not exclude any statements that Ms Ogilvie had made to the DVSA and in correspondence with the OTC but that less weight would be given to them as there had been no opportunity to ask her questions. Mr Williams was asked whether he understood the position and he responded "*Yes sir, yeah*".

28. The following evidence was given by Mr Williams:

- The company did not have a contract with Mr Rouse for his transport manager services, but rather with Mr Rouse's company: Moll Transport. The arrangement was no different to the previous one with Mr Lyon's transport consultancy which the DTC had previously determined to be inappropriate.
- At the first public inquiry in 2022, the company relied upon the fact that its new transport manager, Carl Davis, was very experienced. He had been replaced by Ms Ogilvie (an existing office employee) as soon as she had passed the CPC examination. Mr Williams denied that there was a financial motive for replacing a very experienced transport manager with a very inexperienced one, who on Mr Williams account, was in charge of "*everything*" but "*messed up"* on invoicing and put the company in financial difficulties resulting in a factoring arrangement. She was however, right to be concerned about financial standing.
- The documentary information provided by Mr Williams concerning the winding up petition showed that the debt owed had been paid in full by instalments by the company at which point the petition had been withdrawn. Mr Williams accepted that his witness statement about the winding up petition was untrue. What he had meant to say was that he had not seen the invoices upon which the claim was based and then when he did, the registration of the vehicles were wrong but he had no choice but to pay the debt as the process was going to take too long and a fuel supplier was aware of the petition and he had no choice but to pay. He did not tell the TC about the winding up petition at the time because he did not think that he would be interested.
- Ms Ogilvie was a liar. She did have access to company funds and had paid for the taxation of vehicles in the past. She had a company credit card. He had told Ms Ogilvie to "SORN" the untaxed vehicle but did not know whether she did. He had not produced any evidence to support his assertions and could not remember accepting in interview that Ms Ogilvie had told him about the untaxed vehicle and that she was unable to pay the tax.
- In his witness statement, Mr Williams asserted that the only financial concerns a transport manager should have is whether

the company was paying for repairs. In evidence, he accepted that finance is the concern of transport managers. He also stated in his witness statement that Ms Ogilvie was the finance manager for the company although accepted that this was not in her contract of employment; she was not a signatory on the bank account; he asserted that she had authority to spend up to £10,000 on one bank account but only with permission. She dealt with all of the invoicing and the factoring agreement, vehicle taxation and any payments to do with transport. He had not produced any evidence to support his assertions.

- The failure to pay the Tachomaster subscription was Ms Ogilvie's fault. The direct debit should have been paid from a second bank account which had not been disclosed to the DTC. It was in overdraft although within the overdraft limit. Mr Williams apologised for failing to provide a full picture of financial standing. He accepted that he was primarily responsible for finance being the sole director of the company.
- He had spoken to Ms Ogilvie "*loads of times*" about her failings but she had set up the new email system and if he had replaced her, she would have "*taken everything*". Once she had left (Mr Williams' evidence was contradictory as to whether she resigned or was sacked) she continued to have access to his emails and was deleting them without his knowledge. Mr Williams asserted that an example of this was that Ms Ogilvie had informed her brother (a driver with the company) that the operator's licence had been revoked before Mr Williams knew. He did not produce any evidence in support of these assertions.
- Mr Williams asserted that TE Stafford should have received drivers card data for more than one driver and that he had tried to send all of the data to him. The only explanation for three of the five vehicles showing on the data which was produced and which were not specified on the company's licence was that the driver must have been working at weekends or doing "*a bit of other driving".* Mr Williams accepted that the company should have been aware of this if this were the case. The company also used hire vehicles although Mr Williams did not produce evidence to show that the three vehicles were hire vehicles.
- It was accepted that it was an error not to send all available driver's licence checks to TE Stafford. They were now on the six-monthly planner. Mr Williams accepted that he drove occasionally but that there was no check in respect of him. Mr Rouse then intervened and said that Mr Williams no longer drove for the company.
- Mr Williams asserted that brake testing took place at every PMI despite little evidence to support this assertion. Mr Rouse asserted that he was happy with the brake testing system now and averred that the PMI records were now audited and gate checks

were taking place. No examples were produced. The drivers were instructed to report tyre tread depth of less 3mm.

- Mr Williams accepted that there was no excuse for the prohibitions issued on 4th September 2025. He had arranged a meeting with the company's maintenance providers as the vehicle had a PMI three days before. However, the driver failed to record any defects during his daily walk round check before driving the vehicle. Mr Williams denied being "*soft"* on the drivers.

29. In his closing submissions, Mr Williams relied upon the fact that Mr Rouse was now the transport manager and that he was trying to do everything right. He was learning *"new stuff"* every day but he needed to be more focussed on the paperwork and on double checking that things were being done. Both he and Mr Rouse were confident with the position going forward. Mr Lyon (who became involved when the licence was revoked in October 2024) was equally optimistic that the company was taking positive steps to achieve compliance and that he would continue to assist.

30. Mr Williams was asked about the effect of regulatory action on the company and with regard to revocation, he stated he would lose everything. His partner was pregnant and they would lose their home. The company employed six drivers with children. He now had the benefit of Mr Rouse, his partner helped with the administration, and he employed his brother as a tyre man. He wanted to improve. He would not be able to come back from revocation/disqualification. He would lose his customers.

<u>The DTC's Decision dated 21st September 2025</u>

31. The DTC found that the following justified regulatory action:

    - The number of prohibitions, including three which were "S" marked in 2024 and further prohibitions in September 2025 (s.26(1)(c)(iii)). The prohibition rate of 42% was nearly twice the national average.
    - A fixed penalty notice had been issued on 12th July 2024 for an insecure load (s.26(1)(c)(a)).
    - The failure to fulfil the statement made that vehicles would be inspected every six weeks (s.26(1)(e)).
    - The failure to fulfil its undertakings that vehicles and trailers would be kept fit and serviceable and to ensure that drivers report defects promptly with appropriate records kept (s.26(1)(f)).
    - The failure to notify the change of maintenance provider (s.26(1)(h)).

32. At the public inquiry in 2022, the appointment of Carl Davis, an experienced transport manager, was seen as a positive step in ensuring future compliance. Had the TC known that the plan was to replace Mr Davis with Ms Ogilvie, a newly appointed and inexperienced transport manager, the TC would have been less assured about the trust to be placed in the company. The decision to replace Mr Davis was more likely than not motivated by some sort of expediency and was not in the best interests of either the company or Ms Ogilvie. The DTC remained concerned that at the date of the hearing, the

company did not have a contract in place with Mr Rouse and was not paying him directly.

33. Having had an extended opportunity to prepare its case and produce evidence in support of its various assertions along with clear directions as to what the company needed to produce, the company failed to provide important documentation and was ill-prepared to answer questions. By way of example, Mr Williams and Mr Rouse appeared surprised to be asked detailed questions about the VE's report and gave the impression that they had not read it.

34. The company deliberately continued to operate a vehicle for commercial gain for five months whilst untaxed. Moreover, Mr Williams consciously and deliberately allowed the company's vehicles to be used for three weeks when he knew that the company's licence had been revoked. Whilst he contested that decision, he knew that he had no authority to continue to operate vehicles (having been told of his lack of entitlement by Mr Lyon). The DTC was "*not convinced"* that Mr Williams showed any real contrition or understanding of the gravity of his actions. The DTC did not consider the fact that the revocation was being challenged or that it was later set aside to be "*hugely relevant".* Mr Williams and the company ignored the order of revocation and continued to operate. The DTC considered the Senior Traffic Commissioner's Statutory Document No. 1 and determined that for the unlawful use of vehicles which amounted to serious conduct, he was justified in finding that both the company and Mr Williams had lost their good repute. Repute was also lost for those matters set out in paragraphs 31 and 32 above, for failure to comply with the DTC's directions and the misleading contents of Mr Williams' written statement to the public inquiry.

35. The positive features to be weighed in the balancing exercise were that some improvements had been made to systems and procedures. He also gave limited credit for the engagement of Mr Lyon and for Mr Williams' attendance on OLAT training along with the booking of refresher training for Mr Rouse. The negative features however outweighed the positive features. The DTC repeated all of the negative features set out in this decision and concluded that the evidence indicated continuing ineffective management and control and insufficient or no systems and procedure in place to prevent compliance failings. The starting point for regulatory action in Statutory Document 10 was "*severe".* He could not trust the company to be compliant in the future (the test set out in *Priority Freight 2009/225)*. The evidence of Mr Williams had been disingenuous and misleading at times and he failed to comply with the DTC's directions. The DTC then considered the test in *Bryan Haulage (no.2) 217/2002* and concluded that the company deserved to be put out of business despite the far-reaching consequences of revocation on the business and Mr Williams. The company had enjoyed a competitive advantage over its competitors, and it posed a risk to road safety. Revocation was a proportionate and necessary action to take. The DTC then had regard to paragraph 108 of Statutory Document 10 and concluded that a period of disqualification was justified and necessary for Mr Williams to reflect upon the events that led to the loss of the licence and to seek further education upon how to run a compliant operation. The DTC did not exclude the possibility of rehabilitation and a future application after the passage of time. He would be expected to show that he had an experienced transport manager if not a co-director or other partner with a good track record in

compliance and that he could be trusted. A period of disqualification for twelve months was appropriate and necessary for both the company and Mr Williams.

36. By an Appellant's Notice dated 20th October 2025, Mr Williams and the company appealed.

Legal framework

37. By s.26(1) of the 1995 Act, a TC may revoke an operator's licence on any of the grounds set out in paragraph 30 above and by virtue of s.27 of the 1995 Act, they **must** revoke the licence, if they determine that the operator is no longer of good repute.

The grounds of appeal, the Company's submissions and the Tribunal's analysis

38. At the remote hearing of this appeal, Mr Williams attended, sitting in the passenger seat of a moving commercial vehicle. He was told that at the very least, he should cause the vehicle to stop, which he did. He did not appear to have access to the appeal bundle. Mr Lyon attended sitting at the wheel of a stationary car. He told the Tribunal that he had been caught in traffic in London. He did not appear to have access to the appeal bundle. The Tribunal expressed its surprise and disappointment that both had attended in this way. We nevertheless determined that it was in the interests of justice that the hearing should continue.

39. Five AI generated grounds of appeal had been submitted by Mr Lyon who had replaced Mr Rouse as transport manager after the public inquiry but before the DTC's decision. By way of introduction, he accepted that some regulatory action was justified because of the serious shortcomings found by the DTC. However, Ms Ogilvie should have been required to attend the public inquiry to answer important questions as she was the relevant transport manager at the time and she could have been asked why she was intercepting Mr Williams' emails. Mr Williams continued to maintain that Ms Ogilvie had intercepted the email from the OTC informing him that the company's licence had been revoked and had he known sooner than he did, he would have acted immediately. Mr Williams told the Tribunal that he had been informed of the revocation by Ms Ogilvie's brother a couple of days after the revocation had taken place.

40. There is nothing in this point. The DTC had been careful at the beginning of the reconvened public inquiry on 19th September 2025 to inform Mr Williams that he was intending to proceed in Ms Ogilvie's absence and asked for his representations (see paragraph 26 above). No representations or objections were made by Mr Williams and it is clear that he was content to proceed. In the circumstances, complaint cannot now be made about the DTC's decision. It was well within his case management powers.

41. The repeated assertions that Ms Ogilvie was intercepting Mr Williams' emails were not unsupported by any evidence apart from Mr Williams' bare assertions. Mr Williams maintained that the email dated 28th October 2024, notifying him of the revocation order was intercepted by Ms Ogilvie and deleted. He was nevertheless told of the revocation "*a couple of days later*". He wrote to the OTC

on 6th November 2024 and on 22nd November 2024, the revocation was set aside. It would appear that even on Mr Williams' account, he knowingly operated vehicles for sixteen days when he had no entitlement to do so. The DTC was right to find that the continued unlawful operation of vehicles was a serious matter which on its own, justified the loss of good repute of both the company and Mr Williams.

42. Mr Lyon described Mr Williams as "*not an admin guy but a driver type of guy".* Mr Rouse had replaced Ms Ogilvie and had implemented driver training and introduced new systems but things were still not right. Because Mr Rouse was an external transport manager, he was not there to do the spot checks. Tyres were a big issue and it took some time to make the systems more robust. The prohibitions of 4th September 2025 came as a great shock and did raise the question of whether the systems were working. The vehicle had undergone a PMI three days before it was stopped and driver checks had been carried out in the days following. Mr Williams changed maintenance contractor but it was too late. He had employed an internal traffic manager (his partner). "*He did all that a reasonable person could have done".*

43. We cannot agree that Mr Williams did all that a reasonable person could have done and the facts speak for themselves. Mr Williams is not at present, capable of operating a compliant company and if the description of him not being "*an admin guy"* is correct then he should have ensured that he had sufficient, competent administrative assistance to ensure compliance. This he did not do.

44. Ground 1 *"Failure to properly distinguish between the operator and the individual director"*. It is argued that the DTC erred in failing to conduct a sufficiently separate assessment of whether Mr Williams ought to be disqualified in addition to the company, the DTC's reasoning being largely derived from findings made against the company.

45. This ground is without merit. Mr Williams is the company, being the sole director and who, on his own account was in charge of "*everything"*. The company and Mr Williams are indivisible for the purposes of considering regulatory action and good repute. It is unarguable that Mr Williams should have been treated any differently to that of the company.

46. Ground 2 "*Failure to Give Proper Weight to Rehabilitation and Corrective Measures".* It was accepted that the DTC had acknowledged those matters which Mr Williams had relied upon to show that he was already rehabilitated but that the DTC had failed to properly evaluate them. Insufficient consideration was given to whether the DTC's concerns could adequately be addressed through revocation alone.

47. There is nothing in this point. The DTC's approach and analysis of the issues, including steps made by Mr Williams to ensure compliance and his findings of fact are beyond criticism. His determination that the company and Mr Williams had lost their good repute is reasoned and well supported by the evidence. This was a bad case of non-compliance which jeopardised road safety and resulted in the company operating at a commercial advantage over its competitors. It was

inevitable that good repute would be lost and that an order of disqualification was justified for the reasons given by the DTC.

48. Ground 3 "*Insufficient Reasons for Concluding That Future Trust Could not be Restored".* The decision did not adequately explain why the extensive remedial measures that had been taken by the company were incapable of restoring trust or why Mr Williams was incapable of learning from previous mistakes. The finding was speculative and unsupported by the evidence.

49. As was conceded by Mr Lyon during the course of the appeal hearing, the prohibitions issued on 4th September 2025, only fifteen days prior to the adjourned hearing were "*the final nail in the coffin"* for this operation. Despite the input of a transport manager and of a transport consultant and the purported introduction of new systems and procedures, the failings were so significant that they undermined any suggestion that the company had become a compliant and safe operation. Added to this was the inadequacy of the documentation supplied by Mr Williams despite clear directions from the DTC following his failing to provide documentation in July 2025, his disingenuous and misleading evidence and that when faced with a difficult fact, he had a propensity to say the first thing that came into his mind to excuse or minimise the conduct alleged. There was ample evidence to support the DTC's finding that he was not satisfied that Mr Williams listened or understood advice given to him. By way of example, his failure to heed the advice given by Mr Lyon that he must stop operating vehicles whilst the company was without a licence. Another example is the failure to provide a personal contract with Mr Rouse with direct payments being made despite the DTC's criticism of the same sort of arrangement which existed in July 2025 through Mr Lyon's consultancy. The DTC was clear that he did not exclude the possibility of rehabilitation and a future application for a licence being allowed in time and he clearly set out what would be expected of Mr Williams for any future application to succeed. It will be for Mr Williams to demonstrate that he can be trusted and that any new company had the necessary systems and safeguards to assure any TC that it would be a compliant operation if granted a licence.

50. Ground 4 "*Disproportionate Interference with Future Livelihood"* and Ground 5 "*Failure to Apply the Principle of Proportionality".* The revocation by itself was sufficient to achieve the primary regulatory objective; a period of disqualification in addition was disproportionate; the DTC failed to properly balance the significant personal and economic consequences against the public benefit derived from disqualification and the DTC failed to provide any meaningful analysis of the need and the length of disqualification.

51. The DTC rightly determined that a period of disqualification was necessary for Mr Williams to reflect on the events that led to the loss of the licence and to seek further education on how to run a compliant operation. This was a serious case of significant failings which had significant road safety implications. The reasons given were ones that the DTC was entitled to give and were well supported by the evidence and the disqualification is beyond criticism either in principle or in length and was entirely proportionate. We repeat, this was a bad case.

Conclusion

52. The appeal is dismissed. We are satisfied that the DTC's decision was neither wrong on the facts or on the law as per the test in *Bradley Fold Travel & Peter Wright v Secretary of State for Transport (2010) EWCA Civ.695* and accordingly the appeal is dismissed.

Her Honour Judge Beech
Judge of the Upper Tribunal

Authorised by the Judge for issue on 22nd July 2026