

SOUTH EASTERN AND METROPOLITAN TRAFFIC AREA

DECISION OF THE DEPUTY TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD AT COURT 31, ROYAL COURTS OF JUSTICE, THE STRAND, LONDON WC2A 2LL ON THE 7 NOVEMBER 2016

PC1067540: CATCH22BUS LTD

Decision

a) Loss of good repute is found and the company's licence is revoked under Section 17(1) of the Public Passenger Vehicles Act 1981.

b) Director Philip Higgs is disqualified from holding or obtaining a PSV operators licence for a period of 12 months pursuant to Section 28(1) of the Transport Act 1985.

c) An order is made under Section 28(4) of the Transport Act 1985 that for the period of the disqualification the powers contained in Section 17(2) of the Public Passenger Vehicles shall be exercisable by the relevant Traffic Commissioner in relation to any company in which Mr Higgs has a controlling interest or is a director and in relation to any partnership.

d) Orders for revocation and disqualification to take effect at 00.01 on the 18 January 2017

BACKGROUND

1. Catch22bus Limited is the holder of a standard international licence issued under the Public Passenger Vehicles Act 1981 authorising 8 vehicles with 8 operator's discs in possession - the company was formally known as Oakwood Travel Services Limited. On the 15 April 2016 the Upper Tribunal ordered by way of a consent order that an appeal against the decision of the Traffic Commissioner for the North West of England area should be remitted for a re-hearing before a different Traffic Commissioner or Deputy Traffic Commissioner. In due course a request that I hear the public inquiry was relayed to me via the Traffic Commissioner for the South East and Metropolitan Traffic Area (SEMTA) and I agreed to do so. The re-hearing comprised regulatory issues together with an application to change the licence from standard international to standard national cover, to increase the authorisation to 18 vehicles and to add David Hughes as the new transport manager.

2. A condition of the consent order agreed by the Upper Tribunal was that the decision of the Traffic Commissioner for the North West of England area would form no part of the evidence or documentation to be considered during the new public inquiry. As a consequence of that condition I took steps to avoid having sight of the decision referred to, together with ancillary case notes and transcripts of evidence given at the hearings that preceded the decision. Senior members of staff in the Office of the Traffic Commissioner for SEMTA “pruned” the case file so that any documentation that related to the hearings before the Traffic Commissioner and subsequent judgment were removed.
3. I was made aware by a senior member of the administrative staff in the SEMTA office of the existence of a ‘Youtube’ video which had been uploaded to the internet .It was said that the video had a direct link to the current inquiry in that it included footage of the Senior Traffic Commissioner Beverley Bell taken without her knowledge and that a director of the company Philip Higgs had facilitated the making of the video and posting it on the internet. I was also told that the police had been involved in detecting the person responsible for the video and had taken some action. I decided that I needed more information on this point and directed a member of staff request a statement from an officer of the Lancashire police. A statement of Detective Inspector Jane Webb dated 20 September 2016 was sent to me as a consequence. I also viewed the video which at that time was available on Youtube.
4. A call-up letter was sent to the operator on the 10 October 2016 in which I apologised for the delay in listing the rehearing and explained that this had been caused partly by the time taken for the case to be allocated to me and partly by the absence of Detective Inspector Webb on holiday at the time her statement was requested. Enclosed with the call-up letter was a copy of the statement from Detective Inspector Webb and a report from DVSA traffic examiner Brian Newton dated 22 March 2014 which it seemed had been the basis of the grounds for the initial inquiry in the North West England Area.
5. On the 24 October 2016 a letter was sent by James Backhouse of Backhouse Jones Solicitors raising a number of legal issues and in particular challenging the admissibility and relevance of the statement of Detective Inspector Webb. It was suggested that a preliminary hearing or a telephone conference may be appropriate to discuss and/or determine these points in advance of the inquiry. In a reply dated 27 October I set out what I believed to be the various legal issues raised by Mr Backhouse and stated that I would deal with these as preliminary points at the inquiry. In light of the nature of points being raised I felt that they should be dealt with at a public hearing with the proceedings being recorded.

THE HEARING – PRELIMINARY POINTS

6. At the inquiry the directors of the company Mr Higgs and Mr Hughes attended and were represented by Mr Backhouse. Frank Steele who had been the Transport Manager of Oakwood Travel until the 1 July 2014 (and was still

recorded on the OTC records as Transport Manager) attended in this capacity and made a separate application for a new licence. (I dealt with Mr Steele's application verbally at the inquiry and it does not form part of this decision.)

7. Mr Backhouse summarised and supplemented the preliminary legal submissions made in his letter of 24 October and I ruled on the points as set out below:

a) Restricting attendance of the public at the inquiry

Mr Backhouse asked me to make a direction restricting attendance at the inquiry to those immediately involved in the case when the evidence relating to the "Youtube" video was being considered. He said that the part Mr Higgs played in the production of the video was not well known and he would prefer if this remained the case. He accepted that The Public Service Vehicles (Traffic Commissioners :Publications and Inquiries) Regulations 1986 at regulation 7 applied, and that limited the exclusion of the public when issues of finance were under consideration, but said that in practice Traffic Commissioners took a view that they still have a discretion in appropriate circumstances such as when medical evidence is being considered. He agreed with me that if the public were excluded it would follow that any written decision would have to be redacted accordingly.

Decision

I refused the application made by Mr Backhouse. Statutory Document 11 issued by the Senior Traffic Commissioner makes no reference to a discretion that supplements the statutory provision and even if this is practice I did not find that the circumstances require a restriction on who can attend. The video in question is already in the public domain via the internet. The fact that the person who was responsible for making it would prefer not to be publicly identified is not in my view sufficient to override the presumption of open justice.

b) Data Protection Act 1998 – release of information by Lancashire Police

Mr Backhouse submitted that under the terms of the Data Protection Act government departments are deemed to be separate persons and have an obligation to preserve the terms of the Act. In this instance there was no evidence to show that an assessment had been undertaken by the Lancashire Police to determine whether they could disclose. Such assessment has to take place before data is disclosed and the absence of an assessment leads to procedural unfairness. Additionally he submitted that the Harassment Information Notice which had been issued to Mr Higgs by the police should not have been disclosed in any event because within the document it was stated that it would only "be referred to should further allegations of harassment be received". As this had not happened it was wrong for the document to be disclosed or referred to for any other purpose. Detective Inspector Webb gave evidence and said that the terms of the Data Protection Act had been complied with and the necessary assessments had

been undertaken. The information that was provided was already known to the parties involved and there is provision under Section 35(2) of the Act which provides an exemption allowing personal data to be disclosed in connection with any legal proceedings. The inclusion of the Harassment Information Notice was to ensure her evidence on the matter was complete. She also explained that allegations and other matters are disclosed into proceedings such as the family court where a prosecution and/or conviction have not featured.

Decision

I found that the statement submitted by Detective Inspector Webb was able to be disclosed for the reasons stated in her evidence. In addition I said that Section 31 of the Data Protection Act 1998 provides for disclosure including personal data “in connection with regulatory activity” which includes the functions of the Traffic Commissioners. The fact that the Harassment Information Notice contains a statement saying that the notice “does not constitute a criminal offence and that it will only be referred to should further allegations of harassment be received” does not preclude it being included in the information being disclosed into these proceedings.

c) Admissibility and relevance of conduct in relation to repute (I dealt with this point initially and again in response to further clarification and submissions by Mr Backhouse)

Mr Backhouse submitted that repute needs to be considered in the context of the operation of goods vehicles and public service vehicles. He cited the case of ***Crompton T/A David Crompton Haulage v Department of Transport North Western Area (2003) EWCA Civ 64*** as authority for the proposition that to be relevant to the issue of repute conduct must be unlawful. In the case before me he said that the conduct was not unlawful. No offence had been committed and Mr Higgs maintains he is not guilty of any wrong doing. His actions were to film the Senior Traffic Commissioner allegedly driving in a manner that was inappropriate. He had given a full and frank account of everything to the police and subsequently the Crown Prosecution Service decided that there was insufficient evidence to proceed to a prosecution. In objective terms there was nothing unlawful in what he did and it was no different to the role that journalists sometimes undertook. People are likely to hold different views on whether the conduct is reprehensible or not but even if it is reprehensible it still cannot be considered as it is not unlawful. Mr Backhouse agreed that some matters which do not amount to criminal activity can still be relevant to repute but said that they will still be unlawful in that they breach regulatory requirements. In this instance no such breach or unlawful action had occurred.

Decision

Schedule 3(1) and (2) of the Public Passenger Vehicles Act 1981 states in terms that when good repute is being considered the Traffic Commissioner **shall** consider **all relevant evidence** and in particular convictions and sentences articulated in sub paragraph (3). Sub paragraph (9) of schedule 3

also states that Sub-paragraph (3) is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute **for reasons other** than convictions of the kind there mentioned. In the case of ***D & H Travel Limited 2006/487*** the Upper Tribunal concluded that evidence relating to an employment tribunal sex discrimination claim should not have been admitted saying that “a line has to be drawn somewhere” and that “the circumstances were such that it was inappropriate to introduce it under the general provisions”. I believe that I retain a discretion to decide whether to hear evidence relevant to repute and that neither the statutory provisions nor the decisions of the Upper Tribunal lead to the conclusion that there is a preliminary test that needs to be considered - whether the conduct was unlawful before it can be considered. What I believe I do have to decide is whether, in the circumstances it is appropriate to introduce the evidence under the general provisions i.e. the test in ***D & H Travel Limited***. From the statement supplied by Detective Inspector Webb I know that the conduct under consideration was perpetrated covertly against a Traffic Commissioner with whom there should be a relationship of trust. The conduct was not admitted by Mr Higgs until an investigation by the police had taken place and it resulted in a harassment notice being issued and distress being caused to the subject of the conduct. In these particular circumstances I found that it was appropriate to allow the evidence to be introduced under the general provision of **all relevant evidence** and for me then to decide what weight to attach to it. I commented that in my view the case of ***Crompton T/A David Crompton Haulage v Department of Transport North Western Area (2003) EWCA Civ 64*** turned on the failure by the Traffic Commissioner to articulate proper consideration of the proportionality of the consequences of a loss of repute. Emphasis was placed on need to focus on the effect of a finding of a loss of repute as opposed to the unacceptability of particular behaviour.

THE HEARING - EVIDENCE

8. Detective Inspector Webb had prepared a statement dated the 20 September 2016 and she confirmed that the contents of it were a correct record. In answer to questions from Mr Backhouse she said that whilst the video of Mrs Bell appears to show certain motoring offences being committed the evidence could not be used to prove any offences to the criminal standard. She confirmed that the CPS had decided that their evidential test to pursue a prosecution against Mr Higgs for harassment had not been met. She did not know whether the Harassment Information Notice was a national form but she believed it was. She confirmed that Mr Higgs had given assistance in trying to remove the video from Youtube by providing passwords and other information but in the event neither Mr Higgs nor the police could facilitate this. She understood that there are restrictions on what can be posted on Youtube e.g. matters of a sexual nature, but otherwise once videos are posted they are owned by the company Google who run the Youtube site.

In answer to my questions she said that whilst the police and other public bodies had to comply with the requirements and restrictions of the Regulation

of Investigatory Powers Act 2000 this did not apply to individuals and that actions such as tracking vehicles and filming people without their permission were not unlawful. If a device was attached to a car and damage was caused as a consequence this could be criminal damage and in this instance Mrs Bell said that she had found evidence of such damage. In the event it could not be shown that the damage was linked to the people involved in the process of compiling and making the video and therefore the matter was not pursued. She told me that the route to locating Mr Higgs was via the IT technical services in the police but did not wish to disclose the details of how this was achieved. She had knowledge of what had been filmed for a possible second video and explained to me what that contained. In terms of timeframe she said that the video had been posted on the 22 September 2015, the complaint from Mrs Bell made on the 13 October, the interview with Mr Higgs on the 6 December and the Harassment Information Notice sent to Mr Higgs on the 25 March 2016.

9. Traffic Examiner Brian Newton had made a statement dated 22 March 2014 which had been prepared for the original inquiry in that year. His statement was submitted as evidence and he read the summary and conclusions which were subject to a number of significant amendments.

In summary the issues originally raised as amended were as follows:

a) Operating an "illumination tour" that it was claimed should have been registered and was not. Mr Newton now accepted that there was doubt as to whether the tour did need to be registered as it did not fall within the definition of that term as contained in the Public Passenger Vehicles Act 1981. In the circumstances he had concluded that there had not in fact been a breach of the regulations.

b) Registered service 22 not running to the registered route. Mr Newton now accepted that the route for the service started from the grounds of a Tesco Store and that this is what had taken place. He commented that the registration with the Office of the Traffic Commissioner had recorded that as the start point and not Langdale Road as he had originally believed. There was therefore no breach in this regard either.

c) Bus Service Seaford 12 not running to advertised times. Mr Newton said that in fact a variation to the frequency of service had been registered and the buses observed were in fact adhering to those times. At the time he compiled his report he was not aware of the variation but now accepted there had been compliance with the timetable.

In answer to Mr Backhouse he confirmed that the complaints he had investigated had been made to the bus co-ordinator by Blackpool council and that his amended report as presented today was the same as that presented to the previous inquiry.

10. Philip Higgs gave evidence and confirmed that he was the shareholder and managing director of Catch22bus Limited. He had made a statement dated the 29 October 2016 and this was an accurate and true record. He said that

he had been very aggrieved during the process of the inquiries heard by Mrs Bell by her refusal to disclose the names of people who had sent her complaints about his company which were used as evidence. He had wanted Blackpool Transport to attend to explain the motive for the complaints and this was refused. Mrs Bell had said she had information from previous hearings which he did not accept, she had redacted information from statements as to identity and Mr Higgs said he had anecdotal evidence of relevant conversations between Mrs Bell and Blackpool Council/Transport officers. He said that he commissioned a private investigator and that there had been no intention to procure information concerning speeding – this had been a by-product. He later told the police that he had wanted to prove corruption but did not find this. After three days he had evidence of what he believed to be hypocritical behaviour by Mrs Bell who publicised the fact that a hard line would be taken against vocational drivers caught speeding. He confirmed that the decision by Mrs Bell had been made on the 30 June 2015 which was before the video was made. He believed that there had been a breakdown of trust both ways between him and Mrs Bell as a result of the hearings and that anything he said to her would be discounted altogether. He explained how the police had come to the house and they had subsequently told him that his action had caused Mrs Bell upset and distress. He had told them that this was not his intention but it was to question her repute. When interviewed by the police he said that he would remove the video but he could not do so and subsequently the police were also unable to. The police came back several weeks later with the Harassment Information Notice and this was the end of the process as far as he was concerned.

In answer to questions from me Mr Higgs said that there is no restriction on posting videos on Youtube. He confirmed that he did not post the video under his own name and internet details but had used a false identity. He explained that during the currency of the case before Mrs Bell he had posted a "blog" about the hearings and she had called him to inquiry and been very critical of it. I asked him if it was the fear of being called back to another inquiry that led him to post the video in an assumed name and he said no because Mrs Bell had made her decision and recused herself from any further involvement in the case. He said that he did not know why he had posted the video in another name.

I noted from Detective Inspector Webb's statement that Mr Higgs had said that someone else had made the video footage but that he was not prepared to implicate this person as they were acting on his instructions. Mr Higgs said this was correct but the police had not really pushed him to reveal the identity of the other person involved and after some hesitation he said he would do so if asked by the police about it now.

He said that copies of the video had been sent to the Police and Crime Commissioner for Lancashire, The Department of Transport, The Upper Tribunal, other Traffic Commissioners and Editors of relevant trade magazines.

I asked Mr Higgs how he felt now about what he had done and he said that he felt it was right to expose someone who is blatantly ignoring the rules of the

road and on the other hand telling others not to. I asked again how he allegedly felt about what he had done as opposed to what Mrs Bell had allegedly done and he said that he was not sure if he would do anything differently in the same circumstances although he did think the same circumstances would be most unlikely to arise in the future. He said that the hard data relating to the video and anything that was held on his laptop had been destroyed or deleted.

In relation to the other aspects of the case covered in his statement he told me that there had been long running issues between his company and Blackpool Transport which was the bus operation run by Blackpool Council. He believed Blackpool Council was involved in the decision by Lancashire County Council not to pay concessionary fares reimbursement to his company (covered in paragraphs 1.4). He explained that despite promises “bus stop flag stickers” had not been displayed by Blackpool council so he had arranged for them to be put up independently. As a consequence Blackpool council made him take them down and put some replacement ones up after a newspaper article was published.

11. I heard briefly from Frank Steele in relation to his application and decided that on the evidence now before me I was satisfied that his repute as a Transport manager was intact and that I could grant his application for a new licence (this aspect is not covered in this decision).

12. Mr Backhouse submitted that the case and the issue came down to a dislike between Mrs Bell and Mr Higgs. His new venture in 2012 got bogged down in a regulatory process which dragged on until 2015. He suffered as a result and felt that the issues were personal, unreasonable and prevented him from competing with other operators. The anonymous letters sent to Mrs Bell were sent to a variety of other people and this had caused Mr Higgs distress. Mr Backhouse asked me to accept that Mr Higgs was not thinking things through properly when he did what he did. He had thought Mrs Bell would be annoyed by what he did, not upset, and once he was seen by the police he agreed to remove the video if possible and gave over the other related material. Mr Backhouse said that a price has already been paid by Mr Higgs in that his business has been “neutered” by not being allowed to grow since 2012. There is no adverse compliance history, he now has a very experienced ex DVSA examiner as transport manager and any issues concerning prohibitions have been properly dealt with. I was invited to take into account the frame of mind that led Mr Higgs to publicise the video and that the upset caused to Mrs Bell has been dealt with by the police, to follow the purposive approach of the jurisdiction, to bring matters to an end and allow the operator to continue.

FINDINGS & DECISION

13. Mr Higgs is the sole shareholder and Managing Director of Catch22bus Limited and therefore for the purposes of my decision I am “piercing the corporate veil” and treating his actions as the actions of the company who is legally the operator.

14. My starting point to consider is the statutory provision under Schedule 3(1) and (2) of the Public Passenger Vehicles Act 1981 which states that when good repute is being considered the Traffic Commissioner **shall** consider **all relevant evidence.....** As a preliminary matter I determined that conduct does not have to be shown to be unlawful to be relevant to repute but it does have to be shown to be relevant and admissible. Conduct can be relevant even if it is not directly connected with road transport as is shown by the legislation. Schedule 3 (3) requires a mandatory finding against good repute if an individual has more than one conviction for a serious offence i.e. an offence for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than sixty hours was imposed.
15. When considering repute I need to consider and balance positive features of the case with the negative. On the positive side there is no history of previous regulatory action against the operator or the previous linked companies other than the inquiry which is the subject of this rehearing. In advance of this inquiry I was sent a letter dated 24 October 2016 from Lancashire County Councillors, Clempson and Shedwick, who said that Catch22bus were running services which benefited the communities in their areas. They also said that they had been able to maintain good communication with the operator and had found Mr Higgs helpful and responsive to requests passed on from residents.

The compliance record is blemished by a number of prohibitions issued in 2014 and more recently in 2016 but on the positive side reassurances have been given as to actions taken to prevent re-occurrence of the faults. The initial report presented by Traffic Examiner Newton identified a number of failings in relation to the operation of bus services but his evidence was amended to neutralise all those points. Other ancillary matters such as the circumstances surrounding the administration of a previous company, a previous maintenance investigation and complaints reportedly made by Blackpool Council into the operation of the present company have been either dealt with previously or were not included in my bundle of papers.

16. I turn now to determine the relevance to be attached to the conduct perpetrated by Mr Higgs against the Senior Traffic Commissioner Mrs Bell and to weigh what I find against the factors outlined above which are either positive or "neutral".

Mr Backhouse submitted on behalf of Mr Higgs that "he has done nothing wrong" which I do not accept. The Regulation of Investigatory Powers Act 2000 sets the regime for surveillance and allied activity and provides a range of safeguards and restrictions to guard against unreasonable and overly intrusive activity of this nature by public bodies. None of those safeguards or protections applied to the activity in question.

I have asked myself what other options Mr Higgs had if he felt that he had been unfairly treated by Mrs Bell during the course of hearings before her or if as he said to the police he suspected corruption and wanted to prove it. In

terms of the outcome of the inquiry his remedy was to appeal which he had done by the time that he engaged the private detective. If he suspected corruption he could have reported his concerns to the police or another body e.g. the Department of Transport and/or taken legal advice on an appropriate way to raise those suspicions. He had a range of acceptable options open to him.

17. I find that what he chose to do amounts to a serious invasion of privacy and inevitably led to the “considerable upset and distress” reported to the police. It is not unreasonable or surprising that Mrs Bell was worried that her home had been identified and/or under surveillance. I do not accept that his intention in posting the video on Youtube and sending copies to the range of people and bodies was merely for her to be held to account for her alleged behaviour. I believe that Mr Higgs was at best uncaring as to the impact on Mrs Bell and more likely than not to have wanted to cause her distress and was acting out of malice. I note that when questioned by the police he refers to the consequences of Mrs Bell’s decision in relation to his licence and this gives me an insight into his motive and supports my finding. His actions were made worse, and lead me to conclude that he knew what he was doing was wrong, by the fact that he posted the video using a false identity and was only discovered after specially trained police officers were able to trace him. I find it telling and significant that when questioned by me at this inquiry he “couldn’t say” if he would do the same thing again in the same circumstances. He expressed no remorse at causing distress or for any other aspect of his conduct.

18. Before deciding what action to take in relation to the operator I need to ask myself the question set out in the case of ***Priority Freight Ltd & Paul Williams 2209/225*** – how likely is it that this operator will, in future, operate in compliance with the operator’s licensing regime? With this question comes an implicit expectation of trust which it is often said is the basis of the relationship between operators and the Traffic Commissioners. In this case on the one hand there is a comparatively good record of compliance but against that there is the seriousness of the conduct set out by me in the previous paragraph. I have also noted that in the course of his evidence to me Mr Higgs explained that he had previously compiled an on-line “blog” which I assume contained matters concerning Mrs Bell as it resulted in him being called back before her and in his words “her being very critical about it. I have also noted the details of what appears to have been a lengthy dispute over various matters with Blackpool Council/Transport and his decision to put up bus stop flag stickers without authority because the council had not done so within the time frame expected.

These factors lead me to the conclusion that there is a serious question mark over whether Mr Higgs can be trusted. His past behaviour and in particular the conduct towards Mrs Bell shows animosity, resentment and a tendency to “take the law into his own hands” all of which draw into question the likelihood of him adhering to operating requirements set by Traffic Commissioners particularly if he did not judge the requirements as necessary or reasonable.

19. I need also to ask myself the question set out in the case of ***Bryan Haulage (No 2) 2002/217*** – is the conduct such that the operator ought to be put out of business? Allied to this question I have to consider the question of proportionality arising from ***Article 6 of Regulation (EC) 1071/2009*** which was amplified in the case of ***Crompton T/A David Crompton Haulage v Department of Transport North Western Area (2003) EWCA Civ 64***. Mr Backhouse proposed that I “take no action” and allow the operator to continue in business. Whilst he did not address me on the consequences of loss of repute it is self evident that this would be the end of the business which as stated in Mr Higgs’ statement employs 25 people and it is with consequence very much in mind that I make my decision. Having considered all the factors, positive and negative, set out in paragraphs 14 to 16 as well as my determination on the likelihood of future compliance set out in paragraph 17 I find that loss of repute is a proportionate response in the particular circumstances. In making this judgment I repeat my view that this was a covert, serious invasion of privacy perpetrated against the Senior Traffic Commissioner which resulted in a significant level of distress. The action was taken in the context of an industry that relies on trust between operators and the regulators and this adds to the seriousness. All of these factors coupled with my finding on likely future compliance lead to the conclusion that loss of repute is proportionate and justified.
20. Having found that loss of repute is appropriate it follows that this licence has to be revoked. As stated previously Mr Higgs is the sole shareholder and the Managing Director – in effect he is “the company”. I therefore order revocation of this licence on grounds of loss of repute under Section 17 (1) of the Public Passenger Vehicles Act 1981.
21. Having revoked the licence I also have to decide whether to order a disqualification against Mr Higgs. Having considered all the circumstances set out above I conclude that a period of disqualification is necessary and proportionate. I believe that it is appropriate and proportionate to make clear to Mr Higgs and the wider transport industry how seriously this conduct is viewed. The disqualification period will also give Mr Higgs time to reflect on what he did and why his conduct was a totally inappropriate response to the injustice he perceived had been done to him. In terms of the length of the disqualification I find that a period of 12 months is sufficient to achieve the aims I have set out.
22. The full decision is therefore to find loss of repute and revoke this licence under Section 17(1) of the Public Passenger Vehicles Act 1981 and to disqualify Director Philip Higgs from holding or obtaining a PSV operators licence for a period of 12 months pursuant to Section 28(1) of the Transport Act 1985. Further an order is made under Section 28(4) of the Transport Act 1985 that for the period of the disqualification the powers contained in Section 17(2) of the Public Passenger Vehicles Act shall be exercisable by the relevant Traffic Commissioner in relation to any company in which Mr Higgs has a controlling interest or is director and in relation to any partnership.
23. In order to time to make arrangements for the termination of the operator’s business I order that the revocation and disqualification will take effect at

00.01 on the 18 January 2017 i.e. two months from the date of this decision. Whilst I do not need to consider Mr Hughes' suitability as a Transport Manager for this operator I did not see anything in the documentation or in the evidence that would lead me to conclude that he was not. I have also already indicated that Mr Steele's repute remains intact.

John Baker
Deputy Traffic Commissioner

18 November 2016