



**DECISIONS OF THE TRAFFIC COMMISSIONER**  
**FOR WALES**

**C I T European Ltd – OD1136498**

**&**

**Transport Manager – Peter Jones**

**&**

**Eric John Craig Isaac t/a Craig Isaac**

**&**

**Transport Manager – Eric John Craig Isaac**

**Goods Vehicles (Licensing of Operators) Act 1995 (“the Act”)**

**Decisions made in respect of the operator’s licence held C I T European Ltd  
OD1136498**

1. Adverse findings are made under sections 26(1)(b); 26(1)(f); 26(1)(h); and, 26(1)(i) of the Act.
2. The operator no longer satisfies the requirement to be of good repute under sections 13A(2) and 27(1)(a) of the Act.
3. The operator no longer satisfies the requirement to be professionally competent under sections 13A(2) and 27(1)(a) of the Act.
4. The operator no longer satisfies the requirement to have financial standing under sections 13A(2) and 27(1)(a) of the Act
5. The operator’s licence is revoked with immediate effect.
6. A formal finding is made that Eric John Craig Isaac has been a shadow director as defined by section 251 of the Companies Act 2006.

7. Eric John Craig Isaac is disqualified from holding or applying for an operator's licence in any traffic area for a period of ten years, section 28 of the Act.

8. Philip Richard Lindup is disqualified from holding or applying for an operator's licence in any traffic area for a period of five years.

**Decisions made in respect of Transport Manager Peter Jones**

9. Peter Jones has lost his reputation as a transport manager. He is disqualified from holding or applying for any transport manager position, including anywhere within the EU, for an indefinite period.

**Decisions made in respect of an application for an operator's licence by Eric John Craig Isaac t/a Craig Isaac OG2008418**

10. The applicant has failed to satisfy me that he is of good reputation, section 13A(2)(b) and Schedule 3 of the Act.

11. The applicant has failed to satisfy me that he has sufficient financial standing, section 13A(2)(c) of the Act and Article 7 of EC Regulation 1071/2009.

12. The applicant has failed to satisfy me that he is professionally competent, section 13A(2)(d) and Schedule 3 of the Act.

13. The applicant has failed to satisfy me that he has a designated transport manager who is of good reputation, Article 4 of EC Regulation 1071/2009 and Section 13A(3)(a) of the Act.

14. The application for an operator's licence is refused.

15. A copy of this decision is to be sent to equivalent licensing and regulatory authorities in other EU countries, including the Netherlands and Bulgaria. If they request fuller details then I give permission for the full file and transcript to be copied.

16. Eric John Craig Isaac is given a formal warning that he is liable to have his vehicle(s) impounded if he continues to operate illegally.

**Decisions made in respect of Transport Manager Eric John Craig Isaac**

17. Eric John Craig Isaac has lost his reputation as a transport manager. He is disqualified from holding or applying for any transport manager position, including anywhere within the EU, for an indefinite period.

**Background**

18. CIT European Ltd OD1136498 was granted a standard international operator's licence in 2015 and at the date of the public inquiry had authority for two vehicles and two trailers. The recorded sole director has always been Philip Richard Lindup. ("Philip Lindup") The recorded transport manager was Peter Jones. Eric John Craig Isaac ("Craig Isaac") t/a Craig Isaac made an application for a standard international operator's licence for two

vehicles and two trailers. In 2012 Craig Isaac was made the subject of a five year disqualification under section 28 of the Act, however an investigation into C I T European Ltd raised a number of concerns, including a suggestion that Craig Isaac had circumvented his personal disqualification by controlling that licence. A public inquiry for the existing licence and the application for a new licence was convened. Correspondence and evidence confirmed that Philip Lindup is Craig Isaac's stepfather.

### **Public Inquiry**

19. The only attendance at the public inquiry on 2 August 2018 was from Marianne Hyde, ("Mrs Hyde") a former traffic examiner with the DVSA and still an employee of the DVSA.

20. Philip Lindup wrote to my office prior to the hearing attempting to surrender the licence (which I rejected) and purporting to give explanations in relation to some of the findings of Mrs Hyde, he also made allegations of unprofessional behaviour from Mrs Hyde. As he declined to attend to give evidence and answer questions, there was no means of testing his assertions.

21. The recorded delivery brief for the licence where Philip Lindup is sole director was returned to my office with a note "*refused by Lindup*".

22. Transport Manager Peter Jones failed to attend the hearing, I would have liked him to attend, had he done so I would have asked him about matters that are in Mrs Hyde's evidence. I would also have asked him why his letter on January of this year removing himself as transport manager was so short, with no real explanation.

23. Craig Isaac attempted to withdraw his application but this was refused on the basis that I felt it appropriate to consider the totality of the evidence and make findings of fact. There are full file notes of various conversations that Craig Isaac had with staff in my office, they are all on file. This includes one file note referring to his "*tirade of accusations one after the other*" with advice to him that he contact a solicitor.

24. Other file notes detail references to a request to adjourn the public inquiry due to Craig Isaac wanting to attend a truck show in Europe, this I refused as I felt that attendance at the public inquiry should have been his priority.

### **Evidence**

25. Before preparing this written decision, I have reviewed the following:

- Written public inquiry brief for the operator's licence held by C I T European Ltd;
- Written public inquiry brief for Transport Manager Peter Jones;
- Written public inquiry brief for the application for an operator's licence by Eric John Craig Isaac;
- Written public inquiry brief for Transport Manager Eric John Craig Isaac;
- Contemporaneous handwritten notes from the hearing;
- A transcript of the hearing;
- *South Bucks District Council and another v Porter (FC) (2004) UKHL 33* in relation to written decisions generally; and,
- Aside from those quoted below, various authorities in relation to the approach to regulation, fitness, proportionality, and the burden of proof. – *Thomas Muir (Haulage) Ltd v Secretary of State for the Environment, Transport and Regions*

(1999) SLT 666; Crompton trading as David Crompton Haulage v Department of Transport, North Western Area (2003) EWCA Civ 64; Muck It Ltd and others v Secretary of State for Transport (2005) EWCA Civ 1124; 2009/225 Priority Freight Ltd and Paul Williams; Fenlon 2006/277; and, 2002/217 Bryan Haulage (No. 2).

26. I have not detailed allegations made against Mrs Hyde by either Craig Isaac or by his step father Philip Lindup, except so far as it is referred to in Mrs Hyde's own evidence. I do so as whilst all public officials must be held to account, unsubstantiated allegations without tangible evidence that is capable of being tested is grossly unfair. I have a duty to be fair to all those called to a hearing, this includes Mrs Hyde. As Mrs Hyde attended and answered questions, her evidence was not untested by me.

27. No evidence as to financial standing was provided by either C I T European Ltd or by the applicant Craig Isaac.

### **Craig Isaac's background in operator licensing**

28. Eric John Craig Isaac t/a European Express OG1060631 was at public inquiry before me in 2012. My decision included the following findings of fact:

*"Craig Isaac lied to a traffic examiner about his transport manager; he never had one and has had significant financial advantages result. He is unreliable and I attach no weight to his explanations..... Craig Isaac has had significant financial benefit by not employing a transport manager..."*

29. Aside from revoking the operator's licence I made the following order:

*"Craig Isaac is disqualified under section 28 of the Act from holding or applying for an operator's licence in all traffic areas as an individual, partner, director or person with a controlling interest in a company holding an operator's licence or its holding company, for a period of five years. This does not mean that Eric Isaac will be able to hold a licence in five years, rather it means that he commits a criminal offence if he holds or applies for an operator's licence in that time."*

30. Craig Isaac also attended before me at a recorded meeting in March 2017, a note was produced which included the following:

- *"Craig Isaac accepted the factual accuracy of my findings (from 2012).... He said "I was a prat" and went on to tell me how he got involved in a web of deceit with a local haulier who owed him a lot of money."*
- *"Currently (he) is working for (named) International – a Dutch haulier..."*
- *"I advised that I expected that the Intelligence Unit would probably want to undertake a check to ensure that (named) International was a legitimate Dutch hauler..."*
- *"At the conclusion of the hearing I reminded (him) that the section 28 disqualification had the effect of making it an offence if he applied for or held an operator's licence before 17 July 2017. He would still need to satisfy repute etc."*

### **Evidence of former Traffic Examiner Mrs Marianne Hyde**

31. Mrs Hyde confirmed the accuracy of her public inquiry brief and adopted it as her evidence prior to being asked some detailed questions by me. Mrs Hyde confirmed that she understood that Craig Isaac had previously held an operator's licence in the Netherlands and that he claimed to now hold an operator's licence in Bulgaria.

32. In answering questions from me, Mrs Hyde indicated that C I T European Ltd held a standard international operator's licence, it is a West Midlands operator's licence in Oswestry, Shropshire, near to the Wales border. The nominated transport manager at the

commencement of the investigation was Peter Jones, born in 1944. An investigation was conducted as a result of concerns that the limited company's vehicles were possibly being operated by Craig Isaac.

33. A photograph of one of the vehicles on the C I T European Ltd licence was produced with highly decorative artwork in the name of "*Craig Isaac*". A second vehicle formerly specified on C I T European Ltd's licence had similar artwork.

34. On 1 November 2017 Mrs Hyde was on duty as a traffic examiner at West Pennine Trucks in Oswestry conducting checks on another operator. When she asked the depot manager to confirm which operators used the site as their operating centre, he confirmed that Craig Isaac parked his vehicles there. Later she contacted the depot manager and he gave her a telephone number indicating that it was "*for Craig, he is the owner*". On telephoning the number given the individual who answered said that he was Craig Isaac, but he claimed that the operator's licence was nothing to do with him. He was open about the 2012 revocation and explained that he was applying for a licence himself. On being asked why the depot manager had given Mrs Hyde his name and his mobile number, Craig Isaac answered "*Darren's got mixed up*".

35. During the call Craig Isaac told Mrs Hyde that the vehicles were being operated by his stepfather Philip Lindup who was operating one his (Craig's) old vehicles and that he did some occasional driving for him. Craig Isaac gave a telephone number for Philip Lindup which did not correspond with either of the two telephone numbers listed on the operator's licence for C I T European Ltd.

36. A message was left for Philip Lindup to call Mrs Hyde back which he did that day. As the line was bad Mrs Hyde asked him if there was a landline number that she could use, but he said that he did not have a landline. Mrs Hyde then asked him about the number listed on his operator's licence and he said that he did not recognise that number. He confirmed that he was the operator and provided Mrs Hyde with an email address so that she could send to him a request for tachographs. An email request was sent asking for digital information for the period 1 June 2017 to 31 August 2017.

37. Three emails were received from C I T European Ltd with some information, however analysis revealed 28 drivers' hours infringements between the period 1 June 2017 to 31 August 2017.

38. A decision was made by Mrs Hyde to contact Philip Lindup in the New Year but before doing this she came across an article in *Commercial Motor* magazine titled "*Trucking Tribute*" featuring Craig Isaac. The prominent featuring of Craig Isaac was seen on the front cover as well as an article which featured a photograph of Craig Isaac, his son and "his" driver (an individual who was named and who had been identified by her as having committed drivers' hours offences as set out in the above paragraph). Mrs Hyde's analysis of that driver's digital card revealed that he had only driven vehicles specified on C I T European Ltd's licence since November 2016 yet the article referred to Craig Isaac stating "*if I had 10 of him I'd be a very wealthy man indeed, he laughs*". The article gave the impression that Craig Isaac was both the operator and employer of the named driver. Neither Philip Lindup nor Peter Jones were mentioned in the article. A copy of the article was annexed to Mrs Hyde's report.

39. On 22 January 2018 Mrs Hyde telephoned Philip Lindup to make arrangements for a follow up visit and as there was no answer a message was left on his mobile. Mrs Hyde then telephoned the landline number listed on the operator's licence. A female identified herself

as Katie Isaac answered and confirmed that she was Philip Lindup's daughter in law. She told Mrs Hyde that Philip Lindup was not available gave a number to contact him. Later that day a call was received from the number that Mrs Hyde had been told was Philip Lindup's and she spoke to a person who identified himself as Philip Lindup. A conversation took place about her request for a traffic examiner report, she said that she wanted the transport manager to be present, suggesting 5 February 2018. The man she spoke to told her that Peter Jones had retired the previous week and had taken himself off the operator's licence.

40. Mrs Hyde wrote in her report that the person who she spoke to during this conversation came across as very knowledgeable and experienced in road transport, but at the time of writing her report she now believed that it was not Philip Lindup.

41. On my probing Mrs Hyde in oral evidence she confirmed that she was still of the view that the conversation on 22 January 2018 with the man who claimed to be Philip Lindup was **not** in fact with him.

42. On 25 January 2018 letters were sent to both Philip Lindup and Peter Jones requesting their attendance at interview on 5 February 2018 in Welshpool. On 29 January 2018 a call was received from Peter Jones who confirmed he would meet with Mrs Hyde but was unable to attend on 5 February, another date was arranged.

43. On 5 February 2018 Mrs Hyde met with Philip Lindup who was at that time accompanied by a transport consultant, Colin Wootton. She commenced her interview with a few general questions about Philip Lindup's responsibilities and how the company started. As the meeting progressed Mrs Hyde became concerned with Philip Lindup's answers. Mrs Hyde wrote "*he demonstrated a high level of ignorance regarding the very basic requirements for operating vehicles and a breathtaking lack of knowledge.*"

44. At the public inquiry before me I probed Mrs Hyde as to her use of strong words in the quotations in the above paragraph. She told me that there was a big difference between the person who claimed to be Philip Lindup in the earlier telephone conversation where the individual who spoke to her appeared very knowledgeable – in stark contrast with the person who physically attended for interview where the individual lacked even basic knowledge. Mrs Hyde was clear that they were not the same person, on my questioning it emerged that Mrs Hyde had 15 years' experience as a traffic examiner.

45. Mrs Hyde's report described the conversation with Philip Lindup when he initially answered questions. The following reflects what was said by Philip Lindup:

- Peter Jones had recently retired;
- There had been no problems with his work;
- The resignation was unexpected;
- No letter of resignation was received;
- A laptop on a table during the meeting which had digital data was Peter Jones's;
- He assumed Peter Jones had bought the laptop;
- He had come home to find a pile of paperwork on his doorstep and assumed that this meant that Peter Jones had resigned;
- On being asked how Peter Jones had come to be his transport manager, he was "*a friend of a friend*";
- He claimed he met with Peter Jones once a month in Welshpool;
- Peter Jones downloaded all vehicle units and drivers' cards;
- Peter Jones worked 7 or 8 hours a month;
- Peter Jones was paid £40 a month cash;

- He started the company as he had been made redundant from a previous employment (machines);
- When asked, why trucks? He responded "*no idea*";
- When asked if he had any previous experience with lorries the answer was "*no*";
- When asked if he had any previous experience in the transport industry, he replied "*nothing*".
- When asked why he chose Oswestry as the operating centre, he responded that it was because Peter Jones lived there;
- It was claimed that drivers were recruited by word of mouth and that Peter Jones knew them;
- He produced what he claimed to be a contract of employment between C I T European Ltd and the driver referred to in the Commercial Motor article, but neither the operator nor the driver had signed it;
- Peter Jones had prepared the contract;
- He was unsure how drivers were paid;
- It was put that maybe they were on salary, paid by the bank, he replied "*yes*";
- His drivers had nights out during the week, he paid them weekly in cash for expenses;
- When asked how much he paid drivers for a night out he said "*I don't know*";
- When asked where he kept receipts for drivers' expenses, he replied "*don't know*";
- When asked which bank he used, he said "*Barclays*";
- When asked how often he spoke to drivers he said "*twice a week*";
- When asked if he used the mobile phone that was on the table next to him to telephone the drivers, he said "*yes*";
- When Mrs Hyde asked him to give telephone numbers for his two current drivers, he looked on the phone and found one for "Mally" but was unable to find one for his second driver who started on 8 January 2018;
- When asked about the more recent driver who had been driving for him for a month, he was asked to confirm that it appeared that he had no way of contacting him, he replied "*yeah*";
- When asked about work undertaken, the reply was "*traction*";
- When asked who he worked for, he replied "*Barron Wood Distribution in Preston*";
- When asked how he got in contact with Barron Wood, he said that Peter Jones did this;
- When asked about the exact work the vehicles did, he was unsure;
- When asked whether vehicles started on a Monday, the answer was "*yes*";
- When asked what time they left, the answer was "*any time*";
- When asked approximately what time they left, the answer was "*I don't know*";
- When 3am was suggested by Mrs Hyde, the response was "*I don't know*";
- Drivers got their daily instructions from Barron Wood;
- When asked if vehicles drove solo to Preston and collected a trailer from there he responded "*yes*";
- When asked if drivers had to load trailers themselves or if they were pre-loaded, he answered "*loaded*";
- When asked what type of trailers they pull, he responded "*artics*";
- The question was repeated with the response "*articulated*";
- When the question was re-phrased, the answer was "*curtainloaders*";
- When asked what goods the trailers were loaded with, the reply was "*I don't know*";
- When asked if they might be loaded with chemicals he replied "*yes*";
- When asked again if trailers might be loaded with hazardous chemicals, he again responded "*yes*";

- It was put by Mrs Hyde *"So they may be pulling trailers with hazardous chemicals but you don't know?"*, he replied *"yes"*;
- When asked about ADR licences he said he assumed all drivers had one;
- When asked where vehicles went to he said *"distribution centres"* but was unable to tell her a name or a location;
- Two vehicles were operated but he could only remember the registration number of one and the first 4 digits of the second;
- When asked where tachographs were calibrated he responded *"Telford"* but could provide the name;
- When asked why they went all the way to Telford he said *"because that's the closest"* (there are approved tachograph calibration centres in Chirk, Newtown and Halfway House);
- When asked if he used a wall planner he opened up a cupboard door on the inside of which there was a colour coded wall planner. When asked what the pink code meant, he said *"not sure"*;
- Driving licence checks were on the planner, he said *"that's when I check the licences"*, he confirmed he checked them himself;
- When asked what he checks his first response was *"if they've got any points"*, then he said *"they're not on there any more are they?"*;
- Asked what category of licence the drivers needed for his vehicles, he paused and said *"C1E"*
- Drivers can drive 9 hours a day;
- A break is 4 and a half hours;
- They can do 2 hours of driving and then half an hour break;
- The weekly driving limit is 48 hours;
- They can drive 90 hours in a fortnight;
- Weekly rest is 24 hours;
- Reduced rest is 12 hours;
- After 4.5 hours driving a 45 minute break is needed;
- It can be split half an hour and then 15 minutes;
- A daily rest period is 9 hours;
- A reduced daily rest period is 4.5 hours;
- He didn't know how many times a driver can reduce his daily rest in a week;
- He didn't know anything about tachograph print outs; and,
- Drivers have to do print outs every 28 days

46. When asked about moving house on the same street Mrs Hyde was told the operator licence address showed an old address. Philip Lindup said *"I wrote a letter to (Peter) Jones and asked him to change address"*. When asked about doing this with Companies House, he said *"I did that"*. He was asked if he did this by email and said *"yes"*. When asked for his email address he said *"I haven't got one now, not now"*. Despite telling Mrs Hyde that he didn't have an email address, Mrs Hyde received an email from Philip Lindup later that evening.

47. On being asked about insurance, Mrs Hyde queried two identical certificates displaying different registration numbers, Philip Lindup was unable to answer her question so Mrs Hyde suggested he telephone his insurance company and ask them. He picked up his mobile phone and left the room. Later he returned and claimed to have spoken to his broker (Towergate) and gave a full explanation. Mrs Hyde thanked him and asked for the broker's telephone number in case she needed to contact them herself. At this Philip Lindup started fumbling with his mobile phone. Mrs Hyde said *"it will be the last number you've just phoned"*



He was sitting very close to her and she observed him press the number for a contact named “*Craig*” which he then quickly cancelled. She looked at his call history and noticed that both of the last two calls were to “*Craig*”- the one she had just witnessed him make. Mrs Hyde asked if she could photograph his call history screen but he refused permission.

48. When asked why the company was called C I T International Ltd Mrs Hyde was told it stood for “*Chilled International Transport*” despite his previously telling her that C I T European Ltd did not do any international work and that he operated traction only, with curtainsider trailers. Philip Lindup claimed that when he first started he intended doing chilled international work but “*it didn’t work out*”.

49. Suspecting that C I T was an acronym for Craig International Transport Mrs Hyde asked Philip Lindup to confirm who was the “*Craig*” on his mobile phone and he confirmed that it was his stepson, Craig Isaac. When asked about the *Commercial Motor* article, Philip Lindup confirmed that he was aware of it but hadn’t read it yet. The magazine was shown to him and Philip Lindup was asked if the article was about his business, why wasn’t he mentioned? Mrs Hyde was told that he was on holiday when the interview was carried out, so he asked Craig to step in. He was asked whether *Commercial Motor* had telephoned and arranged a date, the reply was “yes”. Asked why he had gone on holiday Philip Lindup said “*I forgot all about it*”. Philip Lindup could not remember the name or telephone number of the person he had spoken to at *Commercial Motor*.

50. It was at this stage that Mrs Hyde put to Philip Lindup that she was concerned that he was not the operator and she suspected that it was his stepson Craig Isaac.

51. Mr Wootton was present for the entire interview and signed Mrs Hyde’s notes, but Philip Lindup declined to do so. Philip Lindup was told that Mrs Hyde suspected an offence had been committed and she wished to ask formal questions about the operator’s licence.

52. Details of the interview were annexed to Mrs Hyde’s report. Essentially it was a “no comment” interview with it being put by the examiner that Philip Lindup had applied for an operator’s licence as sole director of C I T European Ltd when he had nothing to do with that company.

53. It was explained that Mr Wootton had remained largely silent during the interview but that after the interview ended and Philip Lindup was no longer present, he asked to speak to her privately. His first words to Mrs Hyde were “*I didn’t know, I didn’t know what was going on.*” He told Mrs Hyde that he had no involvement whatsoever with the operator’s licence other than being contacted a few days beforehand and was asked to attend the meeting. Mrs Hyde reported that she asked Mr Wootton who had telephoned him and he said Craig Isaac had asked him to come along today and represent Mr Lindup as the transport manager had retired.

54. On 12 February 2018 Peter Jones attended a pre-arranged interview with Mrs Hyde in Shrewsbury, the interview was concluded with Peter Jones signing Mrs Hyde’s notes. Peter Jones confirmed that Craig Isaac had contacted him two or three years beforehand and asked if he could be transport manager for his business. He came over with a form that Peter Jones signed. Peter Jones took the name to be Craig Isaac Transport, Craig Isaac having told him “*it wasn’t his business because he’d had bother.*” It was also confirmed that Peter Jones had not met the sole director Philip Lindup since the meeting with Craig Isaac two or three years beforehand.

55. Peter Jones claimed that he knew that he was the nominated transport manager in the beginning, “*but it never came to nothing.*” On being asked why he resigned he explained that he had seen the *Commercial Motor* article about Craig Isaac and he went on line and found out that he was still on the licence. He rang Craig Isaac up and asked why he was still on the licence and he said he forgot. He recalled speaking to Craig Isaac about a year beforehand when he said he’d got his CPC.

56. Peter Jones confirmed to Mrs Hyde that he did not receive any money for being on the licence as transport manager, but “*I didn’t do anything either.*”

### **Findings of fact and reasoning**

57. When coming to any adverse finding of fact I am aware that proceedings in public inquiry are an inquisitorial process where findings are to the civil standard of proof, namely the balance of probabilities. However I seek to get to the truth of matters purely on evidence and I adopt the principle that was set out by the House of Lords in *Re H and R (1996)(1)FLR80* where it was confirmed that in all civil proceedings the standard of proof required must always be the balance of probabilities – with the helpful guidance that the more serious an issue or allegation, the more cogent the evidence that is required. Reflecting on the totality of the evidence and coming to findings of fact.

58. I note that Craig Isaac has claimed that he now holds an operator’s licence in Bulgaria. If that is correct then he would need to normally park his vehicles in that country when not in use, they would also be subject to the usual cabotage rules that apply.

59. Having read the various file notes of conversations between my staff and Craig Isaac and also the various explanations provided by him, I confirm that I place no weight whatsoever on any of Craig Isaac’s unsubstantiated assertions and allegations. He has previously admitted that he lied at an earlier public inquiry when he made different false allegations in respect of another traffic examiner. He has continued to tell untruths and attempt to hide his dishonest behaviour with false allegations. I do not make the finding of his being dishonest lightly, having reminded myself of the important obiter in the case of *Re H and R*, above.

60. I make a finding that Mrs Hyde’s evidence is correct. I have not detailed the outlandish allegations of DVSA impropriety as it is so clearly fanciful nonsense from an individual who has been caught out yet again. I make the observation that if Craig Isaac was correct that there would have been a conspiracy to frame him involving people who had no previous contact with Mrs Hyde.

61. C I T European Ltd is an acronym for Craig Isaac Transport.

62. Turning to the *Commercial Motor* article I note that if Philip Lindup’s claims were true, he could have produced some form of evidence to support him. There could perhaps have been a letter from *Commercial Motor*. I have no hesitation in making a finding that *Commercial Motor* assumed that Craig Isaac was the operator and that Craig Isaac’s quotations about his valuing his driver, reflected the reality of the position that the driver was indeed an employee of Craig Isaac and had no relationship with Philip Lindup.

63. Craig Isaac made admissions as to his behaviour when he met with me at a recorded meeting in March 2017. At that time he admitted to me that I was correct in previously making a finding of fact that he had misled me and lied about another traffic examiner. It is now apparent that at that meeting he was continuing in his web of deceit in claiming that he

was a reformed character. It is clear that at that time he was in fact the controlling mind of C I T European Ltd.

64. I make a finding that it was Craig Isaac pretending to be Philip Lindup during a telephone conversation with Mrs Hyde on 22 January 2018.

65. Mrs Hyde's interview with Philip Lindup also involved a transport consultant being present. That consultant confirmed that it was Craig Isaac who had asked him to attend. Clearly he was embarrassed at witnessing Mrs Hyde being told nonsense by Philip Lindup who on being told that she suspected he was not the genuine operator went "*no comment*" during a further formal interview under caution.

66. If Philip Lindup was genuinely the controlling mind and the operator then he had no reason to go "*no comment*" when asked questions by a traffic examiner. If he chooses to enter a regulated environment then he needs to comply with the rules of that regulated environment. Traffic commissioner expect operators to co-operate with investigations by the DVSA. Here Philip Lindup was caught out as a somewhat inept liar who sought to continue in his attempts to deceive and mislead. Eventually when the true position was abundantly clear, he went "*no comment*" in an attempt to obfuscate.

67. It was not altogether surprising to read comments from Philip Lindup and Craig Isaac to effect that there was a conspiracy against them and that they have not been treated fairly and that regulatory authorities are against them. They have been caught out as dishonest liars and are kicking out in endeavours to delay the inevitable and to further obfuscate.

68. Craig Isaac has ensured that Philip Lindup was recorded as director of C I T European Ltd but Philip Lindup was a director in name only. Philip Lindup pretended to be the person controlling the business when he met with Mrs Hyde but he wasn't. At all times the true position was that Craig Isaac was the person who controlled the operator's licence. Applying the helpful guidance in 2014/11&12 David and Julie Bradley I confirm that Craig Isaac was shadow director of C I T European Ltd.

69. In conducting a balancing exercise in respect of Craig Isaac I reflect that there is a positive feature, namely he may well maintain his vehicles reasonably well, and certainly the livery shown in the *Commercial Motor* article looks smart and professional. Against that positive feature there are many compelling negative ones including issues of honesty, probity, trust and fair competition.

70. I remind myself that trust is a fundamental feature of operator licensing and in 2012/034 Martin Joseph Formby t/a G & G Transport; the Upper Tribunal said "*traffic commissioners must be able to trust those to whom they grant operator's licences, to operate in compliance with the regulatory regime. The public and other operators must also be able to trust operators to comply with the regulatory regime.*"

71. Judge Brodrick, in the case of 2006/277 Fenlon said:

*"It has been said on many occasions that trust is one of the foundation stones of operator licensing. Traffic Commissioners must be able to trust operators to comply with all the relevant laws, rules and regulations because it would be a physical and financial impossibility to police every aspect of the licensing system all day and every day. In addition operators must be able to trust other operators to observe the relevant laws, rules and regulations. If trust between operators breaks down and some operators believe that others are obtaining an unfair commercial*

*advantage by ignoring laws, rules or regulations then standards will inevitably slip and the public will suffer.”*

72. I also remind myself of comments from the Upper Tribunal at paragraph 19 of NT/2013/028 Arnold Transport and Sons Limited v DEONI:

*“the impact of unfair competition is insidious in that it gradually and subtly undermines the confidence of compliant operators that their competitors will comply with the regulatory regime and thus compete fairly. What matters is the perception that other operators are competing unfairly not whether they are achieving any benefit as a result. Once rumours, of unfair competition spread, (or clear evidence of it become apparent), the assumption will be made that it must be advantageous because there would be no point in running the risks involved if it was not. It is also corrosive because once rumours of unfair competition (at the very least), begin to spread the perception that some operators are competing unfairly (whether or not they profit by doing so) has a damaging effect. It means that normally compliant operators will feel tempted to “cut corners” in relation to the regulatory regime in order to remain in business. Some may decide to resist that temptation but others are likely to succumb. The end result, if swift and effective steps are not taken to stamp out unfair competition, is that the operators who are most determined to remain compliant will be at greatest risk of being put out of business, even though they are the very operators who most deserve to remain in the industry. Trust, whether between operators and the traffic commissioner or between operators themselves, is all too easily destroyed. Rebuilding it, if that is even possible, is likely to be a long and slow process.”*

73. In the case of 2007/459 KDL European Ltd the court said:

*“We are satisfied of the need “to make an example of the operator so as to send a warning to the industry as a whole”. This is consistent with the approach by the five-judge Court of Session in the Thomas Muir case (see paragraph 2(xiii) above) where deterrence is expressly mentioned (“in particular for the purpose of deterring the operator or other persons from failing to carry out their responsibilities under the legislation”). This is not by way of punishment per se but, as Lord Cullen said, is “in order to assist in the achievement of the purpose of the legislation”. We answer the question posed in 2002/17 Bryan Haulage (No.2) “is the conduct such that the operator ought to be put out of business” in the affirmative. And we judge this at the date not only of the public inquiry but also of the appeal. This is a bad case and we hope that the message sent out will be clear to all.”*

74. When I ask myself the Priority Freight question, I answer in the negative as I do not trust either Philip Lindup or Craig Isaac. The latter was very much the controlling mind of the limited company and in any event I have made a finding that the limited company was set up with the sole intention of circumventing decisions of mine and to avoid bringing to my attention Craig Isaac’s true role. I answer the Bryan Haulage question in the affirmative.

75. A disqualification under section 28 of the Act is wholly appropriate for Philip Lindup in view of his persistent and calculated attempts to deceive the DVSA and to deceive me.

76. A disqualification is also wholly appropriate for Craig Isaac, he has by his calculated and dishonest actions, circumvented a previous order of disqualification. I reflect that this is one of the occasions where an individual could be called a rogue. The report by Philip Hampton on regulation in March 2005 provided a very useful reference at paragraph 29: *“the penalty regime should be based on managing the risk of re-offending, and the impact*

*of the offence, with a sliding scale of penalties that are quicker and easier to apply for most breaches with tougher penalties for rogue businesses which persistently break the rules.”*

77. Paragraph 2.71 of Philip Hampton’s report says: *“A common complaint of business, during the review’s consultation process, was that honest businesses were being undercut by businesses that operated outside the regulatory rules. These ‘rogue businesses’ were characterised as operating beneath the vision of regulators and tax authorities.”*

78. This definition has been adopted by others, see HSE policies. I consider that this definition of a rogue is applicable to Craig Isaac.

79. Both Craig Isaac and Philip Lindup merit a disqualification that reflects the scale and persistence of their deceit. On the facts of this case with the appalling history of deceit, I consider that it is consistent with the Senior Traffic Commissioner’s statutory guidance to disqualify Craig Isaac for ten years.

80. A disqualification is necessary for Philip Lindup who persistently sought to mislead an examiner when questioned. The one mitigating feature that I can glean is that he hasn’t been disqualified before. Reflecting on the facts of this case and the Senior Traffic Commissioner’s statutory guidance, I feel that a disqualification for five years under section 28 of the Act is proportionate.

### **Specific findings and decisions in respect of Transport Manager Peter Jones and Transport Manager Craig Isaac**

81. I accept that Peter Jones was truthful in telling the DVSA that he never did any work for C I T European Ltd. However I am wholly unimpressed with his letter of resignation to my office. He could and should have indicated that he had not undertaken any transport manager role. The fact that he has not been co-operative in attending the hearing is sufficient for me to consider that he should also be out of the operator licensing system for some time.

82. Peter Jones loses his reputation as a transport manager and as a result it is compulsory for him to face a disqualification. I order his disqualification from applying for or holding a transport manager position anywhere within the EU for an indefinite period of time. For the avoidance of doubt in this case I do not envisage Peter Jones being a transport manager being in any position as a transport manager for a number of years, in all probability any future traffic commissioner is likely to want him to have re-qualified. I note that he was born in 1944 and would be surprised if he sought any future transport manager role.

83. Turning to Craig Isaac’s reputation and professional competence, I have no hesitation in confirming that his dishonest actions are such that he loses his reputation. He is disqualified for an indefinite period and in his case I cannot envisage his being able to be acceptable to any regulatory authority for at least a decade. I warn that Craig Isaac would at the end of a decade passing, still need to demonstrate that he was a truly reformed character. As he claimed to be reformed in 2017 when he attended before me, it is clear that he is not too concerned to persistently lie to a regulatory body. I remind myself that although Craig Isaac has previously been disqualified by me for five years, he did not serve that disqualification and instead circumvented it illegally.

### **Decisions**

84. I make decisions as set out in paragraphs 1-17, above.

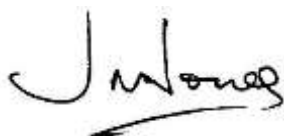
### **Other**

85. Currently my dictation equipment is not working and this has contributed to delay in producing this written decision. Another important factor is that almost two months ago circa 18 months of files was lost from my laptop, I have yet to discover whether it can be recovered.

86. Other EU countries need to be warned about Craig Isaac's behaviours. Any EU country or enforcement body that seeks to have details of this case can be supplied with them. I have asked that full details are disclosed to the authorities in both the Netherlands and Bulgaria.

87. Craig Isaac is warned that he is on notice that I expect the DVSA to be on guard against him seeking to continue to operate illegally. I suspect that only if he believes that there is a realistic chance of his vehicles being impounded is he going to cease operating.

87. I commend Mrs Marianne Hyde for her professionalism and the clarity of her evidence.

A handwritten signature in black ink, appearing to read 'Nick Jones', with a stylized flourish at the end.

**Nick Jones**  
**Traffic Commissioner for Wales**  
**Comisiynydd Trafnidiaeth**

**15 October 2018**