



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 5 JULY 2018

**OPERATOR: BRINGSTYE HONEY FARM LTD
OD1147151**

Decision

1. The standard national licence OD1147151 held by Bringstye Honey Farm Ltd is revoked with immediate effect, pursuant to Section 27(1)(a) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. Director and transport manager Gavin Charlesworth must attend a further inquiry when summoned. Otherwise he risks disqualification.

Background

1. Bringstye Honey Farm Ltd was granted a standard national licence for five vehicles on 11 October 2016. No vehicles were subsequently specified on the licence, although access to a vehicle is a requirement of Regulation EC 1071/2009. After some correspondence on the subject, the operator was invited to a meeting with my senior team leader on 26 March 2018 to discuss the position. The sole director of the company, Kimberley Stafford, did not attend that meeting and sent instead the transport manager Gavin Charlesworth. Mr Charlesworth was not, however, authorised to speak on behalf of the company so the meeting was rescheduled to 27 April 2018.
2. On 27 April 2018 Mr Charlesworth attended alone, stating that he was now the sole director. Companies House records showed however that Kimberley Stafford was still the sole director [although I note from CH records that on 17 May 2018 they received a filing from the company stating that Gavin Charlesworth had been appointed director on 2 April 2018].
3. After two abortive senior team leader meetings, I decided to invite the company to a public inquiry to try to resolve the issues. The call-up letter was issued on 23 May 2018 citing Section 26(1) and 27(1)(a) of the 1995 Act.

Public inquiry

4. Nobody appeared for the company at the inquiry in Birmingham on 5 July 2018. However, Kimberley Stafford's father Chris Stafford turned up, in order to hand over four vehicle discs which had been issued to the company when the vehicles were specified on the licence on 16 and 17 May 2018.
5. I immediately noticed that one of the discs related to vehicle D11 GGD: this vehicle had featured in a public inquiry on 27 June 2018, when I had refused an application by a Giles Detheridge partly because of my suspicions that he was already operating this vehicle among others.
6. Chris Stafford told me that Gavin Charlesworth had applied for four discs in the name of Bringstye but had then lent three of them, for a consideration, to Giles Detheridge. Chris Stafford had visited Mr Detheridge and persuaded him to hand the discs over, as he did not want his or his daughter's repute to be tarnished by the machinations of Mr Charlesworth or Mr Detheridge.
7. The director and transport manager Gavin Charlesworth did not attend the inquiry; no documentation was sent in advance. The operator thus failed to present any evidence of the necessary financial standing for the five vehicles it is authorised for, and also failed to produce evidence of compliance with maintenance and drivers' hours requirements.
8. There is a strong suspicion that the operator has been lending discs. While I have not made any conclusive findings on this issue, Mr Charlesworth does have a case to answer, as it is a fact that he has put three vehicles (KX55 PNF, KX55 PNE and D11 GGD) on the licence which belong to Giles Detheridge rather than Bringstye Honey Farm. Mr Detheridge is someone who I have concluded is not to be trusted to hold a licence as he has been convicted of a serious waste dumping offence and lied to me at the public inquiry into his licence application.

Findings

9. I find as a fact that Bringstye Honey Farm Ltd lacks the required financial standing to hold a standard licence. The company has refused to engage with this public inquiry and I also therefore find that it lacks good repute.
10. As the company lacks financial standing and good repute, revocation of the licence is mandatory under Section 27(1)(a) of the 1995 Act. Because I can have no confidence that its vehicles are being operated safely and compliantly, the revocation will take immediate effect.

Gavin Charlesworth

11. Chris Stafford's evidence as a witness at the inquiry throws considerable doubt on the good repute of Gavin Charlesworth, although I accept that I may only have heard one side of the story. I shall be calling Mr Charlesworth to a hearing to consider his good repute: if he fails to attend a second time he risks losing his repute and being disqualified for a considerable period of time both from holding an operator's licence and from being a transport manager.



Nicholas Denton
Traffic Commissioner
5 July 2018