



DECISIONS OF THE TRAFFIC COMMISSIONER FOR WALES

Jason Paul Williams – OG1055756

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Transport Manager – Jason Paul Williams

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Darren Powell – OG2012853

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Transport Manager – Jonathan Richards

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Kyle Morgan Transport Ltd – OG2015573

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

Decisions made in respect of the standard international operator’s licence held by Jason Paul Williams OG1055756

1. Adverse findings are made under sections 26(1)(b); 26(1)(ca); 26(1)(f); and 26(1)(h) of the Act.
2. The operator no longer satisfies the requirement to have a stable establishment, section 27(1)(a) and 13A(2) of the Act.
3. Although I do not make a formal finding of loss of repute as an operator, it is severely tarnished.

4. The operator's licence is revoked forthwith.

Decisions made in respect of transport manager Jason Paul Williams

5. Repute as a transport manager is not lost, but it is severely tarnished.

Decisions made in respect of an application for a standard national operator's licence for two vehicles and two trailers by Darren Powell OG2012853

6. The applicant agrees that the following undertakings would be recorded on any licence granted:

(1) There will be an audit by NRT consultants of both maintenance systems and documentation – and additionally – drivers' hours and records compliance. It will be conducted in 12 months and copied to both the OTC for Wales and additionally the local DVSA office.

(2) Darren Powell will attend an Operator Licence Awareness Training course within two months and provide evidence to confirm attendance to the OTC for Wales.

(3) Darren Powell will in future always be fulsome in co-operating with DVSA and other regulatory authorities.

(4) fresh finances to be provided in 6 months.

7. The application for an operator's licence for two vehicles and two trailers is granted with a warning that any failures, especially anything other than fulsome co-operation with the DVSA should lead to the expectation of the loss of the operator's licence.

Decisions made in respect of transport manager Jonathan Richards

8. Repute as a transport manager remains intact.

Decisions made in respect of an application for a standard international operator's licence by Kyle Morgan Transport Ltd (company name changed to KMG (Holdings) Ltd OG2015573

9. I allow the application to be withdrawn at public inquiry. I note that there is a new prospective transport manager whose details need to be verified; there is a change of operating centre; and, there is a change in maintenance provider.

Attendance at Public Inquiry on 21 January 2019

- TE Alexander Bell
- Jason Paul Williams
- Heath Thomas, solicitor, representing Jason Williams, Darren Powell and Jonathan Richards
- Darren Powell
- Jonathan Richards

Attendance at adjourned Public Inquiry on 8 March 2019

- Jason Paul Williams
- Heath Thomas, solicitor representing Jason Williams and Darren Powell

- Jonathan Richards
- Darren Powell
- Kyle Morgan, director of limited company applying for a licence
- Rick Nugent, consultant representing Kyle Morgan



Nick Jones
Traffic Commissioner
Comisiynydd Trafnidiaeth

8 March 2019

File note (this can be seen by those who attended)

- If the fresh application by KMG (Holdings) Ltd is submitted promptly and if everything is in order, I allow the fee to be waived.
- Referring to Darren Powell, I note that it is a full year since the incident leading to his conviction for operating without a licence. I accept that his historic vehicles have since been parked up and he has ceased operating since obtaining legal advice. Had this not been the case I would have refused the application for a licence on the basis of failure to satisfy me as to good repute. Darren Powell has brought his troubles upon himself but pleaded guilty at a court promptly.