



IN THE WELSH TRAFFIC AREA

PUBLIC INQUIRY

PAUL RICKETTS TRANSPORT LTD

OG1146356

TRANSPORT MANAGER – PAUL TEDALDI

Goods Vehicles (Licensing of Operators) Act 1995

BEFORE

**ANTHONY SECULER
DEPUTY TRAFFIC COMMISSIONER**

HEARD AT THE WELSHPOOL LAW COURTS

ON

24TH APRIL 2019

Written Decision confirming Oral Decision issued on 24th April 2019

Background

1. Paul Ricketts Transport Ltd, “the operator” is the holder of a Standard Good Vehicle Operator’s Licence authorising 3 vehicles and 2 trailers, issued on 3rd August 2016. The sole director is Paul Ricketts, d.o.b. 30th November 1972.
2. On 2nd November 2018, DVSA examiners encountered one of the operator’s vehicles being driven out of MOT and with tachograph anomalies. A follow-up

investigation found shortcomings in the vehicle maintenance systems and in the drivers' hours and tachograph etc. systems.

The Public Inquiry

3. By a call-up letter issued on 15th March 2019, the operator was called to the public inquiry on 24th April 2019. Transport Manager, Paul Tedaldi, was called for his repute/professional competence to be considered.
4. Paul Ricketts and Mark Howard were also called to conjoined driver conduct hearings.
5. The operator and transport manager attended, represented by Mr Aled Owen, Solicitor. On behalf of DVSA, Vehicle Examiner, Lee Rees, and Traffic Examiner, Annmarie Morgan, attended.

Evidence

6. The evidence of shortcomings identified in the Examiners' reports and statements was not disputed and is adopted for the full factual background to this decision.
7. Evidence was heard from VE Rees and TE Morgan.
8. On behalf of the operator, evidence was heard from Paul Ricketts and Paul Tedaldi gave evidence as transport manager.

Findings

9. I find that statements made when applying for the licence have not been fulfilled in that the 10 weekly safety inspection interval was exceeded and the transport manager has not been engaged as stated in the application (sec. 26(1)(e)).
10. The operator has not complied with the undertakings made when granted the licence namely; to keep vehicles fit and serviceable and to observe the rules on drivers' hours and tachographs and to keep proper records (sec. 26(1)(f)).
11. I find that the transport manager, Paul Tedaldi, has not been providing continuous and effective management of the operator's transport activities thereby removing professional competence (sec.27(1)(b) and 13A(3)).
12. Mr Tedaldi is described as "conspicuous by his absence" during the investigation. There was no evidence of his active involvement in the maintenance, daily defect reporting or driver hours' systems required of the

operator. His stated involvement of “popping up on a Friday afternoon for a cup of tea and a chat” was woefully inadequate and contrary to his stated declaration on the TM1 application form of committing 4 hours every Wednesday.

13. The driver, Mark Howard, had had no contact with Mr Tedaldi and tachograph offences had not been identified or communicated to the drivers.
14. Further, no contract of employment/engagement has been produced and payment consisted of £300 per annum, an amount far below the going rate for a functional transport manager.
15. Mr Tedaldi had recently attended a transport manager refresher course and I give him credit for that. However, as a witness he was unconvincing. When I asked if he was familiar with the contents of the Senior Traffic Commissioner’s Statutory Document No. 3 on the role and responsibilities of a transport manager, he stated that he was now familiar with it. He then cast considerable doubt on that statement by stating that it was “impossible to read it all at once” as it was such a large document when, in fact, it consists of only 35 pages of widely spaced A4. It appeared that Mr Tedaldi was confusing Statutory Document No. 3 with a large bundle of documents sent to him by Mr Owen.
16. It is telling that in his evidence Mr Tedaldi referred to offering Paul Ricketts to “run his licence off my CPC” casting doubt on whether a genuine transport management arrangement was ever intended.
17. When TE Morgan attended at Mr Tedaldi’s home to attempt to speak to him about the investigation he declined to be interviewed. He stated that he had an appointment to attend when, in his evidence, he merely stated to me that he was attending his own woodworking business. He also told TE Morgan that he considered the DVSA investigation “petty” in the context of what was happening with other operators in the area. Mr Tedaldi gave no satisfactory explanation for that statement and having seen and heard his evidence at the public inquiry I have no doubts that his response to TE Morgan was an accurate statement of his true feelings about the investigation and the shortcomings.

Decision and Reasons

18. The transport manager, Paul Tedaldi, has patently failed to effectively and continuously manage the transport activities of this undertaking. I find that he has lost his repute as a transport manager and he is disqualified indefinitely from undertaking that role on any operator's licence with effect from 24th April 2019. I appreciate that this will have implications for the other two licences on which he is nominated, but on the evidence I have seen and heard, I cannot accept that Mr Tedaldi is a competent person to provide constant and effective management on any licence. I note that, in his oral evidence, Mr Tedaldi contradicted the assertion that he had neglected this operator's licence through spending more time with the other 2 operators, despite prompting from Mr Owen.
19. On disqualification of Mr Tedaldi as a transport manager, he is required to re-take his CPC qualification before being considered to have his repute restored in the future.
20. In failing to engage in a proper transport manager arrangement the operator has placed his repute and operator's licence in jeopardy. Professional competence is a mandatory requirement of an operator's licence and operators who avoid this requirement place public safety at risk. This is demonstrated by the failure to monitor drivers' hours and working time limits and the weaknesses in driver defect reporting and the correct frequency of safety inspections.
21. Such operators also secure an unfair commercial advantage over legitimate operators. In paying only £300 per annum to his transport manager the operator is avoiding normal commercial rates, stated at £100 per week in the nominated transport manager's statement. In addition there are the savings in time and resources in not having proper monitoring and auditing of systems.
22. The director has himself committed numerous drivers' hours' offences and given incorrect instruction to his much younger and less experienced employee. His failings are described as a tendency to micro-manage. His knowledge of operator licensing requirements is shown to be far too limited to attempt to micro-manage compliance himself.

23. The operator, and director, Paul Ricketts, retain their reputations by the narrowest of margins. The operator's licence cannot continue without a professionally qualified up to date, and conscientious transport manager in place. The nomination of transport consultant, Mike Underwood, albeit late in the day, as a substitute transport manager acknowledges the operator's acceptance of this fact.
24. The operator's licence is suspended with effect from 24th April 2019, until such time as Mr Underwood, or a similarly competent transport manager, is accepted onto the licence. If delays in this process place the continuation of the licence at risk, then that is a risk that the operator has assumed in running the licence in the manner described above.
25. Undertakings are attached to the licence as follows:
- 1) On the operator undertaking to engage Mr Neil Stewart and Mr Tony Webb as reputable transport consultants, an audit report on compliance is requested from both individuals by 7th November 2019 and annually thereafter.
 - 2) Rolling road brake tests are carried out on a three monthly interval.
26. These undertakings are considered to be the minimum to ensure compliance and any attempt to water them down or evade them within the next 3 years is likely to be detrimental to the continuation of the licence.

Anthony Seculer,
Deputy Traffic Commissioner,
Welsh Traffic Area.
30th April 2019