

WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 4 JULY 2019

OPERATOR: ONE STOP WASTE (MID) LTD

LICENCE OD2013569

Decision

1. The restricted goods vehicle operator's licence OD2013569 held by One Stop Waste (Mid) Ltd is revoked with effect from 0001 hours on 18 July 2019, pursuant to Section 26(1)(c)(iii), (f) and (h) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. One Stop Waste (Mid) Ltd and former director Hannah Watson are disqualified for three years, until 18 July 2022, from holding or obtaining any type of operator's licence in any traffic area and (in Ms Watson's case) from being the director of any company holding or obtaining such a licence, pursuant to section 28 (1), (4) and (5) of the 1995 Act.

Reasons

1. The reasons for the revocation of the licence are:
 - i) the operator has failed to fulfil its undertaking to ensure the lawful driving and operation of vehicles (Section 26(1)(f) of the 1995 Act refers). The operator's 18 tonne vehicle GF62 ZZP was stopped on 13 February 2019 while being driven by a Joanne Beasley who did not hold the required C category licence nor a driver CPC. The vehicle was therefore uninsured. It was also untaxed and was seized by the police. Another of the operator's vehicles, FJ55 CKU, was stopped on 15 February 2019 and also found to be untaxed.
 - ii) the operator has failed to fulfil its undertaking to ensure the observance of drivers' hours and tachograph rules. Joanne Beasley was not using a tachograph card when driving on 13 February 2019 and a DVSA examination showed that the vehicle had been driven without a driver card both on this day and on previous days. The driver of vehicle FJ55 CKU, stopped on 15 February, was given a fixed penalty for not being able to produce the required tachograph charts. At today's inquiry the company has stated that, while downloads are now taking place, the director has been unable to access any of the information downloaded. The company has no oversight over drivers' hours compliance.

- iii) company director Hannah Watson has stated that she had no control over the company's transport operations: this was managed by her partner Carl O'Brien. She could offer no explanation why vehicles were untaxed or why GF62 ZZP had been driven by a person lacking the entitlement to drive it. She could not say what procedures the company had in place to monitor drivers' hours. In the light of these admissions and of the illegal operation described, I find that the company is clearly unfit to hold an operator's licence (Section 26(1)(h) refers).
 - iv) the maintenance inspection sheets provided by the company do not identify the registration number of the vehicle being inspected, do not record tyre tread depths or any form of brake test (brakes are simply marked "satisfactory").
 - v) the company lacks the required funds to support a restricted licence for three vehicles (section 26(1)(h) refers). Bank statements show average available funds of just under £1500, far below the £6500 required. A letter has been produced from an unnamed person stating that he is prepared to make the necessary funds available to the company: personal guarantees are not admissible for company finances even if we knew who the person was. I further note that the company's latest accounts on the Companies House website show that there are substantial net current liabilities;
2. There was nothing to put on the positive side of the balance. Mr Mills, the current director, has been in touch with a firm of transport consultants to see if they can assist, but his meeting with them was only a few days ago and there has been no concrete action yet.
 3. The revocation will take effect on 18 July 2019. I have allowed less than the normal 28 days grace: the current director's knowledge of HGV operation is so feeble that I cannot be confident that vehicles and drivers are being operated safely and legally.

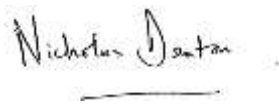
Disqualification – company and former director

4. For the reasons outlined above, and having performed the same balancing exercise, I conclude that both One Stop Waste (Mid) Ltd and former director Hannah Watson deserve to be disqualified under Section 28 from holding a licence in the future. In deciding upon the length of the disqualification, I have taken account of paragraph 100 of the STC's Statutory Guidance Document 10. This posits a starting point of between one and three years for a first public inquiry (which this is). Because Hannah Watson signed the application form to say that she would ensure that the rules and regulations relating to the operation of HGVs would be observed and then left this entirely to her partner who proceeded to run things with a negligence bordering on the criminal, I have decided to impose a disqualification at the upper end of this limit. There is almost no aspect of this operation which has been compliant.

Current director

5. I am not imposing a disqualification order upon Mr Mills, as his involvement with the company post-dates the instances of driving without a licence and without vehicles being taxed. However, he has manifestly failed to rise to the challenge of operating vehicles lawfully, as proper monitoring of drivers' hours is still not taking place and the periodic maintenance inspections are woefully inadequate. He started off with no idea of the requirements (hardly wise) and has made almost no progress in his education in the four months since he became a director. Whilst I am not disqualifying him from holding a licence or being the director of a company holding a licence in the future, in order for any application involving him to stand any prospect of success, he must first have attended a one day operator licence management

course run by a trade association and must be ready to employ the assistance of a transport consultant holding the transport manager CPC qualification.

A handwritten signature in black ink, reading "Nicholas Denton". The signature is written in a cursive style with a horizontal line underneath.

Nicholas Denton
Traffic Commissioner
4 July 2019