



WEST MIDLANDS TRAFFIC AREA

DECISION OF THE TRAFFIC COMMISSIONER

PUBLIC INQUIRY HELD IN BIRMINGHAM ON 5 SEPTEMBER 2019

OPERATOR: LEONARD JERRAM

LICENCE OD0184525

Decision

1. The restricted goods vehicle operator's licence OD0184525 held by Leonard Jerram is revoked with immediate effect, pursuant to Sections 26(1)(a), (c)(iii), (e), (f) and (h) of the Goods Vehicles (Licensing of Operators) Act 1995 ("the 1995 Act").
2. Leonard Jerram is disqualified indefinitely from holding or obtaining any type of operator's licence in any traffic area and from being the directors of any company holding or obtaining such a licence, pursuant to Section 28 (1), (4) and (5) of the 1995 Act.

Background

Operator details

1. Leonard Jerram holds a restricted goods vehicle operator's licence (OD0184525) for one vehicle. The licence was granted in 1995. The authorised operating centre is at Standek Farm, Walsall WS6 7HX.

DVSA Reports

2. The operator was called to a public inquiry today after I received a DVSA report which stated that:
 - i) the operator had been using an unauthorised operating centre at Bridge Nurseries Cannock for 15 years;
 - ii) the operator's vehicle had incurred an S-marked prohibition (denoting a serious failure in the maintenance system) on 26 March 2019 for a fractured and failed brake disc. The defect was of long standing and should have been identified and rectified by the maintenance contractor;

- iii) there was no evidence of any driver walk-round checks ever having been carried out;
- iv) no preventative maintenance inspection had taken place since 29 October 2018;
- v) maintenance records were being stored in the vehicle rather than in an office;
- vi) the operator had simply blamed his maintenance contractor for most of the failings and did not appear to understand his own responsibility for ensuring vehicle roadworthiness

Request to surrender

3. On 5 August 2019 Leonard Jerram returned his licence disc to my office, stating that he no longer required an operator's licence and was in the process of selling his vehicle. He would not therefore be attending the public inquiry on 5 September 2019. My clerk had previously explained on the phone that it was unlikely that surrender would be accepted, the public inquiry having been called, and that Mr Jerram risked disqualification if he failed to attend.

Public inquiry

4. The public inquiry was held today, 5 September 2019, in Birmingham. Mr Jerram, as expected, failed to appear.

Findings

5. I have therefore reached the following findings on the written evidence available:
 - i) the operator has parked his vehicle for many years at a location which is not its authorised operating centre (Section 26(1)(a) of the 1995 Act refers);
 - ii) the operator's vehicle has incurred an S-marked prohibition for a serious brake disc failure (Section 26(1)(c)(iii) refers);
 - iii) the operator has failed to fulfil its undertaking to keep vehicles fit and serviceable (Section 26(1)(f) refers). As well as the prohibition referred to above there are significant gaps in the maintenance schedule;
 - iv) given that Mr Jerram appeared to consider that his maintenance contractor rather than he was at fault and that the maintenance contractor should be the one DVSA were talking to, I find that his understanding of an operator's responsibilities falls far below the level of understanding required and that he is consequently not fit to hold an operator's licence (Section 26(1)(h) refers).

Decisions

Operator licence

6. In the light of the above findings, with nothing to put on the positive side of the balance, I conclude that the licence should be revoked under Section 26(1)(a), (c)(iii), (e), (f) and (h) of the 1995 Act. As Mr Jerram has already ceased operating in practice, the revocation will take immediate effect.

Disqualification

7. For the reasons outlined above, and having performed the same balancing act described, I conclude that Leonard Jerram should be disqualified under Section 28 from holding a licence in the future. I am disqualifying him indefinitely, but he is free

to request a hearing before a traffic commissioner if he wishes to argue for the disqualification to be time-limited or cancelled.

Nicholas Denton

Nicholas Denton
Traffic Commissioner
5 September 2019