

Alan Drummond
Licence OK1046680

Colin Drummond
Transport Manager

Written record of Traffic Commissioner's oral decision at the public inquiry of 24 June 2015

Decision

1. Standard national licence OK1046680 held by Alan Drummond is revoked with immediate effect, pursuant to Section 27(1)(a) and (b) of the Goods Vehicles (Licensing of Operators) Act 1995.
2. Alan Drummond has lost his good repute as an operator, pursuant to paragraph 1 of Schedule 3 to the 1995 Act. Under Section 28(1), (4) and (5) I am disqualifying him with immediate effect and for an indefinite period of time from holding or obtaining any type of operator's licence in any traffic area, or being the director of any company holding or obtaining such a licence.
3. Colin Drummond has lost his good repute as a transport manager, pursuant to Schedule 3 paragraph 1 of the 1995 Act. Under paragraph 16(2) of that schedule I am disqualifying him, with immediate effect and for an indefinite period of time, from acting as a transport manager on any operator's licence in any Member State of the European Union. Before he can act as a transport manager again, he must appear before me at a hearing in order to re-establish his repute.

Background

4. In April 2015, Transport for London drew my attention to the trial and conviction for causing death by careless driving of driver Barry Meyer, which had just taken place. Given that driver Meyer had been found not to have the correct driving entitlement for the HGV he was driving, I immediately asked the Driver and Vehicle Services Agency (DVSA) to carry out an urgent investigation into the operator, Alan Drummond, to ascertain the extent to which he was or was not complying with the laws relating to the operation and roadworthiness of vehicles, and with the laws relating to driving entitlement, drivers' hours and tachographs.
5. In the meantime, by letter of 1 May 2015, I summoned the operator Alan Drummond to attend a preliminary hearing in Eastbourne on 4 June. This was in advance of a formal public inquiry later scheduled for 24 June which was intended to look at the whole picture relating to the operator including the results of the DVSA investigation. The purpose of the preliminary hearing was to prepare the ground so that the public inquiry could be conducted in as efficient manner as possible and would not have to be adjourned pending the supply of further evidence etc.
6. DVSA vehicle and traffic examiners visited Alan Drummond's operating centre on 19 May 2015, following my request that they investigate. There was no office on site and Mr Drummond was not present. Traffic examiner Russell Simmons spoke to Mr Drummond by phone and asked for various documents relating to the operation of his drivers and vehicles. Alan Drummond stated that he was surrendering the licence and did not wish to speak to Mr Simmons. He then hung up.
7. By letter dated 20 May 2015, Alan Drummond informed me that owing to ill health he would not be attending the "public inquiry" on 4 June 2015, by which I assume he meant the preliminary hearing (the public inquiry for 24 June not yet having been called). He stated that he had submitted a request to surrender the licence to the central licensing unit in Leeds. He understood that I might prefer not to accept the surrender but to revoke the licence.

8. A letter of 15 May to Colin Drummond informing him of the preliminary hearing was returned to my office marked “wrong address”, although it was sent to the same address from which Colin Drummond wrote to the Central Licensing Unit in Leeds on 18 May (received on 20 May), resigning as transport manager from the licence as “other responsibilities” had made it impossible to carry out his duties.
9. Neither Alan nor Colin Drummond attended the preliminary hearing on 4 June. On 17 June I received a letter dated 12 June from Alan Drummond. In it he repeated his request to surrender the licence, pointed out that he had not been prosecuted for any offence following the fatality caused by driver Meyer, and reiterated that neither he (Alan Drummond) nor transport manager Colin Drummond would be attending the public inquiry. Both accepted, however, that they would lose their reputes.

Findings

10. From the police evidence I have seen, which includes a transcript of an interview with Alan Drummond, I find that the operator wrongly took on trust Barry Meyer’s assurance that he possessed the correct driving entitlement and never bothered to check whether this was really so, even after Mr Meyer had “forgotten” to bring in his licence for checking, something which should have set off alarm bells. I find that, through their negligence, Alan and Colin Drummond allowed a person to drive a Heavy Goods Vehicle who should clearly not have been allowed to do so. The results were fatal.
11. Both Alan and Colin Drummond have serious questions to answer about what system for checking driver entitlement they were operating at the time of Mr Meyer’s employment and about why that system, if they had one, failed. Instead, they have sought to evade their responsibilities by refusing to speak to DVSA examiners and refusing to attend the preliminary hearing and public inquiry.
12. I note that the wish to surrender the licence (Alan Drummond) and the unbearable burden of other responsibilities (Colin Drummond) have both suddenly emerged in the last few weeks, after they received the call-up letters to the preliminary hearing and public inquiry. By contrast, they have had no apparent difficulty in continuing to operate over the past two years, since the fatality caused by Mr Meyer (and, indirectly, by their own failure to fulfil one of the most basic responsibilities of an operator or transport manager – to ensure that a driver of one of their HGVs was qualified to drive it). Four vehicles were operated by Mr Drummond right up to 6 May 2015, with the last vehicle being removed from the licence on 17 May 2015.
13. Because neither man has attended the public inquiry today, they have been unable to present any mitigating factors which might argue against revocation of the licence and the disqualification of its holder and transport manager.

Conclusion

14. My conclusion is that this licence must therefore be revoked and that the good repute of both Alan and Colin Drummond cannot survive such a basic failure to carry out their responsibilities as operator and transport manager and their refusal to be called to account.
15. I am revoking it under Section 27(1)(a) – the operator has provided no evidence of financial standing; the operator is not of good repute; and the operator lacks professional competence (because his transport manager has lost his repute). The licence is also revoked under Section 27(1)(b) – because the transport manager no longer satisfies the requirement to be of good repute.
16. I am also disqualifying Alan Drummond from holding an operator’s licence in the future and disqualifying Colin Drummond from acting as a transport manager again. Neither appears to be interested in engaging with the regulatory authorities to account for their lack of proper management of their drivers. Neither should therefore have any role in the industry in the future.

Nicholas Denton

Nick Denton
Traffic Commissioner
24 June 2015