**Alan Drummond**

**Licence OK1046680**

**Traffic Commissioner’s conclusions at the preliminary hearing on 4 June 2015**

In April 2015, TfL 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.

In the meantime, by letter of 1 May 2015, I summoned the operator Alan Drummond to attend a preliminary hearing in Eastbourne today on 4 June. This was in advance of a formal public inquiry which has now been scheduled for 24 June and which is intended to look at the whole picture relating to the operator including the results of the DVSA investigation. The purpose of today’s preliminary hearing was to establish which areas of compliance will need to be looked at in more detail at the formal inquiry and what documents and other evidence the operator and/or transport manager will need to bring to that inquiry. It was basically 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.

On 15 May 2015, my clerk sent a further letter to Alan Drummond itemising the documents I expected him to bring to the preliminary hearing. A letter was sent on the same date to the transport manager Colin Drummond, specifically requesting his attendance at the preliminary hearing.

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.

As the letter of 15 May to Colin Drummond had been returned to my office marked “wrong address”, my clerk wrote to Alan Drummond on 22 May to ask him to: i) supply an up-to-date address for Colin Drummond; and ii) emphasise to Colin Drummond the importance of him (Colin) attending the preliminary hearing. I then became aware that Colin Drummond had written to the central licensing unit 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. I noted that the address given at the head of Colin Drummond’s letter was the same address as the one to which my clerk had sent our letter of 15 May, the one which had been returned marked as “wrong address”.

I deplore the failure of both Alan and Colin Drummond to attend the preliminary hearing today. From the police evidence I have seen, which includes a transcript of an interview with Alan Drummond, it appears that the operator took on trust Barry Meyer’s assurance that he possessed the correct driving entitlement and never checked 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. 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.

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 couple of weeks, after they received the call-up letters to the preliminary hearing. By contrast, they have had no apparent difficulty in operating 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).

I warn both Alan and Colin Drummond that they must attend the public inquiry on 24 June 2015. It may be that they can present some mitigating factors as to why Mr Meyer was driving without the correct entitlement. Failure to attend, however, cannot but have an adverse impact on their repute and on my consequent decision.

Nick Denton

Traffic Commissioner

4 June 2015