



Ebony Jones – OG2008722

Background:

1. This is an application for a restricted goods vehicle operator's licence for three vehicles.
2. A public inquiry was held in Birmingham on 21 November 2017 with TC Denton adjudicating on a limited company licence named Jones Scaffolding Ltd t/a Colin Jones OD1142567; a sole trader licence for Colin Jones OD1124709; and, a partnership licence for Colin Jones & Alison Jones OG1112687. All licences were revoked.
3. Paragraph 6 of TC Denton's decision read as follows: *"It became clear at the Inquiry that Mr Jones has almost no knowledge of the rules applying to the operation of HGVs. He stated that he has been too busy growing the business to focus on compliance. The unsurprising result is that the company has failed to comply with requirements across a very wide spectrum of issues."*
4. Later, at paragraph 10, TC Denton writes *"I have therefore decided to disqualify Mr Jones from holding a licence for the period of six months until 21 May 2018. If he wishes to continue in the industry, he must educate himself to a much higher standard about the responsibilities of an HGV operator and the rules applicable to the operation."*
5. This application for a new licence was made on the same day as the above operator licences were revoked on 21 November 2017. This public inquiry was convened as a result of concern as to whether this application had been made with view to circumventing the decision of TC Denton. An investigation was to take place as to whether Ebony Jones was truly the person running the business. Money had been invested in the business by Mrs Jones, they shared the same maintenance contractor, same address and mobile number as the previous entities. None of the aforementioned features had been disclosed by the applicant and there was concern as to what involvement Colin Jones would have in the day-to-day running of the business.
6. Email correspondence between my office and Ebony Jones confirms queries from the applicant as to whether the licence could authorise agricultural tractors to carry trailers. One late email suggested amending the application to one whereby I would approve an operator's licence for a farm tractor and three trailers.
7. Ebony Jones is the daughter of Colin and Alison Jones, her amended application for a licence to drive agricultural tractors with trailers is unusual. A local traffic examiner who gave evidence at the public inquiry before TC Denton has reported that at the hearing on 21 November 2017 Colin Jones indicated that if his licence was revoked he would carry on

his scaffolding equipment using agricultural tractors with trailers instead. He was at the time advised by the traffic examiner that this was not lawful and that if he attempted to do so that vehicles could be impounded. Pre-impounding letters have been sent by the DVSA. It is the clear view of the DVSA that this application is an attempt to circumvent the decision of TC Denton and that Ebony Jones would not be controlling the licence if it is granted.

8. This hearing is held on Monday, 9 April 2017, on Friday, 6 April 2017 an application was made by Ebony Jones to withdraw the application for an operator's licence.

Decisions

9. I allowed the withdrawal of the application for an operator's licence.

10. Ebony Jones is warned that use of an agricultural tractor unit for commercial purposes as described is likely to result in vehicles being impounded.

11. A copy of this decision is being forwarded to TC Denton as it appears an attempt was made to circumvent his decision of 21 November 2017.



Nick Jones
Traffic Commissioner
Comisiynydd Traffig dros Ardal Drafnidiaeth Cymru

9 April 2018