

The dangers of a poor transport manager and ignoring the law

News story

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Following a public inquiry at the end of last month, Leo.Al.Auto Ltd faces having its licence revoked and their transport manager, Darren Boyce-Smith was disqualified for two years having been found to have lost his professional competence.

The transport manager was found to have done nothing for at least eleven months, failing in every one of his basic duties, including noticing that the operator's CPC had expired in September 2019.

Other failings included no driver training conducted internally, the transport manager had no copies of Driver CPC certificates for any drivers, he had no copies of any driving licences, driver CPC cards, driver tachograph cards and no driver licence checks were conducted.

The last drivers' hours download was completed in August 2020. Twenty-eight days of driver download from the roadside encounter with a traffic examiner showed multiple driving without a break and insufficient daily rests.

These were not the only problems.

The traffic commissioner for the West of England, Kevin Rooney said "The operator, Mr. Leonickas, also told me that his drivers were employed through their own limited companies and did not seem to be aware that it was done in an unlawful manner. The position of self-employed drivers was considered recently by the Upper Tribunal in the case UT/2019/54 Bridgestep Limited. It was a case where the drivers had formed their own limited companies. In compliance with HMRC rules for being self-employed, the drivers were afforded significant freedoms in how the work was organised. To do otherwise would mean that the drivers were employees. The licence of Leo.Al.Auto Ltd will be

revoked on 1 January if the drivers are not put on the payroll.

Further details can be found [here](#).

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