



People for Proper Policing in North Wales

18 L E Jones lorry drivers sentenced

Jun 28 2008 by Carl Butler, Daily Post

A LORRY driver failed to take his breaks because he feared being robbed or assaulted if he stopped on an A55 layby.

Stories in the Daily Post about a lorry driver hijacked at gunpoint and forced to drive to Lancashire, helped convince driver **Dewi Wyn Jones**, 36, of Madyn road, Amlwch, the A55 laybys were unsafe for his night shift driving between Anglesey and Ruthin.

Jones was one of 18 drivers sentenced at Wrexham Magistrates last night following an investigation by the Vehicle and Operator Services Agency (VOSA) at the Ruthin based hauliers L E Jones.

All admitted a variety of charges relating to tachograph offences, driving excess hours and failing to take breaks.

But solicitors representing the men attacked **VOSA of "taking cases to the extreme"** prosecuting some for being just 12 minutes over a break time, and not accounting for a couple of kilometres of their journeys on others.

L E Jones Ltd and L E Jones International Ltd admitted a total of 19 offences involving unauthorised withdrawal of tachographs and failing to use tachograph cards and were fined a total of £21,000, including costs.

John Dyne for Dewi Jones said his charges of failing to take breaks all stemmed from his night shift driving of "high value" aluminium loads.

"The reason he was not stopping for the 45 minutes was simply because of his perception of the safety of stopping in a lay by (on the A55)."

Mr Dyne referred to Daily Post stories about a violent hijacking and others about lack of official lorry stops on the A55.

He added: *"There is some concern that when legislation requires drivers to take breaks it is incumbent to make sure drivers have somewhere to stop safely from their personal point of view and their load."*

Prosecutor David Jones said L E Jones were licensed for 70 vehicles, with the main business livestock movement. Last summer VOSA checked whether their drivers were complying with EU and tachograph regulations.

"The prosecution say there has been wholesale failure on behalf of the company to oversee and manage drivers complying with the appropriate legislation. Drivers had not fully recorded all movements, including travelling to pickup a lorry or a journey back after making delivery, as required by new regulations which came into force in April 2007".

James Backhouse for the company said it was a family company grown from a farm business in the 1970's with a turn over of £4-5m a year. The offences were bottom of the scale and showed there was "no culture" of flouting regulations.

Nic Parry, representing several drivers, **attacked VOSA for not being more proactive in explaining rule changes to drivers.** The court heard new regulations in April were explained in a VOSA booklet – published in November.

District Judge Andrew Shaw gave all 18 drivers conditional discharges for 12 months for any offences brought under the new rules.

He said: *"There is no evidence either the company or the drivers profited from their actions. The case against the defendant company suggests in no way that they encouraged drivers to act illegally or that the drivers colluded"*.

"I am satisfied in this case none of the drivers were aware of the changes. In no case was there evidence of bad driving. At the same time the regulations are crucial to road safety requirements and should have been second nature to the drivers.

"There is no evidence excessive hours were grossly substantial nor have they any criminal motive."

The PPP comments ... We believe that vigilance is necessary to prevent breaches of regulations and behaviour that will affect the safety of our highways. BUT draconian penalties are not justified and clear warnings of more serious penalties for repeat offences are preferable in a highly competitive and vital industry within a long term recession.

District Judge Shaw can be depended upon to take the reasoned view and we applaud his positive but firm style which we believe is more productive.

Readers should compare this process against a haulier to the series of cases involving seriously dangerous driving by Police Officers which involved the so called (independent) IPCC.