

## The Tilley Award.

### Officer Nominated.

Constable 409	Paul Whitehead	Headquarters Mobile Support Group.
Constable 470	Steve Fryer	Kendal Mobile Support Group.
Constable 969	Mike Woolaghan	Force Intelligence Bureau.

### Abstract

#### Project Title - "Operation Oulton"

The object of Operation Oulton was to improve road safety in the long distance commercial vehicle sector and deal with offending companies who encouraged or cajoled their drivers into working excessive hours behind the wheel of heavy freight carry vehicles. Drivers were failing to conform to the maximum drivers hours allowed by legislation for the safe operation of such vehicles and were committing fraudulent acts to create false records of work.

The potential of the problem was identified two years ago in this force as a result of a serious fatal road traffic act on the M.6 involving overnight lorries from the north of Scotland transporting fish to the continent. An intensive operation aimed at these vehicles found that they were principally owner driver units working to unacceptable work schedules with the timings of ferries controlling massively excess hours of work. This heightened awareness of the safety issues involved in this malpractice led to further research being carried out by patrolling officers. Numerous sub contractors were subsequently prosecuted after fairly lengthy investigations for fraud offences and many maintained in court as part of their defence they had been coerced into it by their contractors.

Large scale fraudulent behaviour appeared to be at the behest of or conveniently ignored by the main contractors. Dip sampling resulted in a positive result and indicated frauds were being committed on a large scale and would affect road safety if unchecked.

Because of the size and extent of such companies no one police force could take on this nation wide enquiry and at the instigation of Cumbria Constabulary a joint combined Agency action group was formed between Cumbria, Dumfries and Galloway Constabulary the Vehicle Inspectorate and the Procurator **Fiscals office.**

Three officers of this force became the main players in the investigation Constables 409 Paul Whitehead; 470 Steve Fryer and 969 Mike Woolaghan,

working with Scottish Vehicle Inspectorate Intelligence Officer, Mr. Vic Grant. They were responsible for the planning and execution of the work.

The response that this investigation has provoked is that the team have developed a system of best practice in relation to nation wide tachograph fraud investigations. Their work is highlighted by the Vehicle Inspectorate as the way forward in dealing with the 'too large to handle' companies who are no longer 'untouchable'.

## **Project**

The project 'Operation Oulton' commenced after numerous smaller operations confirmed that the offence of Tachograph Fraud was being committed on a large scale by commercial vehicles travelling through the county of Cumbria. The main research information came from the work carried out by mobile support group officers stopping and prosecuting owner-drivers/small haulage contractors working for large commercial haulage organisations. It became apparent from court proceedings that a number of the operators being convicted were using the defence that they were being 'forced' into it by their contracting company. That is they were being given loads and tasks deliver times and dates unattainable within the UK drivers hours regulations. This resulted in them working excessively long hours behind the wheel of heavy goods vehicles, well over the legal limits. These infringements being masked from the enforcement agencies by fraudulent tachographs.

These offences were already giving rise to serious road safety concerns in relation to excessively tired drivers behind the wheels of juggernauts but were now exacerbated by the fact that drivers were being coerced into committing the offences.

Having suffered a consequences of fatal accidents Operation Oulton was carried out with the aim of improving safe driving through the county of Cumbria and to highlight to the haulage industry that this conduct would not be tolerated. With the M.6 running north to south through the county it is the main west coast arterial route between England and Scotland and as such carries a high proportion of through commercial traffic. Previous work carried out had already highlighted a large local major haulage contractor, based in the south of Scotland, as conducting his operations in this manner. This company had a small fleet of his own vehicles but carried out the bulk of his work using sub contractors who between them had access to over 800 vehicles based throughout England and Scotland delivering from and to regional distribution centres and supermarkets countrywide.

It was realised at a very early stage of the planning that this operation was such that no one police force could deal with solely on their own. Therefore at the instigation of this force a joint police, Vehicle Inspectorate investigation team was set up involving Cumbria, Dumfries and Galloway and the Scottish area Vehicle Inspectorate to deal with this using a multi-agency approach. Due to the cross boundary nature of the offences the enquiry would cover it was decided at the outset to ask the vehicle Inspectorate to act as enquiry head, as they were less constricted by police force area boundaries. Cumbria provided the base of operations and 40% of the enquiry team.

The whole team were involved from the start in identifying the nature of the offences being committed and the offenders to be targeted. The nature and

main crux of the problem had been highlighted already by the work carried out by :numerous officers of the Cumbria Constabulary, Mobile Support Group.

Much of the original information had been gathered over a considerable period time and **was** a matter of record. The team commenced with a brainstorming session looking for ways looking at each others investigative methods for dealing with a hitherto untried operation involving a large company with many sub contractors and a multitude of operating centres and destination bases. The decisions and adaptations, legally checked, held good for the whole of the operation and formed the base for the full investigation only being modified in one area by the Procurator Fiscal who required additional supportive information due to the size and complexity of the final evidence provided.

The decision at this time to concentrate on the criminal activities of the drivers, ie. Fraud offences, with all other minor matters subject of judicial time limits being dealt with outside the main operation by evidence packs being sent to local area Vehicle Inspectorate offices for prosecutions. Good use was made of basic Microsoft IT available to all members of the team which proved an efficient method of tracking information and producing final documentary supporting evidence for each court file.

Another unique element which was realised and dealt with from the first meetings of the team was that from the offences being investigated there would inevitably be a number of files dealt with under English Courts Procedures with the majority being under the Scottish Penal System. This led to numerous meetings with the appropriate judicial services in order that the final product was acceptable to both jurisdictions.

The formation of this multi-skilled and multi-agency team has proved by be very successful. The benefits became apparent at a very early stage of the investigation when the speed of execution exceeded management expectation. The work effective co-ordinated work carried out by this team was such that the whole investigation was completed within 5 months with the files prepared and submitted for process. The methods used by the group have been tested in court without issue. As part of his normal role Mr. Vic Grant of the Vehicle Inspectorate Intelligence Section is now using this investigative method as a model of best practice.

Much of this Operation is still sub-judice and it was not thought practical at this stage to submit any full file documents for consideration (each process file being lengthy and extensive). However, attached for the information of the panel are the initial report relating to the operation set up phase, with associated press cuttings together with the formal file summary submitted to the Procurator Fiscals office. The comprehensive work of this group is best demonstrated by presentation.

**Project. Contact**

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**CUMBRIA CONSTABULARY**

**ORIGINAL BRIEFING DOCUMENT**

**OPERATION OULTON**



## OPERATION OULTON.

**HAYTON COULTHARD LTD** is a large haulage contractor based at **TWYNHOLM, KIRKCUDBRIGHT, DUMFRIES AND GALLOWAY**. The company operates a mixed fleet of 38 heavy goods vehicles on general haulage, mainly associated with the food industry. The company is run by Duncan Coultard Snr and Jnr. The annual turnover of the company is in the region of £9 million. The company has been over the years awarded a number of large contracts which by their nature the company cannot meet solely with its own vehicles. It therefore uses sub-contractors to meet the excess. Currently **HAYTON COULTHARD LTD** has in the region of 70 dedicated sub-contractors, many of who have their vehicles in the **HAYTON COULTHARD LTD** livery. Additionally there are others who handed occasional loads as and when required or in exchange for leads for **HAYTON COULTHARD LTD**'s vehicles in other regions.

In July 1990, Cumbria Constabulary mounted a joint investigation with the Vehicle Inspectorate and Dumfries and Galloway Constabulary into the *activities of K. C. WILLIAMSON*, a general haulier based at Kirkpatrick Fleming. The investigation revealed that **WILLIAMSON** operated 3 vehicles on dedicated sub-contracted work for **HAYTON COULTHARD LTD**. **W L LIAMSON** drove one vehicle and employed 5 people to drive the other vehicles. The day to day scheduling of load's etc was carried out by **HAYTON COULTHARD LTD** and all the drivers did was to contact the **HAYTON COULTHARD LTD** transport office where they would be allocated the next load. **WILLIAMSON** had little or no control over the activities of his fleet and he too contacted the transport office for all of his work. it appears that **HAYTON COULTHARD LTD** basically, ran these vehicles as part of their fleet, arranging all the *work* for the vehicles every week. This is common amongst the dedicated sub-contractors. During the investigation 53 false records were discovered in a four week period, averaging around 2 per driver per week (there appeared to be more however supporting evidence could not be found to prove beyond reasonable doubt). The majority of the fleet was found to have wires fitted which disabled the tachograph. During interview all the drivers and **WILLIAMSON** claimed that they were pressurised by **HAYTON COULTHARD LTD** to complete work by certain deadlines. **WILLIAMSON** stated he could not withdraw from the work as he was owed in the region of £80,000 for work, already done and **HAYTON COULTHARD LTD** would become very slow to settle this if he failed to work for them. **WILLIAMSON** however was not prepared to make a written statement regarding his allegations.

In June 1998, **WILLIAMSON** and his drivers appeared at **KENDAL Magistrates Court** charge with offences from the investigation. They were represented by Mr. Jonathon **LAWTON**, solicitor, who gave, mitigation for the offences to the court. He said in open

court that HAYTON COULTHARD LTD had caused these offences and WILLIAMSON was like many, other sub-contractors working for this company; "under pressure from HAYTON COULTHARD LTD to complete impossible work, which if not carried out would result in financial difficulty and possible bankruptcy". LAWTON questioned whether the authorities ever tackled the cause of the problem or was it easier to take on the smaller haulier. WILLIAMSON and his drivers were fined a total of £3800. WILLIAMSON now operates 2 vehicles on contract to Eddie Stobart LTD.

### **!MELLUGENCE.**

The allegations made by WILLIAMSON sound similar to those made by the majority of hauliers who have been caught and look to blame another to lighten the penalty. However various information has been submitted regarding HAY T CN COULTHARD LTD over the last couple of years:

- I. An ex-driver for a sub-contractor of HAYTON COULTHARD LTD claimed he left because the pressure was too much and what the company asked was not achievable without widescale abuse of the drivers' hours' regulations. He stated that he often had to hide the collection of a southbound load at the weekend to make it appear that he had taken weekly rest. This driver returned to working for Jock Hyslop because the pace was easier!!!!
2. PC Andy Mills was stopped by an ex-driver for HAYTON COULTHARD LTD and informed that the company actively pressurises the sub-contractors to exceed the legal limits. HAYTON COULTHARD LTD drivers were not put under the same pressure.
3. A HAYTON COULTHARD LTD vehicle was stopped on a Mermaid check early in 1998 and found to be exceeding the 10 hours daily driving limit and failing to take a daisy rest period. He was dealt with by the V. I.
4. An owner-driver was found to be overweight at Penrith on a Saturday afternoon. He was not a regular worker for the target but *had* been given the load from Kirkcudbright dairy via Coventry Reefers who do work for the target. Upon loading he weighed the vehicle and found it to be overweight and made representations to the HAYTON COULTHARD office who stated others had no problem with the exact same consignment. Following heated exchange some of the excess was removed and he headed south. He was stopped and checked and found still to be in excess of the permitted limits by 1500kg. He was prohibited and parked up. Some 36 hours later he still had not cleared his prohibition so the officers revisited him. The owner-driver told him that the HAYTON COULTHARD LTD office had told him that they had no spare capacity on a Saturday or Sunday, and it would be Monday at the earliest before he would be transhipped.
5. Because the company is heavily involved in distribution for the food and drink industry, there are natural peaks in the work. These are July and late November and December to meet high demands in summer and over the Christmas period.
6. Unconfirmed information that HAYTON COULTHARD LTD is a sponsor of David Coulthard the racing driver and as such has to fund his seat to the tune of £250,000 per year. Other funding comes from customers of the company such as

Highland Spring and Eternit.

7. It is known that the majority of the work the company undertakes is UK based however the company does carry, out work in Southern Ireland and in Belgium. The company has major distribution contracts with the following companies:

EXPRESS DAIRIES	KIRKCUDBRIGHT & CREDITON
SCOTTS PRIDE	GOVAN & KIRKCUDBRIGHT
CADBURY'S	MINWORTH & OLDBURY
BRITVIC	NORMANTON, CHELMSFORD
	& LUTTERWORTH
HIGHLAND SPRING	BLACKFORD, STIRLING
THE CHEESE COMPANY	TAMWORTH & LOCKERBIE
ETERNIT	IMPORT FROM BELGIUM
7	T1M3ER FROM S. IRELAND
TATE & LYLE	SILVERTOWN, E. LONDON

Additionally the company has a number of smaller contracts and does work for major hauliers that mainly involves running into Regional Distribution Centres for major supermarket chains. The company prefers one drop work as opposed to Multi-drop.

8. The company has operating centres in the following locations;

The Garage, Twynholm, Kirkcudbright.

Station Depot, Melmerby, Ripon - C/O Kettlewell Melmerby Ltd

Whaddon Road, Meldreth, Nr Royston, Herts - Eternit TAC

Mistley Quay, Manningtree, Essex - Eternit TAC

Railway Goods yard, St duds, Plymouth

Edingham Industrial Estate, Dalbeattie

9. The company's livery is very distinctive. It is predominately red with a tartan stripe or 'scarf' around the front of the cab that slopes upwards on the side. The name "HAYTON COULTHARD LTD, TWYNHOLM, SCOTLAND" is usually sign written upon the cab and where there is limited room the initials "HC" is used, the "H" being on top of the "C". Trailers are either curtainsiders or refrigerated. The curtainsiders are predominately plain red and additional trailers are leased from Trans American. Newer trailers are fitted with side skirts and usually have the company name on each side. Recently as new contracts have been won, vehicles have been painted in the customer's livery however they can still be easily distinguished as a HAYTON COULTHARD vehicle, i.e. The vehicles in the HIGHLAND SPRING livery are green but they retain the tartan scarf and the sign written names. The refrigerated trailers are more white than any other colour but do have HAYTON COULTHARD LTD sign written upon them. Some are in the colours of Scottish Pride dairies but the back doors are in the "HC" livery.

See Appendix 'A'.

10. The vehicles in the fleet change rapidly and the more recent purchases are top of the range examples from Iveco, Scania and Volvo. They tend to have registration numbers ending in "HCT". The older motors are more often than not sold direct to sub-contractors enabling the colour scheme to continue.
11. Dedicated sub-contractors' vehicles can be a mix of their own colours plus a similar design to that of HAYTON COULTHARD LTD. During the investigation into WILLIAMSON the following companies worked for HAYTON COULTHARD LTD. This list is extensive and has been updated as fresh information is uncovered. They are split in Scotland based hauliers and the rest. Some are owner drivers whilst others have varying sized fleets. It is noticeable a number are or have been subject to intelligence suggesting that the speed limiters on the vehicles have been interfered with. This may be because they cannot meet deadlines if they keep within the limited speed.

### SCOTLAND BASED HAULIERS.

JOHN RAGLAN ELLIOTT	-	AYR
AJA TRANSPORT	-	BLAIRGOWRIE
CARROLL & SON	-	BLANTYRE
ALEXANDER GRIERSON	-	CASTLE DOUGLAS
ROBERT JARDINE	-	CASTLE DOUGLAS
J & D GOLDIE	-	CASTLE DOUGLAS
J&JMURDOCH	-	CASTLE DOUGLAS
T. P. NIVEN	-	CASTLE DOUGLAS
MACTAGGART BROS	-	CASTLE DOUGLAS
MBS	-	CASTLE DOUGLAS
IAN A SPENCER	-	CASTLE DOUGLAS
GARY J MAXWELL	-	CASTLE DOUGLAS
M R CLARK & SONS	-	DUMFRIES
J & J CURRIE	-	DUMFRIES
MCKIE HAULAGE	-	DUMFRIES
JAMES BURNS	-	DUNDEE
CENTRAL BOX CO	-	EAST KILBRIDE
T & J WILSON HAULAGE	-	FALKIRK
FIONA MCCREADIE	-	GILPATRICK
D & M MCKECHAN TRANS	-	KILBIRNIE
DOUGLAS LORRAINE MALCOLM	-	KIRKCUDBRIGHT
WILLIAM ANDREW CRAIG	-	KIRKCUDBRIGHT
DAVID RAWLINSON	-	KIRKCUDBRIGHT
W & M RIDDETT	-	KIRKCUDBRIGHT
WM HALLIDAY & SONS	-	KIRKPATRICK FLEMING
CATHERINE JANE LAMB	-	LASSWADE, MIDLOTHIAN
IAN ALEXANDER TRANS	-	LOCKERBIE
ALISTAIR BROWN	-	NEWBRIDGE
MARTIN JOLLY HAULAGE	-	NEWTON STEWART
WILLIAM JOLLY	-	NEWTON STEWART
R WALLACE	-	NEWTON STEWART
J & JM BENNETT	-	NEWTON STEWART
MHT	-	RENFREW

YUILL & DODDS		STRATHAVEN
MILLAR TRANSPORT		STRANRAER
KEVIN MILLAR		STRANRAER
W MCLEAN	-	STRANRAER
STEEL MCKIE	-	STRANRAER
JMC TRANSPORT	-	TIGHNABRUAICH

**ENGLAND AND WALES BASED HAULIERS.**

J F HAULAGE	-	ALTRINGHAM
SCA TRANSPORT	-	AYLESFORD
CAW LTD	-	BARROW
J B HAULAGE	-	BERWICK UPON TWEED
COVENTRY REEFERS		BIRMINGHAM
NFC UK LTD		BURTON ON TRENT
ROD CAMPBELL TRANS		CARLISLE
S J BARGH LTD	-	CATON, LANCASTER
A I MACDIARMID	-	DEESIDE
NAGEL LOGISTICS		DOVER
RHS	-	DUNS
I M HARDIE TRANS	-	EARLSTON, BERWICKSHIRE
STOKES TRANSPORT SERVICES	-	FARNDON, CHESTER
MICHAEL THREFALL		FRECKLETON, PRESTON
C SPARKS & SONS LTD	-	GLASTONBURY
B S B TRANSPORT	-	GRIMSBY
D W ADDISON CARTER		HALESWORTH, SUFFOLK
WESTROPE BROS LTD	-	HALSTEAD, ESSEX
S K HAULAGE	-	KINGSTONE, HEREFORD
A MITCHELL & SON	-	KNUTSFORD
D J BROWNSEY	-	LANGPORT, SOMERSET
CAISER DISTRIBUTION	-	LINCOLN
CHERRY VALLEY FARMS	-	LINCOLN
JAMES IRLAM LTD	-	MACCLESFIELD
CAR & COMERCIAL SERVICES	-	RADCLIFFE, MANCHESTER
M KETTLEWELL LTD	-	MELMERBY, RIPON
W H TRANSPORT	-	MELTON MOWBRAY
PAULTANYA TRANSPORT	-	MELTON MOWBRAY
MNP HAULAGE	-	MOLD
GERRY JONES TRANS	-	NEWPORT
ARTHUR GEE	-	NOTTINGHAM
AINSDALE TRANSPORT	-	OLDHAM
A EVANS & SON	-	OSWESTRY
MICHAEL W HIGGINSON	-	ST. AUSTELL
BERNARD MARTIN MCMAHON		ST. HELENS
JOHN C WHEELER		STONEHOUSE, GLOS.
J M E TRANSPORT LTD		SWINTON
BRIAN GARSIDE		TORQUAY
HARSTHORNE MOTOR SER	-	WALSALL
BRETTS TRANSPORT	-	WISBECH
TASKFORCE MOVEMENT	-	WITHAM, ESSES
M & R TRANSPORT	-	WREXHAM

The exact amount of work carried out by these companies is not known however it would be fair to say that the smaller companies from the South West Scotland and South West England regions are the dedicated sub-contractors.

### **WHAT SHOULD WE DO ABOUT IT.**

We all subscribe to Intelligence led policing. We need to discuss and agree whether there is sufficient intelligence to justify HAYTON COULTHARD LTD and his sub-contractors becoming targets. Added to this there may be a moral duty to investigate the allegations made in open court by Jonathon Lawton on behalf of WILLIAMSON.

An investigation of this nature by the very virtue of its size and complexities will be a major task to undertake and there are a number of key issues to consider:

- a. No police force has complete jurisdiction for the whole case however the Vehicle Inspectorate *is a national body* that could *get around this* problem.
- b. *if an investigation was to be undertaken it would be vital that all agencies and Forces subscribe to assist and keep to any set time scales*
- c. Will HAYTON COULTHARD LTD have tightened up his methods following expected adverse publicity from the WILLIAMSON case. I do not believe they will have stopped but they could make an investigation more difficult.
- d. *How to prove beyond reasonable doubt that HAYTON COULTHARD LTD pressurises drivers and companies to exceed the drivers' hours' regulations.*
- e. Varying legislation between Scotland and England.

Problems of this nature are should not hinder investigations as this is what rogue operators rely on to continue in their ways. Once we decide whether there is merit in targeting this haulage operation then the question has to be..... ..

### **HOW DO WE GO ABOUT IT?**

It is imperative that a lead force / agency be identified to head the investigation. They must be fully supported by all other forces / agencies.

There are 2 proposals put forward for consideration of the forum, they are as follows:

#### **Proposal No 1.**

Carry out a silent check operation upon the target and the sub-contractors. Identify through observations the main targets etc and their collection and delivery points. Once this information is gathered, a full silent check operation could be carried out between 15 November and 21 December, to coincide with the target companies peak period.

Then request tachograph records or visit premises to seize the items plus any ancillary evidence to assist with the investigation. The ports, RDCs and other delivery points should be *visited and evidence* obtained to *assist with the* enquiry. *This* information be collated then disseminated to local forces / agencies upon which the targets live for them to carry out an investigation into those companies. If evidence can be obtained to implicated HAYTON COULTHARD LTD then this must be recorded.

Cases against individual hauliers be processed for court then a case conference be called to consider any evidence to merit a conspiracy charge against HAYTON COULTHARD LTD.

A rigid framework to be drawn up of time scales to ensure maximum impact and to prevent loss of evidence etc.

### **Proposal Not**

in view of the fact that the targets may have been tipped off by publicity from the WILLIAMSON case, carry out a back dated check of records for all the targets for the period of JULY.

Firstly, the premises of HAYTON COULTHARD LTD to be visited and information and evidence obtained to select the exact targets. From this information either request records via the usual channels and use the time to visit ports / RDCs / collection and delivery points to gather intelligence to support the investigation, or, visit all the targets and seize the records for analysis.

Information gathered again to be collated and disseminated to local forces / agencies for individual investigation. if evidence can be obtained to implicated HAYTON COULTHARD LTD then this must be recorded.

Cases against individual hauliers be processed for court then a case conference be called to consider any evidence to merit a conspiracy charge against HAYTON COULTHARD LTD,

A rigid framework to be drawn up of time scales to ensure maximum impact and to prevent loss of evidence etc.

### **Proposal No 3**

No specific operation be mounted but ail forces to circulate the haulier and patrols to stop and check the vehicles when seen. All offences detected be reperted to the V.I. intelligence *officer for Scotland for* analysis.

Probably the 2 most important features of all the proposals is:

All forces / agencies to subscribe to the investigation and give complete support I assistance when and where require.

The appointment of a lead force / agency for the investigation and the possibility of an intelligence cell being formed. The cell would be of great value, preventing duplication of work and ensuring the investigation kept on schedule. The dissemination of the information gathered would be an integral part of the cells' function.

### **WELL?**

This paper has been submitted to highlight the operation of a haulier who may be worth targeting. The paper is intended to promote open discussion amongst the members of the Northern Regional Traffic Conference. The paper contains some suggestions / proposals but I am sure others may have a more valuable suggestion on how to tackle the problem if one is in fact seen.

The solution. does not appear to be easy but then if it was .....  
anybody could be a traffic / enforcement officer.....

**It is asked that the contents of this package be treated with the utmost confidentiality at this stage until the subject has been discussed at the forum. in the investigation into K. C. WILLIAMSON, links were established between a number of. the companies mentioned in the document and enforcement agencies.**

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