

ROAD TRANSPORT LICENSING COMMITTEE

Committee Meeting

Minutes of a meeting held in public of the Road Transport Licensing Committee ("the Committee") held at 09:30 on Thursday 17th February 2022 in the Board Room at Thie Slieau Whallian, Foxdale Road, St John's.

Present: Mr B O'Friel (Chair)
Mr D Sellick (Vice Chair)
Mr G Curphey
Mr C Kniveton

Absent: Mr M Pattison

In attendance: Mr N Capewell (Secretary)
Mr S Callister (Project Co-ordinator)
Mr M Kennaugh (New Committee Member)
Mrs M Norman (New Committee Member)
Mr J McBride (New Committee Member)

The meeting commenced at 09:30.

New Committee Members

The Chair opened the meeting and formally welcomed the three new Committee Members.

Mr RP Kneen – New PPV Operator Registration

The Secretary advised that the applicant wished to register as a new operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Class A – Modern Style Executive Private Hire car. He added that the operating centre and registered address of the application was listed as 41 Stanley Terrace, Peel.

The Secretary noted that, in his opinion, the proposed operating centre was not suitable as there was no guaranteed parking in the area with double yellow lines on the road right outside of the residence. This would result in the applicant parking somewhere away from 41 Stanley Terrace, Peel which would be contrary to the Road Transport Act 2001 ("the Act").

The Secretary further stated that he had seen no evidence of Mr Kneen ever having operated a PPV before or been involved in a commercial transport business.

Mr Kneen entered the meeting at 10:01 and elected to give evidence under oath.

Mr Kneen circulated documents, including a business plan. He explained that he wanted to start an Island-wide shuttle business for customers using who enjoyed the pastime of mountain biking. The plan would be to transport them to the beginning of the "run" and then collect them at the finish. He added that he received assistance from a local artist regarding his Moddey Dhoo Shuttle business logo and that he intended to use a Nissan Pathfinder as his private hire vehicle because this catered for six passengers and their bikes. He saw it as a largely seasonal business to complement his full-time employment at Noa Bakehouse.

Mr Kneen was asked about his operating centre. He was told that it was in a congested area of Peel with limited parking. Mr Kneen said that his vehicle would not be kept there, but rather in a parking space outside Shoprite on Derby Road, with vehicle repairs being carried out at a garage on Bridge Street.

The Committee told Mr Kneen that this would be contrary to the Act as the PPV must be kept at the operating centre when not in use and that he should rethink this issue. It recommended that any operating centre should have a guaranteed parking space.

The Committee expressed its concerns that Mr Kneen had applied to become a PPV operator when he had very little PPV driver experience, having only held a PPV Driver Licence since October 2021. These concerns were increased when it became apparent that Mr Kneen had not actually driven for anyone since then.

Mr Kneen said that he understood the Committee's concerns and added that, while he didn't have any formal qualifications in vehicle maintenance, he did possess some mechanical knowledge having worked on his own vehicles for about 10 years. However, he acknowledged that he had not yet approached a reputable mechanic regarding his regular maintenance schedule, should his application be successful.

Mr Kneen circulated some maintenance documents and read through a comprehensive checklist. He added that his vehicle was serviced every 5,000 miles or six months, whichever occurred sooner. The Committee reminded Mr Kneen that, should he employ any drivers in the future, he should enter into a written contract with them, obliging the prospective driver to inform Mr Kneen should his/her medical circumstances change to the extent that it would affect his/her ability to drive or if he/she was convicted of any offences.

When asked about he would have to do if he was convicted of an offence, Mr Kneen advised that he did not know. He further admitted that he did not have any real knowledge of the Act or its supporting regulations. The Committee suggested that Mr Kneen rectify this deficiency as soon as possible as knowledge of the Act and the regulations that all PPV operators had to operate under was vital for him.

Mr Kneen confirmed that his business plan had been compiled with the assistance of a Department of Enterprise business mentor and stated that there would be no copyright issue with the Moddey Dhoo Shuttle trading name. Following discussion about how the cash flow and income/expenditure had been recorded on Mr Kneen's spreadsheet, the Committee suggested that more work was required to convince them that his financial records were wholly accurate.

The Secretary asked Mr Kneen if he was familiar with the approved list of Class A – Modern Style Executive Private Hire cars on the RTLC website. Mr Kneen appeared to indicate that he was, but the Secretary confirmed that the Nissan Pathfinder was not on it and explained that it didn't fall into any of the other existing categories of private hire vehicles. This meant the Committee could not currently approve the application with a Nissan Pathfinder involved.

Overall, the Committee stressed that they didn't want to discourage Mr Kneen from pursuing a legitimate business opportunity. However, they did want to impress on him the need for the application to be properly researched, including the need for it to comply with RTLC legislation and policy. As Mr Kneen confirmed that the majority of his customers would likely come from the UK, the Committee suggested that he contact Isle of Man Blue Badge tour guides for assistance.

The Secretary summarised proceedings by stating that the Committee did not wish to discourage what Mr Kneen was trying to achieve but it was impossible to approve his application in its current form. Mr Kneen would need to resolve issues with his operating centre, the type of vehicle he wanted to use, his transport manager, his lack of knowledge of the Act and a lack of PPV driving experience before any future application could be considered. Should he require assistance with any of these issues, the Committee encouraged him to contact RTLC officers.

Mr Kneen left the meeting at 10:29 and the Committee proceeded to discuss the application.

Manx Utilities Authority ("MUA") – GV Operator Licence Variation

The Secretary advised that the applicant wished to vary an Operator Licence through a change in Transport Manager. The new Transport Manager was listed in the application as Mr Ben Casement. Once the application had been disposed of Mr Ian Gilbertson would no longer be a responsible officer of the applicant.

Mr Casement entered the meeting at 10:34, accompanied by Mrs Becky Williamson from the MUA and Messrs Andy Barker and Charles Lilley from the Department of Infrastructure ("DoI"). Only Mr Casement intended to give evidence and he elected to do so under affirmation.

The Committee asked Mr Casement to briefly outline his employment history and relevant experience in managing transport fleets. Mr Casement explained that he had worked for Raymotors before becoming a plant engineer for the DoI at Eilerslie Depot, where he had achieved a transport manager Certificate of Professional Competence ("CPC"). He added that he was a tyre centre manager at Raymotors and a manager of emergency vehicles at Eilerslie and, while they were exempt from operator licensing, their maintenance and roadworthiness was managed in the same way as licensed vehicles. Mr Casement confirmed that his CPC allowed him to operate in the UK but, should he wish to obtain a UK international operator's licence, he would have to complete an extra CPC module.

Mr Casement stated that he currently worked for the MUA at their Ballacottier HQ, ensuring compliance with the conditions of the MUA's operator licence. This included involvement in 'train the trainer' exercises so that drivers and their managers know how to carry out their recorded daily checks, liaison with various depot supervisors to ensure the MUA keep track of all their vehicles, when their inspections are due and when they are off the road, for example. He confirmed that driver daily checks are instantly uploaded electronically once completed.

When asked what the MUA did with regard to UK legislation while operating there, Mr Casement said that the MUA carried out emergency repair works via an agreement with their counterparts in northwest England. He added that, as the MUA was exempt as a Manx operator carrying out emergency works in the UK, they currently didn't record drivers' hours and didn't need a UK operating centre. The Committee understood that Mr Casement didn't want to install tachographs in his vehicles, but it advised that manual records of drivers' hours should be maintained in case UK authorities asked for them.

When asked about the procurement of the MUA's vehicles, Mr Casement advised that the DoI procured the vehicles through the MUA's budget based on the specifications that the MUA require, given that many of their vehicles include specialist equipment.

The Committee reminded Mr Casement that all vehicle test failures experienced at the Vehicle Testing Centre ("VTC") were now shared with the Committee. Mr Casement was also reminded that the MUA must ensure that all its vehicles were kept at their operating centres when not in use.

On that subject, Mr Callister asked Mr Casement to inform the Committee of any progress made with operating centre compliance. It was confirmed that the MUA had submitted a list to the Planning Enforcement Section of the Department of Environment, Food and Agriculture ("Planning") for investigation and Mr Casement advised that he expected a number of operating centres to be surrendered in due course.

Mr Casement, Mrs Williamson and Messrs Barker and Lilley left the meeting at 10:55 and the Committee proceeded to discuss the application.

Mr AB Nor – PPV Operator Registration Variation

The Secretary stated that the applicant wished to vary the operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Section 29 service of Ply for Hire vehicle of up to eight passenger seats in the East District, following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous operator Miss WL Dodd.

The applicant had indicated that, if successful, he would like to combine the East District with his existing Malew District Ply for Hire Service Licence on the same vehicle.

The Secretary reminded the Committee that Mr Nor had appeared at the 20th January meeting and had been unable to answer some of the Committee's questions sufficiently. He had not brought in any maintenance records either but there was mitigation as he had not received the invitation letter from the Secretary advising him to do so. Following the 20th January meeting the Committee decided to defer making a decision on the application and Mr Nor was asked to prepare more thoroughly for his next appearance at a meeting.

Mr Nor entered the meeting at 11:03 and elected to give evidence under affirmation.

When asked what, exactly, he was buying Mr Nor replied that he was buying a business to allow him to operate in the East District which would help expand his business. He added that he was not buying Miss Dodd's vehicle.

Mr Nor advised that he wanted to combine the East Ply for Hire plate with his existing Malew Ply for Hire plate on a single vehicle, his 2017 Mercedes E220 which had around 60,000 miles on the odometer. Mr Nor circulated some daily checks, other maintenance documents and his maintenance schedule. He stated that his vehicle was serviced every four months and he completed daily checks on the vehicle himself.

Mr Nor said that, once he had found a prospective driver, he hoped to expand his business by introducing a second PPV. This would likely be another Mercedes less than three years old and he would split his Ply for Hire plates between the two vehicles. The Secretary reminded Mr Nor that he would need to apply to vary his Operator Registration if he wanted to do this and the application would have to be approved by the Committee.

The Secretary advised Mr Nor that he would not be permitted to keep a PPV at 9 York Road unless the owner of the property gave written permission. He added that, given what Mr Nor said about employing another driver, it was likely he would apply to add a different operating centre to his Operator Registration in due course and 9 York Road would be surrendered. Mr Callister gave a brief summary of his visit to Mr Nor's existing operating centre at 39 Allan Street with the PPV Inspector and the Committee were heartened that Mr Nor's record-keeping was meaningful and comprehensive.

Mr Nor left the meeting at 11:16 and the Committee proceeded to discuss the application.

Mr GS Taylor – PPV Operator Registration Variation

The Secretary stated that the applicant wished to vary the operator registration under Part "A" of the Register of Public Passenger Vehicles through a change of registered address and operating centre. He added that the new registered address and operating centre was identified in the application as 109 Spectrum Apartments, Central Promenade, Douglas. An assurance from Planning regarding the suitability of the proposed centre would not be required.

Should the application be successful, the applicant would be surrendering 17 Slieau Ree Apartments, Main Road, Union Mills as an approved operating centre.

The Committee proceeded to discuss the application.

Mr BP Murphy - PPV Section 29 Licence

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr PDD Clague – PPV Section 29 Licence

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr DA Bates t/a Funspot Ltd – PPV Section 29 Licence

The Secretary stated that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the Malew District.

The Committee proceeded to discuss the application.

Mr P Storry – PPV Section 29 Licence

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr BA Austin – PPV Section 29 Service Licence

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr M Bell – PPV Section 29 Service Licence

The Secretary stated that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr TA Shepherd – PPV Section 29 Service Licence

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of three Ply for Hire taxis in the North West District.

The Committee proceeded to discuss the application.

Mr MP Bell – PPV Section 29 Service Licence

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of two Ply for Hire taxis in the North West District and one wheelchair accessible Ply for Hire taxi in the North West District.

The Committee proceeded to discuss the application.

Mr S Atman – PPV Section 29 Service Licence

The Secretary stated that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr S Puzzar – PPV Section 29 Service Licence

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Mr BW Ellwood – PPV Section 29 Service Licence

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

Manx Telecom Trading Ltd – GV Operator Registration Variation

Mr Callister stated that the applicant wished to vary an Operator Licence through the addition of an operating centre.

The new operating centre was identified in the application as Manx Telecom Greenhill Data Centre, Isle of Man Business Park, Cooil Road, Braddan.

As an existing operator, the applicant will need to obtain confirmation that the operating centre is compliant with the Town and Country Planning Act 1999 before 1st January 2024.

The Committee proceeded to discuss the application.

Birchall Plant Hire Ltd (Mr M Kelly) – GV Operator Registration Variation

Mr Callister said that the applicant wished to vary an Operator Registration through the addition of one goods vehicle.

There were no new operating centres identified in this application. The applicant had received written confirmation from Planning confirming the operating centre complies with their legislation.

As the business with Birchall Plant Hire Ltd involved public and private business, the Committee decided to deal with private business first. Accordingly, the public meeting was adjourned for private business at 11:58 and resumed at 12:13.

Mr Kelly was already in the meeting to discuss private business and elected to give evidence under oath.

Mr Kelly advised that he wanted add the extra vehicle as a back-up for his existing four-axle vehicle, which would ease the pressure on his current fleet.

Mr Callister asked if Mr Kelly wished to comment on the proposal to make all operator discs registration specific (currently only off-Island operator licence discs were registration specific). Mr Kelly expressed his full support for the proposal. The Secretary stated that some emergency provisions, similar to those already in place for PPVs, would likely be introduced for a scenario where vehicles break down when the RTLC office is closed, for example.

Mr Kelly asked why recovery vehicles were exempt from licensing and the Committee replied that this exemption was already under consideration, but any change in the Road Transport Regulations 2018 would only apply to recovery vehicles with a maximum laden weight of over 3,500 kg. Mr Kelly expressed his desire for a level playing field and therefore supported any measure the Committee took to achieve this.

Mr Kelly left the meeting at 12:23.

The public meeting was adjourned for lunch at 12:30 and Mr Callister also left the meeting at this time. The meeting resumed at 13:30.

Minutes of a Meeting held in Public on 20th January 2022

The minutes were read, reviewed and approved as a true reflection of that meeting with some minor amendments being made.

Urgent Matters as Approved by the Chair

There being no other business, the public meeting closed at 13:47.

**The minutes were signed by the Chair
Mr G Curphey on 29 March 2022**

Noel Capewell
Secretary
Road Transport Licensing Committee