

## **ROAD TRANSPORT LICENSING COMMITTEE**

### **Committee Meeting**

Minutes of a meeting held in public of the Road Transport Licensing Committee ("the Committee" or "the RTL") held at 09:30 on Tuesday 24<sup>th</sup> May 2022 in the Board Room at Thie Slieau Whallian, Foxdale Road, St John's.

Present: Mr G Curphey (Chair)  
Miss M Norman (Vice Chair)  
Mr C Kniveton  
Mr M Devereau  
Mr J McBride

In attendance: Mr N Capewell (Secretary)  
Mr S Callister (Project Co-ordinator)

The meeting commenced at 09:30.

#### **Mr M Evans – New PPV Operator Registration**

The Secretary advised that the applicant wished to register as an operator 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 Mr RB Evans (deceased).

The application also proposed that Mr JC Staines be appointed as the designated Transport Manager.

The Secretary stated that the new operating centre was identified in the application as Rose Cottage, Main Road, Santon and he added that this was already an approved operating centre.

Mr Evans and Mr Staines entered the meeting at 10:00. Mr Evans elected to provide evidence by affirmation and Mr Staines elected to provide evidence under oath.

Mr Evans explained that he wanted to continue running the successful business that his late father had established. He said that he had brought a Business Plan with him and confirmed that he would be using the same 2012 Toyota Avensis vehicle with Telecabs as a service provider. He added that he would be employing the same driver, who worked during the day and drove for forty hours a week.

Mr Evans circulated some completed driver daily check sheets for the Committee and explained that regular safety inspections were carried out every three months by BVS Vehicles, who also carried out an annual service before the vehicle was due its annual test in November. He confirmed that he used a diary to log important dates and driver hours. He also kept financial information on a spreadsheet. In the future, Mr Evans advised that he would like to employ a second driver to work evenings and nights which would be in conjunction with a replacement hybrid vehicle. Overall, Mr Evans considered the business to be in a good position. Mr Staines added that Mr RB Evans intended to involve Mr M Evans in his business and replace his existing vehicle last year, but this never happened.

The Committee strongly recommended that Mr Evans enter into a written contract with his driver which would oblige the driver to inform Mr Evans should his medical circumstances change to the extent that it would affect his ability to drive or if he was convicted of any offences. Mr Evans understood the importance of such a contract and added that, although he held a PPV Driver Licence himself, he didn't intend to drive the PPV unless his driver was unavailable.

Mr Staines explained that his experience lay in the goods vehicle trade, having previously worked for Ellan Vannin Fuels and Island Fuels Ltd. He acknowledged that this Transport Manager role for a PPV was more involved than he initially thought. He confirmed that he would always be on-call to provide Mr Evans with advice and was primarily interested in keeping the vehicle and paying passengers safe. The Committee noted Mr Staines' transport background and stated that it took vehicle maintenance very seriously. Mr Evans and Mr Staines were informed that the RTLC received copies of all test failures at the Vehicle Test Centre ("VTC").

Mr Evans stated that all maintenance records were currently kept indefinitely in files and archives. He added that he had a good relationship with his driver, who informed him about any maintenance issues immediately. Daily check sheets were kept in the vehicle and defects were noted when they occurred. The Committee noted that very few defects were recorded and no corrective actions were associated with the defects. It suggested to Mr Evans that every defect and corrective action, no matter how small, should be recorded on the daily check sheets and that doing so would lend better credibility to his records.

When asked about the ownership of the vehicle, Mr Evans confirmed that his mother, Mrs HEJ Evans, was currently the registered keeper but she was happy for Mr Evans to use it. The Committee reminded Mr Evans that all PPV operators must either own the vehicle they operated or have a loan/hire agreement with the owner.

The Committee reviewed the Business Plan of Mr Evans and enquired about the profitability of the business. Mr Staines volunteered to email the finance spreadsheet to the Committee that afternoon.

The Secretary reminded Mr Staines that, as the designated Transport Manager for the business, he was equally responsible for its operation under the Road Transport Act 2001 ("the Act") and its supporting regulations. He recommended that both Mr Evans and Mr Staines look at the relevant legislation on the RTLC website, particularly section 20 of the Act, which dealt with their requirement to report offences and convictions to the Committee in writing.

Mr Staines asked the Committee about installing a dashcam and was advised by the Secretary to contact the Information Commissioner for more information.

Messrs Evans and Staines left the meeting at 10:37 and the Committee proceeded to discuss the application.

### **Mr PJ Barry – Variation of a PPV Operator Registration**

The Secretary said that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through a change of registered address and operating centre. He advised that the new registered address and operating centre were identified in the application as 2 Appledene Court, Douglas. He added that an assurance from the Planning Section at the Department of Environment, Food and Agriculture ("Planning") regarding the suitability of the proposed centre would not be required as long as Mr Barry continued to keep only one PPV there.

The Secretary advised that, should the application be successful, the applicant would be surrendering his current operating centre of 32 Summerhill Road, Onchan as approved operating centre.

Mr Barry entered the meeting at 10:39 and elected to give evidence by affirmation.

Mr Barry was told that, as a PPV operator, he was required to apply for a variation to his Operator Registration to change his registered address and operating centre before he moved to a new address. Mr Barry apologised and explained that he forgot to do so in the process of moving. However, he had remembered to change his registered address in relation to his vehicle ownership when he moved house in December 2021. The Secretary warned Mr Barry that, far from being a trivial issue, keeping a vehicle at an address that was not an approved operating centre was an offence under section 14 of the Act. He stated that this is what Mr Barry had been doing for five months and the sanction for such an offence in the Act was a fine not exceeding £5,000. It was suggested that Mr Barry should contact the RTLC office for assistance for anything that he was unsure about in the future. Mr Barry was warned that he would likely face prosecution if this happened again.

Mr Barry accepted what he had been told and understood that it was his responsibility to get this right in the future. It wasn't his intention to deceive the Committee and he apologised for his actions.

Mr Barry left the meeting at 10:53 and the Committee proceeded to discuss the application.

### **Mr ED Karran t/a Platinum Cars – Variation of a PPV Operator Registration**

The Secretary said that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through a change of operating centre. He added that the new operating centre was identified in the application as Unit 9, Balthane Industrial Estate, Balthane, Ballasalla and that, should the application be successful, the applicant would be surrendering his operating centre at Ballaconneeyn, Bayr Cleaynagh, Santon.

The Secretary confirmed that an assurance from Planning had been received about the suitability of the operating centre so there was no reason why the application could not be considered.

The Committee proceeded to discuss the application.

### **Bus Vannin – Section 25 Regular Service Licence Application**

RSL 02/13 – Services 5, 5A, 5C, 6, 6A, 6C, N5 and N6.

The Secretary advised that the applicant wished to apply for a Section 25 Regular Service Licence on expiry, providing a regular service between Douglas and Ramsey via Crosby, St Johns, Peel, Kirk Michael & Ballaugh.

RSL 02/13 consisted of a regular service of stage vehicles between;

- Douglas and Ramsey via Crosby, St. John's, Peel, Kirk Michael and Ballaugh.

The service currently operated;

- Between Douglas and Peel approximately every 30 minutes during the day with alternate journeys providing an hourly service between Peel and Ramsey.
- Hourly between Douglas and Peel during the later evening with some journeys between Peel and Ramsey.
- Half hourly on Sundays between Douglas and Peel and every 2 hours between Peel and Ramsey during the day with infrequent journeys during the evening.
- Night Owl (N5) journeys only operate on Friday and Saturday nights.

The applicant wished to operate the service going forward by making the following amendments;

- Extra journeys (service 6C) operating between Douglas and Ramsey via Peel to provide a daily 30 minute headway between Peel and Ramsey for the TT period. This is generally from the Wednesday of practice week to the Saturday of race week.
- An additional late evening journey (service N6) from Douglas to Peel and Kirk Michael.

The application explained that the variations were required for the following reasons;

- In previous years when the primary service between Douglas and Peel was every 30 minutes with one journey per hour extending to Ramsey, the short journey was also extended during the TT period.
- Now that this primary service is every 20 minutes (also with one journey per hour extending to Ramsey) it is now not possible to extend one of the other short journeys to Ramsey as it would give "a regularity" of 20 minutes and 40 minutes between Peel and Ramsey.
- When the TT Course is closed these additional journeys do not operate at all as the existing 20 minute service between Douglas and Peel (diverting via Foxdale) is considered sufficient.
- To give additional capacity just after midnight to serve the campsites between Douglas and Peel as well as at Glen Wyllin and Barregarrow.

The Committee proceeded to discuss the application.

**Mr WM Joughin – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

**Mr AT Kneen – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

**Mr WP O'Neill – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

**Mr AJ Eastlake – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

**Mr RS Mooney t/a Manx Taxis – Section 29 Ply for Hire Service Licence Application**

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence to replace an existing one on expiry, through the provision of five Ply for Hire taxis in the North West District (one being wheelchair accessible).

The Committee proceeded to discuss the application.

**Mr SJ Leech – Section 29 Ply for Hire Service Licence Application**

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence to replace an existing one on expiry, through the provision of three Ply for Hire taxis in the East District (one being wheelchair accessible).

The Committee proceeded to discuss the application.

**Mrs SM Harrington and Mr AJ Ramsay – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

**Mr LJ McMurdo – Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

### **Mr P Joughin - Section 29 Ply for Hire Service Licence Application**

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

The Committee proceeded to discuss the application.

The public meeting was adjourned for private business at 11:37 and resumed at 12:00.

### **Dandara Homes Limited ("Dandara") – Variation of a GV Operator Registration**

Mr Callister stated that the applicant wished to vary an Operator Registration through the addition of one goods vehicle. He added that the applicant also wished to change the frequency of regular safety inspections from eight weeks to 13 weeks.

Mr G Howard, Health and Safety Advisor for Dandara, entered the meeting at 12:04 and elected to give evidence by affirmation. Mrs J McGlynn also entered the meeting to observe proceedings.

Mr Howard explained that Dandara was looking at hiring in a vehicle but had not yet made a final decision. Dandara had decided to apply for an extra vehicle on its Operator Registration so that it could accommodate this vehicle. He confirmed that, if they did hire in a vehicle, it would likely be from a small Manx company.

Mr Howard said that Dandara's previous maintenance provider, Manx Auto Mechanical Limited ("MAM"), had ceased trading and their new maintenance provider, Truck, Van & Car Service Centre Ltd ("TVCS") had queried the necessity of carrying out regular safety inspections every eight weeks given that the majority of Dandara's competitors were on a 12 or 13 week schedule. In addition, Mr Howard told the Committee that two of Dandara's vehicles were inspected by their insurers every six months. As a result of this change, Mr Howard acknowledged that Dandara's vehicles would spend less time off the road, which would save them money.

Mr Howard advised that small repairs were done on site, but their maintenance provider took care of everything else. The Committee asked Mr Howard about the test failure experienced by MMN-244-F on 31<sup>st</sup> March 2021, especially in relation to the tyre failure item, and he expressed his unhappiness that the vehicle was sent for its test in that condition by MAM. He added that MAM didn't inform him of the test failure and he didn't even know about it until he received Mr Callister's letter of 13<sup>th</sup> July 2021.

The Committee expressed its concern that, as the responsible officer, Mr Howard didn't know about a test failure for over three months. As the variation application was asking the Committee to sanction a reduction in the frequency of regular safety inspections, it had to be sure that Mr Howard was in proper control at all times. Mr Howard agreed to ensure that TVCS told him about any future test failures so that this situation didn't recur. He attempted to reassure the Committee by detailing his responsibilities, which included managing all plant equipment and smaller vehicles as well as goods vehicles.

Mr Howard left the meeting at 12:27 and the Committee proceeded to discuss the application. Mrs McGlynn also left the meeting at 12:27.

The public meeting was adjourned for lunch at 12:38 and resumed at 13:32.

### **Department of Infrastructure – Variation of a GV Operator Registration**

Mr Callister stated that the applicant wished to vary its Operator Registration through the addition of two operating centres.

The Committee proceeded to discuss the application.

**Cooley Industries Ltd – Variation of a GV Operator Registration**

Mr Callister said that the applicant wished to vary its Operator Registration through the addition of one goods vehicle. He noted that the applicant was late renewing all of their operator discs in March 2022.

The Committee proceeded to discuss the application.

The public meeting was adjourned for private business at 13:50 and resumed at 15:14.

**Minutes of a Meeting Held in Public – 7<sup>th</sup> April 2022**

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

**Minutes of a Meeting Held in Public – 21<sup>st</sup> April 2022**

The minutes were read, reviewed and approved as a true reflection of that meeting with no amendments being necessary.

**Urgent Matters as Approved by the Chair**

There being no other business, the Chair closed the meeting at 15:20.

**The minutes were signed by the Chair  
Mr G Curphey on 21 June 2022**

Noel Capewell  
Secretary  
Road Transport Licensing Committee