

ROAD TRANSPORT LICENSING COMMITTEE

Committee Meeting

Minutes of a meeting held in public of the Road Transport Licensing Committee ("the Committee" or "the RTLC") held at 09:30 on Tuesday 21st June 2022 in the Silverdale Boardroom 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.

Graylaw International ("Graylaw") – Variation of a GV Operator Registration

Mr Callister advised that the applicant wished to vary its Operator Registration through a change of Transport Manager from Andrew White to Steven Walton.

Mr Walton entered the meeting at 10:06 and elected to provide evidence by affirmation. He confirmed that his main role as Transport Manager would be to support Mr White, who had recently returned to work after a period of illness.

Mr Walton explained that he was part-owner and Managing Director of WS Mezeron Ltd ("Mezeron"). He was also due to assume the role Operations Director for Graylaw. He added that, as of 1st July, he had been the Transport Manager for Mezeron for four years and that the two organisations would eventually be amalgamated.

The Committee reminded Mr Walton about an incident in August 2021 where a Graylaw driver had been convicted of driving a vehicle with an unsecure load and was subsequently dismissed for gross misconduct. At a subsequent Committee meeting, Mr White had explained that changes had been made to Graylaw's operational procedures and driver training had been enhanced. Mr Walton confirmed that he was aware of this incident as well as the subsequent changes to procedures. He stated that these systems had produced tangible improvements and that there was an ongoing programme of improvements to ensure compliance with legislative requirements.

Discussion moved onto the Graylaw operating centre at Newlands House and Mr Walton was advised that Graylaw were technically in breach of planning legislation regarding this operating centre. Mr Walton was also informed that Graylaw had until 31st December 2023 to obtain planning approval for it.

Mr Walton said that he was not aware of this issue and said that he would investigate. The Committee strongly recommended that he looked at correspondence between Planning Enforcement and Mr White from November 2020 and January 2021. Mr Walton agreed to do this as soon as possible.

The Committee asked Mr Walton to take a seat in reception at 10:15 while they decided whether to approve the application.

Mr Walton returned to the meeting at 10:18 and the Committee informed him it had unanimously decided to approve the application.

Mr Walton left the meeting at 10:19.

Gavin Batty – Variation of a GV Operator Registration

Mr Callister advised that the applicant wished to vary his Operator Registration through a change in registered address from 1 Convery Close, Onchan to Narradale, Ballamenagh Road, Baldrine. He added that there were no new operating centres identified in this application.

The Committee discussed the application and unanimously decided to approve it.

Manx Telecom Trading Ltd (“MT”) – Variation of a GV Operator Registration

Mr Callister stated that the applicant wished to vary its Operator Registration through a change of Transport Manager. The new Transport Manager was listed in the application as Pamela Bradford. Once the application had been disposed of, Paul Callow would no longer be a responsible officer of the applicant.

Mrs Bradford entered the meeting at 10:23, accompanied by Mr S Dickinson, Procurement Manager. Both elected to provide evidence by under oath.

Mrs Bradford was asked to detail experience of transport management and she confirmed that she had been involved in the transport side of MT for the past two years, with another year in fleet procurement before that. She added that she understood the role, having been an understudy to Mr Callow during his time as Transport Manager.

Mrs Bradford confirmed that Trade Distribution Ltd (“TDL”) was MT’s maintenance provider and received a copy of all defects logged by MT drivers. She confirmed that the drivers carried out daily checks on the vehicle before each use. Mr Dickinson reminded the Committee that he was MT’s Transport Manager before Mr Callow and would continue to assist Mrs Bradford as she was new to the role.

The Committee decided to unanimously approve the application. Mrs Bradford and Mr Dickinson left the meeting at 10:32.

Mr SC Mander – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the Malew District and one Ply for Hire taxi in the Northwest District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr JP Heavey – 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 which would replace an existing licence on expiry, through the provision of five Ply for Hire taxis in the North West District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr JF Thompson – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr GR Cowell – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Ms A Cowin – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr JD Musgrove – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the East District, one Ply for Hire taxi in the East and Malew Districts and one Ply for Hire taxi in the South and Malew Districts.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr ID Moore – 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 which would replace an existing licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee discussed the application and unanimously decided to approve it for a duration of five years.

Mr DA Mackey – Variation to a PPV Operator Registration

The Secretary advised that the applicant wished to vary an Operator Registration through a change of operating centre and registered address from 26 St Catherine's Close, Douglas to Flat 56, Queens Apartments, Douglas. An assurance from the Planning Section at the Department of Environment, Food and Agriculture ("Planning") regarding the suitability of the proposed centre was not required.

Should the application be successful, the applicant would surrender 26 St Catherine's Close, Douglas as an approved operating centre.

The Committee discussed the application and unanimously decided to approve it.

Mrs SM Harrington & Mr AJ Ramsay - Variation to a PPV Operator Registration

The Secretary stated that the applicants wished to vary their Operator Registration through a change of operating centre and the new operating centre was identified in the application as Rose Cottage, Laxey Road, Baldrine. An assurance from Planning regarding the suitability of the proposed centre was not required.

Should the application be successful, the applicants would surrender Gull Cottage, Minorca Hill, Laxey as an approved operating centre.

The Committee discussed the application and unanimously decided to approve it.

Mr ET Frost – New PPV Operator Registration

The Secretary said that the applicant wished to apply as a new operator under Part "B" of the Register of Public Passenger Vehicles through the addition of one Class A – Modern Style Executive Private Hire car. The registered address and operating centre was identified in the application as 19 Manor Park, Onchan which was already an authorised operating centre.

The Secretary explained that the applicant was part of a joint operation, Frost E and Clay R, which had ceased to exist as Mr Clay no longer lived on the Isle of Man.

The Committee discussed the application. It was satisfied that Mr Frost, being an existing joint operator, was of good repute as well as being professionally competent and unanimously decided to approve the application.

Mr K Kaczmarzyk - Variation to a PPV Operator Registration

The Secretary advised that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through a change in registered address and operating centre.

The new registered address was identified in the application as Apartment 8, Marathon House Apartments, Princes Road, Douglas while the new operating centre was identified as Flat 7, Loreen House, 7 Clifton Terrace, Douglas.

The Committee discussed the application and unanimously decided to approve it.

Mr DT & Mrs FJ Timms – New PPV Operator Registration

The Secretary stated that the applicants wished to register as joint operators 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 M Versluijs.

The operating centre was identified in the application as 19 Mountfield Court, Onchan. An assurance from Planning was not required as long as the applicants only kept one PPV there.

Mr and Mrs Timms entered the meeting at 11:33 and both elected to give evidence under oath.

Mr Timms confirmed that he and Mrs Timms had nine years' experience of driving PPVs on day and night shifts respectively, for Taxicabs and A1 Taxis ("A1"). He added that they had been working with Mr Versluijs for a year and now had the opportunity to buy a portion of his business. While Mr Versluijs would continue to be involved in maintaining the vehicle, GF Fork Trucks would be the regular maintenance provider. Mr Timms said that they would use a daily checklist and had downloaded one from the RTLC's "Guide to Maintaining Roadworthiness" on the Committee's website. He advised that money for maintenance would be kept in a business account and that he planned to buy a newer, more efficient vehicle within 18 months.

Mr Timms was asked what exactly he and his wife were buying from Mr Versluijs. Mr Timms replied that they were purchasing Mr Versluijs' car, which they intended to keep as a spare after purchasing a newer vehicle, as well as the ability to Ply for Hire in the East District. Mrs Timms confirmed that there was no customer list involved in the transfer of business as all customers came through A1. They both understood that they were not buying the Ply for Hire plate, which remained the Committee's property.

Mr and Mrs Timms were informed that their maintenance could be inspected at any time and asked them how long they would be keeping these records for. Mr Timms confirmed that he kept records of defects for 18 months, but only one month if no defects were found. The Committee suggested that all records should be kept for a minimum of 15 months, as it would lend more credibility to record-keeping, should they be asked to produce them.

Mr and Mrs Timms were reminded that PPV operators had greater responsibilities under the Road Transport Act 2001 ("the Act") and its supporting regulations than PPV Drivers did. Mr Timms said that he understood this and said had printed off the relevant legislation. Mrs Timms further advised that she knew where to find it on the Committee's website.

The Secretary reminded the Timms' that, while Mr Versluijs was free to help them run their business in whatever way they agreed, he would not be responsible should anything go wrong as he would not be a recognised official on their Operator Registration. He added that, should they wish to employ drivers in the future, they should enter into written contracts which obliged those drivers to report any convictions they received or changes to their medical circumstances which would affect their ability to drive. In this regard, the Secretary advised the Timms' to read section 20 of the Act.

The Committee discussed the application and unanimously decided to approve it. The Secretary asked the Timms' to change the ownership of the vehicle they were buying from Mr Versluijs into their name.

Mr and Mrs Timms left the meeting at 11:55.

Minutes of a Meeting Held in Public – 24th May 2022

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

The public meeting was adjourned for private business and lunch at 12:03. It restarted at 13:56.

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

Mr Callister said that the applicant wished to vary its Operator Licence through a change of Transport Manager. The new Transport Manager was listed in the application as Joanne McGlynn. Once the application had been disposed of, Ben Casement would no longer be a responsible officer for MUA.

Ms McGlynn entered the meeting at 14:01 and elected to give evidence under affirmation. She was accompanied by Becky Williamson, Procurement Manager, who chose to observe proceedings and not give any evidence.

When asked about her relevant employment history, Ms McGlynn said that she joined the Public Transport Division 12 years ago and the MUA 12 months ago, where she had worked alongside Ben Casement and enjoyed a good relationship with the Department of Infrastructure ("DoI"). She had recently completed her Certificate of Professional Competence qualification and intended to refresh it every three years. She added that the MUA operated a fleet of over 200 vehicles, 51 of which were currently on their GV Operator Licence.

Ms McGlynn confirmed that the MUA was occasionally asked to travel to the UK to assist with infrastructure work and confirmed that she was currently seeking legal advice as to whether that work was carried out in an emergency capacity. The result of that legal advice may affect the MUA's requirement to install and calibrate tachographs to record driver hours, which they currently had to do. While she acknowledged this was a grey area, she confirmed these requirements were expensive for the MUA.

Ms McGlynn was asked about her knowledge of the Act and the Road Transport Regulations 2018, including the definition of a Transport Manager. Ms McGlynn advised that she was still learning the role, but had daily control of maintenance regimes, including daily vehicle checks and regular safety inspections. She was also required to be in frequent contact with the DoI regarding procurement of vehicles. She added that, while procurement arrangements had been set by the Council of Ministers, the MUA were free to identify which vehicles they wanted to buy and the DoI were tasked with procuring them.

The Committee proceeded to discuss the application and unanimously decided to approve it. Ms McGlynn and Mrs Williamson left the meeting at 14:13.

Urgent Matters as Approved by the Chair

There being no other public business, the Chair closed the public meeting at 14:14.

**The minutes were signed by the Chair
Mr G Curphey on 9 August 2022**

Noel Capewell
Secretary
Road Transport Licensing Committee