

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 Monday 19th December 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 NC Capewell (Secretary)
 Mr SM Callister (Project Co-ordinator)

The meeting commenced at 09:45

Mr D Cleary – New PPV Operator Registration

The Secretary advised that the applicant wished to apply for an operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of the right to operate one Class A – Modern Style Executive Private Hire car. He added that the new registered address/operating centre was identified in the application as Palmlea, Glen Road, Laxey.

The applicant had also indicated that he would like to appoint Mr SJ Leech as his designated Transport Manager.

Mr Cleary entered the meeting at 10:10 accompanied by Mr Leech. Both elected to give evidence under oath.

Mr Cleary circulated some documents in support of his application including a blank daily check sheet, his qualifications and references from his insurers. He confirmed that he would use a service provider and underlined his significant operating and relevant training experience gained in the UK.

The Committee was pleased to receive such comprehensive evidence in support of his application and asked Mr Cleary what his working hours would be. Mr Cleary said that he intended to work 06:00-18:00 daily and some extra hours when demand required it at weekends in order to ensure people got home. He added that he had bought a Citroën C5 and confirmed that he had the necessary funds to maintain his transport undertaking.

Mr Cleary returned to his previous operating experience, which included maintaining his vehicles and training on the use of wheelchair accessible vehicles. He added that he felt strongly about such vehicles and was considering operating one in future. However, at present, he confirmed that he had no plans to employ any drivers.

Mr Cleary advised that he would record daily checks and that the vehicle would have an oil change every two months, at which time it would also be inspected on a ramp at a recognised maintenance provider. He added that he was aware that Manx legislation differed from the UK legislation he was used to, and had been studying it. The Committee suggested that he should where to find the relevant Manx legislation on the RTLC website and the Secretary suggested that Mr Cleary should pay particular attention to section 20 of the Road Transport Act 2001 ("the Act") which obliged him to inform the Committee should he be convicted of any offences.

The Secretary reminded Mr Cleary that he was applying for an Operator Registration which would last indefinitely, unless he did anything which caused the Committee to suspend or revoke it. In addition, should his application be successful, Mr Cleary would be required to pay for an annual operator disc.

The Committee asked Messrs Cleary and Leech to briefly leave the meeting while it discussed Mr Cleary's application further. They left the meeting at 10:26 and returned at 10:30.

The Committee unanimously decided to approve the application and advised Mr Cleary that it was his decision whether to appoint Mr Leech as his transport manager.

The meeting was adjourned for private business at 10:31 and restarted at 10:50.

Mr GC Power t/a Powerwheels – PPV Operator Registration Variation

The Secretary stated 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 the addition of two operating centres.

The new registered address and one of the operating centres was identified in the application as 1 Colooneys Farm Cottages, Santon. The second operating centre was identified as the Buchan School, Castletown. He added that, should the application be successful, the applicant would surrender Rowany Golf Club, Port Erin and 6 Belgravia, Governors Hill, Douglas as approved operating centres.

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

Mr J Yao – PPV Operator Registration Variation

The Secretary said that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of registered address/operating centre.

The new operating centre was identified in the application as 11 Central Drive, Onchan and that, should the application be successful, the applicant would surrender 29 Summerhill Village, Douglas as an approved operating centre.

Mr Callister advised that Mr Yao moved to 11 Central Drive in 2015 but had never submitted a variation application to change his registered address and operating centre. He added that this had recently come to light after the RTLC office received information that he was keeping his PPV in another location that is not an approved operating centre.

The Secretary was asked to write a letter to Mr Yao underlining the fact that, by keeping a PPV at an address that isn't an approved operating centre, he has been in breach of section 14(1) of the Act for over seven years.

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

The Secretary was asked to write a stern warning letter to Mr Yao stressing the fact that, by keeping a PPV at an address that isn't an approved operating centre, he has been in breach of section 14(1) of the Act for over seven years. The letter should make clear to Mr Yao that as a result of this error he was risking his good repute, which could lead to his Operator Registration being revoked under section 18(1) of the Act and that there should be no more similar errors.

Mr CM Magee – PPV Operator Registration Variation

The Secretary stated that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of registered address/operating centre.

The Secretary added that the new operating centre was identified in the application as 10 Stonecrop Grove, Douglas and that, should the application be successful, the applicant would surrender 9 Oakdale, Governor's Hill, Douglas as an approved operating centre.

The Secretary said that Mr Magee appeared to have moved to 10 Stonecrop Grove over two years ago but had not submitted a variation application to change his registered address and operating centre. He added that this had recently come to light after the reminder letter to renew his ply for hire vehicle's operator disc had been returned to the RTLC office with the following message written on it: "No longer at this address left over 2 years ago".

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

The Secretary was asked to write a stern warning letter to Mr Magee stressing the fact that, by keeping a PPV at an address that isn't an approved operating centre, he has been in breach of section 14(1) of the Act for over two years. The letter should make clear to Mr Magee that as a result of this error he was risking his good repute, which could lead to his Operator Registration being revoked under section 18(1) of the Act and that there should be no more similar errors.

The Committee also asked the Secretary to repeat his previous warning to all operators in an AD&N, reminding them of their responsibilities under the Act and stating that their good repute would be at risk if they were found to be operating illegally.

Mr AT Kneen – PPV Operator Registration Variation

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 of registered address/operating centre.

The new registered address/operating centre was identified in the application as 1 Ballabrooie Gardens, Douglas.

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

The meeting was adjourned for private business and lunch at 11:23 and restarted at 13:33.

Mr PJ Langridge – PPV Operator Registration Variation

The Secretary stated that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of the right to operate one Section 29 Ply for Hire vehicle of up to eight passenger seats in the East District. He added that notification had been received from Mr GC Thwaites of the intent to surrender his section 29 Ply for Hire service licence provided that Mr Langridge's application was approved by the RTLC. Should the application be approved it would not result in any extra Ply for Hire vehicles being able to operate in the East District.

The registered address was identified in the application as 18 Campion Way, Douglas.

The Secretary advised that Mr Langridge would like to further vary his operator registration through the addition of an operating centre – 3 Thomas Keig Road, Willaston.

Mr Langridge entered the meeting at 14:07 and elected to give evidence under oath.

Mr Langridge stated that his current wheelchair accessible vehicle was now 10 years old and he was looking for a different solution as replacement wheelchair accessible vehicles were proving too expensive. He added that he had learned of Mr Thwaites' intention to retire from the trade and had offered to buy his business. In addition, Mr Langridge confirmed that his intention was to sell his existing wheelchair accessible vehicle in the future and that he would only be operating one PPV at any given time.

The Secretary told Mr Langridge that, if it was his intention to only operate one PPV, he only needed one approved operating centre.

The Committee strongly recommended that Mr Langridge, should he decide to employ any drivers in the future, enter into written contracts with those drivers, which would oblige them to inform him if they were convicted of any offences or if their medical circumstances changed to the extent that it affected their ability to safely drive a PPV.

The Committee asked Mr Langridge to briefly leave the meeting while it discussed his application further. Mr Langridge offered his thanks to Mr Callister for his assistance with the application, left the meeting at 14:21 and returned at 14:34.

The Committee unanimously decided to approve the application on the proviso that Mr Langridge obtained permission from the owner of 3 Thomas Keig Road (his son) to be used as an approved operating centre. It also clarified that it was approving the entirety of Mr Langridge's application, to add a second ply for hire vehicle and a second operating centre.

Mr Langridge left the meeting at 14:39.

After meeting note: At 17:29, the RTALC office received an email from Mr Langridge's son, confirming that he was happy for his home address, 3 Thomas Keig Road, to be used as an approved operating centre.

Urgent Matters as Approved by the Chair

There were no other urgent matters that had not previously been discussed. As a result, the meeting closed at 14:40.

The minutes were signed by the Chair Mr G Curphey on 18th April 2023

Noel Capewell
Secretary
Road Transport Licensing Committee