

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 25th October 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 J McBride

Absent: Mr C Kniveton
 Mr M Devereau

In attendance: Mr NC Capewell (Secretary)
 Mr SM Callister (Project Co-ordinator)
 Mr M Oliver (observer)

The meeting commenced at 09:45.

TCQ Ltd ("TCQ") – GV Operator Registration Variation Application

Mr Callister advised that the applicant wished to vary an Operator Registration through the addition of two goods vehicles. He added that TCQ had yet to obtain approval from the Planning Section at the Department of Environment, Food and Agriculture ("Planning") for their operating centre at Ballacreech Farm, Abbeylands.

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

Jamie's Removals Ltd – GV Operator Registration Variation Application

Mr Callister stated that the applicant wished to vary an Operator Registration through a change in registered address from 33 Broogh Wyllin, Kirk Michael to 27 Raad Roagan, Peel.

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

TG Plant Services Ltd ("TG Plant") – GV Operator Registration Variation Application

Mr Callister said that the applicant wished to vary an Operator Registration through the addition of two goods vehicles and an operating centre. The operating centre was identified in the application as Unit 267, Jurby Industrial Estate, Jurby ("Unit 267"). He added that TG Plant had yet to obtain approval from Planning for their operating centres at 3 Balleigh Court, Ramsey or Unit 267.

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

JRC Groundworks Ltd ("JRC") – New GV Operator Registration Application

Mr Callister advised that the applicant wished to apply for an Operator Registration and operate two goods vehicles. The registered address was identified in the application as 14 Reayrt ny Cashtal, Castletown and the proposed operating centre was identified as Unit 14, Portway, Balthane Industrial Estate, Ballasalla ("Unit 14").

Mr Callister stated that JRC had received confirmation from Planning that the operating centre is compliant with the Town and Country Planning Act 1999 as long as only one goods vehicle was kept there.

Mr J Corcoran (the business owner) entered the meeting at 10:03 and elected to give evidence under affirmation.

Mr Corcoran said that JRC was a subcontractor of Manx Telecom ("MT"), and its main tasks were to dig trenches for MT's duct cabling services. He added that his vehicle was kept at Unit 14, Portway overnight and that, as he either walked or e-biked there each morning, no other traffic came in or out of the operating centre.

Mr Corcoran advised that daily checks were carried out before the vehicle left the operating centre on each day that it was used and he circulated an example of a completed daily check book. He stated that regular safety inspections were carried out by TG Plant every 12 weeks and confirmed that he possessed the necessary financial standing to maintain his transport undertaking. When asked what vehicle the business was currently using, Mr Corcoran said that he was operating a vehicle on hire from TCQ.

Mr Corcoran advised that he currently employed two drivers but did not have written contracts with them. The Committee strongly suggested that he entered into written contracts with his drivers which obliged them to inform the company should their medical circumstances change so that their ability to drive was affected, or if they were convicted of any offences.

The Committee noted that the planning approval for the operating centre at Unit 14 was limited to one goods vehicle. It asked Mr Corcoran what his plans were for the second vehicle, given that he had applied for the authority to operate two. Mr Corcoran confirmed that he had no plans to operate a second vehicle at present and, should he wish to in the future, he understood that he would have to apply for planning approval, either for Unit 14 or for a different operating centre.

The Committee asked Mr Corcoran to briefly leave the meeting while it discussed the application. Mr Corcoran left the meeting at 10:14 and returned at 10:21.

The Committee unanimously decided to approve the application, but only for one goods vehicle as per JRC's planning approval and in order to comply with section 14(2) of the Road Transport Act 2001 ("the Act"). It also informed Mr Corcoran that his arrangement with TCQ meant that he had been operating without a goods vehicle operator registration, in contravention of section 8(1) of the Act. The Committee reiterated that, should Mr Corcoran wish to keep a second vehicle, he would have to apply to vary his operator registration as well as obtain planning approval to do so.

Mr Corcoran apologised for his mistake and agreed to contact the RTLC office directly if he had any queries in the future.

Mr Corcoran left the meeting at 10:28.

The Committee asked the Secretary to write a strong warning letter to Mr Corcoran, approving JRC's application but reminding him that he has been operating illegally, and must not operate a second goods vehicle without having first received approval from the Committee. The letter should also say that the Committee expected JRC to comply with legislation and to suffer no further transgressions against the legislation.

The public meeting was adjourned for private business at 10:35 and restarted at 10:43.

Mr PK Davies t/a Paul's Taxis – New PPV Operator Registration Application

The Secretary stated that the applicant wished to register as a new operator 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 South and Malew Districts. If approved this would result in a transfer of business, under the provisions of the Road Transport Regulations 2018, from an existing operator and there would be no increase in the number of ply for hire taxis in the South and Malew Districts.

The Secretary said that the registered address / operating centre was identified in the application as 16 Ballacrosha, Ballaugh.

As Mr Davies was already present from the private meeting, he remained to discuss his operator registration application in public and was joined by Mr Bell at 10:43. Both gentlemen elected to give evidence under oath.

Mr Davies circulated a Business Plan which contained a blank daily check sheet. He explained that he had previously operated a taxi business in the south of the Island in the early 1990s but this business had been sold. He confirmed that he would be buying a 2014 Mercedes Vito from Mr Bell as part of the transfer of business and would be based at the Airport as he had been advised that some existing operators with Malew Ply for Hire plates were not working there. Should business pick up, he advised that he would like to expand his business to other areas of the Island, but the Airport would remain his focus.

Mr Davies was told that, under the Act, he must transfer the ownership of Mr Bell's vehicle to himself. He confirmed that Martin & Watson Ltd in Ramsey would undertake monthly checks, regular safety inspections every 10,000 miles and annual services on his vehicle. He mentioned that he was a former manager of that business and was well aware of the maintenance costs associated with a PPV. The Committee strongly recommended that Mr Davies should visit the RTLC website, where vehicle maintenance document templates and a guide to maintaining vehicle roadworthiness could be found.

The Committee advised Mr Davies that, should he employ any drivers in the future, he should enter into written contracts with them. Such contracts should oblige the drivers to inform him of any changes to their medical circumstances which would affect their ability to drive. Similarly, the contracts should also oblige the drivers to inform him if they were cautioned or convicted of any offences.

Mr Davies was told that, should he wish to operate a second PPV, he would either have to seek planning approval to keep it at his home address or apply to vary his operator registration to add a second operating centre. The Secretary added that any variation application would need to include a request for the right to operate a second vehicle and it would have to be approved by the Committee before he could start using the second vehicle. Mr Davies said that he understood and stated that he was currently working his way through the relevant legislation, so that he was aware of his responsibilities as an operator.

Mr Davies was informed that the Committee expected his PPV to be roadworthy all year round and not just the day of its annual roadworthiness test at the Driving Test and Vehicle Examination Centre ("DTVEC"). The Committee added that all PPV test failures at the DTVEC were shared with RTLC officers. Mr Davies was told that, currently, there was a significant wait for an annual test date at the DTVEC which he should bear in mind when planning his maintenance schedule. Going forward, the Secretary suggested that Mr Davies should ask RTLC officers if he was unsure of anything relating to his legislative responsibilities.

The Committee unanimously decided to approve Mr Davies' application and the Secretary stated that Mr Davies would now receive a PPV Operator Registration for life, a Section 29 Ply for Hire Service Licence ("S29 Licence") for five years and an annually renewable operator disc for his PPV. He added that reminder letters were sent out for S29 Licences and operator disc renewals, but these were a courtesy only, and it was Mr Davies' responsibility to know when his S29 Licence and operator disc expired.

Messrs Davies and Bell left the meeting at 11:06.

Mr PN Cross – PPV Operator Registration Variation Application

The Secretary advised 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 / operating centre.

The new registered address / operating centre was identified in the application as Flat 66, Springfield Court, Second Avenue, Onchan and that, should the application be successful, the applicant would surrender 5 Marathon House, Princes Road, Douglas as an approved operating centre.

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

Mr KD Enchev – PPV Operator Registration Variation Application

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 / operating centre.

The new registered address / operating centre was identified in the application as 3 Drinkwater Street, Douglas and that, should the application be successful, the applicant would surrender 23 Century Court, Douglas as an approved operating centre.

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

Mr JD Musgrove – PPV Operator Registration Variation Application

The Secretary said that the applicant wished to vary the operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of two operating centres.

The new operating centres were identified in the application as Units 8/9, Balthane Industrial Estate, Ballasalla and 32 Reayrt Carnane, Tromode Park Estate, Douglas.

Should the application be successful, the Secretary advised that the applicant would surrender 46 Tynwald Road, Willaston as an approved operating centre.

The Committee discussed the application and unanimously decided to approve it. In the approval letter, it asked the Secretary to include a reminder to Mr Musgrove that he must keep only one PPV at each operating centre.

Mr DD Hyusein – PPV Operator Registration Variation Application

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 / operating centre.

The new registered address / operating centre was identified in the application as Flat 1, 12 Belmont Terrace, Douglas. As it was extremely unlikely that the applicant would be able to park his PPV outside his residence, the Secretary said that the applicant had verbally confirmed that he would be using a Zone H parking permit in his PPV. This should be acceptable as long as Mr Hyusein kept only his PPV in Zone H and no other vehicles.

The Secretary stated that, should the application be successful, the applicant would surrender Flat 6, 10 Empress Drive, Douglas as an approved operating centre.

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

Mr JR Newton – New PPV Operator Registration Application

The Secretary said that the applicant wished to register as an operator under Part "B" 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 Malew District. If approved this would result in a transfer of business, under the provisions of the Road Transport Regulations 2018, from an existing operator and there would be no increase in the number of ply for hire taxis in the Malew District.

The Secretary advised that the new registered address / operating centre was identified in the application as Heather Bank, Lambs Lane, Pinfold Hill, Laxey.

Mr Newton entered the meeting at 11:32 and elected to give evidence under affirmation.

Mr Newton explained that he was currently a driver for Mr RS Trimble and often worked at the Airport. He added that he would be buying one of Mr Trimble's existing PPVs, a Škoda Octavia, and that he would be taking on some of Mr Trimble's regular clients as part of the transfer.

Mr Newton stated that he didn't want to work for a service provider as he wanted to avoid working in Douglas at weekends but was keen to continue providing an Airport service, which he said was really needed.

Mr Newton confirmed that Mr Trimble's existing maintenance arrangements with Mr JD Musgrove would continue if his application was approved. Mr Musgrove was an existing PPV operator as well as a Škoda mechanic and Mr Newton was satisfied that he was well-qualified to maintain the vehicle.

Mr Newton said that he undertook daily and weekly checks on the vehicle even though the vehicle had a good warning lights system, including a 2,000-mile service warning light. The Committee advised him to consult the vehicle maintenance guidance documents on the RTLC website and to record all the checks he performed on the vehicle, including mileage, defects and rectifications. He agreed with the Committee's assertion that the vehicle should be roadworthy all year round, and not just on the day of its annual test. He added that the vehicle's next annual test was due in February 2023 and the Committee advised him to book the test at the DTVEC now.

The Secretary reiterated the Committee's advice and added that, should he be required to attend Court following an accident, for example, an absence of written records may lead the High Bailiff to assume that no maintenance was being carried out on the vehicle. The Committee recommended that Mr Newton familiarise himself with the relevant legislation that applied to PPV operators on the RTLC website, especially the requirement for him to inform the Committee of certain matters detailed in section 20 of the Act.

The Secretary suggested that Mr Newton should ask RTLC officers if he was unsure of anything but should also remember that he was now the responsible person for the safe and legal operation of his PPV. He recommended that Mr Newton, should he employ any drivers in the future, enter written contracts with them. Such contracts should oblige them to inform him of any changes to their medical circumstances which would affect their ability to safely drive a PPV. Similarly, the contracts should also oblige them to inform him if they are cautioned or convicted of any offences. This was because section 20 of the Act required operators to inform the RTLC if such an offence occurs in the course of his transport undertaking. Mr Newton understood and advised that he had been a PPV operator in Dublin for seven years prior to moving to the Isle of Man in 2009.

The Committee unanimously decided to approve Mr Newton's application and the Secretary stated that Mr Newton would now receive a PPV Operator Registration for life, a S29 Licence for five years and an annually renewable operator disc for his PPV. He added that reminder letters were sent out for S29 Licences and operator disc renewals, but these were a courtesy only, and it was Mr Newton's responsibility to know when his S29 Licence and operator disc expired. He further added that, before he began operating it, Mr Newton must transfer the Škoda Octavia into his name so that he became the registered keeper.

Mr Newton left the meeting at 11:50.

Urgent Matters as Approved by the Chair

There were no other urgent matters that had not previously been discussed. As a result, the public meeting closed at 11:59.

**The minutes were signed by the Chair
Mr G Curphey on 29th November 2022.**

Noel Capewell
Secretary
Road Transport Licensing Committee