

## **ROAD TRANSPORT LICENSING COMMITTEE**

### **Committee Meeting**

Minutes of a public meeting of the Road Transport Licensing Committee ("the Committee" or "the RTLC") held at 09:30 on Thursday 16<sup>th</sup> March 2023 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

Absent: Mr J McBride

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

The meeting commenced at 09:45

#### **Costain/Looker – New PPV Operator Registration and Section 29 Ply for Hire Service Licence ("S29 Licence")**

The Secretary advised that the applicants wished to register as a new operator under Part "A" of the Register 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, two section 29 Ply for Hire vehicles of up to eight passenger seats in the North West District and one Class A Private Hire car.

He stated that the RTLC office had received notification from the current Operator Registration of Mr SK Looker, Mr MW Costain and Mr WJ Curphey of the intent to surrender that Registration's S29 Licence provided that the application was approved by the RTLC. He continued by saying that further notification had been received from the current Operator Registration of Mr SC Mander of the intent to surrender part of that Registration's S29 Licence provided that the application was approved by the RTLC.

He said that the registered address was identified in the application as 1 Brookfield Terrace, Foxdale and that the proposed operating centres identified in the application were:

- 1 Brookfield Terrace, Foxdale
- 21 Watterson Road, Ballasalla
- Ballanea Farm, Kirk Michael
- 2 Cairn Drive Peel

Mr MW Costain entered the meeting at 10:00 and elected to give evidence under oath.

Mr Costain explained that Mr Mander had decided to part ways with the North West portion of his business as it wasn't being used and that Mr Curphey no longer wished to be involved in the business.

Mr Costain advised that the maintenance arrangements for the new entity would remain the same, with a laminated daily check sheet and a diary being kept in each PPV to record any faults found during drivers' daily checks. Full services would be carried out every 10,000 miles and a car was now ready to take on the North West portion of Mr Mander's business which was being transferred, should the application be successful.

The Committee suggested that a laminated daily check sheet would not actually show that a daily check had taken place and urged Mr Costain to keep written records to rectify this shortcoming.

The Committee asked about Ballanea Farm, one of the application's proposed operating centres. Mr Costain confirmed that this was the home address of Mr Curphey's parents, who were happy for a PPV to continue to be kept there, despite Mr Curphey's decision to end his association with the operation. The Secretary advised Mr Costain to obtain written permission from the property owners to this end.

Mr Costain acknowledged that he was actively looking for more PPV drivers to service the four vehicles that would be on his operator registration.

When asked how the business would attract customers, Mr Costain confirmed that Telecabs provided all the work for the East District Ply for Hire vehicle as a service provider while his old North West District vehicle did not use a service provider but relied on private hire work as well as a customer base that he and Mr Looker had built up over the years. He expected this to continue with the additional North West District vehicle – should the application be successful.

After a brief discussion, the Committee unanimously decided to approve the applications.

Mr Costain left the meeting at 10:21.

The Secretary was asked to write to Mr Costain and remind him that the RTLC required written confirmation from the owners of the Ballanea Farm property that they were happy with him keeping a PPV there before it could be used as an operating centre.

**After meeting note:** Mr Costain contacted the RTLC office on 20<sup>th</sup> March to say that he no longer wished to apply to use Ballanea Farm as an operating centre. If and when he wished to operate a fourth PPV he would apply for an additional operating centre in advance.

### **Mr PK Davies t/a Paul's Taxis – PPV Registration and S29 Licence Variation**

The Secretary stated that the applicant wished to vary his Operator Registration and S29 Licence by adding the right to operate one further section 29 Ply for Hire vehicle of up to eight passenger seats in the Malew and South Districts. The proposed operating centre for the additional vehicle is identified in the application as 5 Yew Tree Apartments, Walpole Road, Ramsey.

He added that the RTLC office had received notification from Premier Taxis of the intent to surrender part of that Registration's S29 Licence provided that the application was approved by the RTLC.

Mr Davies entered the meeting at 10:32 accompanied by Mr MJ Bell, the proprietor of Premier Taxis. Both individuals elected to give evidence under oath. Mr Davies circulated his written business plan and photographs of the proposed operating centre in Ramsey.

Mr Davies explained that, should his application be successful, he would operate the larger of his two PPVs primarily at the airport with the smaller vehicle servicing the increase in demand for private hire work he was experiencing in the north of the Island, with many of them telling him that they were dissatisfied with the existing service in the north. He said that he did not use a service provider but had been advertising his services in some pubs in the north.

Mr Davies confirmed that his second vehicle had been tested and was ready to operate and it would likely be driven by family members who were section 40 PPV driver licence holders.

The Committee reminded Mr Davies that he must not carry out ply for hire work in the North West District as he did not possess a S29 Licence in that district. Mr Davies responded that he knew this was illegal and that he had not been plying for hire in the North West District. He added that all of his work in the North West had been pre-booked private hire. He confirmed that he understood that plying for hire in a District that he did not have a S29 Licence for would have consequences for his Operator Registration.

Mr Davies was asked to amend his operating centre application form regarding 5 Yew Tree Apartments as it contained an omission which needed rectifying.

After a brief discussion, the Committee unanimously decided to approve the applications. Mr Davies was told that he would need to obtain written permission from the owner of 5 Yew Tree Apartments to say that they were happy for a PPV to be kept there when it was not in use. This permission would need to be forwarded to the RTLC office before his Registration could be amended to reflect the approval of the application.

Messrs Davies and Bell left the meeting at 10:51.

The public meeting was adjourned for private business at 10:55 and resumed at 11:29.

### **Mr JS Garmino – New PPV Operator Registration Application**

The Secretary advised that the applicant wished to register as a new operator under Part "A" of the Register through the addition of the right to operate one Private Hire car. He added that the registered address and proposed operating centre was identified in the application as 88 Cronk Grianagh, Strang.

Mr Garmino entered the meeting at 11:30 and elected to give evidence under oath.

Mr Garmino explained that he had lived in the Island since 2005 but had previously operated passenger "tuk-tuks" in the Philippines. As a result, he knew that daily checks must be carried out on PPVs to ensure their safety to passengers.

Mr Garmino confirmed that, although he had been a licensed section 40 PPV driver for a month, he had not actually driven a PPV yet. He added that he was due to retire from his main place of employment in December and was seeking more flexible working arrangements for family reasons. He believed that operating and driving a PPV would provide that flexibility. The Committee asked whether Mr Garmino was of the necessary financial standing to become a PPV operator. Mr Garmino advised that it was his intention to use some of his pension from his main employment to assist in running his transport undertaking. He added that he had not yet bought a car to use as a PPV.

Mr Garmino advised the Committee that he had consulted the RTLC website to find the relevant legislation that would apply to him as an operator. However, he was unable to name either the Road Transport Act 2001 ("the Act"), the Road Transport Regulations 2018 or any other piece of RTLC related legislation. In addition, Mr Garmino did not know what his responsibilities were under the legislation in multiple circumstances including what he was required to do should he be convicted of an offence.

The Committee asked Mr Garmino to return to reception at 11:45 while it discussed his application further.

The Committee referred to section 10(1) of the Act demanded that an applicant be of "good repute". The concept of good repute is expanded upon in paragraph 1(1)(b) of Schedule 1 of the Act;

"1. (1) In determining whether an individual is of good repute, the Committee may have regard to any matter but shall, in particular, have regard to —

(a) any relevant convictions of the individual or of his employees or agents; and

(b) any other information in its possession which appears to it to relate to the individual's fitness to hold a licence or to be registered."

After a brief discussion the Committee determined that Mr Garmino was not fit to hold an operator registration as he had no experience of driving a PPV on the Isle of Man. Furthermore he clearly had no idea of any of the legislation that he would be operating under as a registered operator.

Mr Garmino was asked to come back into the meeting at 11:57.

The Committee told Mr Garmino that, while it understood his motivation for becoming an operator in terms of his family circumstances, it didn't think that he was ready to become an operator now. This was because he had no experience of being a PPV driver on the Isle of Man and he had not demonstrated any knowledge of the legislation that he would be operating under which was an essential part of being a PPV operator.

The Committee suggested that Mr Garmino should first gain experience of driving PPVs, perhaps part-time until his main employment ended in December and, during that time, could also discuss the responsibilities that PPV operators had without experienced existing operators. It further suggested taking a Knowledge Test to enable him to drive ply for hire vehicles, as existing operators were actively looking for ply for hire drivers. Finally, it was recommended that he should enrol in a safeguarding/customer service training course as soon as the opportunity arose.

The Committee recommended that Mr Garmino consult the Act and its accompanying regulations in order to gain the required knowledge of the important aspects of being a PPV operator. Once he had done all this, he should submit a new operator registration application once his current main employment had finished.

The Committee confirmed that it had unanimously refused the application.

Mr Garmino left the meeting at 12:07.

The Secretary was asked to write to Mr Garmino, formally confirming the decision to refuse the application.

The public meeting was adjourned for private business and lunch at 12:09 and Mr Kniveton left the meeting at this point. The meeting resumed at 13:59.

### **Northern Parishes Refuse Collection Board ("NPRCB") – GV Operator Registration Variation Application**

Mr Callister stated that the applicant wished to vary the Operator Registration through the addition of an operating centre and a change of registered address.

The new operating centre was identified in the application as Landrace (I.O.M.) Ltd, Technical Site, Kirk Andreas and the new registered address was identified as Glen View, Kionlough Lane, Bride. The applicant had confirmed that the operating centre complies with the Town and Country Planning Act 1999. He added that, should the application be successful, the applicant would surrender its existing operating centres at Ballavarran Farm, Ballavarran Road, Jurby and Unit 291, Jurby Industrial Estate, Jurby ("Unit 291").

Mr PR Teare (Clerk) entered the meeting at 14:00 and elected to give evidence under oath.

Mr Teare advised that the previous Clerk, Mr JJ Quayle, had retired just before the Covid-19 pandemic, but that the pandemic had prevented the handover from being completed properly. He added that NPRCB's lease on Unit 291 had expired and referred to the photographs of the new proposed operating centre at Andreas Airfield that had been submitted prior to the meeting.

Mr Teare explained that he had significant logistics experience in the Island and the UK and believed that this experience would be useful in his role as Clerk to the NPRCB. He advised that recent progress had been made in making all NPRCB administration electronic, which meant he was contactable all the time. He confirmed that drivers completed daily check sheets and regular maintenance was carried out by a local garage, and again referred to copies of maintenance documents sent prior to the meeting.

The Committee advised that Mr Teare should include a mileage column on the daily check sheets, in order to lend further credibility to records, should NPRCB be asked to produce them in Court following an accident, for example.

The Committee unanimously agreed to approve the application. The private meeting was then re-opened to discuss the matter of Mr Teare replacing Mr Quayle as Responsible Officer for NPRCB's Operator Registration.

Mr Teare left the meeting at 14:25.

### **Urgent Matters as Approved by the Chair**

There were no other urgent matters that had not previously been discussed. As a result, the private meeting closed at 14:26.

## **The minutes were signed by the Chair Mr G Curphey on 29th March 2023**

Noel Capewell  
Secretary  
Road Transport Licensing Committee