



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

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**PROCEEDINGS
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**ENVIRONMENT AND INFRASTRUCTURE
POLICY REVIEW COMMITTEE**

Road Transport Licensing

HANSARD

Douglas, Friday, 12th April 2019

PP2019/0080

ENVI-RTL, No. 1/18-19

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Members Present:

Chairman: Mr R E Callister MHK
Miss C L Bettison MHK
Mr C R Robertshaw MHK

Assistant Clerk: Miss F Gale

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Standing Committee of Tynwald on Environment and Infrastructure Policy Review

Road Transport Licensing

*The Committee sat in public at 2.30 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CALLISTER *in the Chair*]

Procedural

The Chairman (Mr Callister): Good morning and I welcome you to this public meeting of the Environment and Infrastructure Policy Review Committee.

I am Rob Callister MHK and I chair this Committee. With me this morning are Claire Bettison MHK and Mr Chris Robertshaw MHK, the other members of the Committee,
5 along with the Assistant Clerk.

Today we are taking evidence for our inquiry into the licensing regime through the Road Transport Licensing Committee and we will be hearing today from representatives of the Island's Road Transport Association.

10 Before we begin can we please ensure that everyone has their mobiles switched off and without any interruptions and for the purposes of *Hansard* I will also be ensuring that we do not have two people speaking at once?

EVIDENCE OF

**Mr Stephen Broad, Chairman;
Mr Chris Clegg, Committee Member; and Mr Peter Howe, Treasurer;
Island Road Transport Association**

Q1. The Chairman: Thank you for attending this morning, gentlemen. For the record could you each please state your name and the capacity in which you are appearing today?

15 **Mr Broad:** I am Stephen Broad. I am the current Chairman of the Island Road Transport Association.

Mr Clegg: I am Chris Clegg. I am a Committee Member of the Road Transport Association.

20 **Mr Howe:** I am Peter Howe. I am the Treasurer of the Island Road Transport Association.

Q2. The Chairman: Thank you so much, gentlemen.

I was wondering if we could start by asking you just to give an overview of the Island Road Transport Association and its membership etc.

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Mr Broad: Well, as far as HGVs are concerned, HGVs have only really become involved with the RTLTC ... We have only become involved with the RTLTC in the last 12 months; but our membership, we have about 40 members of various company sizes, ranging from operators of – I think the biggest one will probably be – about 10 or 12 lorries, going down to single traders and small businesses.

30

The Road Transport Association has been in existence – Peter will probably know more about that than me. How long have you been going, the Road Transport Association? When were you formed?

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Mr Clegg: In 2008.

Mr Howe: Yes, it was formed. It is 11 years we have been doing this.

Mr Clegg: Yes.

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Q3. The Chairman: Okay. Can I ask what was the purpose for structuring the organisation in 2008? What made you feel that you needed a firm representation?

Mr Clegg: What sparked the Association being formed was the work that was done on the runways at Ronaldsway in which no local hauliers were involved; all the haulage contractors were brought from England and obviously the local contractors did not like the idea.

45

At the time there was a protest staged by local contractors inasmuch as they drove their vehicles around Douglas one morning, I think when the Keys were on. Things just went from there. It is fair to say, and I think very pertinent this morning, that we as a committee of the Road Transport Association have spent the last 10 years trying to get these regulations in some sort of proper perspective.

50

None of us really object to regulations. We all need some regulations to do the job properly. But the fact of the matter is – and always has been since the regulations were first mooted – that as usual we have a Government who puts regulations in place and because those regulations are done in such a way they disadvantage the small contractor.

55

This has been the case all the way along. I think what made it worse – as I said, we fought the thing for 10 years, we have offered good suggestions, they have been thrown out and then all of a sudden the Department of Infrastructure bring the regulations in through the back door without telling anybody last July. And suddenly we are faced with the horror that we have been trying to avoid – namely the RTLTC.

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Q4. The Chairman: Okay. We are looking at the work of the Road Transport Licensing Committee and I would like to give you an opportunity if you would like to make any opening remarks based on your submission of correspondence you sent through; but I would also like just to mention that the Committee would like to hear, if you would like to say anything to the Committee in private then we can hold a short session after this public session in order to hear those concerns, but it will be recorded for *Hansard*.

65

I just want to let you know that. I suppose the best thing is just to ask you if you would like to make any opening remarks with regard to your submission you have made to the Committee, which we really are grateful to receive.

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Mr Broad: Yes, I think we probably would welcome the opportunity to speak more privately about matters.

75 I have been approached by a number of our members who would like to come here today
and speak but I think they are fearful of reprisals if they do. These people have got to apply for a
licence in the next six-month, I think it is, period and I think businesses and those people are
wary of public comments that may damage or prejudice that application process.

I think, yes, we would welcome the opportunity to speak with you on a less formal basis
afterwards if that is possible.

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Q5. Mr Robertshaw: If I can explain on the Chairman's behalf how that would work. We will
go through this process, this section of the oral hearing now, that will all be recorded and in fact
we are in public now effectively. If there is anything that you want to hold back and discuss in a
private session then please understand that although it gets recorded we can only then use or
refer to that information you give us with your permission at a later date. I hope that is clear. It
is? (**Mr Broad:** Yes.) Okay. Thank you.

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But in the meantime we would be delighted to hear all and everything you can give us in this
public session.

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Mr Broad: Right. Yes, as far as the Road Transport Association and the RTLC are concerned,
we have really only come to be in formal contact with the RTLC in the last 12 months from when
the 2018 regulations were moved before Tynwald and were passed and came into operation on
1st January this year.

95

I think many of our members are wary of the RTLC and I am hearing stories from the taxi
trade and the PPV trade and things like that. Personally I struggle to understand the relationship
between the DOI and the RTLC. Sometimes I think we are perhaps dealing with maybe smoke
and mirrors a little bit. Are the RTLC independent? They are sponsored by the DOI. I appreciate
that they are appointed by the Council of Ministers, they sit in the DEFA office, and I know that I
have been told that DEFA believe the DOI are responsible for them and DOI perhaps believe
DEFA are responsible for them in certain aspects.

100

I would ask the question: where is the governance of the RTLC? Where does that sit? I would
like to ask the question: are they independent? We know the DOI sponsor the RTLC, we know
the DOI operate buses, we know the DOI operate HGVs, we know the DOI operate the vehicle
test station. How does this relationship sit and form together? I really struggle with that a little
bit – to understand how that works. At the end of the day, I believe the forward facing operation
of the RTLC in issuing operating disks to people, perhaps Government maybe could save
themselves some money and – why do we bother with the RTLC at all? If this is the case and the
RTLC are basically another arm of the Department of Infrastructure, why does the Department
of Infrastructure and the Vehicle Test Centre not issue these operating discs to people?

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As long as there is an appeals process in place for those decisions I see no issue with that and
perhaps Government can maybe save some money in that respect.

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Q6. Mr Robertshaw: That is very clear. You have got concern about trust and relationships
which are not clear and as they are opaque from your perspective that is bound to cause
concern. So we have captured that point.

Do you want to go on to your concerns about appeal processes, that you just touched on
there?

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Mr Broad: Yes, very much so.

I am aware that the UK Traffic Commissioners are very cautious that they make the correct
lawful decisions and they are very aware that their decisions may be challenged in the upper
tribunal. Are the RTLC conscious of the decision processes they are making and the fact they
may be challenged? At the end of the day, when the only appeals process is through the High
Bailiff to their decisions what is the cost of this action to a suspended operator who is no longer
in a position to earn a living? How is that person going to get to access justice effectively?

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130 We see now, only in the press today, the legal profession is calling the legal aid system review into question; is legal aid being curtailed? Will that operator who has potentially lost his livelihood, who wishes to appeal the decision of the RTLC, receive help in preparing an appeal to the High Bailiff? I would say perhaps not. I would call into question ... those operators who do fall foul of the RTLC must have some form of appeals process as to those decisions. Even if it was the DOI themselves running it, if you had an open and transparent appeals process then I believe it would be more beneficial for the industry, to be honest.

135 **The Chairman:** Can I –?

Mr Broad: It would not spoil the industry so much, as it already has started to, if that were the case. There is no appeals procedure apart from the High Bailiff, is there? There is no anything as far as the RTLC is concerned, from what we can see. There are operators who have gone out of business in the last four or five years because of – I am digressing a little bit here – successive Governments' inept attitude to purchasing and the current way that that is. I, myself, have just retired from the haulage industry because I cannot see a way forward.

140 I was a small operator. I cannot see a way forward now because (a) there is no work to be had, or precious little work, and (b) you are now faced with the RTLC which is, from my point of view, an absolute nightmare. How am I going to do my work in the day and then all the extra paperwork I have got to do for the RTLC and get to bed to sleep at night? It is not going to happen because there is so much paperwork, so much more expense, inasmuch as you are required to do record keeping of all your maintenance. Maintenance is what we do anyway because if your vehicle does not start in the morning or breaks down as soon as you get in it you have then lost your day's work. Well, that is no good. So your vehicle has got to be kept up and we do not need the RTLC to remind us of that.

145 It just seems to me that I have been disadvantaged here because governments now expect you to work on until 75 – is the latest I heard; well, you cannot if you are a one-man band, because you cannot afford to. So in that respect my livelihood has been affected, my livelihood has been curtailed. Why? (**The Chairman:** Can I –?) What authority have they got to do that?

155 **Q7. The Chairman:** I just want to pull this back. The original question was relating to the independent appeals process and I suppose the question is: you have outlined that you feel that there should be an independent appeals process, decisions made from the RTLC; so I suppose my question to the Island Road Transport Association is what sort of appeal process would you like to see in place?

160 **Mr Broad:** In the UK the Traffic Commissioners are via the upper tribunal system and I see no reason why perhaps we could maybe use the, I think there is a Tynwald Ombudsman, is there, at the moment? Do you have an Ombudsman appointed now? (**The Chairman:** We do.) Yes. Perhaps maybe this is something that would fall within the remit of that?

Q8. The Chairman: I was going to say, because that is normally about Departments working, so I would say it is outside of that.

170 **Mr Broad:** Outside of that. Right.

Mr Howe: But are the RTLC not a department of the DOI?

175 **Q9. Miss Bettison:** I think the other thing is that is the line of last resort. So if you were unhappy with the outcome from the Department then that would be where you would take it. So it would actually reduce another avenue; by creating an avenue it would reduce an avenue. So I do not see that would be the right mechanism for it. Obviously there is the disparity

between DOI and DEFA and this mismatch at the minute, so who would you feel would oversee it?

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Mr Broad: I think the RTLC are one of those creatures that perhaps live outside ... Do they live outside Government or do they live in Government? I think it is probably ...

Mr Robertshaw: It is a good question.

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Mr Broad: Yes, it is probably difficult, isn't it, because who are they responsible to? Where is the governance? Where is the management structure for the RTLC? From what I can gather there is not one. I am aware of some issues that have arisen with some members of the RTLC; how will they be dealt with? Who will raise those?

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Q10. Mr Robertshaw: If I was trying to capture what I think you are trying to say and compare it to, say, planning, if you were putting a planning application in and it was refused, you would not have the expense of going to a High Court, you would have an appeals process at a reasonable cost. I think that is what you are suggesting is ... I do not want to put words in your mouth.

195

Mr Broad: Yes, basically. I am also concerned about the make-up of the RTLC and how that is derived. You see some of the boards – the Planning, for instance, the Post Office board – they all have a political Chairman and that Chairman is accountable to Tynwald and accountable for the actions of that committee through that. I also say: should perhaps the RTLC have a Manx Advocate on there? I mean many other Departments that are dealing with lawfulness and laws and Acts of Tynwald as such have a Manx advocate, or even a retired Manx advocate, on there to maybe point them in the correct lawful direction.

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Is that something that perhaps should be looked at – the make-up of the RTLC; who should be the Chairman of the RTLC? Should they have a Manx advocate on there? Who should be the lay members of the RTLC; should they be people perhaps from the road transport industry or retired people from the road transport industry, or should they be what we have today? I do not know. I just think it is a little bit dysfunctional, the way it operates and the way it is set up and the potential people that are in there.

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When you look at the harm or the power of the RTLC, they are quite a powerful group of people. They are taking, potentially, people's livelihoods away from them with their decisions and I believe that that needs to be balanced and considered properly.

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Q11. Mr Robertshaw: We have now got your concerns, which we will deliberate on, about membership and how that is constructed.

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As Members of Tynwald, when the regulations came before us, that we are now discussing and came into effect in January, we were given the impression – clear impression – that they were intended to be light touch. If you could just talk to us about how, I believe from all the submissions you have given to us so far, you would put that under the heading of 'ridiculous', so could you talk to that please – the concept of whether the new regulations are light touch or not, and if you feel that they are not, why not and where?

220

Mr Clegg: I do not think that they are particularly light touch. As I said before, we have been dealing with this as committee members for the last 10 years and to begin with it was a lot heavier in content than it is now, but we really cannot take any credit for doing anything about that because it still is quite a heavy, onerous thing that you are facing.

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There appears to be no regulation, or proper regulation, of the RTLC. They seem, to me at least, to be making up rules as they go along. All through the discussions we had with the Department of Infrastructure over those 10 years, that Department assured us that nobody

230 would look at regulating vans and trailers, pickups and trailers, that sort of thing, 'It is the towing
vehicle that we are interested in,' and then suddenly in January of this year the RTLC published a
document which tells people who read it that if you are using a van or a pickup with a trailer the
train weight, as we call it, the whole weight of the combination, including its load and its driver,
235 if that equates to 3,500 kilos in total you need an operator's licence. So you are going to need an
operator's licence, an operating centre. You are going to have to do all the paperwork. You are
going to have to employ mechanics etc. Who is going to do that when they are doing gardening
work or they are a farmer transporting some sheep down the road or something like that?

So where is the accountability for the RTLC? How is it they can make regulations of their own
like that without reference to anyone else?

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Q12. Mr Robertshaw: I think your reference there is more to their interpretation of the
regulations than necessarily making them.

Mr Clegg: If that is the case, Mr Robertshaw, then it needs to be explained to them more
245 deeply because they obviously do not understand what they are doing. If they did their
interpretation of the regulations would be more correct. Or am I sort of dreaming something? It
seems to me at least that the whole thing wants a complete overhaul. **(Mr Robertshaw: Okay.)**
Let's close it down and start again.

Mr Broad: I think the problem is as well you are taking a previously unregulated industry and
250 you are effectively regulating it in quite a short period of time.

If we wind the clock back to 1998-99 when the 2001 Act was being conceived, the
Department of Transport, as it was then or DHPP, had a meeting at the Sea Terminal and the
way operator registration and operator licensing was explained to me was that we had to have
255 an operator licence for people who would go to England and that was going to be the same as
SAP as what the UK had. An operator registration for the Isle of Man was going to be a far less
onerous thing and it was sold to the industry at the time as basically if you did not park your
truck on the road.

I think the problem at that period of time was people parking HGVs in residential areas and I
260 think the 2001 Act was created to try and prevent that. That is how it was sold to the industry.
Obviously times have moved on since then.

I do have a little sympathy for the RTLC in some respects because they are probably in a
paradox because if they produce no guidelines and no rules they are going to be criticised and I
have looked at the guidelines and the stuff they produce, and I think it is over a hundred pages,
265 but as you say, I very much feel it is a matter of economic scale really and how they interpret
these rules and what they are happy with.

I mean, to try and regulate the industry to the same as the UK is probably foolish in a lot of
respects, because there are a lot of lorries or trucks and goods vehicles on the Isle of Man that
do not travel anywhere near the sort of mileage or distances, or do the work, that the UK do.
270 You see in England trucks travelling 500 miles a day. I know some operators on the Isle of Man
that, if they follow the RTLC's guidelines of 15 weekly inspections, will be doing an inspection of
their vehicle after 700 miles. **(Mr Clegg: If that.)** Yes, if that.

I think perhaps maybe if there was an understanding of that by the RTLC ... that is that
necessarily a requirement? Maybe that could be looked at – a pragmatic approach to it, a
275 sensible approach to it, for want of other words, to the industry. It is a small island. We do not
have motorways, we do not have dual carriageways. People are not travelling great distances,
people are using trucks incidental to their business. There may be someone who has an ice-
cream factory who uses a seven and a half tonne truck to deliver his goods to his shop. Does he
need to face the same regulation as somebody who travels to the UK or somebody who is
280 hauling sand every day of the week, every hour of the day? Probably not, I would suggest.

285 **Mr Clegg:** It has to be recognised that if you are in the haulage business and you do 100 miles in your truck in a day you have had a busy day, you really have. You have probably travelled from one end of the Island to the other, a number of times. I really do not think that the RTLC have got any sort of understanding of this side of the business. Let's face it, none of them have ever been there, have they?

The Chairman: No.

290 **Q13. Miss Bettison:** You mentioned before about the operator's licence and the over 3,500 kilos train weight and that is obviously having an impact now on additional user groups with the regulations that came in on the 1st. I just wonder: is that comparable with UK regulations?

295 **Mr Broad:** In the UK, if you are using a car, van, combination trailer which would put you over three and a half tonnes, if you are carrying your own goods you are exempt; if you are operating as a haulage business you would fall into the regulations. But that is quite new to the UK. As far as I am aware I think it was 2014 the UK brought the regulations in for vans, four-wheel drives, trailers, that type of thing.

300 I would like to expand on that a little bit and point you in the direction of Southern Ireland. Southern Ireland have got an operators' licence system in place. They have had it for a number of years now and there was major debate in Southern Ireland about operator licensing and how it would affect the small economy and the people in the countryside there, because it may have an economy somewhat similar to the Isle of Man in some respects. Operator licensing was brought in for haulage contractors, i.e. people who carry other people's goods, but it exempted people using vehicles for their own account. So the ice-cream salesman, the farmer moving his goods, that type of thing, if he was carrying his own items he would be exempted from the operator licensing regulations. That was felt over there at the time, because if it was brought in it would damage the economy of Ireland in a major way.

310 **Q14. Miss Bettison:** Okay, and then I think that there has been some talk around DOI or RTLC saying they will clarify the regulations specific to those operators, was my understanding. But obviously in the interim there are people still being expected to register because new operators from 1st January had to register as per already with the new regulations. (**Mr Broad:** Yes, I mean -) There is obviously leeway for people who are reregistering up until, I think, November, the RTLC said.

320 **Mr Broad:** Yes, I think you have got until 1st November to register. It was 12 months, but I think with the RTLC's procedures, the way they advertised the licences and such things, I think you have to have your application in before 1st November for existing businesses. Businesses that have started today would have to register today, effectively.

325 I think as well you have hit the nail on the head. The regulations are there. Compliance with the law is not a matter of choice; it is something that should not be through negotiation or through persuasion, it should be something that is done and, as we heard from Chris, there are businesses that have hung their keys up, there are businesses today that are looking at this and hanging their keys up, and businesses that are looking to the future and thinking, 'Well, what am I going to do?' I know a number of people who are planning their exit strategy from owning a goods vehicle on the Isle of Man. I know a number of people that are planning their exit strategy.

330 As a business, when you understand the power the RTLC have you would be a fool not to plan your exit strategy from this business, because if you have an MOT failure or your premises do not meet the planning requirement or you are subject to roadside enforcement or your truck gets parking tickets, you are going to go before the RTLC, you are going to have a hearing and if

335 you have only got one vehicle they may very well take that off you if they do not feel you are
hitting the standard. You would be foolish not to plan your exit strategy if you are not hitting
their requirements.

Q15. Miss Bettison: Do you think it is not only perhaps people leaving or planning exit
340 strategies, but do you think it is inhibiting people coming into this industry?

Mr Clegg: Absolutely.

Mr Broad: I know several large hauliers who started business in the 1980s and 1990s on the
345 Island and they started from the back of their mother's petrol station or their father's farm and
they have maybe bought one truck and started. That is not going to happen anymore now. That
is a thing of the past.

You only need to go down to the estate agents and look in the windows and look at the
industrial premises that are available to rent or buy. They tend to be first-time starter units with
two, maybe three, parking spaces outside. They are not suitable premises to effectively operate
350 a fleet of heavy goods vehicles from.

Q16. Miss Bettison: Just one final bit for this section from me.

With the test centre, there will obviously be additional requirements. Do you think the test
355 centre has the appropriate coping mechanisms to cope with the increased number of people
who would need to go through, and has there already been a backlog with that?

Mr Clegg: There is a backlog. There has been for some time. At one stage you could book
your truck in and possibly within two weeks you could get a test. Now you are looking at six
360 weeks.

There are fewer trucks on the road. You have only got to go and walk around or drive around
the Island. There are a lot fewer trucks on the road, but you are still waiting six weeks for a test.
Obviously, if you cannot get that test you have got to stop work. So you cannot earn your living.

The whole thing is not really geared to helping the industry in any way. For the last five or six
365 years at least, as I said before, due to the inept attitude of successive Governments and their
purchasing systems, there is not the work to keep you going. So you have got more work to do
because of the RTLC and all the paperwork etc. you have got to furnish for that, and you have
got to plan a lot further forward than ever you used to do. As I said before, for my part I said
enough is enough, I sold my truck and that is the end of it. It just is not viable anymore.

So you will not get many people coming into the industry and I feel you will see more people
370 going out of the industry. We said this to the DOI 10 years ago, 'If you do this the way you are
intending to do it you will have a Ramsey Bakery situation.'

Q17. Mr Robertshaw: We are slightly off piste on this issue about procurement for small
375 businesses, but I think I would like, if I may, Chair, just to respond, because as Chair of the
Economic Policy Review Committee we are very much aware of the fact that procurement above
£100,000 of business is now very much more clear than it used to be, but that procurement
processes below £100,000 remains opaque and – (**Mr Clegg:** Very.) okay – it is something that
that Committee will certainly wish to address. So rather than stay with that subject too long, can
I give you some assurance that there are real concerns in that area separate to this discussion
380 here.

If I may, can I just – Clare, had you finished your point? The issue of the way the regulations
have come out, and they were supposed to be light touch, what do you think of the quality of
the guidance that you have received with regard to those regulations as they came out? Were
they clear? Were they well understood?

385 **Mr Clegg:** What guidance was that?

Mr Robertshaw: Well, there is your answer, I suppose.

390 **Mr Howe:** I went to the RTLC office in St John's at the end of January and said, 'Can I have the forms?' 'We haven't got them yet. We haven't got the forms.' End of January and they were supposed to be ready for 1st January. We have not had any notification of how we are to fill them in.

395 What concerns me is the same that Chris has – the high cost to hauliers on the Isle of Man of running their vehicles here. We pay the highest road tax for heavy goods vehicles in Europe. An artic here is about £1,800; in the UK it would be something like £200 or £300, the road tax.

Q18. Mr Robertshaw: That is for a vehicle that could very well stay on Island?

400 **Mr Howe:** Yes, what is happening now is some of the hauliers are bringing vehicles over because they are registered in the UK, and are using them here, (**Mr Robertshaw:** Gosh.) because –

Mr Clegg: You see. I am sorry, Peter. (**Mr Howe:** Go ahead.)

405 In England you have the vote of people and operator licensing has been in England for some considerable years and everything has sorted itself out, and cut and dried, and everybody knows where they are up to. Nobody knows here where they are up to – apart from those operators who go to England and have to register in England, which when in Rome is not that ... But for us remaining here, the whole thing is just a mish-mash and confusing.

410 **Q19. Mr Robertshaw:** That is a very clear response. Thank you.

If I can then, Chair, move on to your understanding of operating centres. Could you talk to that for a few moments?

415 **Mr Broad:** Operating centres – I think the words 'operating centre' conjure up something perhaps like Eddie Stobart or the Amazon warehouse, doesn't it, where you perhaps see 50 articulated lorries and they are all rolling out of there every morning with parcels and stuff to take all around the UK?

420 I think the reality of an operating centre in the Isle of Man is a little bit different than that. I think you would probably see an operating centre as maybe a farm building, maybe a builder's yard. Undoubtedly, we have large operating centres. We have a large operating centre for a big road haulier in Snugborough and I think they operate 100-plus trailers and stuff. So yes, that is an operating centre.

425 But I do not believe we can say that where a farmer who occasionally does a little bit of road haulage work to supplement his agricultural income, parks his truck alongside his barn at his house, is really an HGV operating centre in any way, shape or form. I think that planning was always going to be the thorn of these regulations. I know there are five years' derogation, or four and a half years' derogation on it now to allow people to obtain a certificate of lawful use, but I know one haulier who has 15 trucks, employs probably the best part of a dozen people, operates from a premises that is an agricultural premises that they rent; are they going to apply for a certificate of lawful use; will their landlord want them to apply for a certificate of lawful use
430 for that operation or will that business be in a position of looking for somewhere else to go to?

I think that is the problem with the definition of an operating centre. I think maybe it should be narrowed a little bit and I certainly think the RTLC's interpretation of an operating centre could be viewed a little bit more sympathetically than perhaps what they are looking at it as.

435

Q20. Mr Robertshaw: We have had some evidence that there is concern about it bleeding into planning regulations.

440 **Mr Broad:** It inevitably will. It inevitably will. As people apply for operating centres for goods vehicles for their agricultural place, where they park their truck perhaps, or their builder's yard there may be a rates issue. They may be re-rated, they may be wary of falling foul of the rating system and dramatically increasing their rates liability as well.

445 **Mr Clegg:** It is putting operators in a difficult position at the moment. I spoke with one of our members last night who is a small operator, like I was. He rents a piece of a farmer's premises and he does not know where he is up to with that because he does not know whether or not his landlord will want him to apply or his landlord will apply, or whether anybody will bother. And he does not know the way forward at all. So, yes, the planning thing is, I think, quite an important issue.

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Q21. Mr Robertshaw: Good. Thank you.

There was supposed to be an assumption of good repute for people applying for the first time. Has anybody, to your knowledge, found that process of assumption of good repute difficult or perhaps in their view unfairly applied? As a new applicant coming in, our understanding, to explain myself better, is that a haulier or an operator should enjoy assumed good repute but there is some evidence coming in that perhaps the interpretation is not quite within that category. Have you any evidence at all that you want to talk to, either now or afterwards?

460 **Mr Broad:** The only thing I am aware of is we have had the guidance documents from the RTLC and they were amended in March; the original ones asked for any criminal convictions for absolutely anything forever, as far as I am aware, was it? Yes. I think they have narrowed it down slightly now from what it was, but I think we had operators coming along and looking at, 'Was I prosecuted for speeding in 1983?' and I think that is perhaps where that has come from. People were looking at ... and does the Isle of Man have the Rehabilitation of Offenders Act? I do not know. I certainly do not know whether the five-year rule is on convictions and such things, but the RTLC do ask for people's convictions, they do ask to take those into consideration for people and I think as well that the grandfather rights part is only for 12 months, isn't it? I do not think that is unlimited. I think if the RTLC deem your application to be unfit because you have had three or four convictions of a form that may affect, or they feel will affect, your business I think they will take that into account.

470

Mr Robertshaw: Thank you.

475 **Q22. The Chairman:** Can I possibly expand on that because obviously the Road Transport Regulations 2018, and I guess the RTLC's position, is to look at road worthiness, which you have mentioned in your correspondence, and to apply higher standards across the industry.

So I suppose the question to you, gentlemen, this morning is how do we get the balance right? Because you feel it has gone the other way, you feel the regulation has gone too tight and is not allowing the business, as Mr Clegg has already said, to flourish, we are curtailing a lot of things. So how do we get the balance right? What would you like to see changed in order to bring it back into the centre – that we have a very successful haulage industry, ply for hire and everything else, but at the same time guaranteeing those levels of safety, guaranteeing vehicle wellness and also improving the overall quality of the industry?

485

Mr Clegg: I think that the balance, as you describe it, originally was pretty good because if you were a haulage contractor you had to have, obviously, road tax, you had to have insurances,

490 which everybody did, you had to appear at the test centre every year and have your vehicle or
vehicles tested. If the test was not successful then you were told what was wrong with it, you
had to put it right and have it re-tested before you could tax the vehicle and continue again. You
were also subject at any time, and you would never ever know when, to roadside checks; and if
you were found wanting on a roadside check you were stopped, you could not continue.

495 Because of this I think the industry was regulated quite well. Again, we did ask the DOI on a
number of occasions how many accidents there were concerning heavy goods vehicles in the Isle
of Man and they could not come up with anything concrete at all. There has never ever been
many accidents involving heavy goods vehicles on the Island because the industry regulated
itself reasonably well.

500 Now it has gone over the top and some of it really does seem to be regulations for
regulations' sake in the name of safety.

Q23. The Chairman: Mr Clegg, you have said it is over the top: can you give us some
examples of where you feel the current regulation is over the top?

505 **Mr Clegg:** The first one that comes to mind straight away is the paperwork you have to do.
You have to record a daily check on your vehicle before you have gone. Well, every haulage
contractor worth his salt always did that anyway. In my particular case, I always thought it a bit
silly to write myself a form out and give it to myself, you know? *(Laughter)* That was one thing.

510 Then, because of these regulations you get a 12-weekly check. Yes, okay, in the name of
safety that does make sense, but in practical terms in 12 weeks in the Isle of Man how many
miles are you going to do? You are not going to do that many. So 12 weeks is a little bit frequent
perhaps. Your annual test, you have still got that – that is fine, nothing wrong with that, but
there is too much now, particularly the 12-week thing.

515 **Q24. The Chairman:** So you would prefer that at maybe every six months or would you see it
as annually?

Mr Clegg: That would be sensible.

520 **Q25. Miss Bettison:** Or would you prefer that to be even mileage related? *(Mr Clegg: I am
sorry?)* Would you prefer that to be done based on mileage which would be related specifically
to use rather than just –?

Mr Howe: That is a possibility.

525 **Miss Bettison:** – because in theory you could have a wagon that had not left the centre.

Mr Howe: Sometimes you have a horse box standing on a farm for three or four months and
not being used.

530 **Q26. Miss Bettison:** I am just thinking with a service for your car it is 10,000 miles or a year,
whichever one comes sooner, so some sort of –?

Mr Broad: ... yes.

535 **Miss Bettison:** A compromise, I suppose.

Mr Broad: I believe perhaps a mileage one would be a little bit more sensible for some
operators. For some operators the 12-weekly one would probably be the way to go – for the

540 bigger firms. For the smaller firms, perhaps mileage or perhaps a less rigorous view of an inspection.

The RTLC's guide to maintenance suggests that you put the vehicle through a roller road decelerometer test every 12 weeks. This is another point I would like to make: there really are limited resources for garages and brake-testing machines on the Isle of Man. I think there are three garages with brake testers over here and the test station where you can go as well, but as we have heard, the test station has got a six-week waiting list at the moment.

I know Mr Callister, Chairman, asked for an example of something that was a little bit onerous. Well my road haulage business, I collect a trailer from the port every morning and the trailer is owned by a major UK company and it has just travelled up the motorway in England, it is subject to an eight-weekly inspection regime over there; and the RTLC say I have to spend, I think their guidance is, 15 to 20 minutes doing a robust inspection and check of that trailer – checking the chassis for cracks, and the tyres and such things. I think 15 or 20 minutes for a trailer that is well maintained from the UK, that has just travelled up the motorway is a little bit over the top, really. I think if we walk around it and it looks to be in good condition and the tyres are up I cannot really see me spotting cracks in the chassis at six o'clock in the morning in the middle of winter in a cap this big at the harbour.

Q27. The Chairman: Can I expand on that please? Would you say, I would guess the actual truck has already been inspected in the UK before it started its journey, so surely some form, without adding more additional paperwork, but surely some sort of paperwork to actually show – and signed off – that the inspection has already been carried in the UK should give you comfort here on the Isle of Man that it has already been carried out before the journey began?

Mr Broad: I have done that job for 25 years and the trailers are all UK MOT'd; they all have a little sticker on that say the week when they were last tested, so as in week 32 or week 48 or whatever. I think in 25 years I have had one trailer with a puncture that we have had to have repaired before we left the harbour. They are not in poor condition. These vehicles are not coming hanging off the boat and being driven around on our roads in any way, shape or form.

Q28. Miss Bettison: If my maths was better I would work out how many hours you have spent looking at trucks, spending 15 to 20 minutes every morning in all those years, and I am pretty sure we would all be horrified!

Mr Broad: I just do not see any need for me to check a truck that is in an inspection regime in a major UK company – for me to crawl round underneath it with a torch in Douglas Harbour every morning for 20 minutes. I think it is a little bit absurd, to be honest.

Q29. Mr Robertshaw: If we can just look at this issue again about operators understanding what is required of them. In this particular instance, I want to hone in on: registration forms appear to suggest an operator should have a maintenance contractor. In reality, however, an operator must conduct their own maintenance in a responsible manner. So there seems to be some confusion around what is required there. Would you share that view?

Mr Broad: Yes, I agree with that. I would say as well that the number of service providers there are for goods vehicles on the Island, I think there are (**Mr Howe:** Three.) three or four providers; if those people have all suddenly got to enter into service agreements with your builders, your landscape gardeners, your road hauliers, your petrol tanker companies, they are not going to cope.

Q30. Mr Robertshaw: So does that mean that you think you are supposed to go into a recognised written contract, because –?

Mr Broad: I would say it certainly points you in that direction.

Mr Howe: That was what the regulations were from the RTLC.

595 **Mr Clegg:** And further than that, the forms that they demonstrated – I think is a good word – to us in November at the only meeting there has ever been to acquaint members of the haulage fraternity with what was going to happen were quite big, long forms and you had to specify who the contractor was on that form for your 12-weekly check.

600 **Q31. Mr Robertshaw:** So that is still the position of the haulage operator – that they think they have to enter into that process? Because it is not mine. My interpretation, right or wrong, is that an operator must conduct their maintenance in a responsible manner. In other words, my understanding is it is not – and I could be wrong here but I am not sure I am – for you to have to say to the RTLC at the get-go who your maintenance contractor is, but rather on inspection for
605 you to show that you have simply conducted yourself in a responsible manner with regard to your maintenance. That is a different thing.

Mr Howe: No, they requested – the RTLC ... the meeting that Chris is talking about, when we had that chap from the UK. (**Mr Clegg:** Yes.) What was his name? (**Mr Clegg:** Oliver.) Oliver.
610 Mr Oliver. (**Mr Broad:** Murray Oliver.) Murray Oliver. He said it had to be a registered mechanic.

Q32. Mr Robertshaw: Have they specified a registered mechanic?

615 **Mr Howe:** It had to be a fully qualified mechanic to do the things.

Q33. Mr Robertshaw: So you had to say who that person was?

Mr Howe: Yes.

620 **Q34. Mr Robertshaw:** Okay, right. That is clear. And they have not changed that advice since?

Mr Clegg: Not to our knowledge.

Q35. Mr Robertshaw: Okay.

625 Another one: written defects. The written defect and rectification report is not a specific requirement, other than reasonable evidence. What is your understanding of a written defect and rectification process?

630 **Mr Clegg:** If you have got a split in one of your tyres you should write a note to yourself –

Mr Howe: Yes, you would get that done –

635 **Mr Clegg:** – to get it fixed. It would be noted that on 22nd March there was a split in the sidewall in one of the tyres, so you arrange to have the tyre replaced or whatever.

Q36. Mr Robertshaw: So that falls in under what I understood the regulations to indicate – that reasonable evidence of good maintenance is all that is required. But I am given to understand that the process asked of you by RTLC is a little bit more paper driven than that. Is that correct?

640 **Mr Clegg:** Very much more.

Q37. Mr Robertshaw: Fine. What have they said to you in that regard?

645 **Mr Clegg:** Murray Oliver produced this presentation, I suppose you would call it, at that last meeting and he had video production on the wall on the screen of these particular forms, (**Mr Robertshaw:** Oh, right?) which never became available until much later and all this maintenance has to be recorded on these forms, the forms have to be filed, a complete record being kept has to come with the vehicle to its annual test.

650 **Mr Howe:** They do not want to see it unless they ask for it – but they might.

Mr Broad: No, the RTLC will want to see it. It says in their guidance that you have to take the vehicle maintenance records with you when you apply for your operator disc. So they do not need to go to the test station, but the RTLC will want to see the maintenance records for the vehicle when you apply for the disc.

Q38. Mr Robertshaw: In your form – sorry, Claire – or as required of you in a particular formatted way that you have been told you have to follow?

660 **Mr Clegg:** That is totally unclear.

Mr Robertshaw: Fine.

665 **Mr Howe:** We do not know.

Mr Robertshaw: That is the point I was trying to get clarity –

Mr Clegg: In December I asked the RTLC if I could have some of these forms, ‘The first of January is coming.’ ‘Oh, well, we haven’t got them done yet.’ So a week later I asked again and I was told by somebody else that, ‘No, we don’t have these. You need to get these from the test station.’ So I rang the test station. ‘Oh, no, we don’t know anything about these. You get these from the RTLC.’ I said, ‘No, they say that you have them.’ ‘Oh, no, we don’t know anything about them.’

675 **Q39. Miss Bettison:** Have you got the forms now?

Mr Clegg: No, because I have retired.

680 **Mr Broad:** The forms are available now on the RTLC website.

Miss Bettison: They are available.

Mr Clegg: To cover myself at that stage I produced my own so that I had paperwork in the cab should I be stopped, because you do not know when you are going to be stopped or what you are going to be stopped for, do you?

Q40. Miss Bettison: Who was invited to the presentation that Murray Oliver gave?

690 **Mr Clegg:** The RTLC members were there, (**Mr Broad:** Chamber of Commerce.) Chamber of Commerce was there, Planning was there.

Mr Howe: Ourselves, Planning.

695 **Mr Clegg:** Peter and myself were there. The Manx Independent Carriers had two representatives there.

Mr Howe: And there was a person from the test centre.

700 **Mr Clegg:** Yes, there was someone from the test centre –

Mr Howe: Tony. Not Tony, John Melvin.

Mr Clegg: John Melvin, and there was also Nicola Hodgson from the DOI.

705 **Mr Howe:** From the test centre, the lady in charge.

Mr Clegg: So that was the room basically.

710 **Q41. Miss Bettison:** So we mentioned earlier the fact that there are other groups of people now who would be falling under this operator licence because of the new changed definitions of who would be affected by it. Those people were not represented though at the meeting? (**Mr Clegg:** No.) So they have actually had no formal notification of the obligations upon them?

715 **Mr Clegg:** The absolute truth: if we had not been meeting with the DOI through three successive Ministers over 10 years I do not think we would have known either, because none of it has been properly published to this day.

720 **Mr Broad:** Even today, Miss Bettison, I still have telephone calls from people, operators of goods vehicles, who are asking what these regulations are and will they fall into them. I had a phonecall from a scaffolding company last week who operates seven and a half tonne trucks with a scaffolding business and he had heard on the grapevine that he was going to be subject to these regulations. 'No, I only carry my own scaffolding, I don't need this, do I?' So even today we are seeing people that are completely unaware that their business is going to fall into this licensing regime.

725

Q42. Miss Bettison: The regulations have been in for 10 weeks and people still have no awareness this affects them?

Mr Clegg: That is correct.

730

Miss Bettison: Okay.

735 **Mr Broad:** I think the perception is that this is a regulation for big haulage companies. I do not think that the smaller businesses really grasp it, in some respects, that, no, this is anybody who transports goods in a vehicle over three and a half tonnes in connection with a business. I think that they feel it is ... I think perhaps maybe the wording is a little bit ambiguous. Where you see 'operator's licence' it conjures up a haulage operator as opposed to somebody who maybe delivers their own goods in a large van.

740 **Q43. The Chairman:** Can I possibly just move on to another topic before we close this session – I know Chris has got one more question – and that relates to the RTLC membership? We know there is a Chairman, a Vice-Chairman, three lay members. Has your organisation or individual members ever applied to be on that board, is one question; and the other question is if, for example, we started again fresh would you like to see your organisation represented on that board?

745

Mr Clegg: In reply to your first part of the question, no, we have not because we – particularly for myself, up until recently have been operators; and the rules for the committee, as far as I know, state quite clearly that you cannot be concerned in any business for financial gain to be a member of that committee. So no, we would not.

750

Q44. The Chairman: And that was my point. So the question is do you feel the regulations should be changed then on that element in order to allow the experience and the knowledge you have to be represented in some form on that board?

755

Mr Clegg: Absolutely, and personally now that I have retired, yes, I would apply for inclusion on that committee to try and help sort the thing out, if that is possible. But I would also like to know, whilst we are on this subject, why there are two members of that committee with financial interests in haulage? Surely that is wrong, according to Government regulations?

760

Q45. The Chairman: Agreed, and that goes back ... Yes, we are aware of that. Now that you are retired and if an appointment came up you would apply for it?

Mr Clegg: I would certainly seriously consider it, yes.

765

Q46. The Chairman: But going into the future, if it was done from fresh you think that the haulage industry, your organisation, someone you know, Chairman, Secretary or somebody, there should be some representation on that committee (**Mr Clegg:** Absolutely.) in order to make sure the industry concerns are heard?

770

Mr Clegg: Yes, I believe we would welcome the opportunity to give something into the RTLC. If this is going to work, if the RTLC is going to work and going to work pragmatically, I think they need input not only from us but also from the taxi trade. I think they need to reach a balanced decision-making process really – especially in the Isle of Man, because we do not want overzealous regulations here that are going to put people out of business. We have got to protect small businesses; they are the backbone of this Island.

775

Q47. The Chairman: Can I possibly ask you why ... because if we take other Statutory Boards, a lot of the time they do ask for industry experience, some past experience – if we take the FSA – we could list numerous Statutory Boards or bodies that are slightly just to the side of Government; most of the time they do take on or appoint people with previous or current experience in some shape or form or other? So you definitely reckon that is the right direction? (**Mr Clegg:** Yes.) Okay.

780

Mr Broad: I honestly believe that is the way forward. I think if this is going to work and it is going to work properly on our small Island, it has to be. But not only from us, also from the PPV trade.

785

Q48. Miss Bettison: I was just going to say that maybe there is a balance to be found between whether it needs to be people who are currently and actively in haulage or taxis or various other things, or whether it is having that formal link where anything that is going through must have a consultation that is an open door between both?

790

I am just looking at different models and structures and thinking through in my head, because obviously at the minute we are talking about people who potentially are already on the RTLC, who are conflicted because they do have some involvement into the industry. But it is looking at how that interaction works. I think that is probably the bigger picture of the future of the RTLC for me.

795

800 **Mr Broad:** I think the perception from our industry is that the people that are currently on the RTLC are not from this side of the fence in a lot of respects. (**Mr Clegg:** No.) I think they are from the other side of the fence in many respects. I think that creates maybe friction in some respects. I think the industry believes there is nobody there who has operated and run trucks.

Mr Clegg: Who gets it.

805 The other concept that has come through in my view is the fact that you are guilty until proven innocent – (**Mr Robertshaw and Miss Bettison:** Yes.) by the RTLC and this ominous power they have of just taking your livelihood away from you, like that, for no particular good reason, I would add.

I think that makes the thing a lot more difficult.

810 **Mr Robertshaw:** Absolutely.

Mr Howe: If you had a vehicle that went up and was failed then you would be reported to the RTLC and they would then take your licence off you. That is a sledgehammer to crack a nut. There is no sort of help or assistance from them, it is just, 'That's it. Out.'

815

Q49. Mr Robertshaw: Not automatically, surely?

Mr Howe: At the moment, yes.

820 **Q50. Mr Robertshaw:** Just take us through that a little bit more carefully. If your vehicle fails you are reported to the RTLC and they remove that vehicle from the road or the operator's licence?

Mr Howe: Your operator's licence for that vehicle.

825

Mr Robertshaw: Oh, for that vehicle.

Q51. The Chairman: Can we just clarify? I thought the old system was you had a certain amount of time to rectify any small, minor faults with the vehicle.

830

Mr Howe: You get two pieces of paper – well, you get three. You either get a pass certificate or you get a pass certificate with some advisory. For instance, you have got a bulb out. If it is not a serious one your advisory will cover you for the year until you get it fixed. Sometimes if you get a fail form you have got to bring the vehicle back with all the things that they have found wrong. That has worked very well.

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Q52. The Chairman: But you are saying that is not the system at the moment?

840 **Mr Howe:** That is the system at the moment, but now you will be reported to the RTLC and they can remove your licence.

Q53. Mr Robertshaw: Can or will?

Mr Howe: They *can* do.

845

Q54. Mr Robertshaw: Okay, and so to get the licence back for that particular vehicle, what sort of process is involved? It is the same as before, is it? The Vehicle Testing Centre then send another note to the RTLC saying, 'We would be comfortable for you to reissue the right for this operator to use that vehicle'?

850 **Mr Broad:** I think how it works, Mr Robertshaw, is if you fail a statutory road worthiness test, an MOT, that failure is reported to the RTLC and the RTLC will look at that in relation to how many vehicles you have. For instance, if you have one vehicle, one failure, unfortunately that is 100% failure rate; two vehicles, one failure, 50% failure rate and so on.

855 But I do not necessarily think that they take your operator's licence off on the first occasion but certainly if you were getting two or three consecutive failures of the annual road worthiness test the RTLC would be starting to look at you and invite you to hearings and saying, 'Well, your maintenance is not hitting the standard here'. The way the MOT is viewed today is a snapshot of the maintenance of the operator. So they are viewing that test as how the vehicle should be maintained and looked after every day, so their opinion is that the vehicle should meet that
860 standard any time. So if a vehicle could be pulled into the test station, it should pass that roadworthiness inspection any time. So they view it as if your vehicle is going to the test station and you are preparing it and you are still not hitting their standard it is a serious issue. In England you will be brought before the Traffic Commissioner for MOT failures as well.

865 **Q55. Mr Robertshaw:** Okay, so we talked right at the beginning of our exchanges today about the lack of an appeal process when engaged with the RTLC. Step back one – and I ask this out of complete ignorance – I am looking at the vehicle testing centre now – that certificate of un-roadworthiness is issued; is there any process that can allow that operator to say, 'No, I really do not agree with that judgement on that vehicle.' Is there a second site? There is nothing?

870 **Mr Broad:** No.

Mr Clegg: No.

875 **Mr Howe:** No.

Mr Broad: This is an inherent problem on the Isle of Man. In the UK now many government test ... I know we are thinking of a new test station, aren't we, at the moment? But I know in the UK that the DVSA have moved away from operating their own test stations and have authorised
880 testing facilities, which are private garages. So they will authorise, for instance, the three private garages over here to carry out vehicle tests on their behalf. If that was the case over here, that would create perhaps a little bit more balance because it would allow operators somewhere to go. (**Mr Robertshaw:** A second opinion.) A second opinion, yes.

885 **Q56. Mr Robertshaw:** So you would be happy if we made that as a note of our engagement today on that one?

Mr Broad: Yes.

890 **Q57. Miss Bettison:** I was just going to expand on that a little bit, because obviously the DOI are owning the test centre – it is through DOI. The RTLC is also governed or sponsored by DOI. So I imagine there is this inherent feeling that you are in a captive circle where DOI hold the keys to all the kingdoms really around road transport.

895 **Mr Clegg:** It also has to be noted, I think, that not only do the DOI operate the test centre and they oversee, if you will, for want of a better word, the RTLC, they also run one of the biggest fleets of commercial vehicles on the Isle of Man and to all intents and purposes, as far as we can see, they are regulating themselves! Why can't we do that?

900 **Q58. Miss Bettison:** One final question from me is whether you think that any of the stakeholders are actually content with the current situation? I include in that the RTLC because I

imagine that they are also in a difficult position in terms of trying to enforce things in a difficult arena. Obviously there is some discontent amongst taxi drivers, from yourselves. Is anyone happy with the current situation?

905

Mr Clegg: The feeling I got at that meeting in November was that the RTLC really did not consider that. They were there to enforce these regulations come what may.

I do not think the taxi trade is happy with them. I do not think the haulage trade is happy with them. I would not have retired early, or earlier than I intended to, if I was happy with them, would I?

910

So the RTLC is a sort of an autonomous thing, which, as I pointed out before, has no regulation, has no guidelines, has no nothing, except an awful lot of power to interfere with somebody's livelihood. That is not the way it should be in a fair and democratic society, is it?

915

The Chairman: But they do have a duty to make sure vehicles are roadworthy and –

Mr Clegg: So, Mr Callister, does the haulage contractor – and we do, we always did.

The Chairman: Agreed, and it is all about balance.

920

Any final question before we close this?

Q59. Mr Robertshaw: Yes, it is just an aside; it is not my question. I was listening earlier on to you talking about farmers being sucked into this process and the point that if they were carrying their own items that they may stay out of it but what happens if farmer A wanted to help out farmer B and started carrying his stuff?

925

Mr Howe: If he gets paid for it then he needs an operator's licence.

Mr Robertshaw: Okay. Interesting.

930

Mr Howe: If you have a horsebox and your daughter goes to a competition with her pony and you take her there and bring her back that is fine. But on the way there if you call at another friend's house and take their pony and daughter or son and their father drops you 50 quid towards the fuel, that is 'for hire or reward' and therefore they would have to have operator's licences, and it just starts to get silly.

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Q60. Mr Robertshaw: Well, exactly. That is an interesting summation.

My last question, Chair. I think I am going back to operating centres and it talks about 'a need for facilities available for regular inspections'; have you got any idea what that is supposed to be?

940

Mr Clegg: We are given to understand that you would have to have a covered workshop which contained either a suitable vehicle lift for your vehicles or an inspection pit in the floor. You would have to eventually have a brake-testing machine and a headlight-testing machine.

945

So how does a haulage contractor, like I used to do, working on his own come to afford all these millions of pounds of equipment? He cannot. But nobody has recognised that fact.

Q61. Mr Robertshaw: That is why I picked it up, because I thought it did not seem clear to me. You mean you consider the regulations take the view that each operator has to have these him or herself?

950

Mr Broad: If he is carrying his own maintenance, yes. (**Mr Clegg** and **Mr Howe:** Yes.) And I think there is an 'add' to that as well under vehicle washing facilities. I think you need a steam

955 cleaner (**Mr Howe:** Oh, yes.) and a pit outside where you can park the truck on and wash it underneath (**Mr Howe:** That is right.) with those sort of facilities.

Mr Robertshaw: I am glad I asked that question. Thank you, Chair.

960 **Mr Howe:** It has gone overboard.

The Chairman: It is. Can I thank you so much, gentlemen, on behalf of the Island Road Transport Association, coming in this morning. We very much appreciate the evidence you have given this morning.

965 We will now sit in private.

Thank you.

The Committee sat in private at 11.40 a.m.