



**STANDING COMMITTEE
OF
TYNWALD COURT
OFFICIAL REPORT**

**RECORTYS OIKOIL
BING VEAYN TINVAAL**

**PROCEEDINGS
DAALTYN**

**ENVIRONMENT AND INFRASTRUCTURE
POLICY REVIEW COMMITTEE**

Road Transport Licensing

HANSARD

Douglas, Wednesday, 15th May 2019

PP2019/0105

ENVI-RTL, No. 2/18-19

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Members Present:

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

Clerk: Mr R I S Phillips
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 12 p.m.
in the Legislative Council Chamber,
Legislative Buildings, Douglas*

[MR CALLISTER *in the Chair*]

Procedural

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

I am Rob Callister MHK and I chair this Committee. With me are Claire Bettison MHK and Chris Robertshaw MHK, the other members of the Committee, along with our Clerks.

5 Today we are taking evidence for our inquiry into the Road Transport Licensing Committee and we will be hearing from representatives today from the Manx Taxi Federation.

Before we begin can we please ensure that all mobile phones are switched off or on silent so we do not have 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 Ray Teare, Chairman; Mr Ian Maule;
Mr John Faragher, Acting Secretary; Mr Barry Murphy and Mr Roy Lightfoot –
Manx Taxi Federation**

10 **Q62. The Chairman:** Thank you for attending this afternoon, gentlemen.

For the record could you each please state your name and the capacity in which you are attending here today?

We might as well start with you, Ian.

15 **Mr Maule:** My name is Ian Maule. I am here with the Manx Taxi Federation.

Mr Teare: I am Ray Teare, Chairman, Manx Taxi Federation.

20 **Mr Faragher:** John Faragher, owner of Elegance Taxis and Acting Secretary of the Manx Taxi Federation.

Mr Murphy: Good afternoon. My name is Barry Murphy, Manx Taxi Federation.

25 **Mr Lightfoot:** Afternoon, my name is Roy Lightfoot. I am here with the Manx Taxi Federation.
I am also a shareholder of Tours Isle of Man.

Q63. The Chairman: Thank you.

30 I was wondering if we would like to start by giving you an opportunity to make any open
remarks as a federation. I do not know who wants to speak or if you all want to take it in turn?

Mr Teare: Chair, thank you.

I think we are here today really because there is quite a lot of history attached to our
representation and our submission that we submitted to you on behalf of the Federation.

35 May I go back, if I can, over the history concerning this RTLC and the functions of it?

The Chairman: Please do, yes.

Mr Teare: I was a member of the original working party in 1997 which formulated this
40 legislation and it took us three and a half years to get to where we are now. There was a lot of
discussion in Tynwald on the clauses and did it fit to what we really require? But since then we
have had a lot of issues with this legislation.

In 2004, we appealed on certain aspects of the procedures of the RTLC and it was chaired by
His Worship Mr Michael Moyle. That is a document which is in the public arena and it is free for
you to have a look at and pick up on any items that interest you.

45 Since then really nothing has come forward to change anything. We have been to several
Tynwald Committees over the years. The latest one that we were involved with was July 2015,
and since then there were certain recommendations put forward. The document is that
document which will be recorded.

50 Since then really nothing has come either from that document or a Tynwald Committee that
was set up in 2011, of which Mr Robertshaw himself was Chairman; Tynwald agreed to have
another look at the legislation and we had to press Mr Robertshaw after 18 months to two years
to see where this actual document has ...

It just –

55 **Q64. The Chairman:** Can you just give us the title of that document, Ray? Just so we have got
it down for ourselves for the Committee's purpose.

Mr Teare: I think it was titled, 'A way forward'.

60 **Q65. Mr Robertshaw:** Dated?

Mr Faragher: '... towards a settlement,' wasn't it?

65 **Mr Teare:** '... towards a settlement,' yes.

Mr Faragher: On 20th May, 2011.

Mr Teare: There were certain recommendations in that that we felt we could work towards
70 finding a solution to the problems we have got with this legislation. Since then all it has done is
gather dust somewhere. It has never been –

Mr Robertshaw: Room 101, Ray, it is.

75 **Mr Teare:** Right. It has never been put to the public or released to the public. But we were quite interested in the findings of that Committee and why it has not been put forward as some sort of solution to where we are at the moment.

80 So there is quite a lot of history and documentation in the public arena as to where we are at today and I feel that we have got to move forward on this legislation and find a solution. It is very important to us as taxi operators that we are allowed to go out there, make a decent living and conform to regulation and work without having this hanging over us for all these years since 2002; it is now 2019 – it is 17 years nearly that nothing has come forward to change this legislation. It does not work. We have proved that, and recently with the Bus Vannin scenario we find it certainly does not work as far as taxi operators are concerned.

85 **Q66. Mr Robertshaw:** If I can kick off, Chair, can I?

90 Can I just thank the Federation for the submission you made to the Committee because it was obviously well thought-out and well presented, and it has been helpful for us as a guide in terms of exploring some points with you. Some of the points we will not necessarily pursue today because in a sense they can be seen as a given – and that is the issue of conflict that exists. (**Mr Teare:** Yes.) I am not sure there is any need for us to examine that in any depth because I think that is a given.

95 **Mr Teare:** Yes, I think that is a very important issue that we are concerned with. (**Mr Robertshaw:** Yes.) Because even in 2004 High Bailiff Moyle did mention that in his submission, that there should not be people on a committee that are wearing two hats.

Q67. Mr Robertshaw: Where was that? Where did you report that, Ray?

100 **Mr Teare:** That is 2004 – our appeal. (**Mr Robertshaw:** Okay.) There is a document. It is documented.

Q68. Mr Robertshaw: Have we got that, Francisca? Have we got that document?

105 **The Assistant Clerk:** I do not think so.

Q69. Mr Robertshaw: We need to record the fact that we need to read that judgment by Mr Moyle.

110 **Mr Teare:** He did give guidance notes with his written appeal for the committee to adhere to certain procedures that they were not actually conforming to. He was very concerned about the local authority members being on that committee wearing two hats, because he felt that they were already involved in certain aspects of the applications because under the Act they are notified by the RTL by an AD&N – which are Applications, Decisions and Notices – and they can make a decision whether they are going to have an involvement in the application or not. So he felt that that was a conflict of interest.

115 But we have moved on from then because even in this document it is mentioned about conflict of interest of committee members.

120 **Q70. Mr Robertshaw:** I mean, there are different dimensions to the conflict (**Mr Teare:** Yes.) that you mention. There is the one between RTL and its sponsoring Department, in the sense that DoI are the major provider to Government of heavy goods vehicles.

You also mentioned concern in terms of conflict of interest with regard to the RTL and the Chairman of the RTL also being a member of TravelWatch. So it is a multi-dimensional issue in your presentation.

125 You very kindly indicated there some evidence that highlights this issue. Are there any other
reference points that you want to raise that are not in here that will further reinforce this
conflict of interest issue?

130 **Mr Faragher:** I think that is a very important point as far as we are concerned – the
independence of that committee. It seems now over the last number of years that the DoI,
which was the DoT at the time, have got certain influences on the committee. I am not saying
influences but they have got a conflict with the Road Transport Committee because we have
found just lately that they have amended part of the Act concerning drivers being in certain
aspects of training. I know that a couple of members here today got rather sharp letters saying
135 that if they did not attend this programme of training their licences could be withdrawn.

Q71. Mr Robertshaw: But somewhere in your evidence on that particular subject you do
suggest that the same rules do not apply to drivers within Bus Vannin. Do you want to reinforce
that point?

140 **Mr Teare:** That is right.

Mr Faragher: Yes.

145 **Q72. Mr Robertshaw:** Would you –?

Mr Faragher: It is only hearsay. I do not know whether it has actually been proven, but it
seems that Bus Vannin drivers have an in-house situation. So I question that and ask what was
the difference? Because we are all PPV drivers and we have all got to go through the same
legislation. So why have they got an in-house one and an independent driver has got to go up to
150 the College for a full day, without pay, to take this course? It is a safeguarding course.

Mr Robertshaw: Your argument there would be that the Bus Vannin drivers, if it is
in-house – and these are assumptions at this stage because we have not been able to establish
that yet – they would get paid for that time they were on a course, whereas the private sector
would not?

Sorry, Chair, go on.

160 **Q73. The Chairman:** No, it is fine.

Ray, I was wondering if we can just elaborate a little bit on the actual RTLC members and
qualification on to the board, because you have said that you felt that some members are
conflicted and should not be on there.

Obviously we are talking under the Road Transport Act 2001, section 1, and then it goes in to
subsection (4)(a) and (b). Where I struggle from is I can understand the bit where it says the
carriages of passengers or goods etc. but it says it has to have a financial interest in the trade or
business involving the carriage of passengers or goods. How would your organisation perceive
that as a conflict? I am trying to understand, because I did try to Google this before about what
is financial interest. A lot of the time it normally means ownership and these are members on it,
so I would welcome your thoughts on that.

170 **Mr Teare:** I think just recently we have had two new members appointed to the RTLC and of
course before the Bus Vannin scenario came up we felt that it was not a serious situation to deal
with. But since we have come into conflict with Bus Vannin and their applications we have got a
new member that has just recently been appointed, and it is only hearsay as far as the
Federation is concerned, but I believe that member is financially sponsored or receiving certain
175 aspects financially through a Government Department. He is a director of whatever – Maybe I

should not say this but he is the director of Laxey Glen Mills. He has got directorships on other issues. We have got a member who works for DHL, which is a transport organisation and he will be receiving financial payment.

180

Q74. The Chairman: He would receive a statutory payment, the same as any other statutory board of around £70 to £80.

185

Mr Teare: Yes, but I am saying he will be receiving from his daily work a financial gain. So to me that is a conflict. There is a conflict there in the transport system and there is a conflict of this new member. Whether he is still a member of those Departments I do not know, but to me the whole structure of the committee, when you look at it they are all ex-Government or have been involved in Government work.

190

Mr Maule: May I elaborate slightly?

195

Section 1 of the Act has certain exclusions of who can be a member of the committee but there is also natural justice involved. If somebody has a perceived conflict of interest, whether that be pecuniary, financial or in his dealings with another body, which Ray has already mentioned in terms of TravelWatch, I think it becomes a perception of whether fairness is taking place.

200

Further to that, with the DoI being the sponsoring body of the Road Transport Licensing Committee and DoI being the operator of the bus operation, there is surely a conflict of interest – perceived conflict of interest – that the Road Transport Licensing Committee will wish to bend over backwards potentially to allow whatever Bus Vannin wished to do, even if it is not in the Act as explicitly a duty or an entitlement of Bus Vannin to do, such as the interpretation of various sections. It may well be that the Road Transport Licensing Committee may take advice on the interpretation of various sections. We have seen the Attorney General's advice with various pieces of legislation and more often than not – and I am prepared to bet that it will have said so in this case – it will have said, 'This Act is open to more than one interpretation.'

205

So having got that advice, the Road Transport Licensing Committee will tend to go with what a Government Department wants rather than what is natural justice. Then you come to potential other conflicts, unfair trading and all the other aspects which perhaps you might be covering later on.

210

Mr Faragher: We did have a chairman of the RTLC who was also on the Planning Committee, where Mr Moyle did say – well, Ray mentioned – that you cannot wear two hats at once. I do believe there is a problem with the operating centre which was definitely conflicted with this chairman of the RTLC and the Planning Committee. No doubt about that.

215

The Chairman: Thank you.

220

Q75. Mr Robertshaw: We would like to discuss with you, gentlemen, your experience and understanding of the implementation and development of connectPORTS and connectVILLAGES, because it is quite a big area to examine.

To state the obvious, it revolves around this issue of interpretation of private hire. I think you will be far more eloquent than I to explain your concerns about this misinterpretation, or whatever you wish to put on it, of private hire and how it is being used by Bus Vannin.

Could you fully outline your concerns and views both with connectPORTS and connectVILLAGES? Can we start with connectVILLAGES first?

225

Mr Teare: Could I just expand on that, if I may, just quickly? (**Mr Robertshaw:** Yes.)

The Act itself has two licences. It has a Section 29 licence, which is a ply for hire licence taxi licence, and there is a Section 25 licence which is a road service licence.

230 I know for a fact that the two are two separate licensing parts of the Act and the problem we have now is they were never intended to come into conflict. Bus Vannin, as far as their applications over the years are concerned, we have never objected to what their policy has been on road transport and how they carry out their business.

235 But since 2017, for some apparent reason ... But what I have been told is this is a political issue. This is what Tynwald approved, that Bus Vannin had to save so many millions. For some reason – I do not know why – they have seemed to have preyed on the taxis and the taxi industry to try and save what they can over procedures.

It was never intended that a Section 25 licence would come in to be a taxi service. It is basically a bus service and there are certain sections of that Act which specifically state that.

240 From what we were told, again, as Ian has just said, because of legal opinion – and it is conflicted, it is very much conflicted – the RTLC, their opinion is that Bus Vannin can carry out this work as a pre-booked taxi service or a private hire service. But that was never the intention of the legislation, and our legal opinion says the opposite.

245 **Q76. Mr Robertshaw:** So your understanding is the AG said it is a grey area, if I have understood? (*Mr Teare:* Exactly.) Fine.

250 *Mr Teare:* To put it in perspective, they have made an application for a variation to a northern dial-a-ride. It seemed that they were refused on certain aspects of it by the RTLC. The information that I have received was that Bus Vannin were going to appeal it. Okay. It is in their right, it is in the Act.

From what I was told, again, the RTLC seek legal advice from the Attorney General's department. So does the DoI, Bus Vannin! So to me, there is a conflict there on the issue of legal opinion from a Government Department serving a Government Department.

255 I was also told that if this went to appeal the RTLC would have to seek outside opinion from legal advisers, because they could not use the Attorney General's department because Bus Vannin had already used the Attorney General's opinion. So what is going on here?

260 **Q77. Mr Robertshaw:** What is the difference between the way Bus Vannin are using their application for this service, this minibus service, and private hire? What is the difference?

265 *Mr Teare:* Could I just put to you, I do not want to derail you, but (*Mr Robertshaw:* Okay.) I think we have been misled. The taxi trade is being misled here by the DoI, because we had a meeting in October 2017 that this was already going to be part of Bus Vannin's policy to have dial-a-ride in the north. So we went along to the Minister and the other officials that were there at the Sea Terminal and we were told that this would be a trial period.

Q78. Mr Robertshaw: Just for the north?

270 *Mr Teare:* Just for the north, this would be a trial period. We listened quite carefully to what was said and we came to the conclusion that, yes, okay, if it is going to be a trial period, for 12 months, and you want to trial it for certain individuals who could not get other transport facilities, we will go along with that, and at the end of that 12-month period we would then have facts and figures and have something to work on to see whether this would work or not.

275 Since then, we have had a variation to that 12-month period, which we felt it would never come in again, it would have to do the 12-month licence period and give us a chance then to see how this dial-a-ride would prevail. But since then, Bus Vannin has jumped back in under the Act and asked for a variation on this now. But it is a 12-month licence; it is a trial period. To me, that is what it is.

280 **Q79. Mr Robertshaw:** So where did the connectPORTS come into this? Was it a completely separate application or was it part of the variation?

Mr Teare: I think Ian would ...

285 **Mr Maule:** Yes, if I may. Thank you.

It is worth just reading the second part of Section 25(3) of the Road Transport Act. I will read it to you; it is only fairly short. This is the licence under which the connectPORTS and the connectVILLAGES are authorised. It says:

‘regular service’ means a service (not being an excursion), provided on more than one occasion, for the carriage of passengers at separate fares on either a predetermined route or a variable route which falls within predetermined limits, whether passengers are taken up or set down at predetermined stopping places or on demand.

290 The first thing to examine there is where in that section the words ‘on demand’ fall. It has been the view of the Taxi Federation, on legal advice, that that refers to stopping points, not timetable. Clearly, the Attorney General's advice, if it said anything, would be this is open to more than one interpretation. So there we are.

295 And the ‘predetermined limits’ have been set to be any point in the Isle of Man, which in our contention is not a predetermined limit because if it is intended to be anywhere you might as well not have the Act, frankly, as far as this kind of service.

300 Mr Robertshaw, you asked the question about how is this different from a private hire service. Essentially, the only difference is that the minibus can pick up at more than one place and charge a separate fare. The customers ringing up and saying, ‘I would like a bus at seven o'clock tomorrow morning to go from Bride to the Airport,’ that is fine. That person may be on the bus on their own or they may be sharing it with two or three other people. That is the only difference. And that cannot be done on an ordinary private hire licence, where it has to be hired as a whole.

305 **Q80. Mr Robertshaw:** So in other words, what is now being operated is actually more flexible than the private hire arrangement effectively, isn't it?

Mr Maule: You could say so, yes.

310 **Mr Robertshaw:** I get that.

Mr Maule: It is only flexible in terms of the operator, not in terms of the person that is using the service.

315 **Mr Teare:** The Act states quite clearly, ‘A regular bus service’. Is a person ringing up on the technology they have got today saying, ‘Can I have a bus in the morning at seven o'clock in the morning?’ Is that part of the Section 25 regular bus service? No, it is not. It does not fit in with the regular Section 25 licence.

320 **Mr Faragher:** It is private hire.

Mr Maule: If you take this to its logical conclusion, with a stopping point at the Airport, for example, there would be nothing on the Road Service Licence that is then granted under this section to prevent a minibus sitting at the Airport and effective being a ply for hire taxi.

325 **Q81. The Chairman:** Mr Murphy, did you want to come in?

Mr Murphy: Hi. It is just to try as well to elaborate on the question Mr Robertshaw asked.

330 This is only what I could possibly take from what can happen in the future, because I am not really so scared or concerned about what is happening right now, I am more concerned about what will happen in the future.

I believe that the reason why Bus Vannin applied for a dial-a-ride under Section 25 is because they wanted it to be both a dial-a-ride bus/taxi service and also have the capabilities to fall back on the bus routes as and when it pleases. If it had been just a private hire service, as I understand it, and not taken into account possible conflicts or unfairness competing with the private taxi trade, if you just thought of it as a private hire service, Bus Vannin could have actually operated both these services under its current operator registration. It would not have needed, necessarily, to have applied for a Section 25 licence.

340 In actual fact, there was proof of that recently with this new service that is running on the Promenade, the shuttle service, the free service. I have had communication in the last week from Mr Capewell who verified that Bus Vannin can actually operate this as a private hire service under their current operator registration – nothing to do with a licence – and because they have already registered as an operator they do not therefore have to apply for a separate licence.

345 So to swing that back to find out the difference as to why connectPORTS is actually different to private hire and why connectVILLAGES is different to private hire, currently they seem to be or appear to be exactly the same, but because it is a regular service licence, to me, it means that there will not be any necessary restriction in time on the size of the buses that could be used and it would also tell me that because it is a regular service it can actually use the bus stops.

350 We already know that the – what is it called? – the service that runs north, the connectVILLAGES that is doing the patient transfers, that minibus has actually got a number on the front. I am not even going to say the number because I do not want to give you any wrong information, but that is a numbered service. I believe in future the reason why that is a numbered service is because that service will eventually fall on to a bus route. So that bus is going to be everything. That bus will be a bus you can phone up in the morning, it will come and pick you up from your house, and it will also be a bus that will actually fall back on to a bus route. If there is somebody there that sees the bus is going to the Airport they will actually be able to hail down that bus and that bus is going to be a multi-purpose bus.

355 Then just to summarise, if it was a private hire service it would not be able to do that; it would literally be able to do the first bit, which is to pre-book. That is what I take from it.

360 **Q82. Mr Robertshaw:** So effectively it is conflating various services sitting in the 2001 Act to suit the future arrangements?

Mr Murphy: The future arrangement, correct.

365 **Q83. Mr Robertshaw:** Okay, so you said that your greatest fear was the future for the taxi service. Could you describe to us where you see this all going?

Mr Murphy: I actually see it –

370 **Mr Robertshaw:** In terms of how it impacts upon the taxi service?

375 **Mr Murphy:** I see how it impacts on me. The first thing we have to understand, and we have to try to get our heads around, is that as operators we are actually all-Island operators. As transport operators we have a number and that number gives us the legal right to operate transport services around the whole of the Island.

If we look at our ply for hire licence that licence currently is split into four different zones, but we also know that our registration allows us to operate transport from anywhere on the Island. (**Mr Teare:** Pre-booked.) Pre-booked. So I am currently a licensed all-Island operator. I have a ply for hire licence to operate a taxi in the east district but I live in Kirk Michael. Over the last year

380 my private hire Airport service has been decimated. I have had one, I think, in the last six months. There is nothing.

To me personally – this is not necessarily important to hear – but it does not really matter because that is a secondary part of my business. The primary part of my business is my taxi operation in Douglas, which I only do at night time. But I live in Kirk Michael and since I moved
385 up there nine years ago I have set about setting up a little private hire business primarily for people in the daytime that might want to go wherever they want to go to. But I can definitely say, without any doubt, the Airport side of that is wiped out. If somebody goes on to a Facebook group now and says, ‘Look, I want to get a taxi to the Airport. Who can you recommend?’ It is Bus Vannin, ‘Get Bus Vannin, they will pick you up for £10 and drop you down the Airport’, well,
390 look, I cannot do that.

So the real worry that I have with this is connectPORTS – if we are taking connectVILLAGES out of the equation, let's talk about connectPORTS. connectPORTS, as Ray has rightly said, has got a restriction on the temporary one-year licence on the trial licence and that restriction is actually restricting the connectPORTS service from picking up at – I am going to take a guess at
395 this – probably about 5,000 residential properties. That restriction currently runs from Birch Hill – and it could be before Birch Hill but I am going to start at Birch Hill – Avondale Road, Port Jack, Royal Avenue, Queens Promenade, Central Promenade, Loch Promenade, Sea Terminal, A5 and down to the Airport. The reason why that restriction is on there is because Bus Vannin already has a bus service on that route. You take away that restriction then everybody
400 who runs, whether it be a private hire service or a taxi service within this district, is going to be hit by that. The reality is ... I already know what it means because where I live this thing has been going on for a year now. I know what it means, I am not new to this. But the majority of people who are talking about connectPORTS they have got no idea what this is actually going to mean, because in three months’ time, four months’ time Bus Vannin are going to reapply for this
405 licence and this time round they are going to apply for the five-year full licence without any restrictions, and they are going to go into the RTLC office full of numbers, paperwork, files of it that high.

And if it is anything like the original application there will be no information, there will be no figures, no facts to back the application, which was one of the biggest gripes I previously had
410 with these applications. There was no history. There was no file, there was nothing, and when I asked for information there was nothing to be had. When we went to the original applications we were bombarded with all this information and we had no time to research any of it.

So that is what I mean by it is what is going to happen in the future. Right now very few people are affected by this, very few, but I am one of them. In the future this is probably going
415 to decimate our industry because what you have to remember is our industry has changed so much. Within the Douglas area alone, yes, there are only 100, maybe 102, licensed ply for hire vehicles, but in the last six to seven years, due to operator registration for private hire, you have actually got that same number again sitting in car parks working on dispatch systems for Elegance, for A1, for TeleCabs and the likes. So people only see half of the amount of vehicles
420 that are going to be affected by this.

I would put it to the Committee that if the PPV industry – the private passenger vehicles service – had known that connectPORTS was actually going to happen in 2018 not so many people would have invested into this industry, because this industry is hanging from a cliff edge.

425 **Q84. Mr Robertshaw:** Okay, so you touched on perhaps another subject we could move on to, and that is the relationship between your service and the RTLC when it comes to applications – which seems to have moved. There seemed to be, from your submission, an understanding of how it worked when an application came in; that you had time to consider that application, to decide whether you were going to support or object or whatever. Then it
430 changed very recently. Could you talk us through that experience that you have had?

435 **Mr Faragher:** Of all the applications we have had, the applicant had to send the objector ...
When you objected, the applicant sent the objector evidence to support his application. With
Bus Vannin they have never, ever done that. The only information they gave us was on the day,
which we argued, didn't we, Ray? They are saying they put some figures out, but that is not
acceptable, we have not seen them.

Q85. Mr Robertshaw: Was the process that the RTLK were following customer practice or
was it laid down?

440 **Mr Faragher:** It was laid down by the High Bailiff that if the applicant had any evidence they
had to give that to the objector well before – I think was 21 days, wasn't it? (**Mr Teare:** Seven
days.) Seven days.

445 **Q86. Mr Robertshaw:** Could you possibly dig out the reference point for –

Mr Faragher: Yes, but saying that, Chris, they actually changed the procedures, as you will
have known, when we objected to the Chairman of the RTLK that the procedures had been
changed during the middle of an application and in that case the Chairman actually threatened
to have us arrested, and I phoned you, and the rest is history.

450 **Mr Teare:** If I may just interject there, it goes back to December 2017 when the first
application of Bus Vannin where we were objectors, and in my experience over 17 years we
have had some heated meetings, I must say, but at the end of the day, the Chairman, we have
always come round at the end of the meeting, to come round and be in a more favourable
position than we were when we started.

455 This meeting was completely out of my line of thought that it would ever happen. The fact is
that the Chairman got up and stated his position and he stated our position, that we were
members of the public and that we would not be able to speak on our objection. I jumped up
right away and referred back to 2004, the High Bailiff's comments and I also challenged him on
460 his conflict of interest, because there was a press statement in the press relating to TravelWatch
who was supporting this dial-a-ride trial in the north, and should he be chairing this meeting and
for some reason it did not go down too well with the Chairman.

Another colleague that was there as an objector, he got rather heated and he made certain
comments and it prevailed that the Chairman then said, 'Well, I am closing this meeting. If
465 members of the public do not leave I will call the Police'. I just sat there quite bewildered by this.
I thought, 'Has he lost his mind? Something has gone wrong here'. But he was quite adamant
and the secretary then left the meeting. Whether he was going to call the Police or not, I do not
know, but we stood our ground and he said, 'Now I am closing the meeting. Please leave'. And
the Committee then went off to their head office at DEFA.

470 But what surprised me about it, more importantly, was the fact that no member of that
Committee actually interjected and put the Chairman right and said, 'Let's have a deferment,
Chair,' which I thought was quite strange. Are they all nodding donkeys on that committee or
what?

475 **Q87. Mr Robertshaw:** So the processes were well understood and appreciated and respected
up to that point by both parties. (**Mr Teare:** Yes.) You are telling me that it had the
reinforcement not just of custom and practices but also a direction from the High Bailiff in 2004.
What was the process that was adopted for the Chair of the RTLK from that point onwards to
change the rules? What did the committee do?

480 **Mr Teare:** I do not know what was in his mind because –

Q88. Mr Robertshaw: No, no, let me ask the question again. What did they actually do to get the process changed?

485

Mr Teare: What they did was we felt that we needed some legal advice on this procedure and the Chairman and his conflict of interest. So we got legal advice and our advocate then signed a letter and sent this letter to the RTLC on their misgivings as far as procedures are concerned. But about a month or six weeks after we got a letter saying that the RTLC has now changed their procedures. We got a copy because every objector gets correspondence related to their objection and we were sent a changed procedure.

490

Q89. Mr Robertshaw: So as far as you know, the only authority for that change came from the RTLC itself?

495

Mr Teare: It did.

Q90. Mr Robertshaw: It did not seek any further authorisation outside themselves from legal advice or DoI or anybody?

500

Mr Teare: It seems from their policy ... And I do not know whether it is in the Act, but it seems that they are a very powerful committee and they can change whatever they like, it seems to me.

505

Mr Faragher: The point I think Ray missed is when the Chairman actually closed the meeting the Committee and Bus Vannin went into the main building and tried to carry out the application without us there as well, and that is when Chris Robertshaw stopped it.

510

Mr Murphy: I am going to try to remember this as I go on, but what we have to remember is we are going back, it was 2017 December, so we are going back one and a half years in time. I am just going to go back a little bit further than that about the way that things used to be and how all of a sudden they became, and what happened afterwards.

515

I have been in this industry for 15 years and I am very pleased to say, certainly from my own perspective, I have taken a very active interest in how things work and I think I understand how things work more than most people in the industry. Most people just get on with it. I spend a lot of time working out how it all tries to work and if I do not understand I will ask Ray and then Ray will tell me and help me to understand how it should be.

520

When I came into this industry the RTLC were based at the Airport and I have to say back then – maybe it was because I was new – the operations seemed to work much smoother. But of course back then we did not have so many private hire vehicles; there was probably half the fleet of passenger vehicles that there is now and probably, I guess, the same amount of staff. As well as that they had their own office and they probably were better set up to do what they had to do, and eventually they moved on to Prospect Hill. At that time there was a gentleman called Brian Leece who was the Secretary.

525

I do not know what it was back then but you were welcome to go to the RTLC office at any time. That was the big difference. Even when it was at the Airport – if you had a problem or you were unsure of anything. Because our industry is complicated, we are governed by legislation just like everybody else is and if we get that wrong we have a lot to lose.

530

So several times, back in time, I used to go to Prospect Hill if I had a problem of any sort, Mr Leece would be very kind and very generous and always offer to help, and any complaints he would always take them on board. Over time, we have discussed that there was a Tynwald sitting that decided that there should be changes to the RTLC, etc. and they were supposed to, once upon a time, get disbanded. They did not and eventually they got shuffled off down to St John's in amongst DEFA, where we now are told that if you phone up the RTLC office you will

535 normally get through to an answerphone and it will say to you that if you intend to come down
to the RTLCL that you should probably phone first, but you have phoned first and you cannot get
through. You are very much told that you definitely should not come at lunchtime. To be honest
with you, over time, it has become a bit of a closed shop operation, in my opinion. And I will go
540 as far as to say that in actual fact I find it very difficult to operate a business under the current
system. It is virtually impossible – it very stressful, very unfriendly, very unhelpful, very difficult.
But you know what, we get by.

But moving on, to come back in to December 2015, this application – I guess for, it was
actually, I think, initially three ... One was actually going to be for Noble's Hospital patient
transfers, which was actually thrown out. That never went anywhere, that one was removed.
545 Then there was –

Q91. Mr Robertshaw: Sorry, from where to where?

Mr Murphy: I have it here actually; I will find it for you in a second. I do not want to give you
550 any wrong information. I will give you the information if I have it.

But there was one application that never happened because it apparently did not fit with
what a Section 25 service should be, to do with patient transfers. Then there were two other
services, there was the connectVILLAGES, as we call it, in the north; and there was the
connectPORTS, which was the rest of the Island. I did say to you a little while ago that there was
555 no information; there was no attached information for any of the applications. In actual fact you
are more than welcome to have them – this is them, there is nothing in them.

So my initial feelings, after being involved with some of these meetings in previous times,
applications, was, 'This is going nowhere because there is no information. Surely the RTLCL are
not even going hear this. This is just going to get thrown out'. Because in my previous experience
560 dealing with applications, mostly to do with taxi applications, ply for hire, Section 29 licences,
you would have a case study and you would have a folder, and as an objector you could read
through that and you could take the bits out that you wanted to object to and then proceed
from there. But, to me, this was never going to go anywhere, okay.

I submitted my objection, which I think is attached in here somewhere amongst all this lot. I
565 know I was invited down, and I think everybody in here was invited down as well, but the big
difference was that we were told that we were not objectors. We were invited down as
objectors and then we were told we were not objectors. Everything went wrong. I think it was
like we were expected all of a sudden to sit there as members of the public, that we were invited
down as members of the public, and even though our objections had been accepted, we were
570 not to speak, we were not to do anything, we were not there to object. This thing was just,
honestly, like a free rein. Of course, that was never going to happen because the RTLCL
Committee were not dealing with people who had only just come into the job six months
previously, that did not know how things worked. I mean you have got Ray here who has been
here at the start. He was there when this legislation came through. And I have been in it
575 for 15 years.

So all of this transpired from that, but what we have to also remember, and this is the
important thing that nearly slipped my mind, because this meeting was closed all of the
objections that went in to the first meeting for the two applications were actually disregarded.
They were actually thrown out. They were put in the bin, basically.

580 What we do know is there had been a lot of submissions and I think probably joint signatories
as well from people within the taxi industry that were concerned about these connectPORTS,
connectVILLAGES applications, that were actually part of the file for objections, but they never
came to pass, because when the meeting was closed all of their objections were then put in the
bin *per se*. Then there were new procedures introduced and then we were told we had to object
585 again. But by that stage a lot of the people who had been involved before thought to

themselves, 'You know what, this is just another farce. There is absolutely no point in objecting to that'.

When the meeting finally came around we were actually a weaker force and that was when this new system came in. In actual fact, then we had to go to pre-meetings. So no longer would you just object to an application and turn up and say what you have to say based on the application; you then had to go to a pre-hearing to actually submit your objection to the RTLC who would then decide whether or not your objection was valid; and if it was not valid you were no longer –

595 **Q92. Mr Robertshaw:** Would they explain to you at that stage in the new procedure why it was that they were not accepting your objection, or did they just issue a ruling?

600 **Mr Murphy:** Because, as I see it, they are the judge and the jury of the Act. With this it is a bus application, so it is Section 25, so I guess they see it that if I, for instance, write in an objection they are actually predetermining my objection before the hearing. So they will actually draw a line through that and say, 'Sorry, that doesn't apply. That doesn't apply. That doesn't apply. That doesn't apply'.

605 So in actual fact the last objection I made, which was to do with late night Bus Vannin services over Christmas – which was another farce because they were actually running them before the service had been licensed or approved – I was not allowed to attend. It was the first ever meeting where I was not accepted as an objector, because they determined that my objections were not valid. They were valid to me.

610 **Q93. Mr Robertshaw:** So the 2001 Act then defined RTLC's regulations or processes, but it did not define how RTLC was going to deliver, because, Ray, you are saying that RTLC is effectively 'a law unto itself' as to how it proceeds – is that an unreasonable or reasonable interpretation?

615 **Mr Teare:** Can I just explain what happened to us? The fact was the meeting was closed in December. We felt justice was not done to us as objectors. We went and got legal advice. Our advocate sent a letter to the RTLC stating certain requirements that they have got to adhere to, and what have you, and the rest of it. Then, for some apparent reason, they must have had a Committee meeting and said, 'We are going to change the procedures that we adhere to at processing an objection'. So they actually changed the laid-down procedures that we have had for many years in a matter of a few weeks.

620 They did send us a draft, (**Mr Robertshaw:** They did.) so there was a short space of time for consultation.

625 **Q94. Mr Robertshaw:** How long?

Mr Teare: A few weeks.

Q95. Mr Robertshaw: What did you say to that draft submission to you?

630 **Mr Teare:** If I can remember correctly, there was something about keeping records, or recordings of meetings up to, I think it was a month or two months, and our advocate said, 'No, that is not on, you are going to have to extend that'.

635 But what I am trying to get to you is the fact that they brought in the procedure where actually an objector would be in front of the committee twice on his objection. I cannot understand this. This is not fairness, because originally we would go to the committee with our objections and state our reasons for our objections; they would then decide on whether it was

valid or not and they would then issue an AD&N on whether they accepted our objection or not. They would give reasons for why they approved the application.

640 But now we are talking about, you have two meetings as an objector. Well, surely the first meeting where they are looking at your objections and they ask you to speak on it, surely that should be for the original objection meeting. Why have two meetings where they can also make a decision on the first meeting prior to the real second meeting, which really is the objection meeting, is the application to be heard? What is going on here?

645 **Q96. Mr Robertshaw:** The Chairman later on wants to examine the difficulties you have with the appeal process and the costs, etc. But staying where we are in this particular part of our exchange here, how do you understand any appeal process to work, now having two stages? Because the appeal process deals with you deciding that the decision made is an unfair one and this is why, and it goes through the whole procedure. Is your understanding that that process
650 also applies to the pre-hearing judgements as well, or is it just you are only able to appeal at the second hearing? Does that question make sense?

Mr Teare: That is a good point, yes. Where do we go with it?

655 **Q97. Mr Robertshaw:** The answer is, you do not know?

Mr Teare: The original Act is on the application where the applicant is present, (Mr Robertshaw: Right.) and we as objectors are present and then we put our case, they put their case, and then we are questioned by the committee on certain aspects of that.

660 So the first meeting really, what is it? Why is it there? To me, they are pre-judging before the real application is heard.

Q98. The Chairman: Ray, can I possibly ask? I may have to ask the RTL exactly where these guidelines are because when I have gone through the Act I cannot find the relevant section
665 about this, because we are talking about two different things here. There is the formal appeal process which is outlined in Section 21 of the 2001 Act, which clearly says if you are not happy as an operator, or whatever, you can appeal to the High Court. Obviously I want to grab the Federation input to this of what their thoughts are on the appeals process, and also what you feel or how you feel the appeals process could potentially look in the future if we have a look at the Act. So I would welcome your thoughts into that.

670 But with regard to the process you are talking about from individuals coming and making objections, is it in the Act or is it under some guidelines? Because I could not find it. I was rushing through just to see if I could find it, but the only section I can see relevant is the appeal which is under Section 21 of the 2001 Act.

675 I know Ian is busily looking there, but I think as a Committee what we are trying to do is to try and understand the process, because what you are saying is if somebody makes an application to the RTL you can put objections in and the objections will be looked at? You are saying some of them will not actually be heard, they will say they are not valid and they are not fair representation or whatever.

680 I think as a Committee we need to understand exactly why they are being removed, under what grounds they are being removed, and also if you have got two bites of the cherry? I just want the whole process. So maybe you might have to give us a written submission later on.

Mr Teare: From my experience, I had not come across this before this new committee and
685 this new administration, the Secretary and what have you, have taken over, because it was always a straightforward process. We would get an AD&N, which are Application, Decisions and Notices, and we listed people who would apply for licences.

690 **Q99. Mr Robertshaw:** Incidentally, can I just reinforce something that the Chairman just said then? That if, after this exchange today, you think we have misunderstood something or you have not expressed a view about something in the way you wanted to, the Committee will be more than happy to receive some notes from you of clarification or further expansion. So do not, please, think that once this session finishes that that is it. We would like any submission from you to occur quite quickly after you have reflected on our exchange today.

695

Mr Teare: I think the point the Chairman is relating to is the fact that, I think it is in the regulation side of the primary legislation, they cannot change procedures under regulations.

Q100. The Chairman: Okay, because it does clearly say on the website that:

The Road Transport Licensing Committee is an independent tribunal body of Government with responsibility of regulating transport for passengers,

700

And it clearly says that:

It is a duty of the Committee to administer and enforce the provisions of the Road Transport Act 2001.

I would have thought that duties and responsibility came from the Act. So again, that is maybe something we will pick up with the RTLC at a future sitting. But it is more about us understanding the process. As a Committee, I think that is something we need to do.

705

But putting that to one side for the moment, and as my colleague Mr Robertshaw said, please make any further submissions on how you believe the process is and we can deal with that.

710

I know, John, you are going to come in in a second, but can I also ask you for your thoughts on the appeals process? You have mentioned about cost being one – having to make an application to the High Bailiff. I would welcome your thoughts as a federation on that and what you would like to see in the future.

715

Mr Teare: If we are in a situation where we feel we have got to have legal opinion and legal advice on an issue we do seek that. Just recently, we have had legal advice on the issue of the conflict and the procedures that we have got to adopt now through the RTLC. On the Chairman's conflict, we were certainly wanting Bus Vannin's application for dial-a-ride and the connectPORTS – we have sought legal opinion on that.

Q101. Mr Robertshaw: Are you willing to let us see that legal advice?

720

Mr Teare: Yes, I have got a copy now.

Mr Robertshaw: Do not feel you have to hand it ... No, pass it to us afterward.

725

Mr Teare: Our opinion was that the RTLC and Bus Vannin, with this all-Island business of all parts of the Island, or within a legal opinion under the Road Transport Act, our legal advice is the opposite. So we felt that, okay, we will go and get a legal opinion. Shall we appeal? Now, I was of the opinion when I was in front of the advocate that –

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Q102. Mr Robertshaw: Which advocate? Yours?

Mr Teare: Yes, our advocates. That seeing as it was only a one-year trial we would leave it for that one year and then we would have facts and figures and more information on how we would proceed if we needed an appeal. To me, that was a sensible way of looking at, but our advocate

735 was of the opinion that that is not the way to deal with it, you should appeal on this application
that has been heard recently.

Q103. The Chairman: But if I can just interject there, we are talking about the appeals
740 process at the moment, which is to the High Bailiff. I am talking about as a federation, if we had
the option, what appeals process would you as a federation like to see implemented in the
future, so we have got your thoughts on record?

Mr Teare: To be honest, that is where I was going to get to. The fact was the cost. Now, I
745 have been down many roads with advocates and tried to formulate appeals and it is all about
money. You are talking in the region of maybe £15,000 to £20,000 for an appeal. Plus the fact
that you might then get clobbered for costs on top of that, so you are going into many
thousands of pounds. As it is read, and as a federation, we could not afford that type of money.
So we feel that in our submission, to use that, there should be an easier process than going
through the advocates and the High Bailiff because it is an expensive operation. It is very
expensive.

750 Now, why can we not have a system where we can have an independent arbitrator set up
where, okay, we could pay for his time on a simple fee process and he could look at the situation
that we are faced with, and whether our appeal would be granted or whether the RTLC have
erred in law or whatever you want to call it.

755 **Mr Maule:** The simple analogy would be an appeal against a decision of the Planning
Committee where the appeal is to the Department of Environment who run the Planning
Committee and an independent inspector comes from across. The Minister eventually makes a
decision and there is a set fee for paying that which does not run into tens of thousands of
pounds, and is affordable.

760 **Q104. Miss Bettison:** Just with the fee, when you are talking about the cost of the appeal, is
that primarily around the advocate time rather than an appeal fee *per se*? Is there an appeal fee
to go to the High Bailiff or in theory you could go at the minute with no advocate support and
take your chances?

765 **Mr Teare:** You could do, but with such a flawed piece of legislation ... and when you approach
advocates there are so many grey areas in that and getting legal definitions is very tricky and
costly.

770 **Mr Maule:** And, of course, if you lost you might be hit with the costs of the other side.

Q105. The Chairman: Which is always the thing.
Mr Murphy.

775 **Mr Murphy:** What I do not want to do is take this conversation off topic whatsoever, but this
appeals situation, or the lack of appeals situation is actually very important, and it is not just
important to Bus Vannin, Dol or anything to do with what we are talking about here today. The
appeals process, or the lack of an appeals process, is actually a problem throughout our industry
780 full stop. Because we are all self-employed people and there are hundreds of us, I think probably
(*Interjection*) 500 drivers probably. Obviously not all drivers are operators, but you are looking at
an industry of 500 people. And our licences, whether it is the PPV Badge just to simply drive a
vehicle or whether it is the operator's registration which gives us the legal right to operate a
vehicle or whether it is the actual licence itself is actually at all times granted and only fair so it is
785 actually the property of the Isle of Man Government. But you know what? The RTLC take that to
a different extreme.

If, for instance, I am perceived to have done something seriously wrong any day of the week or any night of the week, there is absolutely nothing whatsoever to stop the car inspector coming along and taking my licence off the back of my vehicle. And I might not like it, but I do not have any chance to appeal that; the only chance I can have to appeal that is through the High Bailiff.

Q106. The Chairman: Well, that is what we are saying – you would like to see –

Mr Murphy: That is exactly what we are saying. And I habit to say, very importantly, that our industry is actually fed up of the fact that we are in 2019, that the Act itself has been in place for 17 to 18 years and in actual fact our ways of working are almost prehistoric. There is no other industry probably out there where, if you are perceived to have done something incorrect, that the only way you can actually have any say on that is to go through the courts. I mean, I have known people over the years that have lost their licences, their PPV Badges, for various different things or the actual licence itself, the five-year licence, and for whatever reason they cannot afford simply to go to court because you are fighting the Government. You are fighting the Government in a court which is probably – although I have never really been to court – in many ways legislated by the Government and people cannot see how that is fair. I do not see how it is fair and it really desperately needs to be looked at. Not just because of Bus Vannin, but the industry itself has to be looked at.

The Chairman: Okay, well thank you. Can we –?

Mr Faragher: I have been on to nearly every transport Minister we have had, or DoI Minister we have had and I have put that complaint in on the appeals system as laid down in the Act. Now, if a person wishes to apply for a ply for hire licence and puts his application in, as you know, I could object to it and the committee goes away and then decides if that person indeed wins that application. When they do win it they grant and issue the licence at the same time – grant and issue the licence, right? So as an objector we appeal to the High Bailiff and Mr Michael Moyle stated it was a waste of time, the damage has been done and there is nothing you could do about it at all.

Q107. Mr Robertshaw: Because it has already been enacted?

Mr Faragher: Yes, now in the UK a licence committee will grant the licence, wait 28 days for any objector to appeal and if there is no appeal then they issue the licence. That is the correct way of doing it. To me, the appeal system has wholly been set up for the RTLC to win every time because they know, like Barry has just stated, 95 to 96% of us cannot afford to go to court.

Mr Maule: That is not just the UK that John has mentioned as a comparison, going back to planning law if you receive planning permission for an improvement or change to your property you are not allowed to do anything for 21 days during the period allowed for an appeal, so that no damage is done. So it is not just a UK comparison, there is precedent on the Island.

Mr Faragher: Once they have issued it and started using it, it is their livelihood.

Q108. Mr Robertshaw: Okay, if we could just move on because there are some other subjects that we want to engage with you on, and one of them is at some stage you went to the OFT. (**Mr Murphy:** Yes.) What reasons did they give you for not considering that this was worthy of their consideration?

Mr Maule: Not best use of their funds.

Q109. Mr Robertshaw: Is that all you have got or did you get a full explanation?

840 **Mr Maule:** I have got a copy there.

Mr Robertshaw: Thank you.

845 **Mr Faragher:** I would like to say something on that.

Mr Robertshaw: Okay, please do now.

Mr Faragher: Immediately after the meeting, the hearing –

850 **Q110. Mr Robertshaw:** The OFT hearing?

855 **Mr Faragher:** No, when we had the hearing with the RTLC. (**Mr Robertshaw:** Got it.) There is a gentleman's name on there, the OFT representative, was present at the hearing and we had a meeting – I think it was us three and another person – and it took him less than 10 minutes to say that was unfair trading.

Q111. Mr Robertshaw: The OFT guy said that was unfair trading and yet subsequently came back to you and said it was not worthy –

860 **Mr Maule:** It was the officer's immediate opinion that it was unfair trading, but it is the Board of the Office of Fair Trading that decides whether or not something can be investigated.

Q112. Mr Robertshaw: And did they give you an argument as to why the OFT felt it was a waste of their time? Did they articulate their argument or just state it?

865 **Mr Maule:** In summary I think it says that it is not usual to investigate something before the event. They do not say they never investigate something before the event but it is not usual. Of course, the damage is done if something happens and it is not investigated before the event, and ultimately I think it says that it would not be best use of their resources.

870 **Q113. Mr Robertshaw:** So you have got a situation where a licence is granted and issued at the same time and you are told there is no point bothering any further because it is *de facto*, it is a done deal; and yet OFT are telling you, 'Well, no, it is too early.' I am a bit confused there.

875 **Mr Faragher:** I have got the legal framework of the OFT there and it clearly states that the Act defines a 'public authority' as a Government Department, a board or a local authority. It says:

... a person engages in an anti-competitive practice if, in the course of business, he pursues a course of conduct which, of itself or when taken together with a course of conduct pursued by another person or other persons, has or is intended to have or is likely to have the effect of restricting, distorting or preventing competition in connection with the production, supply or acquisition of goods in the Island or the supply or securing of services in the Island.

That is unfair trading.

880 **Q114. The Clerk:** I think, having speed-read the letter, is it helpful to summarise by saying that the reason why they did not want to interfere was because it had not happened yet? Is it their normal practice that they look at things that –?

885 **Mr Faragher:** No, I disagree, I think –

The Chairman: One at a time please. Roger, carry on.

890 **The Clerk:** – they examine unfair trading that has happened so that they have something to look at and they can see the reasons why it is unfair, rather than something that may be unfair in the future? Is that their point of view?

895 **Mr Teare:** It is a fair point and this is where I said we are being misled by the DoI, Bus Vannin and the RTLC, because we were quite willing, at the meetings we have attended, that we would wait 12 months for the necessary information from Bus Vannin about how this new service has worked in with their finances – because this is what it is about at the end of the day, them saving money – and the numbers of passengers that they have carried. We were quite willing for that. But we were not willing to stand by and let Bus Vannin jump in half way through the 12-month trial period and change everything. It is not on, it is unfair.

900 **Q115. The Chairman:** Mr Murphy.

905 **Mr Murphy:** I just wonder whether or not the OFT could possibly take the view that if it is good enough for the RTLC it is good enough for them. I mean, at the end of the day you are looking at an application for a service licence, in this instance there were two of them. And the RTLC have decided that everything is above board and they are going to grant this licence and away you go for 12 months and then you come back. I just wonder whether or not the OFT would just look at that and say do you know what? The RTLC should probably be looking at the conflicts of interest – not the conflicts of interest, the unfair trading aspect of all of this. Because I actually think that the RTLC should be looking at all of this.

910 But going back in this conversation, when we were talking a little while ago and we were saying about objections and about what the RTLC consider to be valid objections and what they do not, a lot of these little things like unfair trading and how this pans out – public sector, private sector and everything else, these are the kinds of things that if I went to a meeting as an objector I would be trying to bring a lot of this sort of stuff up, but they would just shout me down. I mean, I have been to an RTLC meeting before where I was shouted down so much the chairman smashed his fist off the table and put a glass of water over the top of the counter. So we do not get a say.

915 The system, if it worked, and the system if everyone pulled together on this would probably be okay, but I do not think that the Departments work hand-in-hand with each other, which is not okay for us because we are the only people who lose, because of all of this and because it should all be easy to work out, but it is not. None of this is easy to work out.

Q116. The Chairman: I am conscious of time, unfortunately.

925 Can I just ask one quick question in respect of getting the Federation's thoughts on membership in the future, the membership of the RTLC? Have you got any thoughts about how that membership could or should look in the future?

930 **Mr Teare:** Well, I think we need more lay members on there who particularly are not – what shall I say – educated through the system through their previous occupations, because I feel that if we got more lay members on there –

Q117. The Chairman: Lay members or industry members, or people with experience within their industry?

935 **Mr Teare:** Well, under the Act you cannot be a member of the industry on that committee unless you have got no ties with the licensing system.

What I would like to see is the trade – particularly all the trades now that are involved with the RTLC, that is the heavy goods as well – at least to have quarterly meetings with the committee to discuss issues, which we have never had. It is important to talk, you can resolve a lot of issues, but we have never had that. The committee seems to be in a situation that they are the masters, whatever they formulate, whether it is with the DOI or with legal advice, that you have got to do what you are told.

Another aspect, going back to the issue of safeguarding, I have asked for amendments on a regular basis to the Act, which have never come forward, never been accepted. And just recently, in 2018, they have amended the Road Transport Act – no consultation, none whatsoever. All I got was a letter telling me that the safeguarding trial for your taxi licence is part of that Road Transport Act now. We were never consulted on it. So there again, you have got a powerful DOI ministry and the RTLC in a little cosy situation, and why were we not involved? Why were we not consulted? It is an important issue. This safeguarding issue now involves your PPV driver's licence.

Mr Robertshaw: Thank you for that.
I think it is important that we –

955 **Mr Lightfoot:** Can I just come in, Mr Chairman?

Q118. The Chairman: Yes, go ahead, Roy.

Mr Lightfoot: I think, as an operator for over 35 years, I feel that the constitution of the Road Traffic Committee should comprise of members who have at least some rudimentary experience of the transport industry. If we run a transport industry we have to prove our competence to those people who are not actually, in my view, competent themselves to understand what is involved in transport. And I think that is something that should be addressed fairly urgently. That it is not just, for want of a very unpleasant term, a committee of nodding dogs under a very powerful chairman. And I think it is time that perhaps we got away from people having ideals and had some ideas which might help our trade collectively, and particularly the private sector, if that is right.

Thank you.

970 **Q119. Mr Robertshaw:** While we have got you, Roy, because you have been very quiet, I think the Committee would like to understand your interpretation of when this very significant purchase of many buses occurred on the part of Bus Vannin, it seemed to ricochet round everywhere – coaches, private hire, school minibuses – and you talk about it in your submission to us. It seems that – I am using perhaps inappropriate language – Bus Vannin seemed to elbow its way into everything quickly. How did that happen in your understanding? How did it impact so significantly on the coaches, the school minibuses, the charity services? It was quite significant and profound and quite quick. What is your understanding of how that happened and why?

980 **Mr Faragher:** Intimidation.

Mr Teare: Could I?

The Chairman: One at a time, please.

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Mr Teare: I am sorry, Chairman. Could I just come in there? The fact is that over many years the taxi industry has furnished the Hospital, the Renal Unit, hospital transfers to the Airport and back and done an excellent job for many years, and those jobs were tendered for.

990 So where is the tendering for this Bus Vannin service? They have just written us off, have they, just like that? This is Government. This is the DoI. They are responsible. The DOI are responsible for the bus services and policy. They have just written the taxi trade off just overnight. So how has that come about?

Q120. The Chairman: Roy, would you like to come in?

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Mr Lightfoot: I think one thing that has come about is with the arrival of Ian Longworth in 2009, who seems the saviour for everything to do with public transport. He got his own way for a little time and then I think, in my opinion – and it is purely my opinion – the Road Traffic Committee yielded to his superior knowledge and forgot there was anyone else in the trade.
1000 And if that is personal, I do apologise.

Q121. Mr Robertshaw: We talked earlier on about this sort of ‘me too’ type private hire service that the minibuses were following. How has this impacted on the private hire side as opposed to the ply for hire? Has it impacted upon that? Because certainly from all the anecdotal evidence it has impacted on the coach services, on the minibuses, on the charities. Because we do not know – has it impacted on private hire?
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Mr Teare: I have just made that statement anyway that the fact is that –

1010 **Mr Maule:** Sorry, if I may, how it is impacted is ... A lot of the work that taxis do, as well as minibuses is private hire rather than ply for hire. It is phoning up for a taxi, whether it is through Elegance or whether it is an individual. Barry mentioned earlier about how he gets no private hire work from the Kirk Michael area any more as a result of it. I can echo that. I used to get a lot of enquiries in the north of the Island; I have had none since the connectPORTS service starts.
1015 Anecdotally, I have heard people say, ‘Oh, get the connectPORTS service it is £10, a taxi will cost you £40.’ Yes, a taxi costs you £40 but consider the drivers wage of that.

Broadly speaking, the operating costs of a vehicle are round about 50% of the metered fare – it will be slightly higher for some, slightly lower for others depending on the type of vehicle and depending on how much work they have got to do with the vehicle. The driver of a connectPORTS minibus will be paid ... I do not know what the weight is, it is £10-something per hour I believe, whether that vehicle carries one person at £10 or whatever, and it is a minimum of a two-hour journey to and from Ramsey to the Airport. So they have been paid in wages £20-odd, plus the operating costs, plus all the rest of it for a revenue that might be £10. And this is being subsidised by the taxpayer, having purchased all these minibuses, or leased them – it comes from the same pot, it still comes from taxpayer’s money. Whereas the taxi operators, the minibus operators or the coach operators, provide their own vehicles without any sort of subsidy.
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Bus Vannin, as part of Government – and bear in mind it is part of Government, it is not a nationalised company, it is part of a Government Department – is therefore competing unfairly and will continue to compete unfairly, and even worse if the connectPORTS service goes Island-wide because it does not pay fuel duty, it does not pay VAT. They will tell you that they do, but it is Government paying Government, so effectively they do not. So their costs are artificially lowered and they are using that benefit to compete with the taxi operators who, of course, pay taxes.
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Q122. The Chairman: Ian, I am just conscious of the time.

I do want to thank the Manx Taxi Federation for coming this afternoon, but I also want to give you all an opportunity to make any brief closing statements. I do thank you on behalf of the Committee for your evidence today.

1040 I do not know if you have any closing statements to make?

Mr Teare: Well, I think generally the taxi trade now has had enough, particularly on procedures and how Bus Vannin have come to be involved with primarily taxi work.

1045 I mean to say, as I have said before, the taxi trade had functioned for many years on Government contracts and done an excellent job. The patients who were transferred individually by taxi were told overnight that Bus Vannin now were taking over. There was no process of tendering for that work. It should be left to the private sector and Bus Vannin, if Bus Vannin want to tender.

1050 But the other important issue is that we were told that even if we did tender, who would be looking at the tender? Mr Longworth. So where do we go from there?

Q123. The Chairman: Okay.

Would anybody else like to make any closing remarks?

1055 **Mr Maule:** Just one thing briefly, it is not a closing remark as such.

You were talking about the appeals process and you mentioned section 21, sir, it is section 34 you need to look at as well. Section 21 regards operator's licences. Section 34 is for the regular service licences.

1060 **Q124. The Chairman:** Brilliant, thank you.

Anything else?

1065 **Mr Murphy:** I just wanted to say that the five of us here today are about 1% of the industry, and it is probably fair to say that not everybody within this industry would probably agree with everything that we say. They probably would agree with some of it, and some of it they may not.

I think a couple of things: the first thing I think is that it is unacceptable that our industry has not had an independent survey since 2006 to establish where the industry itself is up to with numbers, with licences and with how transport has gone across the Island. That is the first thing I would say.

1070 I would also say that certainly I as an individual find it difficult, as I said earlier on, to operate a business under the Road Transport Licensing Committee. I would say that up to and probably including December 2017 I found it was just about okay, that was accepting the fact that we did not have any proper appeals process and so on and so forth. But since then, I feel that they have failed miserably at their duties. And not just failed: while they were failing they have actually been quite insulting to our industry along the way as well.

1075 I have really good information and emails to support what I am saying. The fact is I have probably got more than most. Some of it was back and forth to the Cabinet Office, which you are more than welcome to have a little look at as well, because I actually had an investigation against the staff at the RTLC, the Secretary, the Committee and the Chairman, most of which I never heard the results of. But I do believe that the industry needs to have a survey and I believe that the industry actually needs to be asked the question which Mr Robertshaw asked: what do we make, really, of the RTLC and what is the future for the RTLC for this industry? Because this industry is too big to have a watchdog that many of us probably do not respect any more.

1085 **Q125. Mr Robertshaw:** I appreciate your remarks in closing, Chair. Can I just ask that Barry provides, if he will, the exchange between himself and the Cabinet Office (**Mr Murphy:** Sure.) with regard to the complaint that he made and the response he got to it? The Committee would appreciate that.

1090 **Mr Murphy:** I definitely still have it because I looked earlier on at my emails and I was a bit concerned over time, because this is all a long time ago now, but I definitely still have it.

The Chairman: Can I just say thank you again for coming in this afternoon.

1095 **Mr Robertshaw:** Did John want –?

Q126. The Chairman: John, did you want –?

Mr Faragher: Do not worry about me. *(Laughter)*

1100 **The Chairman:** John, if you want to say some closing remarks? You did shake your head to say no.

1105 **Mr Faragher:** All I would say is that everywhere we go, no matter what Department we go to involving taxis or Bus Vannin, all the Departments are conflicted and it all goes back to one person. He has only one answer, 'No', and everyone does as he says. That is including the tender for all transport work all over this Island – the same person seems to be dictating to the DOI Minister and dictating and bullying and intimidating the RTLCL.

1110 **The Chairman:** Okay, thank you and thank you once again.
The Committee will now sit in private.
Thank you.

The Committee sat in private at 1.29 p.m.