

ROAD TRANSPORT LICENSING COMMITTEE

Committee Meeting

Minutes of a meeting held in public of the Road Transport Licensing Committee ("the Committee" or "the RTLC") held at 09:30 on Thursday 20th January 2022 in the Board Room at Thie Slieau Whallian, Foxdale Road, St John's.

Present: Mr B O'Friel (Chair)
 Mr D Sellick (Vice-Chair)
 Mr G Curphey
 Mr M Pattison
 Mr C Kniveton

In attendance: Mr N Capewell (Secretary)
 Mr S Callister (Project Co-ordinator)

The meeting commenced at 09:35.

Mr AB Nor – PPV Operator Registration Variation

The Secretary advised that Mr Nor wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Section 29 Ply for Hire vehicle of up to eight passenger seats in the East District, following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous operator Miss WL Dodd. He added that the applicant had indicated that, if the application was successful, the East District would be combined with Mr Nor's existing Malew District on the same ply for hire plate so that one vehicle could service both districts.

The registered address and operating centre was identified in the application as 39 Allan Street, Douglas. The Secretary noted that an assurance from the Planning Section at the Department of Environment, Food and Agriculture ("Planning") would not be required as long as the applicant continued to only keep one PPV there.

Mr Nor entered the meeting at 09:58 and elected to provide evidence by affirmation.

Mr Nor confirmed that he had been a PPV driver since 2010 and an operator since 2014. He explained that he wanted to add an East plate to his operator registration so that he could work on Douglas ranks as he saw plenty of potential passengers when he conducted drop-offs from the Airport. If his application was successful, Mr Nor advised that he would employ a driver to drive his private hire car.

The Committee asked Mr Nor to confirm what he was buying by applying to transfer Miss Dodd's business to him. Mr Nor advised that he was buying the business, including her Ply for Hire plate, but not Miss Dodd's vehicle. The Committee strongly reminded Mr Nor that he wasn't permitted to buy a plate and was concerned that Mr Nor was unable to tell it what he was buying from Miss Dodd, thus giving the impression that the ply for hire plate was the only thing that he was trying to buy.

Mr Nor said that he was buying a business from Miss Dodd that would entitle him to ply for hire in the East District. The business also contained a list of clients which he would inherit from Miss Dodd. After further questioning it became apparent that, as Miss Dodd used Elegance Taxi Service as a service provider, it was unlikely that she had a significant client list as she had no separate client lists other than the jobs sent to her by Elegance.

Mr Nor advised that his second operating centre, at 9 York Road, was a friend's address and he stated that he had permission from this friend to use it as an operating centre. The Secretary told Mr Nor that the RTALC office would need this permission in writing from the property owner before he would be permitted to use it as an operating centre.

Mr Nor confirmed that his current vehicle was a Mercedes E class (first registered on 31st December 2016) and had 56,000 miles on the clock. It was serviced by M&K Autos every 16,000 miles, which equated to once every three or four months. Although he hadn't brought examples of any with him to the meeting, Mr Nor said that he used a form to record his daily checks, which included checks of tyre pressure, oil, signals and brakes. He added that he didn't know that he was supposed to have brought maintenance documentation with him because he hadn't received the meeting invite letter. The Secretary confirmed that this letter had been sent to Mr Nor's registered address on 16th December 2021.

Mr Nor advised that the vehicle had done approximately 27,000 miles when he bought it in 2017. The Committee were again concerned as the mileage and service interval figures provided by Mr Nor did not add up. Mr Nor was told that he may be required to provide some additional paperwork in order to allay those concerns.

Mr Nor confirmed, when asked, that he intended to employ a driver in the future. Should this happen, it was recommended that Mr Nor should enter into a written contract with this driver. The contract should oblige the prospective driver to inform Mr Nor should his/her medical circumstances change to the extent that it would affect his/her ability to drive or if he/she was convicted of any offences. The Secretary added that section 20 of the Road Transport Act 2001 required both PPV drivers and PPV operators to inform the RTALC in writing of any offences that the driver may commit. Such a contract would offer Mr Nor a degree of protection should his driver not tell him if any offences were committed.

Mr Nor offered his apologies for appearing to be unprepared and not understanding some questions. He left the meeting at 10:21. The Committee proceeded to discuss the application.

Mr S Vlaknenski – New PPV Operator Registration

The Secretary stated that Mr Vlaknenski wished to register as a new operator under Part "A" of the Register of Public Passenger Vehicles through the addition of one Section 29 Ply for Hire vehicle of up to eight passenger seats in the East District, following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous joint operators Mr S Vlaknenski and Mr V Ivanov.

The registered address and operating centre was identified in the application as 5 Ballabrooie Way, Douglas. An assurance from Planning was not required.

Mr Vlaknenski entered the meeting at 10:30 and elected to provide evidence under oath.

Mr Vlaknenski confirmed that he had been a PPV driver since 2015 and a joint operator since 2016. He added that he used Telecabs as a service provider and that he worked full-time as a driver, which meant five or six days a week. He said that his vehicle underwent safety checks every four weeks and a service every 6,000 miles at Q&S Motors or Autologic. He checked the tyres once or twice a week and used Island Tyres & Exhaust when he needed new ones.

Discussion then moved onto exactly what Mr Vlaknenski was buying through the transfer of business. Mr Vlaknenski explained that, as Mr Ivanov was no longer on-Island, they had both agreed that he would sell his portion of the business to Mr Vlaknenski, including the vehicle they had previously operated jointly (a 2006 Ford Mondeo) as well as Mr Ivanov's contacts, which included a couple of corporate airport runs. Mr Vlaknenski added that he had recently bought a new vehicle (a 2014 Mercedes E Class with about 22,000 miles on the clock) which would soon replace his existing one.

Mr Vlaknenski advised that when he was in a partnership with Mr Ivanov, being an Operator was Mr Ivanov's second job while it was Mr Vlaknenski's only job.

Mr Vlaknenski circulated some completed daily vehicle check books and the Committee noted there were no faults recorded from August to December 2021. It suggested this was unrealistic and the Secretary stressed that even a small thing like a bulb change should be recorded as a rectified fault, even if this occurred when the vehicle was not being used as a PPV. The Committee would far rather see small rectified faults on every page than page after page of apparently faultless checks.

Mr Vlaknenski left the meeting at 10:42 and the Committee proceeded to discuss the application.

Mr PR Smith – PPV Operator Registration Variation

The Secretary stated that the applicant wished to vary his operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Section 29 Ply for Hire vehicle of up to eight passenger seats in the North West District, following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous operator Mr SW Greaves.

The registered address and operating centre was identified in the application as 29 Ballatessan Meadow, Peel. An assurance from Planning was not required.

The Secretary said that Mr Smith had appeared at the previous Committee meeting in November 2021 and had discussed the possibility of adding a North West District to his operator registration as well as his intention to combine the North West District to his existing Malew District so that he could service both districts with the one vehicle.

The Committee proceeded to discuss the application.

Mr D Hyusein – New PPV Operator Registration

The Secretary advised that the applicant wished to register as a new operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Section 29 Ply for Hire vehicle of up to eight passenger seats in the East District, following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous operator Mr O Vahaplar.

The new operating centre was identified in the application as Tynwald House, 43-49 Tynwald Street, Douglas while the registered address was identified in the application as Flat 6, 10 Empress Drive, Douglas. An assurance from Planning was not required.

The Secretary stated that Mr Hyusein had met with a couple of RTLC members in December. No troubling issues became apparent and they could see no reason why Mr Hyusein should not be permitted to become a PPV operator. It was subsequently decided that Mr Hyusein did not have to attend the January 2022 meeting.

The Committee proceeded to discuss the application.

Mr NZ Bojte – PPV Operator Registration Variation

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

The new registered address and operating centre was identified in the application as 78 Royal Avenue Onchan. An assurance from Planning was not required. Should the application be successful, the application indicated that Mr Bojte would surrender 34 Empress Apartments, Central Promenade, Douglas as an approved operating centre.

The Committee proceeded to discuss the application.

Mr GE Prince – Section 29 Ply for Hire Service Licence Application

The Secretary advised that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the Malew District.

The Committee proceeded to discuss the application.

Mr E Cantero – Section 29 Ply for Hire Service Licence Application

The Secretary stated that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of two Ply for Hire taxis in the East District (one being wheelchair accessible).

The Committee proceeded to discuss the application.

Mr RA Pela – Section 29 Ply for Hire Service Licence Application

The Secretary said that the applicant wished to apply for a Section 29 Ply for Hire Service Licence on expiry, through the provision of one Ply for Hire taxi in the East District.

The Committee proceeded to discuss the application.

The public meeting was adjourned for private business at 11:04 and resumed at 11:38.

Minutes of a Meeting held in Public on 26th May 2021

The minutes were read, reviewed and approved as a true reflection of that meeting following some minor amendments.

Minutes of a Meeting held in Public on 20th October 2021

The minutes were read, reviewed and approved as a true reflection of that meeting with no changes being necessary.

Minutes of a Meeting held in Public on 24th November 2021

The minutes were read, reviewed and approved as a true reflection of that meeting following some minor amendments.

Ramsey Town Commissioners – GV Operator Registration Variation

Mr Callister advised that the applicant wished to vary its Operator Licence through a change of responsible officer from Mr Thomas Peter Whiteway to Mr Timothy Robert Kermode Cowin. Should the applications be successful Mr Thomas Peter Whiteway would no longer be a responsible officer of the applicant.

The Committee proceeded to discuss the application.

Manx Utilities Authority – GV Operator Licence Variation

Mr Callister stated that the applicant wished to vary its Operator Licence through the addition of an operating centre.

The new operating centre was identified in the application is Middle Begoade Farm, Begoade Road, Onchan. It was noted that, as an existing operator, the applicant would need to obtain confirmation that the operating centre was compliant with the Town and Country Planning Act 1999. However the deadline for this confirmation was 1st January 2024.

Should the application be successful, the applicant would surrender its existing operating centre at Ballalough Farm, Poortown Road, Peel.

The Committee proceeded to discuss the application.

Island Fuels Ltd – New GV Operator Registration

Mr Callister said that the applicant wished to apply for an Operator Registration and operate three goods vehicles.

The operating centre was identified in the application as Unit C6/7, Balderton Court, Balthane Industrial Estate, Ballasalla and the applicant had obtained confirmation from assurance from Planning that the operating centre complied with the Town and County Planning Act 1999.

The Committee proceeded to discuss the application.

The public meeting adjourned for private business and lunch at 11:53 and restarted at 15:05.

Mr GR Cowell – PPV Operator Registration Variation

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

The new operating centre was identified in the application as Flat 2, Block 3, James Street, Douglas. The Secretary noted that an assurance from Planning may be required given the nature of the address and lack of visible parking adjacent to it. Should the application be successful, the applicant wished to surrender his existing operating centres at 100 Snaefell Road, Douglas and 19 Ballakermeen Drive, Douglas.

Mr Cowell entered the meeting at 15:05, accompanied by Mr P McAdam who was the owner of the flat in James Street, and both elected to provide evidence by affirmation.

Mr Cowell was asked why he wanted to add the James Street operating centre to his operator registration. He stated that Mr McAdam drove his ply for hire taxi at weekends, picking the vehicle up from his house and leaving Mr McAdam's private vehicle there in exchange. Mr Cowell wanted permission for Mr McAdam to park the ply for hire taxi on James Street at weekends as it was more convenient and would decrease the number journeys required.

Mr McAdam was asked about parking arrangements on James Street and particularly whether there was a guaranteed parking space for the PPV when it was not in use. Mr McAdam stated that he had a parking permit for his private vehicle, but he was unlikely to be granted another one for Mr Cowell's PPV. He agreed to contact Douglas Borough Council to see if his existing parking permit could be alternated between the two vehicles. The Secretary added that the Committee couldn't approve an application which was contrary to parking regulations.

Should Mr McAdam be unsuccessful with this approach, the Committee suggested a couple of other possible solutions. It was agreed, however, that Messrs Cowell and McAdam would be required to find a solution to the parking issue and then report back to the Committee before the application could be considered further.

On a related subject, the Secretary asked Mr McAdam whether he wanted to surrender his joint operator registration, currently held with Mr SB Curtis. Mr McAdam confirmed that he did, but wanted to retain his sole operator registration.

Messrs Cowell and McAdam left the meeting at 15:15 and the Committee proceeded to discuss the application.

Urgent Matters as Approved by the Chair

There being no other business, the public meeting closed at 15:17.

**The minutes were signed by the Chair
Mr B O'Friel on 17 February 2022**

Noel Capewell
Secretary
Road Transport Licensing Committee