

ROAD TRANSPORT LICENSING COMMITTEE

Committee Meeting

Minutes of a public meeting of the Road Transport Licensing Committee ("the Committee" or "the RTLC") held at 09:30 on Wednesday 31st August 2022 in the Silverdale Boardroom at Thie Slieau Whallian, Foxdale Road, St John's.

Present: Mr G Curphey (Chair)
Miss M Norman (Vice Chair)
Mr M Devereau
Mr C Kniveton
Mr J McBride

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

The meeting commenced at 09:45.

Department of Infrastructure, t/a Bus Vannin ("Bus Vannin") – Variation to an Operator Licence

The Secretary advised that the applicant wished to vary the operator licence through a change in Transport Manager.

The applicant proposed that Mr IW Bates, the current Head of Operations at Bus Vannin, be appointed as designated Transport Manager, replacing Mr IJ Longworth.

The application also requested that the actual positions of Head of Operations, Chief Engineer and Transport Planning Manager be approved as responsible officers/authorised signatories of the applicant as opposed to the individual people holding those positions.

Mr IW Bates and Mr WLD Cannan entered the meeting at 09:59 and both elected to give evidence under oath. It was explained that Mr AG Cowie, although part of the application, was unable to attend the meeting.

Mr Bates stated that he had been employed by Bus Vannin for six years and had significant experience as a transport manager of commercial organisations in the UK previous to that. He continued by saying that the Department of Infrastructure's Interim Chief Executive had suggested that he should take over the role of Transport Manager following Mr Longworth's retirement but also allow delegation to other senior officers as experience had shown that having a sole Transport Manager could be problematic. Although the application initially asked for the positions of Head of Operations, Chief Engineer and Transport Planning Manager to be approved a Transport Manager, Mr Bates understood that all approved Transport Managers had to be named individuals and confirmed that he, Mr Cannan and Mr Cowie would be those individuals. He added that while he and Mr Cannan had Certificate of Professional Competence ("CPC") qualifications, Mr Cowie had yet to complete such a qualification.

Mr Cannan said that he had been employed by Bus Vannin and its predecessors since 1977.

The Committee agreed with Mr Bates that it made sense for a large organisation like Bus Vannin not be in a position where only one person was an authorised signatory. It asked Messrs Bates and Cannan to leave the meeting room while it considered the application and they duly left the meeting at 10:11 while the Committee discussed the application.

Messrs Bates and Cannan were invited back into the meeting at 10:21.

The Committee asked Messrs Bates and Cannan to confirm that they held a PPV Driver licence as proof that they were of good repute. Once they confirmed that they did, the Committee unanimously decided to approve the application upon Mr Longworth's official retirement on 14th September.

It was decided that any decision on recognising Mr Cowie would be deferred until he had a CPC qualification.

Bus Vannin – Section 25 Regular Service Licence Variation Applications

The Secretary advised that there were six retrospective applications to vary Regular Service Licences ("RSLs"). These variations were introduced due to unavailability of driving staff shortly after the TT fortnight.

No applications were submitted until 27th July. A breakdown of the six applications follows:

RSL No. 02/08 – Services 1, 1A, 1H, 2, 2A, 2C, 11, 11A, 12, 12A, and N1

A regular service of stage vehicles between;

- Onchan, Birch Hill and Port Erin/Port St Mary via the Airport & Castletown (1, 1A, 11, 12, 12A).
- Nobles Hospital or Hailwood Avenue and Port Erin/Port St Mary via the Airport & Castletown (1H).
- Onchan, Ballachrink and Port Erin/Port St Mary via the Airport & Castletown (2, 2A, 2C).
- Douglas and Port Erin/Port St Mary (N1).

The service currently operates;

- On Mondays to Saturdays between the Promenades, Central Douglas and Port Erin at least every 15 minutes during the day and hourly during the later evening.
- On Sundays it operates every 20 minutes, with slightly reduced early morning and evening frequency.
- Night Owl (N1) journeys only operate on Friday and Saturday nights.

To operate the service by making the following amendments;

- A reduced contingency service including a re-introduction of a 20 minute frequency on Mondays to Saturdays between Douglas and Port Erin instead of every 15 minutes.
- A slightly reduced frequency on Saturday and Sunday mornings.
- An earlier introduction of the 30 minute frequency in the early evenings.

Why are the variations required?

- Unavailability of driving staff.

RSL No. 02/13 – Services 5, 5A, 5C, 6, 6A, 6C, N5, and N6.

A regular service of stage vehicles between;

- Douglas and Ramsey via Crosby, St. John's, Peel, Kirk Michael and Ballaugh.

The service currently operates;

- Between Douglas and Peel approximately every 30 minutes during the day with alternate journeys providing an hourly service between Peel and Ramsey.
- Hourly between Douglas and Peel during the later evening with some journeys between Peel and Ramsey.

- Half hourly on Sundays between Douglas and Peel and every 2 hours between Peel and Ramsey during the day with infrequent journeys during the evening.
- Night Owl (N5) journeys only operate on Friday and Saturday nights.

To operate the service by making the following amendments;

- A reduced contingency service including the re-introduction of the Mondays to Saturdays daytime 30 minute frequency between Douglas and Peel instead of every 20 minutes.

Why are the variations required?

- Unavailability of driving staff.

RSL No. 02/09 – Services 22, 22H, 25, 25B and 25H.

A regular service of stage vehicles between;

- Nobles Hospital and Willaston/Birch Hill via Central Douglas & Bucks Road (22/22H) or via Victoria Road (25/25H).
- Schooldays journey between Central Douglas and Bemahague School via Victoria Road (25B).

To operate the service by making the following amendments;

- A contingency service including the re-introduction of the daytime Service 22H journeys to replace the Nobles Hospital journeys removed as a result in the reduction in journeys serving the Hospital in Application 2.

Why is the variation required?

- Unavailability of driving staff.

RSL No. 02/10 – Services 4, 4B, 4R, 13, 14, 8, 8R, N8 and 28.

A regular service of stage vehicles between;

- Douglas and Peel via Foxdale & Patrick (4, 4B).
- School day only journeys between Peel & Niarbyl and Braaid/Foxdale to Castletown (4, 14).
- Infrequent Monday to Friday journeys between Peel & Niarbyl and Douglas/Foxdale to Castletown (4, 14).
- Infrequent Summer Saturday and Sunday service between Peel and Castletown or Peel and Port Erin (4R, 8, 8R).
- Approximate hourly Summer Saturday and Sunday service between Port Erin and The Sound (28).
- Occasional journeys between Peel and Port Erin via St Johns & Foxdale (N8).

To operate the service by making the following amendments;

- A reduced contingency service including the temporary withdrawal of the Service 13.
- The non-operation of the summer seasonal services (4R, 8, 8R, 28 and N8).

Why are the variations required?

- Unavailability of driving staff.

RSL No. 02/19 – Services 3, 3A, 3B, N3, X3.

A regular service of stage vehicles between;

- Douglas and Ramsey via Laxey.

The service currently operates;

- Between Douglas and Ramsey via Laxey – operating every 30 minutes Monday to Saturday daytime and hourly evenings and Sundays (3, 3A, X3).
- Night Owl (N3) journeys only operate on Friday and Saturday nights.

To operate the service by making the following amendments;

- A reduced contingency service including the re-introduction of the winter Sunday service. This will result in the Sunday service returning to an hourly service and instead of every 30 minutes. Mondays to Fridays remains every 30 minutes.

Why are the variations required?

- Unavailability of driving staff.

RSL No. 02/44 – Services 21, 21A, 21B and 21H.

A regular service of stage vehicles between;

- Central Douglas and Anagh Coar/Farm Hill via Pulrose & Spring Valley (21).
- Central Douglas and Balloughton Manor Hill via Pulrose, Spring Valley & Anagh Coar/Farm Hill (21A).
- Central Douglas and IoM Business Park via Pulrose, Spring Valley & Anagh Coar/Farm Hill (21B).
- Central Douglas and Nobles Hospital via Pulrose, Spring Valley & Anagh Coar/Farm Hill (21H).

To operate the service by making the following amendments;

- A reduced contingency service including a re-introduction of an hourly frequency instead of every 30 minutes.

Why is the variation required?

- Unavailability of driving staff.

Mr Bates explained that Bus Vannin's lack of drivers had been well-publicised during the TT Period and reached 50% availability during June 2022, with the problem lasting longer than had been hoped. He also apologised for the retrospective nature of the applications and hoped that it didn't happen again. The current situation was that non-essential services had been cut back and Bus Vannin were now in a stronger position to ensure timetabled services could run as advertised.

The Committee were heartened by Mr Bates' comments and said that it hoped that no further retrospective applications would have to be submitted in the future.

The Secretary confirmed that the latest variation applications, in effect reverting to previously operated schedules for the beginning of the 2022/23 school term, would be heard at the meeting on 7th September 2022.

The Committee unanimously agreed to approve the S25 applications and Messrs Bates and Cannan left the meeting at 10:35.

Mr GE Prince – Variation of an Operator Registration

The Secretary stated that while Mr Prince had withdrawn his application to add a Section 29 service of Ply for Hire in the North West District, he did not wish to vary his operator registration under Part "B" of the Register of Public Passenger Vehicles through change to his registered address and operating centre.

The new registered address and operating centre was identified in the application as 3 The Lhargan, Glen Maye and an assurance from the Planning Section at the Department of Environment, Food and Agriculture ("Planning") was not required.

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

The public meeting was adjourned for private business at 10:45 and restarted at 11:24.

Mr AT Kneen - Variation of an Operator Registration

The Secretary said 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 East and Malew Districts (wheelchair accessible), following the transfer of business under the provisions of the Road Transport Regulations 2018, from the previous operator Mr K Kaczmarzyk.

He added that the registered address / operating centre was identified in the application as Hillside, Bradda East, Port Erin which was already an authorised operating centre. However, the applicant was only authorised to keep one PPV there. He added that the applicant currently had permission to operate one Class "A" Modern Style Executive Private Hire car, one Private Hire minibus and one Ply for Hire taxi in the North West District although he was not operating any of them at present.

Mr Kneen entered the meeting at 11:34 and elected to give evidence under oath.

Mr Kneen explained that he had been involved in the PPV trade for over 20 years and had previously been an operator for most of that time. He added that he had been recently working for Mr Kaczmarzyk in addition to his professional career.

When asked what he was purchasing as part of the transfer of business, Mr Kneen confirmed that he would be purchasing Mr Kaczmarzyk's Peugeot Partner, a wheelchair accessible vehicle. He added that he would be taking on some of Mr Kaczmarzyk's clients as well.

Mr Kneen stated that he was only intending to operate one vehicle at present and that he had no plans to employ any drivers, but he said that he understood the requirements relating to operating centres should he choose to operate any additional vehicles.

The Secretary reminded Mr Kneen that, should he choose to employ any drivers in the future, it was strongly recommended that he should enter in written contracts with them. The contracts should oblige the drivers to inform him of any changes to any medical conditions which would affect their ability to drive. Similarly, the contracts should also make it compulsory to inform him if they were cautioned or convicted of any offences.

The Secretary reminded Mr Kneen that he was obliged to inform the Committee of any offences committed by himself or any convictions in the course of the transport undertaking committed by his drivers as per section 20 of the Road Transport Act 2001 ("the Act").

Mr Kneen was asked to leave the meeting room while the Committee discussed the application. He left at 11:45 and was invited back in at 11:52.

The Committee noted that Mr Kneen currently had permission to operate one Class "A" Modern Style Executive Private Hire car, one Private Hire minibus and one Ply for Hire taxi in the North West District. He was asked whether the transfer of business from Mr Kaczmarzyk would be replacing one of these three vehicles or whether it would be in addition to them. He confirmed that he wanted to increase the number of vehicles that he was authorised to operate from three to four, however, he was only intending to operate one PPV for now.

When asked, Mr Kneen said that he was content for the Secretary to include his contact details in a new list of wheelchair accessible vehicle operators.

The Committee unanimously decided to approve the application to add a Ply for Hire vehicle in the East and Malew Districts to Mr Kneen's Operator Registration. Mr Kneen was reminded that he must transfer the vehicle into his own name, as registered keeper, before any ply for hire plate or operator disc could be issued.

It was noted that the approval of the application would result in the variation of Mr Kneen's Section 29 Ply for Hire Service Licence to accommodate the extra ply for hire vehicle. This was also approved.

Mr Kneen left the meeting at 11:57.

Miss BL Wicklow – Variation of an Operator Registration

The Secretary advised that the applicant wished to vary her operator registration under Part "A" of the Register of Public Passenger Vehicles through the addition of one Class "A" Modern Style Executive Private Hire Car.

The operating centre was identified in the application as 96 Anagh Coar Road, Douglas and the Secretary noted that this was already an approved operating centre. He added that the applicant currently has approval to operate four Private Hire minibuses.

The application also asked for the current Transport Manager could be removed from the applicant's registration.

Miss Wicklow entered the meeting at 12:07 and elected to give evidence under oath.

Miss Wicklow stated that her business had recently begun undertaking private hire work in the early hours of weekdays following a request from a service provider and it appeared to her that there was a requirement for a smaller vehicle than a minibus to cater for this work. When asked what specific vehicle she would be looking at, she said that the new vehicle would likely be a Ford Tourneo.

The Committee asked about her maintenance regime in general and she confirmed that her partner carried out the bulk of the work, assisted by two other mechanics. Miss Wicklow suggested she was unhappy with the quality of maintenance practices from a previous maintenance provider, which had contributed to maintenance issues suffered by her operation in the past.

The Committee advised Miss Wicklow that adding more vehicles to her Operator Registration meant more maintenance. Miss Wicklow confirmed that her partner undertook regular maintenance inspections at least every 12 weeks. She added that she and her partner remained the main drivers for the business and circulated some completed daily check sheets for the Committee to examine.

Discussion moved to the application's request to remove the Transport Manager from the registration. Miss Wicklow said that she had now been operating for three years and believed that her operation no longer required a Transport Manager.

Miss Wicklow confirmed that, if approved, the new vehicle would be kept at 96 Anagh Coar Road and would replace the minibus currently kept there. Discussion then moved to another application made by Miss Wicklow regarding a new operating centre at Hills Meadow. The Committee recommended that Miss Wicklow continue trying to get a decision from Planning on the suitability of this site to be an operating centre and that all correspondence should ideally be in writing.

Miss Wicklow was asked to briefly leave the meeting at 12:26 while the Committee discussed her application. She was invited back in at 12:31.

The Committee unanimously decided to approve the application and confirmed that any future variations would also require applications. It also advised Miss Wicklow to confirm in writing whether she would be removing the Transport Manager from her registration.

Miss Wicklow left the meeting at 12:34.

Urgent Matters as Approved by the Chair

There were no other urgent matters that had not previously been discussed. As a result, the public meeting closed at 12:36.

**The minutes were signed by the Chair
Mr G Curphey on 28th October 2022.**

Noel Capewell
Secretary
Road Transport Licensing Committee