

## **ROAD TRANSPORT LICENSING COMMITTEE**

### **Committee Meeting**

Minutes of a public meeting of the Road Transport Licensing Committee ("the Committee" or "the RTLC") held at 11:22 on Tuesday 29<sup>th</sup> November 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 C Kniveton  
                                 Mr M Devereau  
                                 Mr J McBride

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

The meeting commenced at 11:22 with Ms N Sharpe present as an observer following the Private meeting.

#### **Miss KM Giles – New Operator Registration**

The Secretary advised that the applicant wished to register as a new operator under Part "A" of the Register of Public Passenger Vehicles ("PPVs"). He added that the applicant was applying to add the right to operate one section 29 Ply for Hire vehicle of up to eight passenger seats in the Malew District.

He added that the RTLC had received notification from the current Operator Registration of Mr S Hesketh of the intent to surrender part of that Registration's section 29 licence provided that the application was approved.

He stated that the registered address/operating centre was identified in the application as 10 Marathon Drive, Douglas.

Miss Giles and Mr Hesketh entered the meeting at 11:24 and both elected to give evidence under affirmation.

Miss Giles stated that she had purchased a vehicle from Mr Hesketh (a 2018 Ford Tourneo) and would use PDA technology to receive jobs, primarily from Telecabs 2002 Ltd, with the aim of joining the growing band of reliable Airport operators. She added that, while she had enjoyed her experience as a PPV driver so far, this hadn't provided enough working hours.

Miss Giles circulated a written Business Plan and confirmed that garages in Braddan and Union Mills would carry out scheduled vehicle maintenance on her PPV. She also circulated some blank daily check records. She said that she had been completing similar sheets while driving for Mr Hesketh.

The Committee reminded Miss Giles to ensure that she, and any drivers she would be employing in the future, carried out recorded daily checks and that these checks should include any faults and rectifications to lend credibility to her maintenance records. It also strongly recommend that, should Miss Giles employ any drivers in the future, she should enter into written contracts that obliged them to inform her should they be convicted of any offences or suffer any changes to their medical circumstances which would affect their ability to safely drive a PPV.

The Committee advised that it was routinely received copies of any test failures suffered by PPVs at the Driving Test & Vehicle Examination Centre ("DTVEC") and that it was likely to ask operators to attend a meeting if it decided the seriousness of the test failure required it.

The Secretary reminded Miss Giles to consult section 20 of the Road Transport Act 2001 ("the Act") regarding her responsibilities in reporting convictions of herself and/or her employees to the RTLC. Miss Giles confirmed that was aware of her responsibilities under section 20 of the Act and that she knew where to find other relevant legislation, as it applied to PPV operators, on the RTLC website.

The Committee commended Miss Giles on her Business Plan, but wondered why she had listed the Malew Ply for Hire plate with a value of £5,000 in the Plan, when the plate was the property of the RTLC and could not be traded. Miss Giles advised that this was a typo and that she would amend it as soon as possible. It then asked Miss Giles and Mr Hesketh to briefly leave the meeting while it discussed her application.

Miss Giles and Mr Hesketh left the meeting at 11:39 and returned at 11:53.

Mr Hesketh asked whether there would any particular requirements should he agree to be Miss Giles' Transport Manager. The Secretary advised that, as this was not a legal requirement under the Act, such an arrangement was entirely between Mr Hesketh and Miss Giles.

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

Miss Giles left the meeting at 11:58 along with Ms Sharpe while Mr Hesketh remained to discuss his variation application.

### **Mr S Hesketh – Operator Registration Variation**

The Secretary advised that the applicant wished to vary his operator registration under Part "A" of the Register of PPVs through the addition of the right to operate one Section 29 Ply for Hire vehicle of up to eight passenger seats in the South and Malew Districts.

He added that the RTLC had received notification from the current Operator Registration of Mr MJ Bell of the intent to surrender a portion of that Registration's section 29 licence provided that the application was approved.

The Committee asked Mr Hesketh to explain why he had opted to sell part of his business to Miss Giles and then buy part of Mr Bell's business to replace it. Mr Hesketh confirmed that, as Miss Giles only wanted to operate from the Airport, it didn't make sense for her to buy any part of a business that also operated in the South District. It made more sense for Mr Hesketh to buy this part of Mr Bell's business as he intended to expand his operations in the South District.

Mr Bell entered the meeting at 12:00 and elected to give evidence under oath (Mr Hesketh had already opted to provide evidence under affirmation which was still in operation).

Mr Bell explained that there would be no change in the number of vehicles servicing the Airport, but that it was proving difficult to recruit drivers. By doing things this way, operators were helping each other to provide the necessary service; Mr Bell felt this was preferable to there being Malew District plates sitting on vehicles that couldn't be used because of a lack of drivers.

Mr Hesketh stated that there were about six regular PPVs servicing the Airport, well short of the number that operated pre Covid-19. He reiterated Mr Bell's point about a lack of drivers, as well as competition from the Airport car park, which allowed one hour's free parking for the public.

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

Mr Hesketh and Mr Bell left the meeting at 12:14.

### **Mr P Kneen – Operator Registration Variation**

The Secretary said that the applicant wished to vary the operator registration under Part "A" of the Register of PPVs through the addition of an operating centre; 56 Barrule Road, Willaston.

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

The public meeting adjourned for lunch at 12:34 and resumed at 13:45.

### **Mr M Kavak – Operator Registration Variation**

The Secretary advised that the applicant wished to vary the operator registration under Part "A" of the Register of PPVs through the addition of the right to operate one Section 29 Ply for Hire vehicle of up to eight passenger seats in the East District.

He added that the RTLC had received notification from the current Operator Registration of Mr MA Korzeniewski of the intent to surrender that Registration's section 29 licence provided that the application was approved.

The registered address of the applicant was identified in the application as 40 Urley Path, Anagh Coar while the operating centre was identified in the application as 59 Heather Crescent, Pulrose.

Mr Kavak entered the meeting at 14:03 and elected to give evidence under affirmation.

Mr Kavak stated that he was looking to grow his business, and had set up a new website and new business cards for a new trading name, "Istanbul Taxis". He added that he was buying a wheelchair accessible vehicle from Mr Korzeniewski and would employ Mr V Vahaplar, an existing PPV Driver and Operator, so that both his PPVs could be operated simultaneously.

The Committee strongly recommended that Mr Kavak enter into a written contract with Mr Vahaplar that obliged him to inform Mr Kavak should he be convicted of any offences or suffer any changes to his medical circumstances which would affect his ability to safely drive a PPV. Mr Kavak understood and agreed to draw up such a contract.

Mr Kavak said that the vehicle he was buying from Mr Korzeniewski as part of the transfer of business was a 2014 Citroën Berlingo. He added that a garage in Union Mills was his regular maintenance provider and that he kept all maintenance records for a period of at least 12 months. The Secretary confirmed that Mr Kavak's name was already on the list of wheelchair accessible vehicle operators available on the RTLC website.

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

Mr Kavak left the meeting at 14:14.

### **Mr MA Korzeniewski – Operator Registration Variation**

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

The new registered address/operating centre was identified in the application as Ballaskerrow Farm, Ballagawne Road, Baldrine. Should the application be successful, the applicant would surrender 8 Marathon House Apartments, Princes Road, Douglas as an approved operating centre.

The Secretary added that the applicant would like to further vary the operator registration under Part "A" of the Register of PPVs through the addition of the right to operate one Private Hire car.

Mr Korzeniewski entered the meeting at 14:35 and elected to give evidence under oath.

Mr Korzeniewski stated that he had moved house on October 18<sup>th</sup> and apologised that his application for the new operating centre was late.

Mr Korzeniewski said that he would continue operating as he had been since 2015 but, for family reasons, he wanted to spend more time in Poland, and so it would better suit his needs to operate on a private hire basis instead of plying for hire. He confirmed that the property to which he had moved was owned by his partner, who was happy for him to keep a PPV there when not in use.

Mr Korzeniewski advised that he had purchased a 2016 Škoda Superb Elegance and was ready to begin operating right away.

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

Mr Korzeniewski left the meeting at 14:44.

### **Minutes of a Public Meeting – 27<sup>th</sup> September 2022**

The Minutes were read, reviewed and approved no amendments being necessary.

### **Minutes of a Public Meeting – 25<sup>th</sup> October 2022**

The Minutes were read, reviewed and approved no amendments being necessary.

### **Douglas Borough Council – Operator Registration Variation**

Mr Callister stated that the applicant wished to vary its Operator Registration through the addition of an operating centre; Douglas Borough Lawn Cemetery, Johnny Watterson Lane, Douglas. He added that the applicant has received confirmation that the operating centre was compliant with the Town and Country Planning Act 1999.

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

### **Mr L Joyce – Operator Registration Variation**

The Secretary advised that the applicant wished to vary the operator registration under Part "A" of the Register of PPVs through the addition of the right to operate one Private Hire car. A new operating centre was identified in the application as 1 Ashbourne Avenue, Saddlestone.

Mr Joyce entered the meeting at 14:55 and elected to give evidence under affirmation.

Mr Joyce confirmed that a friend had recently applied to become a PPV Driver and that he had bought an Audi A6 which would be operated as a Private Hire car. He added that, as per his Ply for Hire car (a Škoda Octavia), he would submit the vehicle to a Braddan garage for regular safety inspections every 10,000 miles. Mr Joyce circulated some completed daily checklists, which he kept in his PPV, as well as a garage safety check sheet.

The Committee reminded Mr Joyce of a previous incident involving a local PPV Operator, where that operator was able to demonstrate maintenance by way of full maintenance records, and therefore was exonerated from being at fault for the incident. Mr Joyce understood the important of proper maintenance record keeping and confirmed that he would enter into a written contract with his driver(s) that obliged them to inform Mr Joyce should they be convicted of any offences or suffer any changes to their medical circumstances which would affect their ability to safely drive a PPV.

The Committee asked Mr Joyce what his contingency plan was in case 1 Ashbourne Avenue suddenly become unavailable for him to use an approved operating centre. Mr Joyce advised that he was giving consideration either to applying for planning approval to keep two vehicles at his home address in Port Erin or using his father's home address to keep one vehicle at.

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

Mr Joyce left the meeting at 15:06.

### **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 15:09.

## **The minutes were signed by the Chair Mr G Curphey on 24th October 2023**

Noel Capewell  
Secretary  
Road Transport Licensing Committee