



NCN: [2021] UKUT 80 (AAC)
T 2020/070

**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER
PUBLIC PASSENGER VEHICLES ACT 1981**

Before: Upper Tribunal Judge H. Levenson
Appellant: Jack REYNOLDS T/A Isle of Limos
On Appeal from: Traffic Commissioner for the West of England
Reference: PH 2036777
Decision: 13th November 2020
Decision Letter: 18th November 2020
Appeal to UTAAC: 7th December 2020

**DECISION OF THE UPPER TRIBUNAL
(ADMINISTRATIVE APPEALS CHAMBER)
ON AN APPEAL AGAINST THE TRAFFIC COMMISSIONER FOR THE
WEST OF ENGLAND**

Decision

1. **This appeal does not succeed.** I confirm the decision of the Traffic Commissioner (“the Commissioner”) made by Commissioner Rooney on 13th November 2020 under reference **PH 2036777** and communicated to the appellant in a letter dated 18th November 2020. That decision is to the effect that the relevant application for an operator’s licence is refused. With the agreement of the appellant I have not held an oral hearing but have dealt with the matter sitting alone and on the basis of considering the papers.

The Decision Under Appeal

2. The operative parts of the letter of 18th November 2020 (signed by one of the Commissioners’ officials) include two statements which appear to conflict with each other. The first reads “I refer to your application to vary your operator’s licence”. The second reads:

“The application is for a standard licence. The applicant has nominated himself as meeting professional competence but accepts in his own letter that that he does not hold a relevant qualification. Professional competence is not met and the application is refused pursuant to section 14ZC(1)(b) of the [Public Passenger Vehicles Act 1981].

I have no doubt that the reference to an application for variation is an error, there being no other reference in the papers to a variation.

3. In his appeal to the Upper Tribunal the appellant stated that he was applying for a restricted licence (in respect of which the requirements for professional competence would be different), but that was the first reference to a restricted licence and the application clearly states that it is for a standard national PSV licence. The first time that the appellant raised the question of a restricted licence was in the appeal to the Upper Tribunal. Thus, I take this appeal as being against the decision as in the indented paragraph in quotes above (refusing an application for a standard national licence).

Conclusions

4. The Commissioners' office raised several queries during the process of the application, covering a wide range of difficulties and lack of information and remained unsatisfied on a number of matters. However, I need only deal with the matter of professional competence. This is because the appellant has accepted that he does not have the necessary qualifications. As a matter of law the licence for which he applied cannot be issued if there is not a suitably qualified transport manager.

5. In all of the circumstances the decision of the Commissioner was inevitable, and I see no basis on which to interfere with it.

H. Levenson

Judge of the Upper Tribunal

25th March 2021