

# The Phoenix that did not rise from the ashes

In a case last year, Traffic Commissioner for Scotland Claire Gilmore refused an application for a standard international public service vehicle operator's licence made by Mr James Kilpatrick .

The applicant has a lengthy history in operator licensing. Since 1998, he has been called to several public inquiries, been issued with warnings, lost his repute, had his licence revoked and his vocational driving entitlement suspend as well as being found to have used another operator as a front.

In December 2014, the Deputy Traffic Commissioner considered an application made by the applicant for a restricted public service vehicle operator's licence. The Deputy Traffic Commissioner refused the application having concluded that the applicant did not have the required repute or financial standing to be granted an operator's licence.

In 2021, he applied again, this time for a standard international public service vehicle operator's licence. Despite Mr Kilpatrick having an existing and long-standing business, Phoenix Travel, he chose to apply for the licence in his own name as a sole trader. Phoenix Travel had already benefitted from substantial COVID grant funding from the local authority. Mr Kilpatrick however, created a new coach hire business in the name of J Kilpatrick t/a J Kilpatrick Coach Hire' in the middle of the pandemic. He then applied for a bounce back loan in the name of that business. Mr Kilpatrick repeatedly asserted that he had done nothing wrong in applying for the funding that he had. He was adamant that he had stuck to the letter of the law. However, James Kilpatrick t/a J Kilpatrick Coach Hire was not an existing business as at 1 March 2020 which had lost revenue as a result of the pandemic. It was not, therefore, entitled to receive a bounce back loan. Had he disclosed that fact, the bank ought not have loaned him any money under the scheme.

The traffic commissioner said "This applicant has sought to hide behind trading names and obscure from sight his opportunistic exploitation of state backed crisis funding arrangements for personal gain. He has obtained large sums of taxpayer backed low-cost funding when he was not entitled to do so. He has done so whilst responsible operators in my jurisdiction have continued to strive to comply with the rules, operating in some of the most difficult circumstances our society has ever encountered. The applicant has, however, been caught out again."

The commissioner also directed that a copy of the decision in this case should be sent to Action Fraud for them to investigate whether there has been any impropriety on the part of Mr Kilpatrick in applying for the bounce back loan in the manner in which he did.

Further details can be found [here](#).