



Neutral Citation Number: [2021] EWHC 2933 (Admin)

Case No: CO/4140/2020 & CO/4759/2020

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 03/11/2021

Before:

PETER MARQUAND
(SITTING AS A DEPUTY HIGH COURT JUDGE)

Between:

EDGAR GIOVANNY SUAREZ CAMAYO	<u>Claimant</u>
- and -	
COLCHESTER BOROUGH COUNCIL	<u>Defendant</u>
- and -	
STEVEN BRYANT	<u>Interested</u>
	<u>party</u>
EDGAR GIOVANNY SUAREZ CAMAYO	<u>Claimant</u>
-and-	
ESSEX MAGISTRATES' COURT	<u>Defendant</u>
-and-	
STEVEN BRYANT	<u>Interested</u>
	<u>party</u>

The Claimant appeared in person
Victoria Jempson (instructed by Colchester Borough Council)
for the Colchester Borough Council
Essex Magistrates' Court did not appear and was not represented

Hearing dates: 12 October 2021

Approved Judgment

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email and release to Bailii. The date for hand-down is deemed to be on 3 November 2021.

Peter Marquand:

1. At the conclusion of the hearing, I announced my decision and stated that full written reasons would follow and this Judgment records those reasons. Mr Camayo appeared in person but had the assistance of Mr Richard Ashdown as a McKenzie friend. Mr Camayo feels very aggrieved about what has happened, but he presented his case in a sensible way assisted by Mr Ashdown. I am grateful to Ms Jempson for her submissions on behalf of Colchester Borough Council (“the Defendant Council”). Mr Bryant, who had been named as an interested party, was in court as he had erroneously been named as a defendant on the notice of hearing. However, he took no part in the hearing. An acknowledgement of service had been filed on behalf of Essex Magistrates’ Court (“the Defendant Court”), however the Defendant Court took no part in the oral hearing.
2. In brief, Mr Camayo alleged that the Defendant Council had failed to transfer a hackney carriage vehicle licence onto a vehicle that he owned. The Defendant Council disputed that it was under any obligation to do so. Mr Camayo further alleged that Essex Magistrates’ Court had made a mistake following a hearing appealing the defendant’s decision. He alleged that directions were made at that hearing for him to obtain a document and return for further hearing. However, the Defendant Court recorded that the claim was withdrawn. I will set out the facts in detail below.
3. The claim form for the claim against the Defendant Council was filed on 10 November 2020 and the claim form for the claim against the Defendant Court was filed on 11 December 2020. Permission to bring the judicial review was granted by Richard Clayton QC, sitting as a Deputy High Court Judge, by order dated 10 May 2021. Extensions of time were granted in both cases, as CPR 54.5 requires claims to be brought promptly and in any event no later than 3 months after the grounds to make the claim first arose. The Defendant Council did not comply with the directions for the hearing, but before the hearing applied for permission to rely on Detailed Grounds, a witness statement of Mr Jon Ruder and relief from sanction. At the commencement of the hearing for the reasons that I gave at the time, I granted the Defendant Council’s applications and gave permission for it to take part in the hearing.

The law

4. Outside London, the legislation concerning hackney carriages (“taxis”) is contained in the Town Police Clauses Act 1847 (“the 1847 Act”) and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”). Section 37 of the 1847 Act permits councils to grant hackney carriage vehicle licences. There are other requirements and licensing, for example of a driver, but in this case, I am only concerned with licensing of the taxi itself. Where I refer to a licence in this Judgment, I am referring to the licence pertaining to the vehicle, unless specified otherwise. Section 40 of the 1847 Act provides as follows:

“Before any such licence is granted a requisition for the same, in such form as the [council] from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the hackney carriage in respect of which such licence is applied for; and in every such requisition shall be truly stated the name and surname and place of abode of the person applying for such licence, and of every proprietor or part

proprietor of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of such carriage...”

5. Section 41 of the 1847 Act requires the licence itself to record the name and address of the proprietor or proprietors, but also a number that corresponds with the number affixed to the taxi. In this case, the number in question is “19”. Section 42 requires the council to keep a record of the licences granted and various other details. That record is open to inspection by any person. Section 43 states that any licence is only for one taxi and shall be in force for one year only.
6. Section 49 of the 1976 Act requires the proprietor of a taxi with a licence to give written notice to the council within 14 days of any transfer of his interest in the taxi to another person (unless it is to a proprietor already specified in the licence). A failure to comply without reasonable excuse is an offence.
7. Section 58 of the 1976 Act requires the proprietor, on notice from the council, to return the licence on revocation or expiry, as well as the plate affixed to the taxi. Section 60 of the 1976 Act enables a council to suspend or revoke a licence on three grounds. First, that the taxi is unfit for use, secondly for an offence or non-compliance with the 1847 Act or the 1976 Act by the operator or driver and thirdly, “any other reasonable cause.” The council must give the proprietor notice of the grounds and the proprietor has a right of appeal to a magistrates’ court (section 60 (3)).
8. Section 80 of the 1976 Act includes a definition of “proprietor” as follows:

“includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement;”
9. In *R v Weymouth Corporation ex parte Teletax (Weymouth), Ltd.* [1947] 1 All ER 779, Teletax acquired five licensed taxis from different persons throughout Weymouth. They applied for the licences to be transferred to them as the new proprietors. However, the licensing authority refused and the court had to examine whether that refusal was lawful. The court concluded that it was not and on page 781 at paragraph F Lord Goddard, CJ stated:

“In my opinion, the effect of the sections [in the 1847 Act] clearly shows that the licence is granted to the carriage... What then is to happen if during that year a change of proprietorship takes place? There is the vehicle, which has its licence attached to it.... A person who buys a cab which has been licensed is under a duty to go to the authority and say: “I am now the proprietor of this cab which you licensed for a year. Please, therefore, enter me in the register as the proprietor, and enter my name on the licence granted in respect of the cab, instead of that of the earlier proprietor.”
10. Mr Camayo also referred to 2 further cases within his skeleton argument, although he did not refer to them in oral argument. I shall deal with them briefly for completeness.

In *Challoner v Evans* [1986] Lexis Citation 912 the Divisional Court considered whether the magistrates' court had correctly determined that Mr Evans had not committed an offence by describing himself as a proprietor of a taxi in an application for a licence. The legal point was what was the definition of a "proprietor". The court concluded that the word "proprietor" should include:

"... every person, who either alone or in partnership with any other person, keeps any hackney carriage or who shall be concerned otherwise than as a driver or attendant in the employment for hire of any hackney carriage."

No reference is made in the judgment to the 1976 Act.

11. Mr Evans had previously owned the vehicle that had a licence plate but, after a series of changes of vehicle he was solely concerned with renting the licence plate to a Mr Holledge. The court found that Mr Holledge and not Mr Evans was the proprietor, as Mr Evans was not concerned in the employment for hire of the taxi.
12. In *Key Cabs Ltd (t/a Taxifast) v Plymouth City Council* [2007] EWHC 2837 (Admin) the claimant applied for 30 licences, which were rejected by the council. The court applied the ruling in *Weymouth* and held that an application must relate to an identifiable vehicle, a blank application cannot be made.

The facts

13. Mr Bryant and Mr Camayo entered into a written agreement dated 22 March 2016 that is entitled "contract for rent to buy agreement for Colchester hackney plate 19" ("the Contract"). Mr Bryant is referred to as the owner of plate 19 and the Contract purports to lease it to Mr Camayo with a view to Mr Camayo ultimately taking ownership at the end of the Contract. The agreement is to apply to plate number 19 affixed to a Toyota Avensis registration BF06 HCY ("the Avensis").
14. I am not determining any contractual issues and the effect of the terminology used. However, the plate is not one that Mr Bryant can rent or sell itself (see *Challoner*). The Defendant Council grants the licence and owns the plate. However, viewed as a whole the contract relates not to the plate but to the business. The Contract provides that Mr Camayo is to make weekly payments for 156 weeks with the Contract concluding on 19 March 2019. One of the terms provides that Mr Camayo will be responsible for the full cost of a replacement car within a year of commencement of the Contract. Another term is that Mr Bryant is to retain all of the paperwork and ownership relating to the car and plate 19 until full payment has been received and the Contract concluded, but in that event, Mr Bryant will transfer plate 19 and "the appropriate vehicle" to Mr Camayo. There are other terms within the Contract which are not necessary for me to repeat in order to understand the background or reach my decision.
15. On 28 March 2017 the Defendant Council issued a hackney carriage vehicle licence for the Avensis, recording the plate number was 19 and that the licence was granted to Mr Bryant and Mrs Melanie Bryant. The licence expired on 30 April 2018. Later that year, the Avensis could no longer be used as a taxi because of its age and Mr Camayo paid for and became the owner of a black Golf registration LR13 KXC ("the Golf") as demonstrated by a sale receipt dated 22 September 2017 and a trade sale invoice of the

same date. Mr Camayo also registered the Golf with the DVLA and he is recorded as the registered keeper on the relevant form from that agency (V5C).

16. The documentation shows that Mr Bryant made an application to the Defendant Council dated 4 October 2017 to transfer the licence relating to plate number 19 from the Avenis to the Golf. The form records that Mr Bryant is to be the licence holder together with Mrs Bryant and now Miss Amelia Bryant. On that form Mr Bryant has recorded that he and Mrs Bryant are the owners of the vehicle. Mr Camayo is recorded on the form as a person "... who will drive the vehicle for hire and reward". According to Mr Ruder at the time the Defendant Council only required that part of the V5 document recording the proposed new keeper and not the V5C issued to the new registered keeper. The Defendant Council transferred the licence to the Golf and there were photographs in the bundle of the plate number 19 recording the Golf's registration number and of the plate affixed to the rear of the Golf.
17. In December 2017 Mr Camayo sought to make an appointment with the Defendant Council and there is an exchange of emails between the 12 and 15 December about a "taxi licensing issue". Mr Camayo put in evidence a letter from Palmer's solicitors dated 3 January 2018 which records that Mr Camayo had an issue with the apparent failure to register the Golf as a hackney carriage in his name by the Defendant Council. The writer of that letter refers to the issue as one that should be "easily dealt with" and advises Mr Camayo to attend the Defendant Council with documentation confirming that Mr Camayo is the owner of the licence and of the vehicle.
18. On 19 January 2018 Mr Camayo completed a form in relation to plate number 19 and the Golf entitled "application for a licence to ply for hire within the borough of Colchester" starting with the declaration: "I am the proposed owner of a hackney carriage vehicle as mentioned below and hereby make application to transfer that vehicle's licence into my name". This form records Mr Camayo as proposed the licence holder, driver and owner of the Golf. Mr Ruder's evidence is that on 19 January 2018 Mr Camayo attended an appointment and because the Defendant Council's system recorded Mr Bryant as the owner of the vehicle and there was no release form signed by Mr Bryant (as per section 49 of the 1976 Act – see paragraph 6 above) or a bill of sale in respect of the Golf he did not permit the "change of owner to go ahead".
19. Mr Ruder required plate 19 to be returned to the Defendant Council due to confusion over who was the owner of the vehicle, he was concerned it was an illegal vehicle which should not be operating. He concluded that until the Defendant Council received the bill of sale and the "release form" signed by Mr Bryant the Defendant Council would retain plate 19. He arranged an appointment for Mr Camayo and Mr Bryant to attend together at the Defendant Council's premises on 24 January 2018, but nobody attended that appointment. Further attempts were made to contact Mr Bryant and on 26 January 2018 a telephone call with Mr Bryant took place (not with Mr Ruder) where he "expressed shock" at the attempted change which he did not agree and had not heard of prior to the contact from the Defendant Council.
20. Mr Bryant met with Mr Ruder, who subsequently provided a witness statement, which was exhibited as an unsigned copy to Mr Ruder's own witness statement. In that statement Mr Bryant records that Mr Camayo had approached him in 2016 asking to purchase his business over a period of three years and that resulted in the Contract. He records that Mr Camayo had not maintained the regular payments and that it was a

requirement of the Contract that the Golf (as the replacement vehicle for the Avensis) would be owned by Mr Bryant and registered in his name. Mr Bryant is recorded as stating at this point he also became aware that he did not have the V5C for the Golf and he telephoned the DVLA. The DVLA confirmed the vehicle was not registered in his name. Mr Bryant says that in front of Mr Camayo, he filled in his own details to be registered as the new keeper of the Golf and placed the documentation into an envelope which he sealed and stamped, but Mr Camayo offered to post it. Mr Bryant confirmed in the statement that he had not sold his business to Mr Camayo. Mr Bryant alleges attempted fraud by Mr Camayo.

21. Mr Camayo made two applications dated 5 April and 30 April 2018 to have the licence plate number 19 applied to the Golf. Those applications were both rejected by the Defendant Council.
22. Mr Camayo issued a summons at the Defendant Court on 7 March 2018. The complaint was an appeal against the decision to revoke hackney carriage plate number 19 licence and the legislation referred to is the 1976 Act. The “date of complaint” recorded on the notice from the Defendant Court is 19 January 2018. A hearing date of 5 April 2018 was given but it is not clear to me whether that hearing in fact took place, but nothing turns on that. A substantive hearing was listed for the 7 December 2018, but the case was listed for a short hearing on 25 September 2018.
23. What happened at that hearing is a matter of dispute. The court register records the outcome of the hearing as: “withdrawn – this matter should not have been listed before the court. Wrong venue for application due to the issues in the case.” There is no transcript of the hearing and the judge apparently did not keep a note. The acknowledgement of service filed by the Defendant Court at section C includes the following:

“The court heard submissions from Colchester Borough Council fully in line with their skeleton argument filed before the hearing and a copy of which is attached to this order [this is a typographical error and it should logically state ‘acknowledgement of service’]. Counsel then appearing on behalf of the applicant [i.e., Mr Camayo] accepted that this was an accurate statement of the law and the application was dismissed on the grounds that the court had no jurisdiction to entertain such an appeal.”
24. Although not physically signed as it was sent electronically, the acknowledgement of service in the section “position or office held” records: “Claire Fox deputy justices’ clerk signed on behalf of District Judge Woollard”. The attached skeleton argument prepared by James Button & Co. Solicitors dated 6 September 2018 makes the submission that the court had no jurisdiction to hear the appeal because no right of appeal existed. It stated that there had been no revocation of the licence and/or Mr Camayo had not made an application for a proprietor’s licence at the time the Summons was issued, but even if he had the route of appeal would be to the Crown Court.
25. Mr Camayo’s position, which he set out in an email to the Defendant Court on 4 September 2020 when he asked the Defendant Court to reopen and relist the case, was that at the hearing District Judge Woollard could not take a decision as the Defendant

Council had not provided “refusal letters”. Mr Camayo stated that the main reason the paperwork was missing was that the court had initially issued the summons in accordance with the wrong legislation and under a different case number 421800066446, instead of 421800093583. Mr Camayo says District Judge Woollard ordered him to request the licensing committee of Colchester Borough Council to provide him with the refusal letter “with the option to appeal to magistrate court within 21 days” after which he says the District Judge said that he would be granted the licence. He stated that the District Judge did not dismiss the case as he needed that refusal letter. Mr Camayo confirmed that he was represented at this hearing. Despite making a request to his then advocate, he has not received any information from him/her about what is said to have occurred.

26. However, Mr Camayo has served a letter from a Mr Richard Robinson dated 14 March 2019 stating that he was in court and “the judge was confused, and could not make a decision on this case as the paperwork for this case was incomplete i.e., the appeal letter to the council, at this point the judge could not form an opinion”. The letter goes on that the judge rejected the Defendant Council’s application to dismiss the case with costs and ruled: “the case be deferred and a second appeal be registered with the council to be heard in court against the council’s rejection of the appeal.” There is a further letter from Mr Robinson to a Mr Frank O’Toole, who is a solicitor who has represented Mr Camayo at various times. In this letter, Mr Robinson again refers to missing documentation and “[the District Judge] requested Mr Camayo to resubmit a further 21 days (sic) appeal to Colchester Licensing Committee, as the case can be referred to (sic) court for another hearing.” This letter is signed with a statement of truth.
27. The decision of the Defendant Court that Mr Camayo challenges is recorded in an email of 8 September 2020 from Helen Milne, administrative officer, which records advice received from the Defendant Court’s legal advisers. The email includes the report of the court register that the case was withdrawn and states:

“As these were civil proceedings, there is no legislative power that allows the case to be ‘reopened.’ In any event, as the Judge directed that the case should never have been listed in the first place, it would not be appropriate for the matter to be relisted for another hearing, especially given that the hearing took place two years ago.

If you disagreed with the decision taken by the Judge you had the right to appeal to the High Court. However, that right was subject to a time limit which expired in 2018. You could contact High Court if you want further advice on appeals.”
28. On 2 October 2018 Mr Camayo emailed the Defendant Council appealing against Mr Ruder’s decision to refuse his application for license plate number 19 and for having taken away the plate from the Golf. That letter repeats much of the history but alleges that Mr Bryant “fraudulently transferred” plate number 19 to the Golf. He relied on the *Weymouth* case. He reported that on 25 September 2018 District Judge Woollard had found in his favour at the Defendant Court and that he was entitled to the licence relating to plate number 19 to be transferred into his name. He states:

“after that on the hearing that took place... Judge Woollard ordered to the licensing committee Colchester Borough Council to give me the refusal applications letter of the 21 days appeals to the magistrate court and forward the letter to him by the magistrate court to able to grant the licensing hackney carriage plate 19 into my sole name because I am entitled to a Hackney Carriage Licence Plate number 19....

The Council also pleaded they made a mistake that I was not given the refusal letter in order to appeal against the decision of Mr Jon Ruder and Ms Sarah White. Also, I request you to send me the refusal applications letter in the following 10 days to be able forward this letter to the Judge Woollard on the Magistrate court according to the Judge Order.”¹

29. The decision Mr Camayo challenges in these judicial review proceedings was made by the Defendant Council on 11 October 2018 and is recorded in an email from Ms Sally Harrington. The email includes the following:

“The council’s position is that hackney carriage proprietors licence number 19 is held by Mr Bryant. As has been explained to you, the initial transfer was deemed to be void and the council regards Mr Bryant as the proprietor of that licence.

...

Your appeal to the magistrates’ court was dismissed by district Judge Woollard on 25 September...

...

Contrary to your assertions, no order was made by the judge in respect of the hackney carriage licence...

...

You are of course free to apply for a new hackney carriage proprietors’ licence, but as you are aware, the council has a limit on its hackney carriage numbers.”

Findings

The challenge to the Defendant Council’s decision

30. The scheme of the legislation set out in the 1847 Act and the 1976 Act govern a business providing taxi services run by a proprietor of that business in relation to a specific identifiable vehicle. The proprietor of the business relating to the specific taxi must be identified on the licence as must the specific vehicle. Each licence has a number and that number must be displayed upon the vehicle specified in the licence. The definition of “proprietor” makes it clear that such a person does not have to be the “owner” of the

¹ These are accurate quotes from the letter

vehicle. The proprietor may be using a vehicle that they have hired or one that they have on hire purchase (see the definition in the 1976 Act quoted at paragraph 8 above and *Challoner*). Ownership of a vehicle that has been licensed does not automatically mean that the owner is the “proprietor”.

31. The key to understanding the *Weymouth* case is that it relates to a change in the identity of the proprietor. In other words, a change in the identity of the person (or persons) who is (are) running the taxi business using the vehicle specified on the already existing licence. This is why it is an authority for the licence being granted in relation to/attaching to a specific vehicle. However, it is not an authority that states that a change in ownership of the vehicle alone means that a council should consider an application to transfer the licence to a new owner of the vehicle. The owner may be the proprietor of the business or they may not be.
32. In April 2017 Mr Bryant and Mrs Bryant were running a taxi business using the Avensis and had a licence recording them as the proprietors of that business based on the Avensis as the specified vehicle. Mr Camayo is recorded as being the driver of the vehicle. Mr Bryant made an application in October 2017 to transfer the licence to the Golf on what must have been the continuing basis that he was the proprietor of the taxi business that would be run using the Golf. The fact that Mr Camayo was the owner of the Golf is irrelevant to the issue of who was the proprietor of the business that was to use the Golf as the taxi.
33. The Defendant Council did in fact transfer the licence to the Golf, but on the mistaken, as it turned out, understanding that Mr Bryant wished to transfer the licence to the Golf, whilst remaining the proprietor and owner of the Golf. On 19 January 2018 when Mr Camayo presented his first application, the Defendant Council had already recorded Mr Bryant as the proprietor. No criticism can be made of them in failing to respond to that application in the absence of any evidence from Mr Bryant that either he was transferring the proprietorship associated with the Golf to Mr Camayo or that Mr Camayo had bought the Golf and the associated proprietorship from Mr Bryant, given the records that they held following Mr Bryant’s application of 4 October 2017.
34. When it became clear to the council Mr Bryant and Mr Camayo were in dispute and that the owner of the Golf was Mr Camayo and he sought to have proprietorship of the taxi business using the Golf, the council refused to make the transfer and retained the licence plate. The council’s position is that the original transfer of the licence plate number 19 to the Golf was “*void ab initio*” (in other words, having no legal effect from inception) because of the circumstances around the transfer application made by Mr Bryant on 4 October 2017. Although I did not hear any argument on this point, my conclusion is that the licence was not *void ab initio* and the Defendant Council suspended or revoked the licence for the Golf. This may mean that there were some procedural errors on its part, but it is of no consequence because faced with the circumstances as they appeared to the Defendant Council, I do not see how any proper criticism can be made that would (or should) have altered the outcome for Mr Camayo. Such circumstances clearly come within the third ground of section 60 of the 1976 Act in other words: “any other reasonable cause” (see paragraph 7 above). I will deal with whether or not that suspension/revocation meant that Mr Camayo had a right of appeal to the Defendant Court in the paragraphs that follow.

35. Mr Camayo's case is based upon his ownership of the Golf. There is a dispute between him and Mr Bryant about the position under the Contract. The evidence before me is clear that Mr Bryant did not transfer the proprietorship of the taxi business to Mr Camayo. First, on the basis of the application form of 4 October 2017 and secondly on the basis of Mr Bryant's unsigned witness statement. As I stated during the hearing, I am not making any findings about the dispute between Mr Bryant and Mr Camayo under the Contract or in relation to any of the allegations of fraud. The *Weymouth* case does not assist Mr Camayo, he had not bought an existing taxi business based upon the Golf from Mr Bryant. Mr Bryant had not transferred to Mr Camayo the business relating to the Avensis or Golf at the time and there was therefore no obligation on the Defendant Council to consider Mr Camayo's application to be named as the proprietor on the basis of his ownership of the Golf alone. For these reasons I dismiss the claim against the Defendant Council.

The Challenge to the Defendant Court's decision

36. In order to understand what happened at the Defendant Court on 25 September 2018 it is important to understand what the court was concerned with, based upon the summons that had been issued by Mr Camayo. The summons that he issued was concerned with the decision, as Mr Camayo put it, to revoke the licence number 19 on 19 January 2018. The Defendant Council at the time argued that the licence had not been revoked because the licence pertaining to the Golf had never been issued to Mr Camayo, but remained with Mr Bryant. Now, as I stated above, the Defendant Council's argument is the transfer of the licence to the Golf was of no legal effect. At the time that the summons was issued Mr Camayo had not made the applications in April 2018. The Defendant Council argued therefore that there could be no right of appeal against a decision of the council to refuse his application for a licence as the summons was concerned with events up to and on the 19 January, which resulted in the plate being removed from the Golf. The Defendant Council also argued that the Defendant Court had no jurisdiction, in other words it was not the right court in which to bring the complaint.
37. I find that the District Judge at the Defendant Court did dismiss/held withdrawn Mr Camayo's summons. First, that is the record held by the court and this must carry considerable weight. Secondly, the acknowledgement of service filed by the Defendant Court and electronically signed on behalf the District Judge says this is what happened. Thirdly, the evidence of Mr Camayo and Mr Robinson are consistent with this conclusion. Their evidence about the refusal letter is not relevant to the issue that was before the court. What was before the court was the question of whether or not there had been a revocation of the licence by the Defendant Council and, if so, whether Mr Camayo had a right of appeal against it. The references to refusal letters are references to refusals relating to Mr Camayo's applications for a licence, which was not the complaint on the summons and occurred after the events covered by the summons. I suspect the District Judge was trying to be helpful to Mr Camayo and suggesting to him what future action he might take that then might lead to the matter coming back before a court (I make no comment on what would be the appropriate court in which such a challenge should have been brought). I reject any suggestion that any change in case number at the court (if there was such a mistake, on which I make no finding) had any part to play in the outcome for the same reasons.
38. I also find that it is likely that the basis for the court recording the summons as withdrawn is that the parties had agreed that the court did not have jurisdiction (i.e., it

was the wrong court). This was what the court contemporaneously recorded as the reason. However, was that conclusion a correct one? If the Defendant Council had suspended/revoked the licence relating to plate 19 then the 1976 Act states that the Defendant Council must give the proprietor notice of the grounds and that the proprietor has a right of appeal to magistrate's court (see paragraph 7 above). As I have already explained, Mr Camayo was not the proprietor of the taxi business relating to the Golf. The proprietor remained Mr Bryant. Therefore, Mr Camayo did not have a right to appeal any suspension/revocation of the licence by the Defendant Council and therefore the Defendant Court did not have jurisdiction. If I am wrong that this was not a suspension/revocation but rather the transfer of the licence to the Golf was *void ab initio*, as maintained by the Defendant Council, then the outcome is the same as no revocation had occurred and therefore the Defendant Court had no jurisdiction. These conclusions also make it likely that Mr Camayo's advocate at the hearing did concede the Defendant Court lacked jurisdiction.

39. No sustainable criticism can be made of the decision of 8 September 2020 by the Defendant Court not to "reopen" the case for the reasons that I have given. Mr Camayo alleges that the Defendant Court took a long time to take the final decision that the case would not be reopened, however, I reject any such argument as if Mr Camayo had wanted to challenge the decision that had been made by the district judge on 25 September 2018, he should have done so within the appropriate time limits, which expired long before September 2020. However, if he had done so, it is highly likely he would have failed in any such challenge. I dismiss the claim against the Defendant Court.

Conclusion on the claims

40. Mr Camayo brought a challenge against the Defendant Council alleging it had unlawfully failed to transfer to him a hackney carriage vehicle licence carrying the number 19 as he was the owner of the vehicle to which that licence applied. I dismissed the claim on the basis that although he owned the vehicle, he was not the proprietor of the taxi business using that vehicle. Mr Camayo also brought a challenge against the Defendant Court in September 2020 refusing to reopen the case that was withdrawn following a hearing on 25 September 2018. I have dismissed this claim as there is no basis to criticise the Defendant Court's decision in September 2018 or September 2020.

Conduct of the Defendant Council

41. At the conclusion of the hearing on the 12 October 2021 amongst the other orders made, I ordered that a copy of this Judgment must be provided to the chief executive of the Defendant Council to draw their attention to the conduct of the Defendant Council in the course of this litigation. Although the Defendant Council notified the court of its objection to Mr Camayo's claim no acknowledgement of service was filed. The Defendant Council, according to the witness statement of Rebekah Straughan, lawyer, received nothing further until notification of the trial date. That notification was in an email from the court dated 9 June 2021 stating the date of trial. The order dated 10 May 2021 giving permission was received by the Defendant Council on 13 May 2021, but not passed to a lawyer until August 2021. It had not been emailed to the legal department. If an acknowledgement of service had been filed it should have included an appropriate address for service, as opposed to the address the court had which was the one provided by Mr Camayo.

42. Ms Straughan states that attempts were made to contact the court once the trial date had been received and from August 2021 the Defendant Council “used its best endeavours to rectify matters as soon as possible”. The court emailed counsel for the Defendant Council on 27 September asking if it intended to take part in the proceedings. The application for relief from sanction was not issued until 4 October 2021.
43. On the particular circumstances of this case, for the reasons I gave at the beginning of the trial, it was appropriate for the case to proceed with the Defendant Council’s involvement. However, the delays in communication and responding to directions could have significantly affected the administration of justice and wasted court time. For these reasons, I ordered that these facts should be drawn to the attention of the chief executive of the Defendant Council in order for consideration to be given to any changes to the Defendant Council’s internal arrangements to avoid a repetition of similar events.