

Council taxi decision flawed

Queen's Bench
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Regina (Morris) v Newport City Council

The introduction by the local authority of an age limit on taxi cabs in Newport, so as to prohibit cabs more than 12 years old, was flawed. The authority had failed to take account of representations made by the Hackney Drivers' Association.

One of the councillors chiefly responsible for the policy had failed to disclose that his brother was a licensed hackney carriage driver with an interest in the outcome.

Mr Justice Beatson, sitting in the Queen's Bench Division at Cardiff, so held on November 27, 2009, setting aside a decision dated March 18, 2009, of the defendant, Newport City Council, that the age limit for cabs be 12

years from first registration and that no converted vehicle be registered as a cab if it was older than three years and three months.

HIS LORDSHIP said the council had failed to take any account of a point raised by the drivers' association that their cabs were subject to a plating test every six months under the existing regime.

The responsible councillor had informed council officers of his brother's connection with the trade and if the officers had told him not to declare under the council's code of conduct he had been ill-served by them.

A fair-minded and informed observer might have concluded there was bias and it would have been prudent for the councillor to have made a formal declaration even though the claimant and other members of the drivers' association knew of his family connections.