

## **Contributory Factors Case Study**

Mr McKay complains to his Local Authority. He is unhappy that they did not process his application to renew his taxi licence properly and because of this he was not able to work for six weeks at the busiest time of the year. He tells the Council complaints officer that he had to call up several times and it was only when he threatened to go to his councillor that his form miraculously turned up when he had been told several times it was 'in the post'. He wants the Council to refund him the money he says he lost over the six weeks (approximately £4,200) and apologise.

The Council response states that:

'While we guarantee to process 90% of all applications within four weeks we cannot guarantee this for any specific application. We are currently experiencing a high demand for licences due to the expansion of the number of licences available by open tender this has prevented us reaching our target. This demand will be short term however and I am assured that the timescales for processing are returning to near normal.

In your case because you used form 216 a (for new applications) and not 216 (for renewals) your form was placed in the processing pile for new applicants. Applications are not processed until CRB checks are completed and returned. Because renewals do not require CRB checks a completed form was not returned by you and therefore the application form was not processed for several weeks. As soon as staff were made aware you had not received your new licence, your application form was retrieved and processed the same day.

In the circumstances I cannot conclude that we did not meet our service standard and though I am sorry for the inconvenience this delay caused you I do not consider the Council is responsible for this.'

The following week the Council receive notice from six other taxi drivers that they want to complain about delays in the issuing of their licences. They also receive a letter from Mr McKay's solicitors indicating an intention to sue for restraint of trade unless they receive full settlement of Mr McKay's £6,500 claim and an apology. The letter states that Mr McKay is particularly upset that the Council are blaming him for their incompetence; the form he returned was the one he was given by the member of staff at the Council's Help Desk.

The Council solicitor asks you to undertake a significant event review to assist the Council in defending their position not to pay out to Mr McKay as this will cause a precedent for all the other complaints now received.

### **Your investigation uncovers several facts / statements as follows:**

Mr McKay's form was stamped as received on 22 June 2015.

## **Statement from Josh Chambers, Clerk in the Licencing Team.**

*'I don't remember Mr McKay specifically but I was working on the helpdesk the day his form was marked as received. We don't always stamp them the same day though and we were really busy around then so it may not have been me that stamped it.'*

*'When I get forms in I put them in the pile for processing upstairs in licencing – white or pink. I don't check anything at that time because of DPA requirements. I was told we shouldn't disclose personal information to anyone unless we know we are speaking to them personally.'*

*'The forms are refilled once a week by the Mail Room team. We did run out of forms several times around then and I think we did need to photocopy some of them ourselves for a while, I remember having to go for the pink paper.'*

## **Statement from Gillian Reynolds, Admin Assistant, Licencing**

'Mr McKay had completed the wrong form. When he called in originally I checked the renewals pile as we did have a backlog caused by the volume of new applications we were having to process but there was nothing there from him. I thought this must mean his application had already been processed and was maybe missing in the post or something. I checked with my manager and he said it would have been processed in the first week we got it and there were often delays in admin downstairs sending them out so not to worry. It was only after Mr McKay called a third time to say it still hadn't turned up and I checked on the system that I saw we hadn't got anything in for him ... one of my colleagues overheard me talking to Mr McKay (who was being very rude and shouting at me) and recognised that the name was on a form she had in the outstanding new applicants pile. As soon as we realised he had filled out the wrong form we just processed it as being a renewal.'

## **Extracts from the Council's 'Procedure Manual for Taxi Licencing'**

'CRB checks are needed only for new licences or where more than ten years has lapsed since the last licence was issued.'

New Applicants should complete and return Form 216a (Pink Form).

Renewals are required to submit Form 216 (White Form).

New Applicants will need to submit a CRB Form before their application can be fully considered.

If forms are returned incomplete or without necessary supporting documentation these should be returned to the applicant advising them of the specific reasons for the return.'