SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201704878, Stirling Council**
Sector:	local government
Subject:	licensing - taxis
Decision:	upheld, recommendations

Summary

Mr C was first on the waiting list for a taxi plate from the council and had been on the list for many years. However, when a plate became available, Mr C did not receive it. He found that this had gone to a day-to-day manager who was not on the waiting list. Mr C complained that this decision was unreasonable.

We found that the council had no record of the decision taken to issue the plate to someone not on the waiting list. The staff who dealt with it were unavailable and there were no records. We also found that there is no clear policy that indicates what should happen, or what factors should be considered when not following the normal process of allocating a newly vacant plate to someone on the waiting list.

We decided it was unreasonable that the council had no record of the decision that was made or their reasoning for that decision. Therefore, we upheld Mr C's complaint.

Recommendations

What we said should change to put things right in future:

- The council should now determine, without ambiguity, whether they were obliged to issue the plate to the day-to-day manager in these specific circumstances.
- The council should record all decisions to depart from the waiting list. This should include what evidence was considered and how the decision made. The council should have a list of situations that could be considered as exceptional circumstances. This list should be made easily and publically available.

What we asked the organisation to do in this case:

- Following the council's consideration of our first recommendation, they should tell Mr C what their decision is. If they were not under a legal obligation to issue the plate to the day-to-day manager, then they should consider how to remedy the injustice done to Mr C.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.