

The Ombudsman's final decision

Summary: Miss X complains about how the Council's dealt with problems recording her correct postal address. This affected council tax and electoral records. The Council took too long to resolve this situation. Miss X had to wait over a year for the Council to do so. We recommended the Council apologise and pay Miss X £200 as a remedy for distress, uncertainty, time and trouble caused by this fault. It has agreed to carry out these actions.

The complaint

1. Miss X complains the Council wrongly recorded her address on its council tax and electoral roll records. She says this meant she could not vote in 2017 and had problems getting consumer credit.
2. It meant the Council initially asked her to pay council tax recovery costs although it later repaid this. She received the council tax summons the day she went on holiday ruining this for her.
3. It meant Miss X could not pay council tax in instalments meaning she lost out on interest. Miss X says she had to continually contact the Council about this matter which she says is still not resolved. This caused her costs, stress and upset.

The Ombudsman's role and powers

4. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

What have I investigated

6. I have investigated Miss X's complaint with the exception of what happened in the polling station in May 2017. This is for the reasons set out in paragraph 41.

How I considered this complaint

7. I corresponded with Miss X about her complaint and considered what she said.
8. I asked the Council questions about the complaint and considered what it said.
9. I considered the Ombudsman's guidance on remedies.
10. I gave the Council and Miss X the opportunity to comment on my draft decision.

What I found

Legislation

11. National guidance states that the address of a property should normally be the road vehicles use to access it. However councils have discretion about this.
12. All individuals must register with their council to vote, giving their national insurance number and date of birth. The Ombudsman cannot investigate complaints about the conduct of elections.

Background

13. Miss X moved into a flat in September 2016. The flat was part of a relatively new block with vehicle access from Road A. An older building (since knocked down) it replaced faced onto Road B. This old building had Road B as its postal address. Some of the new flats where Miss X lives face onto Road A. Some face onto Road B.
14. The Council tax team recorded Miss X's flat as having an address on Road A. The Council elections services team also recorded it as having an address on Road A with a "*secondary noted address*" in Road B. The Council's Building Control team, responsible for street naming and numbering also recorded it as being on Road A.
15. However, Royal Mail records showed it as having an address on Road B. Land Registry records also showed it as being on Road B. This land registry information was what Miss X had when she bought the flat. She therefore thought the flat was on Road B.
16. She contacted the Council soon after she moved in to register for council tax. She filled in the necessary forms. The Council sent her a council tax bill to the address on Road A. The bill nevertheless reached Miss X. Miss X told the Council the address was wrong and should be Road B. She continued to raise this with the Council several times during October and November 2016. She did not pay the bill because she wanted this problem sorted out first.
17. On 17 November 2016 the Council told Miss X it could not change its record of her address from Road A to B. It urged her to take action to stop any recovery of unpaid council tax.
18. Miss X contacted the Council the same day to say she could not accept this outcome. She said the problems meant she was not showing up correctly on the electoral register. She said it affected her credit scores, employment vetting and financial history. Miss X has provided me with a letter from a credit company (from June 2017) that said it had a problem with her application because of conflicting information about her address.
19. Later in November 2016 the Council sent Miss X a summons for council tax including a charge of £50 for costs. She paid the council tax charge immediately by credit card as she was about to go on holiday. She said the stress of the

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- summons ruined the holiday. She contacted the Council again asking it to sort out the problem.
20. The Council wrote to Miss X on 30 November to say it could not change the address without all residents agreeing. Miss X then made a formal complaint to the Council about the situation. She asked it for compensation for the time, trouble and stress sorting the situation had caused.
 21. The Council emailed Miss X on 21 December to say it had amended its council tax records to show the correct address for her flat as Road B. It refunded Miss X the £50 costs and cancelled her summons. It did not change the address used by other council departments or the electoral roll. Miss X believed everything had been sorted out.
 22. In May 2017 Miss X went to vote at the General Election. She says she did not get a polling card although the Council says one was sent to her, presumably at Road A. She says she was turned away at the polling station because of the address confusion. Miss X again contacted the Council about the situation.
 23. The Council replied in June 2017 to say it was looking at the situation. Miss X then told the Council she would contact the Ombudsman and wanted compensation. The Council told her it first needed to consider her complaint at stage 2.
 24. It replied to Miss X in September 2017. It detailed the site history and explained the various different records of her address across the Council, land registry and post office. It said Electoral services showed it as Road A with a “*secondary noted address*” as Road B. The Council later told me poll clerks did not have any access to the secondary noted addresses.
 25. The Council said its official address was Road A based on this being the main vehicle access. It said that in the course of Miss X’s complaint the council tax department had wrongly amended the address to road B without carrying out any of the consultation needed to make this change.
 26. It accepted the situation was problematic. It said it would consult with all residents to seek agreement about what should be the flats’ addresses.
 27. Miss X said this had not resolved her complaint or dealt with her request for compensation. The Council said it could only pay compensation when someone suffered a financial loss. It referred Miss X to the Ombudsman.
 28. The Council consulted all flat residents in September and October 2017. It wrote to them in November to confirm that some flats (including Miss X’s) would get an address in Road A and others would get an address in Road B. The Council Cabinet confirmed this decision in December 2017. The Council has told all its departments of the change.
 29. Miss X had, by then, decided to move to another address. She said this was because of this long-running problem.
 30. The Council told me it was trying to improve its approach to using a single address for citizens across all council departments. However this was not yet in place.

My findings

31. Miss X first told the Council’s about the problem in October 2016. She complained in November 2016. Miss X thought the Council had sorted the problem out when it wrote to her in December 2016 to say it had corrected her address on its council

tax records. She assumed this meant it had changed address records across the whole Council including the electoral roll.

32. The Council only took a comprehensive, whole organisation response to the problem in its stage 2 complaint in September 2017. It then took until December 2017 to finally sort out the problem for Miss X and other residents.
33. The Council had to consult with residents about the change and this unavoidably took time between September and December 2017. However the Council missed opportunities to sort the problem out at a much earlier stage. It was obvious from Miss X's contact in late 2016 that the Council's address records for the flats were causing her, and likely other residents, avoidable problems. The Council's delay is fault causing Miss X avoidable stress, time and trouble. I have recommended a remedy for this injustice.
34. Miss X could have paid her council tax bill on time, even though the address shown on her bills was not what she understood to be correct. The bills reached Miss X and as the occupier of the property she was liable for the council tax. The Council explained it could not change the address. It warned Miss X what could happen if she did not pay. It was then entitled to start recovery action. The Council later refunded her costs. There was no fault in these actions by the Council.
35. We cannot investigate any complaints about the conduct of an election. This means we cannot investigate what happened in the polling station when Miss X tried to vote.
36. The Council gave Miss X a confusing response to her complaint about voting and this is fault. At first it said electoral records showed her address as Road A and (as a secondary address) Road B. It later told me poll clerks would not have had access to any information showing Road B. This caused Miss X further uncertainty about what had happened.

Agreed action

37. Within one month of my final decision the Council has agreed to:
 - Apologise to Miss X for the time it took to fully resolve her complaint.
 - Pay Miss X £200 for avoidable distress, uncertainty, time and trouble caused by this delay.

Final decision

38. I have completed my investigation. I have found fault causing injustice.

Parts of the complaint that I did not investigate

39. I have not investigated what happened in the polling station in May 2017 because the Ombudsman cannot investigate complaints about the actions of the Returning Officer.

Investigator's decision on behalf of the Ombudsman