

The Ombudsman's draft decision

Summary: The evidence currently suggests fault by the Council on Miss P's complaint of it giving her incorrect information about charges for practitioner and premises registration when she relocated a business to its area. The Council gave her incorrect information about the cost. The recommended action remedies the injustice caused.

The complaint

1. Miss P complains the Council gave her incorrect information about the cost it charges for transferring a practitioner and premises registration to it from another council when she decided to relocate her business; as it result the amount rose from the £10.50, to £419, and then £488.

The Ombudsman's role and powers

2. 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*)
3. 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*)

How I considered this complaint

4. I considered all the information Miss P sent, the notes I made of our telephone conversation, and the Council's response to my enquiries, a copy of which I sent her. I sent a copy of my draft decision to Miss P and the Council.

What I found

5. If Miss P wanted to relocate her business to the Council's area, she needed to apply for practitioner and premises registration (the registration). As she was already registered with another council where her business was located, she decided to ask the Council about transferring the registration over to it.
6. In June 2019, she called the Council and asked about the cost of transferring it. She says a duty officer told her she would not need a new licence. All she needed

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to do was pay £10.50 to change the address on it as the Council worked in partnership with other councils. She was told to put her request in writing.

7. In response to my enquiries, the Council accepted an officer gave her this figure as the cost of transferring a 'personal licence' from one address to another. A personal licence is needed for the sale of alcohol. It claimed Miss P asked about the cost for transferring this type of licence. The Council confirmed there is no record of this call and calls are not recorded.
8. Miss P gave notice to her landlord and signed an agreement for new premises. She went to the Council's offices and paid the £10.50 fee and the receptionist took her letter requesting a change of address on the registration. Later that day, an officer called saying it previously gave her wrong information about the fee. The fee she needed to pay was £419.
9. She paid this fee for the registration with the Council on 29 June as she to start trading from her new premises on 2 July. She paid this fee because of what the officer said and because it was shown on the Council's application form she found after searching the website for it.
10. When she chased the Council about her application, she spoke to a senior officer. This officer confirmed the correct fee was £488, not £419. The delay with its processing was because she had not paid the full amount. The officer said she needed to raise a formal complaint if she wanted the Council to reduce or waive the fee. The officer was unaware of the prices shown on the Council's website but said he was happy for her to start trading as she had sent it her application.
11. The Council explained it is not possible to transfer a practitioner and premises registration from one district to another. This is why information about fees for transfers is not on its website.
12. Miss P argued she would have delayed the move for financial reasons had the Council given her the correct information.

Analysis

13. I found fault on this complaint and in reaching this decision took account of the following:
 - a) There is no recording of Miss P's initial call to the Council. This means there is no independent evidence corroborating what Miss P claimed was said when she spoke to the duty officer;
 - b) The Council did not provide evidence to support what it believed she said about a personal licence during contact with the duty officer. For example, there was no record of any interview with this officer following Miss P's complaint. Even if the Council had provided a record of an interview, it would merely be the case of one party's word against the other;
 - c) The Council accepted internal information for officers wrongly said the fee for registration was £419 instead of £488. This means the second officer Miss P spoke to gave her incorrect information. This is fault.
 - d) The Council confirmed information on a website providing a link to its registration application also contained the incorrect figure of £419. This is fault.
14. I am satisfied the failures caused Miss P avoidable injustice. The fault caused her frustration, anxiety, and inconvenience.

Recommended action

15. I took account of our guidance about remedies.
16. I also took account of the Council: telling Miss P it directed duty officers to probe callers more in future to make sure each request is properly understood by both parties; amending information available to officers that was incorrect; amending information on the website application form that was incorrect; offering to refund the difference between the actual fee (£488) and what it told her to pay (£419); offering her £100 in recognition of the inconvenience she experienced; and, apologising to her for giving incorrect information about fees both in person and on the online application form.
17. The Council will, within 4 weeks of the final decision on this complaint do the following:
 - a) Confirm to Miss P it is willing to refund the difference between the actual fee cost and the one officers told her she needed to pay (£69);
 - b) Confirm to her it is also willing to pay her £100 for the distress; and
 - c) Consider whether its website needs to include information about how it is not possible to transfer registrations from another council.

Draft decision

18. Subject to further comments by Miss P and the Council, I intend to make a fault causing injustice decision on her complaint. The recommended action remedies the injustice caused.

Investigator's draft decision on behalf of the Ombudsman