

Complaint reference:
15 007 314

Complaint against:
Gloucester City Council

The Ombudsman's final decision

Summary: Mr A complains the Council failed to properly handle a dispute about his council tax liability which led to enforcement action being taken against him. There was fault by the Council which caused Mr A injustice. As it has now agreed to refund the enforcement costs and make a compensation payment, an amount totalling £180, and is willing to review the period of a council tax discount, the Ombudsman will not pursue the complaint any further.

The complaint

1. Mr A complains the Council failed to properly handle a dispute about his council tax liability after his property was damaged by a fire in May 2013 which led to enforcement action being taken against him for unpaid council tax.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She 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, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

How I considered this complaint

3. In considering the complaint I reviewed the information both Mr A and the Council provided. Both Mr A and the Council were given the opportunity to comment on my draft decision.

What I found

4. In May 2013 Mr A's property was badly damaged by a fire which left it uninhabitable while works to repair it were completed. Mr A informed the Council of the situation which then verified the property's condition and granted a council tax discount of approximately £300 as the property was accepted as being unoccupied and uninhabitable.
5. In April the following year, as a result of information the Council received from Mr A in connection with a dispute about his mother's council tax liability for her home, the Council revised the discount and reduced it to cover a period of only two weeks. It did this because in April Mr A told the Council he had lived at his

mother's house for two weeks after the fire and the rest of the time he had mostly spent living at his own home.

6. Having revised Mr A's council tax bill, and having received no payment from him, the Council pursued the debt and was granted a liability order in July 2014. Mr A says he had no knowledge of the Council's actions or that the order had been granted.
7. When he became aware of the liability order made against him Mr A contacted the Council and asked it to send him the evidence it was relying on to support its view he had only been unable to live at his property for two weeks. He told the Council he could provide evidence to prove he had not been living at the house and had been living elsewhere but he received no proper response from the Council.
8. As the debt remained outstanding the Council passed the debt on to bailiffs for collection. Bailiffs visited Mr A at home in October and, while still disputing his liability, he paid the amount asked for to prevent any further escalation.
9. In November Mr A complained to the Council. It explained it had reduced the discount to two weeks because in April 2014 he had advised that this was the period of time he had been living with his mother, and the rest of the time he had been at his property. There followed a stream of correspondence between the two parties but matters remained unresolved so Mr A complained to the Ombudsman.

Analysis

10. Having received my enquiries the Council reviewed its handling of Mr A's case. It explained it had based its actions in reducing the discount to two weeks on the information Mr A had given a year later when he had contacted the Council about his mother's council tax. It confirmed that as Mr A had now advised he had also been living elsewhere at the time works were being carried out to his property, besides the two weeks at his mother's, it would apply the discount to cover these periods on receipt of information confirming this.
11. The Council has accepted that the communication it had received from Mr A should have led to his account being put on hold instead of recovery action being taken. In recognition of this fault the Council has confirmed it will refund all the costs relating to recovery on the account totalling £133.
12. The Council has also acknowledged the inconvenience its delays in responding to his correspondence caused Mr A and it has offered a further £47 in recognition of this fault.

Agreed action

13. As the Council has agreed to remove enforcement costs of £133, pay Mr A the compensation payment of £47 and is willing to look at any additional information he provides about where he was living during the period works were being carried out at his property, the complaint is viewed as settled by the Ombudsman.

Final decision

14. There was fault by the Council which caused Mr A injustice. However, it has taken the action detailed above to address this fault and the Ombudsman will not pursue the complaint any further.

Investigator's decision on behalf of the Ombudsman