

Complaint reference:
15 009 401

Complaint against:
Gloucester City Council

The Ombudsman's final decision

Summary: Mr A complains about the Council's handling of matters relating to his council tax liability for two properties he rents out to tenants. There was some delay by the Council in responding to Mr A's complaint, and, until prompted, in notifying him of his right to appeal to the Valuation Tribunal. However, as the Council has offered Mr A £50, and given details about how to appeal to the Tribunal, the complaint is viewed as satisfactorily settled and there are no remaining issues which warrant further investigation by the Ombudsman.

The complaint

1. Mr A complains about the Council's handling of matters relating to his council tax liability for two properties he rents out to tenants. It has wrongly held him liable for a specific period of time when in his view it is the tenants who are liable and it has failed to deal with his complaint about the matter in a timely manner.

What I have investigated

2. I have considered the parts of Mr A's complaint which concern the Council's delay in responding to his complaint and its failure to inform him of his right to appeal to the Valuation Tribunal. The last paragraph of this statement explains why I have not looked at the issue of liability.

The Ombudsman's role and powers

3. If the Ombudsman is satisfied with a council's actions or proposed actions, she can complete her investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i)*)
4. The law says the Ombudsman cannot normally investigate a complaint when someone can appeal to a tribunal. However, she may decide to investigate if she considers it would be unreasonable to expect the person to appeal. (*Local Government Act 1974, section 26(6)(a)*)
5. The Valuation Tribunal deals with appeals against decisions on council tax liability and council tax support or reduction.

How I considered this complaint

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

What I found

7. Mr A owns two properties which he rents out to tenants. In advance of the tenancies ending, tenants from both properties moved out. Using the dates provided by the tenants of when they moved out, the Council informed Mr A he was now liable for council tax at both properties from the moving out dates.
8. Mr A contacted the Council to dispute the dates the tenants had given. He emailed the Council at the end of April 2015 disputing his liability.
9. At the beginning of June the Council responded to Mr A and asked him for details about the tenancy agreements in question. Mr A provided the information and at the end of the month the Council told him it had considered the information he and the tenants had provided but decided he was the liable person for the period in question.
10. Mr A told the Council he disagreed with its decision and that he would be complaining to the Ombudsman. On being notified of the complaint by the Ombudsman the Council reviewed its handling of Mr A's case and, while it confirmed its decision with regards to liability, it realised it had failed to inform him of his right to appeal against its decision to the Valuation Tribunal. In recognition of its fault the Council offered Mr A £50 as a goodwill gesture and advised him he could still appeal to the Tribunal.

Analysis

11. Once the Council received the complaint details from the Ombudsman it reviewed matters and realised it had failed to notify Mr A of his appeal rights. It apologised for its fault here, offered him £50 and provided him with details about how to appeal.
12. There was also some delay by the Council in responding to Mr A's complaint. However, given the action taken by the Council above, I consider the complaint to have been adequately and appropriately addressed and there are no grounds which warrant any further investigation by the Ombudsman.

Final decision

13. There was fault by the Council in its handling of Mr A's council tax complaint but as it has now apologised for this, informed him of his appeal rights and offered £50 compensation, the complaint is viewed as satisfactorily addressed and the Ombudsman will not pursue it any further.

Parts of the complaint that I did not investigate

14. The restriction highlighted in paragraph 4 applies to the part of Mr A's complaint which concerns the question of his liability for the council tax after the tenants left. As he can challenge the Council's decision by way of an appeal to the Valuation Tribunal, the Ombudsman would reasonably expect him to make use of this alternative remedy and for this reason this matter falls outside her jurisdiction and will not be pursued.

Investigator's decision on behalf of the Ombudsman