

**Bolsover District Council**

**Executive**

**30<sup>th</sup> January 2017**

Local Government Ombudsman decision in the case of Mr B

**Report of the Monitoring Officer**

This report is public

**Purpose of the Report**

To provide information to Councillors in relation to the Ombudsman's decision.

**1. Report details**

The Local Government Ombudsman (LGO) investigated a complaint from Mr B and as a result, the LGO found fault by the Council which caused Mr B injustice.

The full decision notice is appended, however for background information, Mr B leases business premises from the Council. He bought a domestic property in the District which was uninhabitable and needed extensive renovations. He advised the Revenues Section of this.

Mr B did not, despite many requests from the Revenues Section, provide an alternative address to send his correspondence to; consequently, as the Revenues Section does not send bills and other legal documents to an empty property, they sent all bills, reminders, summonses etc. to his business address. Mr B was responding to all other correspondence, in relation to his business, which was sent to this address.

As the property required major repairs Mr B received a 100% discount for twelve months and then the full charge became due and payable in July 2015.

Mr B then contacted the Revenues Section in August 2015 stating that he was resident at the property from 24<sup>th</sup> August 2015 and wished to claim 25% single occupier discount. A Visiting Officer went out on site and found the property to be empty. Mr B insisted he was resident at the property and wanted his correspondence sent there. The Revenues Section asked for proof of residency (utility bills etc.) in order for them to amend his Council Tax liability and process his application for single occupier discount. Mr B did not supply these.

Mr B then advised he had moved out of the property on 30<sup>th</sup> November 2015 due to unforeseen structural work, but did not provide a forwarding address. The property, Mr B advised, was unfurnished and vacant.

In January 2016 Mr B e-mailed asking why his Council Tax bill had not been amended. A Visiting Officer went out on site and found the property to be empty.

In April 2016 Mr B e-mailed the 'enquiries' facility twice stating he had not received an up to date Council Tax bill. He advised he was resident at the property and had not

received single occupier discount. Mr B advised 'Can you please send a bill so payment can be made to [address], I am a sole occupier. Bills sent to any other address will not be received'.

These e-mails were held in the Revenues Section inbox awaiting administration.

Additionally Mr B made a complaint, in May 2016, which he escalated through the Council's complaint system. A 'Change of Circumstances' form was sent, with the complaint response, to establish his periods of residency. Mr B returned the form with proof of residency for the later (from 28<sup>th</sup> March 2016) period only. As such, Mr B's Council Tax account was updated and single occupier discount applied.

Mr B then complained to the LGO. The LGO did not find fault with the decisions made by the Council for the earlier period Mr B claimed to have been resident. However the LGO found fault that the Council should have told Mr B about his right of appeal against the decision not to award single occupier discount for this period. They also found fault as the Council did not respond to Mr B's emails in April 2016.

## **2. Conclusions and Reasons for Recommendations**

The Monitoring Officer is statutorily required to report to members any finding of maladministration or injustice to Executive, and is required to present a report to all Councillors.

The LGO recommended that the Council:

- remove the court costs of £55 from the outstanding balance for the council tax year 2016/17;
- write to Mr B explaining its decision regarding the single person's discount for the period 24<sup>th</sup> August 2015 to 30<sup>th</sup> November 2015, and include details of how Mr B can appeal its decision; and
- pay Mr B £45 (this was commuted from £100 after receiving the Council's comments in relation to the case) to recognise the time and trouble he has been put to pursuing the matter.

They also asked that the Council should take these actions within four weeks.

## **3 Consultation and Equality Impact**

There are no direct consultation or equality issues as a result of this report..

## **4 Alternative Options and Reasons for Rejection**

Not applicable as a requirement to present information to Councillors.

## **5 Implications**

### **5.1 Finance and Risk Implications**

As detailed above the Council has removed the court costs of £55 from the outstanding balance for the council tax year 2016-17, paid Mr B the sum of £45 and written to him to advise how he can appeal the Council's decision not to award single occupier discount

for the period 24<sup>th</sup> August 2015 to 30<sup>th</sup> November 2015. We have confirmed our actions to the LGO.

With regard to the Mr B's appeal rights, the Revenues Section confirm that it is standard practice to advise customers of any appeal rights, where there is a dispute. Unfortunately this did not happen on this occasion.

## 5.2 Legal Implications including Data Protection

The Monitoring Officer is statutorily required to report to members any finding of maladministration or injustice to Executive, and is required to present a report to all Councillors. This report ensures we are meeting our duties. No further risks have been identified

## 5.3 Human Resources Implications

None within the content of this report.

## 6 Recommendations

1. That Executive note the findings of the Local Government Ombudsman.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	Pinxton
<b>Links to Corporate Plan priorities or Policy Framework</b>	Compliments/ Comments and Complaints Policy.

## 8 Document Information

Appendix No	Title
Appendix 1	Local Government Ombudsman decision notice and covering letter
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Monitoring Officer	BDC: 2414/ NEDDC: 7057
Customer Standards & Complaints Officer	BDC: 2353