

EXECUTIVE AGENDA

Monday 30th January 2017 at 1000 hours in the Council Chamber, The Arc, Clowne

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1	Apologies for absence	
2	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4	Minutes To approve the minutes of the meeting of the Executive held on 3 rd January 2017.	Previously Circulated
5	Items recommended by Scrutiny Committees See exempt agenda item 10(A).	
6	Policy and Budget Framework Items None.	
7	NON KEY DECISIONS	
	(A) 'Active for Life' - Presentation by the Senior Sport Development Officer and Derbyshire Sport.	Presentation
	(B) Mr B – Ombudsman Report.	4 to 10
8	PART 2 – EXEMPT ITEMS <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a (relevant exemption paragraph is cited next to the agenda item).</i>	

9 NON KEY DECISION

(A) Paragraph 3

Customer Service and Transformation Scrutiny Committee Review of Heating Costs to Tenants in Properties with a District Heating System - Executive's response to Scrutiny's recommendations.

10 KEY DECISION

(A) Paragraph 3

Addressing Crime and Anti Social Behaviour. 11 to 24

(B) Paragraph 3

Development Proposal. 25 to 41

Notes:

Items under the Key Decision headings are all Key Decisions and are notified to the public at least 28 days in advance. A Key Decision is an Executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that income or expenditure of £50,000 or more is significant.

EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Tuesday 3rd January 2016 at 1000 hours.

PRESENT:-

Members:- Councillors T. Connerton, S.W. Fritchley, B.R. Murray-Carr, K. Reid and J. Ritchie.

Officers:- D. Swaine (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council), B. Mason (Executive Director – Operations), S. Brunt (Joint Assistant Director - Streetscene) (to Minute No. 0557(C), S. Barker (Joint Assistant Director HR & Payroll), P. Wilmot (Human Resources Manager), J. Foley (Assistant Director of Customer Service & Improvement) (to Minute No. 0558), N. Blaney (ICT Manager) (to Minute No. 0558), S. Chambers and A. Bluff (Governance Officer).

Also in attendance at the meeting were Councillors R.J. Bowler and J.E. Smith and C. Millington (Scrutiny Officer) (to Minute No xxx)).

Councillor A.M. Syrett in the Chair

0551. APOLOGY

An apology for absence was received from Councillor M.J. Dooley.

0552. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0553. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0554. MINUTES – 28TH NOVEMBER 2016

Moved by Councillor J. Ritchie and seconded by Councillor T. Connerton

RESOLVED that the Minutes of an Executive meeting held on 28th November 2016 be approved as a correct record.

0555. ITEMS RECOMMENDED BY SCRUTINY COMMITTEES

See exempt agenda item 10 (B).

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0556. POLICY AND BUDGET FRAMEWORK ITEMS

There were no policy and budget framework items for consideration.

0557. NON KEY DECISIONS

(A) APPOINTMENT TO AN OUTSIDE BODY

At its meeting on 31st October 2016, Executive agreed to defer consideration to appoint a representative to sit on Chesterfield Royal Hospital NHS Foundation Trust, Council of Governors to a meeting of the Strategic Alliance Management Team (SAMT). Subsequently SAMT agreed that the relevant Member for the three year appointment (1st January 2017 to 31st December 2019), would be the Portfolio Holder for Health and Wellbeing.

The deadline for the appointment was 13th December 2016. Accordingly, the Chesterfield Royal Hospital NHS Foundation Trust had been advised that the Portfolio Holder for Health and Wellbeing would be appointed.

Moved by Councillor S.W. Fritchley and seconded by Councillor T. Connerton

RESOLVED that the decision of SAMT to appoint the Portfolio Holder for Health and Wellbeing to the Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust for a three year appointment (1st January 2017 to 31st December 2019) be approved.

(Governance Manager)

REASON FOR DECISION: To appoint the Portfolio Holder for Health and Wellbeing to the Council of Governors of Chesterfield Royal Hospital NHS Foundation Trust for a three year appointment (1st January 2017 to 31st December 2019).

OTHER OPTIONS CONSIDERED: None.

(B) PROCUREMENT OF KERBSIDE RECYCLING SERVICE

Executive considered a report which provided an update to Members on a joint procurement arrangement of the Council's kerbside recyclable waste collection service.

At its meeting on 31st October 2016, Executive considered a report setting out the procurement timetable for the joint market testing of Bolsover (BDC) and North East Derbyshire (NEDDC) kerbside recycling service in anticipation of it reaching the end of its extended (7 year) contract period at 31st October 2017.

The Shared Procurement Partnership had since advised the Authority of changes to public procurement regulations and that the pre-qualification process was now replaced by a selection questionnaire (SQ), which limited the Council's opportunity to request technical and financial information by moving to a 'self certification' process.

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Where financial and technical information was requested, this now had to be at the later SQ stage, thus adding time to the process, therefore, to ensure the main tendering element of the timetable was maintained, open tenders would be sought from the market place.

The tender had also been revised to provide an 'opt in' for Chesterfield Borough Council (CBC) in anticipation of their current contract arrangement reaching its anniversary at 31st October 2018.

Members were requested to note the revised timetable for undertaking joint procurement arrangements.

A further report would be submitted to Executive at the decision stage in awarding contracts.

Moved by Councillor T. Connerton and seconded by Councillor B.R. Murray-Carr

RESOLVED that (1) the revised timetable for undertaking joint procurement arrangements of BDC and NEDDC kerbside collection recycling services with an 'opt in' provision for Chesterfield Borough Council be noted,

(2) a further report to be submitted to Executive at the decision stage in awarding contracts.

(Joint Assistant Director – Streetscene)

REASON FOR DECISION: To enable the Council's kerbside collection recycling services.

OTHER OPTIONS CONSIDERED: None. Private sector recycling waste service providers had established processing facilities and end markets, securing sustainable and economic outlets, which the Council was not best placed to secure.

The Joint Assistant Director - Streetscene left the meeting.

(C) APPRENTICESHIP REFORMS

Executive considered a report which provided detailed information on the new apprenticeship levy and apprenticeship start targets due to be introduced in April 2017.

The Government had announced a new apprenticeship levy in the Summer Budget of 2015. The apprenticeship reforms would start to impact on the Council from April 2017 through the requirement to pay an apprenticeship levy of 0.5% of the pay bill and meet a minimum of 2.3% apprenticeship starts annually based on employee headcount. A number of options were outlined in the report which aimed to ensure that the Council made optimum use of the levy.

More recently, the Government had consulted concerning the funding rules and had indicated that if a levy paying employer wished to invest more in apprenticeship training

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than held in their digital account, the Government would meet 90% of the additional cost with the employer contributing 10%. This provided a significant incentive to employers who wished to receive additional funding.

It was hoped that with a combined collaborative approach with the Council's strategic partner, resources could be shared and efficiencies found, and the Council would ensure better purchasing powers. The Human Resources Manager would present a further report to Strategic Alliance Joint Committee with a view to encourage a collaborative approach.

It was also noted that the Council would be required to publish data on its performance against its target.

Members welcomed the report and agreed that this would provide the Council with opportunity for new apprentices and for current staff to build on their skills.

Moved by Councillor K. Reid and seconded by Councillor S.W. Fritchley

RESOLVED that (1) Strategic Alliance Management Team be endorsed to implement an Apprenticeship Strategy to include the options included in sections 1.14 and 1.15 of the report with a view to maximising the new Apprenticeship Levy and provide the opportunity for the Council to achieve its Apprenticeship target,

(2) The Council agree to pay the national pay rates for Apprentices.

(Joint Assistant Director HR & Payroll)

REASON FOR DECISION: To ensure that the Council makes optimum use of the levy.

OTHER OPTIONS CONSIDERED: Rejected for the reasons outlined in the report.

KEY DECISIONS

(A) TELEPHONY AND CONTACT CENTRE MANAGEMENT SOFTWARE

Executive considered a report which provided information on the Council's position regarding the current telephony and Contact Centre telephony management solutions and also the options for renewal.

The telephony system was used by Council staff and joint workers and the CCM was used by the Contact Centres and the Revenues & Benefits section for call queue management and reporting.

The current 5 year agreement would end in September 2017. The provider of the current telephony system had announced in 2015 that the solution would no longer be supported and maintained after September 2017 and all customers would need to migrate to a different solution in advance of this date. In addition to this, clients were

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unable to expand the system after September 2016 as new licenses were no longer on sale.

With this in mind, it was felt that it would be appropriate to consider a range of options that were available to the Council. The three main options that had been considered were;

- Remain with the current supplier and migrate to their new solution
- Adopt the MITEL solution currently utilised by NEDDC with both parties moving to the MITEL CCM solution for managing the Contact Centres
- Move to a cloud based solution

Further to visits to customer reference sites and consultations with internal stakeholders, the option evaluation concluded that the MITEL solution best met the needs of the Council as well as being the most cost effective option.

Given that the telephony and CCM software were an integral part of the Council's operational arrangements, it was crucial that the management of the transition to a new system was handled effectively. In line with established arrangements officers would develop a project risk register in order to identify and agree mitigation in respect of key risks.

In order to procure the software and equipment proposed, officers were seeking Executive's approval for the direct award via Crown Commercial Services, Framework RM1045, Lot 10 for 'Unified Communications' to NG Bailey Limited.

In response to a Member's question, the ICT Manager stated that the MITEL system was a very robust system and was also the market leader.

Moved by Councillor T. Connerton and seconded by Councillor J. Ritchie

RESOLVED that (1) the deployment of the MITEL Unified Communications telephony solution and MITEL CCM be approved,

(2) expenditure on replacement telephony and CCM software at a cost of up to £70,000, with funding from the Transformation Reserve be approved,

(3) the recommended deployment criteria as laid out in section 2.3 of the report to minimise costs of handset procurement, be approved,

(4) the direct award via Crown Commercial Services, Framework RM1045, Lot 10 for 'Unified Communications' to NG Bailey Limited be approved.

(ICT Manager)

REASON FOR DECISION: To meet the Council's requirements for telephony and Contact Centre management software.

OTHER OPTIONS CONSIDERED: Not applicable.

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The Assistant Director of Customer Service & Improvement and the ICT Manager left the meeting.

0558. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor J. Ritchie and seconded by Councillor K. Reid

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

NON KEY DECISIONS

(A) THE ARC – ENHANCEMENT PROPOSALS EXEMPT PARAGRAPH 3

Executive considered a report which sought approval for proposals to improve facilities at the Arc, Clowne.

As work on the Leisure build at the Arc had progressed, a number of potential enhancements had been identified for both civic and leisure customers;

- Tiling of the atrium/reception area,
- Painting of the corridors, atrium and dry side changing facilities,
- Replacement of old lockers in the dry side changing facilities (male and female).

These enhancements were proposed at the current time to minimise disruption on site and allow for an effective tie-in between the new leisure centre and the existing building. The work could also be completed as a variation to the current contract the Council had with Pulse and managed through current project governance arrangements.

Moved by Councillor A.M. Syrett and seconded by Councillor K. Reid

RESOLVED that (1) the work packages as outlined at a cost as specified in the report, be approved,

(2) the additional works be managed through the current Leisure Centre project governance arrangements,

(3) the necessary funding be committed from the Transformation Fund to complete the work as detailed in the report.

(Executive Director - Transformation)

REASON FOR DECISION: The proposals would realise a positive effect on both sales and retention and would also provide a better customer experience for both civic and leisure users.

OTHER OPTIONS CONSIDERED: Rejected for the reasons outlined in the report.

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(B) ITEMS RECOMMENDED BY SCRUTINY COMMITTEES – CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE REVIEW OF HEATING COSTS TO TENANTS IN PROPERTIES WITH A DISTRICT HEATING SYSTEM EXEMPT PARAGRAPH 3

Executive considered a report of the Customer Service and Transformation Scrutiny Committee in relation to a review of heating costs to tenants in properties with a District heating system.

The aim of the review was to understand the reason for a complaint around high cost of heating for tenants in properties served by a District heating system.

At its meeting on 28th November 2016, Executive had considered an interim report of the Scrutiny Committee and had resolved that the Head of Housing and the Portfolio Holder for Housing review the current method of charging the same amount for each type of property across the District and put forward alternative suggestions as to how a fair system of billing could be introduced in the 2017/18 financial year.

The Portfolio Holder for Housing advised the meeting that the Head of Housing was currently working on a fair billing method and a report would be presented at the next meeting of Executive - any financial impacts arising from a new method would be considered as part of the Budget process in February.

Moved by Councillor J. Ritchie and seconded by Councillor S.W. Fritchley

RESOLVED that Executive considers the recommendations set out in the report of the Customer Service and Transformation Scrutiny Committee and provides a response to the recommendations within 6 weeks.

REASON FOR DECISION: To enable a fairer system of billing for energy charges to tenants in Council properties served by a District heating system.

OTHER OPTIONS CONSIDERED: None.

Councillors Bowler and Smith and the Scrutiny Officer left the meeting.

0559. KEY DECISION

(A) APPROVAL FOR THE AWARD OF TWO CONTRACTS TO UNDERTAKE WORKS AT CASTLE LEISURE PARK, BOLSOVER, (INSTALLATION OF NEW MULTI USE GAMES AREA) AND VALE PARK, CARR VALE (NEW CHILDRENS PLAY AREA) EXEMPT PARAGRAPH 3

Executive considered a report which sought approval to let two contracts for the installation of a new multi-use games area at Castle Leisure Park, Bolsover and an equipped play area at Vale Park, Carr Vale.

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As reported to Executive on 27th April 2015 and 4th April 2016, approval was sought for the investment of s106 commuted sums in enhancing and improving informal recreation facilities in Bolsover.

Further to consultation with local councillors, local community groups and local residents, tender exercises were carried out and the two schemes that were ranked as scoring highest both exceeded the requirements of the specification and provided the greatest added value. Consequently, the final result of the tender evaluation would depend on the result of the public vote, which would be carried out in early January 2017. It was, therefore, necessary to make a change to recommendation 2 in the report that the Assistant Director – Leisure, in consultation with the Portfolio Holder for Leisure, be granted delegated authority to appoint either of the two highest scoring tenders for the supply and installation of play and outdoor equipment at Vale Park, Carr Vale, subject to the process of public consultation.

Both of the schemes (MUGA and play area) as outlined in the report complied with the requirements as set out in the respective s106 agreements and had met an identified community need - the main differences being choice of equipment.

Moved by Councillor A.M. Syrett and seconded by Councillor S.W. Fritchley

RESOLVED that (1) the letting of a contract to Hags-SMP for the Supply and installation of a Multi-Use Games at Castle Leisure Park, Bolsover, to the value specified in the report be approved,

(2) the Assistant Director – Leisure, in consultation with the Portfolio Holder for Leisure, be granted delegated authority to appoint either of the two highest scoring tenders for the supply and installation of play and outdoor equipment at Vale Park, Carr Vale, subject to the process of public consultation, to the value specified in the report.

REASON FOR DECISION: To comply with the requirements as set out in the respective section 106 agreements.

OTHER OPTIONS CONSIDERED: Alternative options for both projects were discussed in the original reports to Executive.

The meeting concluded at 1110 hours.

Bolsover District Council

Executive

30th 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 24th 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 30th 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 28th 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 24th August 2015 to 30th 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 24th August 2015 to 30th 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

Is the decision a Key Decision? (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
District Wards Affected	Pinxton
Links to Corporate Plan priorities or Policy Framework	Compliments/ Comments and Complaints Policy.

8 Document Information

Appendix No	Title
Appendix 1	Local Government Ombudsman decision notice and covering letter
Background Papers (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

Complaint reference:
16 005 937

Complaint against:
Bolsover District Council

The Ombudsman's final decision

Summary: The Council failed to respond to emails from the complainant which resulted in it issuing a summons for non payment of council tax. The Council also failed to tell the complainant about his right of appeal against its decision to not give him a single person's discount. The Ombudsman has recommended that the Council take action to remedy the complainant's injustice.

The complaint

1. Mr B complains that there were failings in the way the Council administered his council tax. In particular that it took recovery action after sending correspondence to the wrong address and failed to give him a single person's discount.

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)*)
3. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. She must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)
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. I have:
 - considered the complaint and the documents provided by the complainant;
 - considered the comments and documents the Council has provided; and
 - given the Council and the complainant the opportunity to comment on my draft decision.

What I found

7. Mr B bought a house in July 2014 which needed major works. The Council granted a council tax discount of 100% to Mr B for 12 months, until July 2015.
8. The Council then sent Mr B an adjustment notice itemising the payments due for the rest of the council tax year. It did not include any discounts.
9. When Mr B failed to make the first payment, the Council sent Mr B a reminder notice. It sent the notice to Mr B's business address because he was not living in the house and had not provided an alternative residential address.
10. When Mr B failed to respond to the reminder notice, the Council cancelled Mr B's right to pay by instalments and the full balance for the year became due.
11. Mr B then told the Council that he had moved into the house on 24 August 2015 and was entitled to a sole occupier discount. The Council carried out two home visits and found the property to be empty. It emailed Mr B in September and October 2015 asking where he was living and explaining that it could not amend its records unless he could prove that he was living in the house.
12. The Council then sent a summons for non payment of council tax to his business address. A liability order was granted on 25 November 2015.
13. Mr B says that he sent utility bills to the Council on 25 November 2015 to show that he was living in the property. The Council has told Mr B that it has not received any evidence from him.
14. Mr B considers the Council should have written to him at the house as he told the Council he was living there on 24 August 2015. He says that if it had done so, he would have paid the council tax due and would not have incurred court costs of £55.
15. I do not consider Mr B incurred these costs as a result of any fault by the Council. The Council visited the house to check that he was living there as it is entitled to do. When it found the property to be empty, it emailed Mr B asking where he was living, or for proof that he was living at the house. As Mr B did not provide any evidence, the Council decided to send the summons to the only other address it had for him – his business address. I have found no evidence of fault in the way the Council reached this decision.
16. On 30 November 2015, Mr B emailed the Council and said that he had moved out of the property that day. He asked the Council to send any correspondence to the house and said that he may not receive documents sent to any other address. The Council then asked Mr B where he was living. Mr B did not answer and asked again for correspondence to be sent to the empty house.
17. The Council issued the bill for the new council tax year 2016-17 to Mr B's business address. Mr B emailed the Council on 4 April 2016 and 18 April 2016 and said that he had not received a bill for the year 2016-17. The Council did not respond to his emails. This was fault.
18. On 29 April 2016, the Council sent a summons to Mr B's business address. Mr B contacted the Council on 3 May 2016 and was told that he needed to provide evidence to show that he was living in the property. On 22 June 2016 Mr B provided evidence to show he had been living in the house since 28 March 2016. A liability order had already been granted on 26 May 2016.
19. I consider the summons was issued as a direct result of the Council's failure to respond to the emails Mr B sent in April 2016.

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20. The Council accepts that Mr B has been living in the house since 28 March 2016. It has told Mr B that it will not grant a single person's discount for the period 24 August 2015 to 30 November 2015 without proof that he was living in the house during that time.
 21. Mr B can appeal to the Valuation Tribunal if he disagrees with the Council's decision that he is not entitled to a single person's discount. The Council should have told Mr B about his right of appeal. It did not do so; this was fault.

Agreed action

22. Following my recommendations, the Council has agreed to:
 - 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 August 2015 to 30 November 2015, and include details of how Mr B can appeal its decision; and
 - pay Mr B £45 to recognise the time and trouble he has been put to pursuing the matter.
23. The Council should take these actions within four weeks.

Final decision

24. I have completed my investigation and uphold Mr B's complaint. There was fault by the Council which caused Mr B injustice. The action the Council has agreed to take is sufficient to remedy his injustice.

Investigator's decision on behalf of the Ombudsman

Local Government
OMBUDSMAN

27 October 2016

Ms Ann Bedford
Customer Service
Bolsover District Council
Sherwood Lodge
Bolsover
S44 6NF

Our ref: 16 005 937/IT6/JF

(Please quote our reference when contacting us and, if using email, please put the number in the email subject line)

If telephoning please contact: Ms J Foster on 0330 403 4120

Email address: J.Foster@coinweb.lgo.org.uk

Dear Ms Bedford

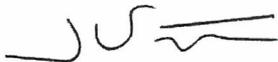
Complaint by

Thank you for your comments about my draft decision. I have carefully considered what you have said and as a result, I have made some changes to the statement. I am persuaded that the time and trouble payment should be reduced to £45.

I have now closed the complaint and enclose a copy of the final decision statement. Please send a copy of this decision notice to those contractors or employees (or ex-contractors or ex-employees) who were consulted on my draft decision. Please remind them that the law says that investigations must be conducted in private, and the complaint and information about it must not be disclosed to third parties.

Please let me know when you have completed the agreed remedy as detailed in the attached decision statement.

Yours sincerely



Jackie Foster
Investigator

Enc: Statement of my final decision

We will include this complaint in the published figures for the year ending 31 March 2017. We will record the category as: Benefits & Tax and the decision as: Upheld: maladministration and injustice.