

Report to: Audit Committee

Subject: Payments of Compensation

Date: 4 March 2015

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1. PURPOSE OF REPORT

This report is to notify the Committee of two offers of payments of compensation to complainants as part of a settlement to their complaints.

2. BACKGROUND

Two cases have recently occurred where the Council have agreed to make an offer of payment of compensation to a complainant, where there has been a dispute over the Council Tax liability for an empty property and correspondence has been issued to the complainant at a former address.

In the first case, the offer of payment was made following the recommendation of the Local Government Ombudsman Service. In the second case, the offer of payment was made following a request being made by the complainant.

3. SUMMARY OF CASES

Case 1

Mr M was made liable for an empty property which he owned. This was the first time he had become liable for this property since 2006. Correspondence was issued to his last known address. Mr M had subsequently moved on two occasions since 2006, but had not informed the Council of these changes of address.

When Mr M's managing agents for his property notified the Council of new tenants, they also provided a care of address for Mr M. A new Council Tax account was sent up for the new tenants, but the care of address was not added to Mr M's Council Tax account.

Recovery action was taken in respect of the outstanding Council Tax debt, which was eventually passed to a firm of Enforcement Agents for collection. The Enforcement Agents traced the current address for Mr M and wrote to him. The receipt of the Enforcement Agents letter prompted Mr M to complain to the Council.

Part of Mr M's complaint was that the Council did not correspond with him via his Managing Agents as instructed, and part of his complaint was that he disputed the amount of Council Tax he was being charged on the empty property.

The Council were unable to resolve Mr M's complaint through the Council's Complaints Procedure, therefore Mr M took his complaint to the Local Government Ombudsman Service.

Having considered the complaint, the Local Government Ombudsman recommended that the Council make a payment of compensation of £100.00 to Mr M.

Mr A was offered £100.00 as compensation which he accepted.

Case 2

Mr A, and his former partner, were erroneously thought to be the owners of a property that they used to reside at a number of years ago. Consequently they were made liable for the Council Tax on the property when it became empty. Correspondence was issued to their last known address, however no response to this correspondence was forthcoming from Mr A and/or his former partner. Recovery action was taken in respect of the outstanding Council Tax debt, which was eventually passed to a firm of Enforcement Agents for collection. The Enforcement Agents traced the current address for Mr A and wrote to him. The receipt of the Enforcement Agents letter prompted Mr A to complain to the Council.

On investigation of the complaint, there was no evidence to show that Mr A and his former partner were owners of the property, and evidence was held to show who the current property owners were. Mr A and his former partner's Council Tax account was closed from the date it was opened, and all costs incurred on the account was cancelled. Mr A was sent Council Tax demand notices to show that that account was closed, but these were sent without an accompanying letter of explanation or apology.

Mr A was unhappy with how this matter had been dealt with and made a request for compensation.

Mr A's complaint was responded to with both an explanation and an apology.

Mr A was offered £50.00 as compensation, which he accepted.

4. APPROVAL OF PAYMENTS

The Council's Senior Solicitor, as Monitoring Officer, has approved the above offers of payment.

5. ACTIONS TAKEN

A payment of £100.00 has been made to Mr M.

A payment of £50.00 has been made to Mr A.

Revenues Office staff have been reminded of the importance of checking, where possible, that correspondence addresses held for those persons liable for the Council Tax on empty properties, are correct, as those persons will be due to pay Council Tax after being liable for one month.

6. CONCLUSION

The Committee are asked to note this Report.