

Complaint reference:
14 011 038

Complaint against:
Gedling Borough Council

The Ombudsman's final decision

Summary: Mr A complains about the Council's handling of a Council Tax demand for a property he owns and rents out. There was fault by the Council which caused Mr A injustice and the Council has agreed to pay him £100 in recognition of this fault.

The complaint

1. Mr A complains about Gedling Borough Council's handling of a Council Tax demand for a property he owns and rents out. It failed to send communication about the debt to his letting agents and failed to deal properly with his attempts to resolve matters which caused him distress and inconvenience.

What I have investigated

2. While I have investigated the Council's handling of his council tax account and his complaint about its actions, the final paragraph of this statement explains why I have not investigated the part of Mr A's complaint about the behaviour of a particular member of staff he spoke to.

The Ombudsman's role and powers

3. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. If there has been fault, the Ombudsman considers whether it has caused an injustice and, if it has, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
4. The Ombudsman cannot investigate a complaint if it is about an employment issue. (*Local Government Act 1974, Schedule 5/5a, paragraph 4*)

How I considered this complaint

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

What I found

6. Mr A owns a property which he rents out to tenants via a letting agency. His previous tenants moved out and the Council decided he was liable for Council Tax on the property from 22 October to 7 November 2013, after which time new tenants moved in.

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7. The Council wrote to Mr A with three Council Tax demand notices to the last address it had for him in Mansfield but Mr A had moved from this address some time ago.
 8. Then on 12 November Mr A's letting agents emailed the Council to tell it new tenants were moving in and asking it to send all correspondence concerning council tax directly to them as they were acting for Mr A.
 9. The Council logged this information against the new tenants' council tax account but did not log it against Mr A's council tax account. The Council therefore continued to send correspondence to the Mansfield address, including the council tax final notice and summons. Having failed to obtain payment, the Council obtained a liability order for the outstanding amount of £38. This debt, together with costs of £80, was passed to bailiffs for collection. The bailiffs visited the Mansfield address twice and then traced Mr A to his current property and wrote to him there on 10 May 2014 for payment.
 10. On receipt of the bailiffs' letter Mr A emailed the Council the same day. The case was allocated to a Council officer on 12 May. However, having received no response to his email of 10 May Mr A rang and spoke to staff at the Council's Contact Centre three times on 13 May to try and resolve matters. Mr A explained he was away from home with little opportunity to deal with the matter before the payment date stipulated by the bailiffs' letter.
 11. As matters were not resolved Mr A sent a further email on the same day to the Council's Council Tax mailbox. This was treated as a complaint and passed to an officer who telephoned Mr A that day to confirm action by the bailiffs had been put on hold to allow his complaint to be investigated.
 12. In responding to Mr A's complaint about its handling of his case, the Council acknowledged it should have put his account with the bailiffs on hold when he first rang. It accepted that while Call Centre staff do not have the authority to take such decisions, the adviser to whom Mr A spoke to should have placed his call on hold and checked with back office staff if the account could be placed on hold.
 13. To resolve the complaint the Council first confirmed the debt had been recalled from the bailiffs and all costs cancelled. Later, as a gesture of goodwill because Mr A had not received the service he was entitled to, it confirmed it would not be pursuing him for the £38 council tax arrears.
 14. Dissatisfied with the Council's response and disputing his liability for the £38 and seeking further compensation, Mr A complained to the Ombudsman.

Analysis

15. There has been fault by the Council. On being advised on 12 November by the letting agents that they were acting for Mr A the Council failed to update his Council Tax account and continued to send correspondence to an old address. When Mr A finally became aware of the problem on 10 May, having received a letter from the bailiffs at his current address, the Council did not take the steps necessary to put his account on hold straight away.
16. The Council has acknowledged its fault here and tried to resolve matters by clearing all costs from Mr A's account and confirming it would not pursue Mr A for the outstanding council tax.
17. Mr A has said that the Council's attempts to remedy its fault are inadequate given his belief that he is not liable for the £38 council tax and because of the levels of

stress and inconvenience he was put to. He says this was made worse because he was away from home when the bailiff letter was received at his current address and he had to try and contact the Council while on an intensive study course.

Agreed action

18. In recognition of the Council's fault, and Mr A's stress and inconvenience, I proposed the Council pay Mr A £100. In asking for this amount I took into account Mr A's view, whether correct or not, that he was not liable for the £38 council tax debt. The Council has agreed to make the £100 payment.

Final decision

19. There has been fault by the Council which caused Mr A injustice. As the Council has agreed to my proposal to settle matters by payment of £100 the complaint will not be pursued any further by the Ombudsman.

Parts of the complaint that I did not investigate

20. The restriction highlighted at paragraph 4 applies to the part of Mr A's complaint which concerns the attitude and behaviour of the individual staff member he spoke to. The Council looked into this matter and agreed with Mr A that the conversation he had with this particular staff member had been unsatisfactory and it apologised for this. As the Ombudsman is prohibited by law from investigating matters which relate to employment, including disciplinary issues, this matter will not be pursued by the Ombudsman.

Investigator's decision on behalf of the Ombudsman