

The Ombudsman's provisional view:

Not to investigate the complaint further.

The complaint

1. Mr A complains about the way the Council has handled the single person discount for council tax purposes for his property.

The Ombudsman's role and powers

2. The Ombudsman's role is to consider complaints of service failure and maladministration causing injustice. The Ombudsman must consider whether the Council has acted reasonably in accordance with the law, its own policies and generally accepted standards of local administration. We look at the administrative actions of the Council but we do not challenge decisions that have been made properly even though people may disagree with them. Nor can we challenge the professional judgement of the Council's Officers.
3. Where a council has acted with maladministration, the Ombudsman considers whether injustice has arisen, and any appropriate remedy for that injustice. If we are satisfied that the action taken by the Council or compensation offered is reasonable and we could achieve nothing more, then we will not investigate the complaint.
4. The Ombudsman is publicly funded and her resources are limited. She considers this obliges her to use the funds allocated to her efficiently and to achieve value for money. She will not normally exercise her discretion to investigate a complaint unless the injustice caused by the alleged fault is significant.
5. If the complaint concerns matters where the complainant has a right of appeal against a decision made by the Council then we would expect them to use that appeal right and we will not consider the complaint.

How I considered this complaint

6. I have:
 - considered the complaint and the documents provided by the complainant;
 - made enquiries of the Council and considered the comments and documents the Council provided;
 - discussed the issues with the complainant.

What I found

7. The Council received a statement from Mr A's daughter cancelling her benefit applications saying she had moved out of her property on 23 September 2011. There is a note on the form which appears to be in different handwriting to say that she has moved into Mr A's property. The Council says that the note was added

by an officer but they cannot now recall the conversation with Mr A's daughter which resulted in the addition of the note.

8. The Council wrote to Mr A on 29 September. The letter said that it had received his sole occupancy discount application and the discount had been reinstated from 1 April 2010. The letter refers to a court hearing on 2 September which was adjourned to allow Mr A to apply for the discount. The Council said it would now apply to the court for the hearing scheduled for 28 October to be withdrawn.
9. The Council sent Mr A a revised bill with the discount removed on 6 October. Mr A did not receive it.
10. Mr A received a reminder about the outstanding council tax in February 2012.
11. In response to Mr A's complaints the Council invited him to provide evidence that his daughter was not living at his property.
12. Mr A told the Council that Mr B moved into the property on 21 November 2011. He said on the form he stated that he had until that point been living in the property on his own. I have seen a copy of the form and cannot see any reference to who is living in the property. The period Mr A is disputing is 23 September to 21 November. Mr A says his daughter did not move in until 26 March 2012. She had given his address only as a postal address.

Final decision

13. At the heart of this matter is a dispute about where Mr A's daughter was resident between 23 September 2011 and 26 March 2012. The Council has invited Mr A to provide evidence as to where she was living. He has not done so. I cannot decide on this point. If Mr A remains aggrieved then he can appeal to the Valuation Tribunal. Although in the first instance he could just send the evidence to the Council.
14. The problem arose because Mr A did not receive the notification that the single person discount had been removed. I cannot say the Council did anything wrong here. There is no requirement that such letters should be sent by anything other than ordinary mail.
15. The way forward is for Mr A to provide evidence of his daughter's address for the relevant period. Alternatively he can appeal to the Valuation Tribunal. There is nothing I can achieve for Mr A so there are no grounds for me pursuing the complaint further.